



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final

Legislative Hearings

Marcia Moermond, Legislative Hearing Officer
Mai Vang, Hearing Coordinator
Jean Birkholz, Hearing Secretary
legislativehearings@ci.stpaul.mn.us
651-266-8585

Thursday, April 11, 2019

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings (CG1901A1)

- 1 [RLH TA 19-247](#) Deleting the Appealed Special Tax Assessment for property at 833 ASHLAND AVENUE. (File No. CG1901A1, Assessment No. 190051)

Sponsors: Thao

Delete the assessment; assessment was issued in error.

Referred to the City Council due back on 5/22/2019

- 2 [RLH TA 19-224](#) Ratifying the Appealed Special Tax Assessment for property at 487 DAYTON AVENUE UNIT 1. (File No. CG1901A1, Assessment No. 190051)

Sponsors: Thao

Reduce from \$29.32 to \$13.94. Amend to remove \$2.50 (staff referenced the service charge, but that it wouldn't be charged unless the assessment was certified to the taxes).

Valoree Dowell appeared.

Diana Chao, Staff.
Chris Swanson, Staff.

Diana Chao:

The pending garbage assessment is for \$29.32. That includes the service charge of \$2.50. Ms. Dowell has indicated she paid her fourth quarter bill of \$46.89 and she did not receive a bill for \$26.82 from Republic Services. With this program, the charges go to the property, not the owner. Based on information from Republic Services, the previous owner left a portion of the bill unpaid and it was transferred to the new owner. The current property owner can contact their title company to recover the outstanding amount the previous owner failed to pay, but the current property owner is ultimately responsible for the delinquent charge.

Moermond:

Ms. Dowell, do you want to elaborate about why you are appealing?

Valoree Dowell:

I was going to tell you that information, but it sounds like you got the whole story, although I didn't know, Public didn't tell me, there was any previous owner involved. I have owned that property and lived there since May 25 so I don't know why any bill would have gone to a previous owner. When I talked to Republic, when I got the bill from St Paul, for the \$26.82, I talked to them back in February and they said there were no unpaid invoices, that I had never been billed for \$26.82, and that my account was current. That is what I have relied on in this whole debacle.

Moermond:

It is not a debacle, it is a situation.

Dowell:

That is my story. I didn't know that the previous owner was involved, or should have been involved. I checked the closing date this morning, it was 5/25. I don't know why any bill would have gone to the previous owner or why they didn't send it back to me.

Moermond:

I asked Ms. Vang to check the sales date with Ramsey County, when they recorded change in title. Do you have that?

Vang:

Ramsey County has a current owner as Valerie Dowell, 487 Dayton Ave, unit 1, St Paul.

Moermond:

Is there a sales record in that?

Vang:

May 31, 2018, was the last sale.

Moermond:

So, Ramsey County has the transition at the end of May. I am getting confirmation because sometimes, there is a disconnect between when the sale happened and when the recording happened. But I am not finding that here. Ms. Chao, do you have additional comments on this?

Chao:

Did you receive a fourth quarter, 2018, bill from Republic?

Dowell:

Yes. We saw a bill for \$46.89 and paid it.

Moermond:

It's attached to the record.

Chris Swanson:

I think the challenge here is when Ramsey County updated their records. We show that, we got a billing update and we provided that billing update after the start of the year, to Republic Services. As we all know, there can be a lag from when the sale goes through to when the County updates their older records. So, it seems like what happened is Republic Services was sending the bill over to the previous property owner. That's still listed as the property tax person on that address. It does look like they did do an adjustment based on, did you call into Republic to update your account after you got a bill?

Dowell:

No, I just got the bill for the fourth quarter and I paid it.

Swanson:

My question is, the entire time you moved in, what was it, May of last year? So, you had a trash cart the entire time; you were using the service, right?

Dowell:

It was St Paul at that point. And then it changed over. No, it wasn't St Paul, it was a private hauler. But when it changed over, I lived there.

Swanson:

Republic Services said they cancelled the account when they updated the new billing information for you. The \$26.82 is what was outstanding for that first month when they changed the address to your name. If you add that to what you paid, that would total the amount owed for that quarter of service. The [inaudible] challenged from the earlier update from Ramsey County based on when we were able to provide an update to the haulers, so that they can update accounts.

Moermond:

Can you give me better information about what address did appear and when. Because, right now, the County is showing May 31 as the transaction date, the closing. I believe, under state law, they are required to have their records updated within two weeks. If it wasn't updated, and the information wasn't going to the correct owner, then I think it's a public sector issue, not a private sector issue. I don't know how the information gets to Republic.

Swanson:

I have to look a little more.

Dowell:

You can ask me, but I didn't have anything to do with updating this record. It's the County's deal.

Moermond:

That's what I am probing.

Chao:

I will say, though, that it looks like Ms. Dowell has the small garbage cart, so the cost of that cart, without any late fees, just the base price, is \$6.83 [sic]. The difference between that and the \$46.89 is \$13.94 so I am not sure where the \$26.82 is coming from. But I would recommend lowering it to \$13.94 for the service that she was provided.

Moermond:

She was charged \$46.89 and paid \$46.89. There was an additional \$29.32 added on that was billed to the previous owner, perhaps because the previous owner's name was appearing in the ownership field when it should not have been anymore, through no fault of the City or the property owner. If everything is equal, we can get this down to \$13? Are there any late fees attached because of this?

Swanson:

At this time, I don't think we need to apply the late fees. It looks like you did pay your

bill when you got it. The most recent bill of \$13.94 pays for the quarter service you received.

Moermond:

I can get you down that far, wish I could go further. This is in front of the City Council on May 22. Then in a week to 10 days of the City Council considering it and adopting it, the Real Estate Office will send out an invoice in that amount and you will just pay that invoice when you get it. If you choose not to pay it, it will roll on to the 2020 taxes.

Referred to the City Council due back on 5/22/2019

3 [RLH TA 19-242](#)

Ratifying the Appealed Special Tax Assessment for property at 756 DAYTON AVENUE, UNIT 4. (File No. CG1901A1, Assessment No. 190051)

Sponsors: Thao

Reduce from \$72.45 to \$60.83. Amend to remove \$2.50 (staff referenced the service charge, but that it wouldn't be charged unless the assessment was certified to the taxes.)

Andree Kay Landrum appeared.

Chris Swanson, Staff:

The resident is here appealing the special tax assessment for 756 Dayton Ave, unit 4. This is her Quarter 4 of 2018 trash service. It appears the resident has a small cart picked up every other week. There are three late fees charged to that. The cost for the fourth quarter for that size cart is \$69.95, once the additional fees are added on. There's a \$2.50 fee that is added in the assessment process, for a total assessment of \$72.45. Looking at the stated reasons for appeal, it seems the resident, Ms. Landrum, and her neighbor sent in their checks for Quarter 4 2018 in the same envelope and it was applied to just one of the accounts and not two. After a process, they were able to get that addressed with Republic Service which is her hauler, so the amount she paid for 2018 was applied to her Quarter 1 2019 bill. But she still owes for Quarter 4 2018 because they were unable to apply the payment retro-actively to that outstanding Quarter 4 amount. Ms. Landrum also received two notices of non-payment on the account from Republic Services. Basically, the City's stance is because the bill was not applied to the Quarter 4 2018 bill before it was turned over the City, the assessment should still continue. She has had the credit applied on her Quarter 1 2019 account, but the Quarter 4 total remains unpaid.

Moermond:

When did Republic square this away in their books? It was, obviously, after the New Year.

Swanson:

Republic Services, well, all the haulers in general, if they receive any payment after January 5th, 2019, they are not able to apply it to the Quarter 4 2018 bill. Republic fixed this and applied the credit in the first quarter of 2019. I don't have a specific date.

Moermond:

Ms. Landrum, did you also pay the first quarter?

Landrum:

Yes. This is what happened: we have a four unit condominium association. We have one person who is not staying; he rents out. Tanya Nozaki and I are there. She is the president of the association. We had a meeting and tried to figure out this whole thing because we are paying more and the payments come out of the association dues and we weren't able to do that. We are going to have to do it ourselves. The association typically takes the fees from the dues that everybody pays in and they pay their bills with it. That's not going to work with this, so we are doing it individually. I had my statement and my check at the meeting, I gave it to her. She paper-clipped my stuff together, she paper-clipped her stuff together, put it in an envelope and mailed it.

Then I got this statement saying I hadn't paid. Both of us started to call; we made numerous calls to Republic. I finally found somebody, her name was Roxanne, in Eden Prairie, and after being on the phone with her for nearly an hour, probing and probing and probing...

Moermond:

Was this last fall? When did this happen?

Landrum:

As soon as I got the notice in the mail. At first I thought it was the bill for the next quarter. I couldn't figure it out, it wasn't the right fee and ...so when I talked to her, she said that when we sent that in to the bank, and she said they've had a lot of problems with this bank anyway and this has happened before, she said they took the whole thing and put it in Tanya's. So, Tanya is paid up for two quarters and I had not paid for first quarter. It looked like I owed. She said, after we talked about it for a long time, she said I can fix that part. I can take the money that should have been applied to your first quarter and pay your second quarter. I can't go back. And I don't understand that. I pay my bills so I [inaudible] companies or anything. So then she said Tanya would have to give up that money, but it wasn't her money anyway and she would have to pay that second quarter. She would apply that extra money to my bill. And Tanya would pay what she would normally pay. That's what she said would happen.

I have a long list of messages because I called down here because I was told once it was referred to downtown, they are referring it to downtown. I was told they were going to put an extra charge on it. I was told it was going to be handed over to the IRS. I was told it was going to be put on my property taxes. There's all this confusion. And all I wanted to do was pay my bill. I don't think I deserve these extra fees because this was not my mistake. This happened at the bank. Whatever bank you guys use. Just take the late charges off.

Moermond:

I wasn't understanding that the City had gotten the check. I was understanding that you were dealing with Republic. You and the President of your condo association put your invoices and checks into the same envelope, mailed them, they were both applied to her account. Although they had been told it was a problem, it wasn't corrected in their computer system until after the new year. So, what they told you was we have already forwarded the unpaid bill from the fourth quarter, your account to the City because it was unpaid and we are sending it to them to collect. But we know we screwed up, so we will take what you paid us and apply that to your first quarter bill. My guess is that you already paid the first quarter in January.

Landrum:

It was just the first quarter. I have paid everything, I don't really owe anything. Except the first quarter never got paid because they wouldn't let me go back and pay it without paying other fees, late fees. I'm fine with the \$60+ that is one there. That's what I owe. This is confusing for you, isn't it. It all got applied to Tanya, so she's...

*Diana Chao, Staff:
She means fourth quarter.*

*Landrum:
She was paid for two quarters, for 2018, and then the next quarter going into 2019.*

*Moermond:
We are not talking about her stuff at all. We are just worried about yours.*

*Landrum:
They had me at zero payment for the first quarter.*

*Moermond:
I understand that. That is why we are sitting here today. You are saying there were late fees attached because of that screw-up. Staff, are there late fees and how much are those late fees?*

*Swanson:
The late fees on this account would be \$9.12.*

*Landrum:
It's \$72 or something is what they are asking me to pay, instead of \$60.*

*Swanson:
The base fee for this cart is \$60.83. If no payment was received, they would apply three late fees on to that, for a total of \$9.12.*

*Landrum:
Tons of calls and communications, trying to get it resolved, without any resolution. It wasn't until I talked to Roxanne. I was on the phone a lot. Tanya called a lot. I stayed on the phone with her until I got her to tell me what is the problem here and that's when she said it was a screw-up at the bank. I want to pay for the first quarter. I don't want to pay any extra fees because it wasn't my screw-up and I couldn't get anybody to say I will just send you a bill.*

*Moermond:
Here's where we are at. This is for the fourth quarter and it will not be paid to the hauler. The hauler has turned it over to the City for collection. The hauler has applied late fees; they shouldn't have been applied because the problem was on their side. We will get the assessment down to the amount of the original bill, \$60.83. The City will take that out of the money that we would normally pay the hauler. All delinquent accounts, we just pay them. We will fix this because they shouldn't receive money for what they shouldn't have been charging. It is their accounting mistake. We will get that cleared up.*

We've got your assessment decreased. I wish I could make more of an accommodation but I cannot. Tax dollars are in play now. I'm sorry for your frustration with this.

Landrum:

I'm fine with paying my bill. I just don't want to pay the late fees.

Moermond:

They are gone. You have a public hearing scheduled on May 22. At that hearing, the Council will adopt a resolution decreasing your assessment from \$69.95 to \$60.83. You don't have to be at the hearing unless you want to object to my recommendation. Within four to 12 days after that, an invoice will be mailed to you with the correct amount for the fourth quarter bill. You can pay that at that time.

Landrum:

Just for the record, I am going to be out of town. I'm going to go ahead and pay the bill I just got, for April or whatever, before I leave. But that may come when I'm gone.

Swanson:

For the record, I will give you my card. If there's any question or confusion, we can get that addressed.

Landrum:

I did file an appeal on line as well.

Moermond:

Mr. Swanson, you will work with the hauler to make sure that this is cleared up moving forward.

Swanson:

Yes.

Referred to the City Council due back on 5/22/2019

4 [RLH TA 19-243](#)

Deleting the Appealed Special Tax Assessment for property at 322 GOODRICH AVE UNIT 2. (File No. CG1901A1, Assessment No. 190051)

Sponsors: Noecker

Delete the assessment.

Abdirahim Hassan and Naima Adan appeared. Language Line Solutions provided Somali interpretation.

Diana Chao, Staff:

This assessment, for 322 Goodrich Ave, is for \$98.58. There's a cost of \$96.08 for the medium sized cart and a service charge of \$2.50 (staff referenced the service charge, but that it wouldn't be charged unless the assessment was certified to the taxes). We were unable to get a stated reason for appeal due to not having a translator. We will turn it over to Mr. Hassan to state his reason for appeal.

Hassan:

[inaudible] \$96 and then I don't have the garbage can. Yesterday, they bring. [inaudible]. Yesterday, they bring this letter. [inaudible] my money. I don't have garbage can. Yesterday, they bring one small one. You understand me? Now I [inaudible] my money.

Chris Swanson, Staff:

So you are saying you were not delivered a cart. No, I never. Never. I didn't say, bring a garbage can. I used to [inaudible] another company. I afraid. Also, I afraid all the reason.

Chao:

So, we delivered you a cart on August 25th. It shows there was a medium cart delivered to your front curb.

Hassan:

I need bigger, medium. They not bring medium. By phone, I tell them. But they cannot bring. Why this \$96, I [inaudible] garbage now.

Swanson:

We have a record of delivering a 65 gallon cart to your property.

Hassan:

Yesterday they bring one. Before yesterday, I don't have can, garbage can. That's [inaudible] why I come here.

Swanson:

I need to get more information from the hauler.

Chao:

I don't think so. What are they going to say? We have a record it was delivered.

Hassan:

Please.

Swanson:

Have you been putting out trash?

Hassan:

Yesterday they bring. Before, no. October, no. November, no. December, no.

Chao:

Did you call them before and ask where the cart it?

Hassan:

Before I say, I don't want the [inaudible]. I never [inaudible]

Chao;

So, you called in October to ask for a cart and they

Hassan:

And they say [inaudible]

Chao:

You don't want it.

Hassan:

I don't want it. [inaudible]

Moermond:

This is a bill for \$98.58 for garbage for the fourth quarter. As I understand from Mr. Hassan, he paid that bill and he also did not have a cart but I am not clear there, so I am looking for him to explain it again.

[Interpreter 224863 speaks in Somali.]

Hassan through interpreter 224863:

In October, they deliver a big garbage bin. I say to them, I don't want this big one, take it back. I need a smaller one. I didn't order a big one. They bring it but it was too big. They took it back and then I received the bill of \$98.58 and they said if I don't pay that, I go to prison. So, I pay for it, without having the bin. Again, this other bill was sent, even though I still haven't received the bin and only yesterday I have received the bin. But when I pay the money I did not have the bin, so I need that money back because I was not using the bin. I only start using it from yesterday when it was delivered.

Moermond:

I'm going to ask staff to comment on the bin situation and also what kind of interpreting services that you have to help clear up this situation.

Swanson:

We have record of the big bin being delivered, a 65 gallon cart at the start of the program. We do not have any record of the bin being removed. For the first quarter, if a resident was given a bin, we were not doing changes for that. That included picking up or switching out cart sizes. That was to ensure carts were delivered to residents before we started changing anything up. The resident would have had to use the bin that was provided. After quarter one, they were able to change service sizes to the property and that would have been when the change to the smaller cart would have occurred. I don't have any record of the cart being removed from this property. If they were trying to set this up as a vacant property, they would have had to go to the City but we have no record of that so I don't see why a cart would have been removed.

As far as language services, the City does have a language line for whoever calls in. I could not find any record of the applicant calling. Basically, what we have is, the cart was at the property, should have been used and the resident should be billed for that service.

[interpreter asks for repeat]

Swanson:

We have a record of the medium bin being delivered in October and the resident says that was delivered. We are not making bins size switches between October to December 2018, so they shouldn't have removed the bin. Nor would the hauler have been able to change the bin size until Quarter 1 2019, so, January. We have no record of changing out the bin. There was a 65 gallon cart delivered at the start of the program. I have nothing that says we removed the bin. The resident would have used the bin that was delivered. I have no notes from the hauler or into our office about a missing cart or any cart size changes.

[Interpreter 224863 speaks in Somali.]

Moermond:

I have a question for Staff. Did Mr. Hassan originally order a small cart and was incorrectly given a medium cart, would that have been corrected?

Swanson:

If Mr. Hassan had ordered a small cart, and had been given a medium cart, we would have worked with the haulers to ensure a credit was applied if we feel that is warranted. There were some billing errors with that, but most of those we were able to address. From our records, we just see a 65 cart was ordered and delivered.

Chao:

So, if the resident had come to us and let us know they received an incorrect size, we would have worked with them to correct that, but as Mr. Swanson stated, we don't see records of phone calls from Mr. Hassan. Additionally, in our records, the medium size was assigned to his property which means we did not receive a cart size selection.

Hassan through interpreter 224863:

You pay for the money when you use something. I did not use that bin. I used to use before another company and then I saw the bin delivered and I said where this from? I called the number and told it's for you. I said I don't want this, come and take it. It was there a few days. I did not even take the stickers off. They took it. They didn't write anything from me when they took it, any letters. Since then, I received two bills. And yesterday, I got the one. The one I received yesterday still got the sticker. I didn't even put anything in it.

Moermond:

Did he say someone came and removed his old bin from his old company? Or that somebody removed the new bin that was delivered over the summer.

[Interpreter 224863 speaks in Somali.]

Hassan through interpreter 224863:

He say somebody came few days after it was deliver and take it but they did not give him any letters or any receipt or write anything.

Moermond:

I haven't heard of this happening before. Did he pay for garbage service in the fall or not. It looks like he might have. He provided a receipt, a money order. What is the date on that?

Swanson:

It was after the payment would have been able to be applied to the Quarter 4. It is 1/25/2019.

Moermond:

It looks like he paid the first quarter bill of 2019, but that he didn't pay the fourth quarter bill of 2018. As I understand it, he says he shouldn't have to pay because he didn't have a cart. The City is saying they have no record of the cart being removed or of any request for removal.

[Interpreter 224863 speaks in Somali.]

Hassan through interpreter 224863:

I don't know why they don't have no record. It was taken and I only received the replacement yesterday. I paid that bill out of fear because I was told if you don't pay it, you go to prison.

Moermond:

I don't know who would have said that. That is absolutely wrong.

Swanson:

Could he tell us where that came from? We could follow up if there's any educational...

Moermond:

It's a big concern that he could have been told that.

[Interpreter 224863 speaks in Somali.]

Hassan through interpreter 224863:

[inaudible]. I don't have the [inaudible] for this. They told me the [inaudible] is from the government. If you don't pay, you can get charged and get into trouble, so, just pay that.

Moermond:

The worst thing that can happen from not paying is sitting here in this room discussing the bill right now.

[Interpreter 224863 speaks in Somali.]

Hassan through interpreter 224863:

I did not use it. I pay it. I don't want to get into trouble for anything.

Moermond:

There's going to be no trouble. The worst thing that can happen is that he's going to owe this bill for the fourth quarter and he's disputing whether or not he had a bin from the City at that time. I'm going to ask Staff one more time: do we have a record of a cart delivery since the New Year? Any change of cart?

Swanson:

We would not get cart delivery updates for specific addresses so we wouldn't have any record of that. We will follow up to ensure a cart was delivered and see if there's any additional records on this account. But, nothing that we have received.

Moermond:

I would like to follow up with the hauler and ensure we have the correct cart and any additional information they might have. We didn't know Mr. Hassan was coming today so we don't have a complete file and I would like to get the hauler's perspective on this because, if the hauler was the one who was taking away the cart and was changing it out, then we need them to say that and we can handle the bill from there.

[Interpreter 224863 speaks in Somali.]

Hassan through interpreter 224863:

The new one they brought yesterday.

Moermond:

We will follow up with the hauler and get better information from them. I would like to contact Mr. Hassan with follow up on this. We will ask for his contact information, his email address if he has one, and confirm his mailing address. I would also like to know if he would like any correspondence translated to Somali. Of if he prefers

English.

[Interpreter 224863 speaks in Somali.]

Hassan through interpreter 224863:

Yes. I would like in Somali.

Moermond:

Hopefully, we will get this done in one week, it may be two, depending on how quickly they respond to our request.

[Interpreter 224863 speaks in Somali.]

Hassan through interpreter 224863:

[inaudible] also I have to pay something in July?

Moermond:

At the beginning of every quarter, there's a new bill from the garbage hauler for that quarter. The bill we are talking about today was for the fourth quarter of 2018. Yes, come July there will be a bill for the third quarter of 2019.

[Interpreter 224863 speaks in Somali.]

Hassan through interpreter 224863:

[inaudible] the bin come yesterday which if the 10 of April. Before that, I did not have it. A cart form before.

Moermond:

I understand. Did you have a comment, also, ma-am?

Naima Adan:

Yes, I have a question. [Speaks Somali]

Naima Adan through interpreter 224863:

It is more of a statement than a question. This is really confusing for me because we have been getting all these letters and also on the phone the other day, like one hour. It's too much. It's costing me too much. Today, we miss both work. We had to miss our work to sort this out. We know it's a must thing. We want to sort this out because we did not have these things in. We cannot pay for something we do not have.

Unidentified woman:

[Speaks Somali]

I don't have garbage. My English broken.

Naima Adan through interpreter 224863:

For three months we were without the garbage. I have used my neighbors. I have you pay your one and I can share with you. That's how we do because we didn't have one. And it came yesterday and I am responsible to pay my bills and we did not have this garbage. We did not have it and we were using somebody else's. My husband [inaudible] pay for their one. We don't want to get into trouble. This is the first time I ever [inaudible] since I been in this country.

Naima Adan:
[Speaks Somali]

Unidentified woman through interpreter 224863:
I don't want to miss my work and I have been called here today. And the bin only came yesterday. We want to pay, when we owe something, we want to pay, pay our bill. But if something, we were not using it, it's not fair, we shouldn't be paying for it.

Moermond:
I trust them. I need to get more information from their garbage hauler. I'm inclined to recommend that this bill gets deleted but I do need to get some better information and as soon as I do, I can act on it. I will get that, share it with them, interpreted into Somali, so they can continue the conversation on it if they are not satisfied with my recommendation. I do believe them, that they've had these difficulties. We are going to scan one more document and we will talk with them soon.

Naima Adan:
OK.

Referred to the City Council due back on 5/22/2019

5 [RLH TA 19-216](#) Ratifying the Appealed Special Tax Assessment for property at 549 GRAND HILL. (File No. CG1901A1, Assessment No. 190051)

Sponsors: Noecker

Approve the assessment

Eric Lein appeared.

Diana Chao, Chris Swanson, Staff.

Chris Swanson:
Mr. Lein is here to dispute the tax assessment for 529 Grand Hill. The cost for the service provided is \$294.60. A service charge has been added to that for a total assessment of \$297.10 (staff referenced the service charge, but that it wouldn't be charged unless the assessment was certified to the taxes). Mr. Lein's property is a tri-plex and he was provided two medium carts and one large cart when we did the roll out. Those carts were delivered in September, I think, and service has been at that property since then. I will let Mr. Lein talk about his stated reason for the appeal of the special assessment. The City's side is that all residential units in the City of St Paul are required to have trash under a new city-wide program. That went into effect October 1, 2018. I will turn it over to Mr. Lein.

Moermond:
Mr. Lein, you are appealing this proposed assessment onto your taxes. Can you tell me why and what you are looking for today.

Eric Lein:
First of all, my voice, I have what is called an essential tremor, so, my voice shakes. If you don't hear something I say, please ask me to repeat it. I will try to speak up, too, the best I can. The second thing, I've got my hearing aids in, but if I don't seem to hear something that you say, please let me know.

Moermond:

We are often asked to raise our voices in the hearing. It's a very common thing.

Lein:

My understanding is that these proceedings, a recording is being made and all of this is public record. So, everything I put into the record becomes visible to people who look for an audio recording or look for the paperwork that I am submitting.

Moermond:

Any paperwork you submit, we scan and attach to the paperwork that goes in front of City Council. We have minutes prepared of the hearings and we will prepare an audio recording if anyone makes a data practices request at the cost we incur, which is about \$7. The minutes are usually pretty thorough, so, most people are OK with that. But, if you want more, there is definitely all of that available. Everything you put in the record we will put in front of City Council.

Lein:

What I will do is avoid the disclosure of what I will call personal business records. They probably would help my case but because it's personal business, because my expectation is the [inaudible] and probably understand where I'm coming from but from the City's official perspective, disagree, and turn me down. So, I won't feel badly when that happens, but I would like to make my case. I think I will turn in one document. It's not an official document but I would like to add it into the record.

My case is outlined in the two page letter I submitted to the online. You got that. There's lot of attorney [inaudible] stuff in there and I don't want to today [inaudible] your agenda and argue about why I didn't receive service and. Basically, my bottom line is I don't think I should have to pay for so-called service that exceeds the benefit that I have received. I should not be assessed for benefits that are not delivered. Or benefits that exceed...or assessments should not exceed the benefits that I get.

So what I have done is, basically, will tell you, I won't offer proof, but I will tell you that there has been zero trash, no trash hauled from my property on Grand Hill by Waste Management. I would hope that Waste Management would be able to, I don't think you have any proof in the record that it did pick up any trash. I don't think they have any record of picking up trash because we have put out. So, I have looked at the records, the upcoming statement from [inaudible] people [inaudible]. Some of them say the appeal denied because they received service and the City ordinance says they have to pay. I am in a different situation. I say I have not received service, the response is, basically, the ordinance says you have to pay. It's a contract. And so, I'm coming down, as summarized by the staff report, to three issues, is there something fraudulent involved in this? Maybe, maybe not. Is there some mistake or fact of law? Yes, I say there is. And is the assessment in excess of benefits received? I say yes, that is the case. So, I don't want to pay for benefits I do not receive.

If you take it, as the previous person, what are the facts in this, if we had one cart out, yes three carts were delivered. Yes, three carts are sitting on my property, unused. If one had been used, and two were empty, I would be happy to pay for one cart. The City doesn't allow me to do that. And so, I opted to go for the extreme of saying we have no trash. So, there can be no question, in my mind, of yes, we provided some service, so I should pay for everything. There was no service.

Moermond:

I have a question. One of the things that could have decreased the bill was for you to

ask to change out the carts during the first quarter of 2019 and say I want three small every other week. Is that something that you have pursued to decrease the impact?

Lein:

I know exactly what you are talking about. That could have happened, except that was not allowed to happen before January 1st.

Moermond:

Yes. I am asking, did you do that yet this year?

Lein:

Back in June of last year, I would have had to do it [inaudible]

Moermond:

For the fourth quarter bill. Looking forward to the first quarter bill and the second quarter bill, did you go with the smaller container? Have you switched your containers?

Lein:

[inaudible] I need to restrict all of this to what we are actually doing here today, which is last year. So, I don't want it entered into the record what I have done for the future.

Moermond:

That was just my curiosity. When you say service, you mean having the cart tipped and emptied. When I hear explanations about the program, the service is much more about having the truck show up to check to see if there's carts there and tip them if they are there. I know that's what the bulk of the charge is. When the City provided garbage hauling services, when it was a private hauling system, and people didn't have services to their home, the City would put city carts there. That was the old way of doing things. In those cases, it was simply a tip charge, it wasn't a charge for the volume of material. I'm going to turn it over to staff to understand what this bill is comprised of.

Swanson:

Thanks for turning it over. The bill is comprised of, basically, a basic collection fee, so that includes the cost of having the truck in that alley going to pick up that cart. You know, that does include a tipping fee, for tipping the trash, and some other administrative fees that come in play, too. We've got Waste Management, because they are the hauler. Waste Management has people that have to, people on staff that answer phone calls all the time and try to address any issues that come up with residents. So that's what that fee makes up. It is, I would not, it's kind of like a basic collection fee so that's what you'd incur if you had your cart out or not. We do have options, as [inaudible] was talking about, if you are not using the size of carts that were dropped off in front of your property available for residents, but the act of not putting a cart out does not create a reason for us to reduce a trash bill. Ah, [inaudible] that trash fee.

Moermond:

That is actually consistent for the service the City provided in the past. Garbage hauling service for people who didn't have it provided at their home. You are right, I am looking at the situation and yes, you do owe. The type of arguments that you are making aren't best discussed in this forum. But I appreciate you putting them on the record and in the event that you are not successful with your endeavors, getting to the smallest trash can size, with the least amount of service, would be of assistance. But I understand you don't want to discuss that today. And it's something you are aware

of, already.

Lein:

In the second page of my two page letter, [inaudible] Chapter 220, which was enacted in ordinance 18-39, did not become effective until October 10th. That was for everybody in the City [inaudible] program. In my mind, nobody in this City should be forced to pay for trash collection before October 10th. So, if nothing else, nine days, in my case, ought to be knocked off because the ordinance wasn't enacted until October 10th.

Moermond:

This assessment is being proposed under state law so that would be a different matter entirely.

Lein:

Ordinance 18-39 is [inaudible] petition for a referendum that is currently in court with Judge Castro. And so my question, or actually my request for the City Council would be to put the entire collection program that we are talking about, on hold until Judge Castro, or a higher court must rule. Again...

Moermond:

Your comments are on the record. Thank you.

Referred to the City Council due back on 5/22/2019

- 6 [RLH TA 19-234](#) Ratifying the Appealed Special Tax Assessment for property at 761 HAGUE AVENUE. (File No. CG1901A1, Assessment No. 190051)

Sponsors: Thao

Approve; no show

Referred to the City Council due back on 5/22/2019

- 7 [RLH TA 19-226](#) Ratifying the Appealed Special Tax Assessment for property at 882 HAGUE AVENUE. (File No. CG1901A1, Assessment No. 190051)

Sponsors: Thao

Approve; no show.

Referred to the City Council due back on 5/22/2019

- 8 [RLH TA 19-241](#) Ratifying the Appealed Special Tax Assessment for property at 2049 HAWTHORNE AVENUE EAST. (File No. CG1901B4, Assessment No. 190060)

Sponsors: Busuri

Approve the assessment.

Todd Fairbanks appeared.

Chris Swanson, Staff.

The resident is here to appeal the special tax assessment for the property at 2049 Hawthorne Ave East. This is for the Quarter 4 2018 trash bill. The cost of the trash bill was \$105.69, with a service charge of \$2.50, for a total assessment of \$108.19 (staff referenced the service charge, but that it wouldn't be charged unless the assessment was certified to the taxes). The property was loaded a 65 gallon cart at the start of the program and Ken Berquist and Sons has been servicing the property during this time. The resident states that he does not use the cart; it still has tape on it. Under citywide garbage service, all residential properties with up to four units have to have trash through the city contract. As in one of the previous hearings, the act of saying I don't need the cart is not a reason for not charging the resident for service.

Moermond:

For clarity, this looks like it was originally scheduled to be heard next week at 2:30PM, not today at 9AM.

Fairbanks:

I never scheduled any...

Moermond:

Well, you're here. And you would have gotten a letter in the mail saying you have a delinquent bill and that it was going to be processed as an assessment. We will hear your case today, but that is why people are working to find information.

Fairbanks:

I am here because of the article in the paper.

Moermond:

I respect that you are here because of the article in the paper and at the same time, we are talking about specific unpaid bills today.

Fairbanks:

I have to come back next week?

Moermond:

No, I'd rather hear you today and save you the trip. There is no problem, we got the paperwork pulled together and we will do it now.

You want to appeal this proposed assessment to the taxes. You indicated you haven't been using the service. What are you looking for and why?

Fairbanks:

I never wanted this can dropped off at my property. I never ordered it, I never took the tape off it. I recycle 98% of my garbage. Little bit of scraps I have, I give to the neighbor's dog. I just don't need this can.

Moermond:

You've got a medium-sized cart...

Fairbanks:

It doesn't matter.

Moermond:

It does in terms of the bill amount.

Fairbanks:

Yes. But I still don't use it, whether it's small, medium, large, or extra-large.

Moermond:

Basically you object to having this service provided to everybody in the City because it's not something you personally need.

Fairbanks:

No, I don't need it. I tried to send the can back.

Moermond:

I don't have that as an option to decrease or eliminate a bill. Right not, everybody in the City has their portion to pay. It's every single property in the program. We don't have an "opt out." I'm hearing you're not using it but Berquist is still swinging by your house once a week, regardless. That's going to be what the majority of the cost is, but, bottom line, everybody's got a bill.

I have to recommend approval. I suggest that you go with the smallest cart every other week. That is probably the best choice for you to get the bill as tiny as it can be. I sense that you are objecting on more than just those grounds, though.

Fairbanks:

That's fine. I just want to be heard. I'm not going to use a small can every other week, I'm going to keep doing what I am doing.

Moermond:

OK. My recommendation will be for the Council to ratify the assessment but you are welcome to talk to them about it.

Laid Over to the Legislative Hearings due back on 4/18/2019

- 9** [RLH TA 19-237](#) Ratifying the Appealed Special Tax Assessment for property at 546 HOLLY AVENUE. (File No. CG1901A1, Assessment No. 190051)

Sponsors: Thao

Rescheduled to May 2 @ 10:30 per owner's request.

Laid Over to the Legislative Hearings due back on 5/2/2019

- 10** [RLH TA 19-227](#) Ratifying the Appealed Special Tax Assessment for property at 586 LINCOLN AVENUE. (File No. CG1901A1, Assessment No. 190051)

Sponsors: Noecker

Approve; no show.

FOLLOW-UP 5/20/19: Based on a review of the written materials associated with this appeal, and follow-up communication with Public Works staff (attached), I recommend deletion of this assessment. -Marcia Moermond

Referred to the City Council due back on 5/22/2019

- 11** [RLH TA 19-214](#) Ratifying the Appealed Special Tax Assessment for property at 666

PORTLAND AVENUE. (File No. CG1901A1, Assessment No. 190051)

Sponsors: Thao

Approve; no show.

Referred to the City Council due back on 5/22/2019

12 [RLH TA 19-240](#)

Ratifying the Appealed Special Tax Assessment for property at 25 SANDRA LEE DRIVE WEST. (File No. CG1901A1, Assessment No. 190051)

Sponsors: Prince

Approve the assessment

Mike Hagberg, property owner, appeared.

Diana Chao, Chris Swanson, Staff.

Chao:

This pending garbage assessment is for \$72.84. Again there \$2.50 for a service charge and there's also \$70.34 for the small weekly cart (staff referenced the service charge, but that it wouldn't be charged unless the assessment was certified to the taxes). Garbage service was provided during the fourth quarter of 2018. Mr. Hagberg indicated to us that he had already paid the bill for the fourth quarter of 2018 and upon looking into this with Waste Management, it looks like the payment that he had made, back in September, had been applied to an incorrect account. Waste Management found that and rectified it in March and that was applied to his first quarter of 2019 because Waste Management had already turned over the balance of \$70.34 to the City on January 5th so the credit was unable to be applied to the fourth quarter of 2018. So, he was basically prepaid to the first quarter of 2019.

Moermond:

I am wondering how we got to the month of March and the first quarter bill being credited at that point. Mr. Hagberg, maybe you are the right person to ask. We have you paying the bill in a timely fashion, last fall. We have the garbage hauler applying it to the wrong account and not catching it with correct information for five months.

Mike Hagberg:

And I think I did due diligence by calling them and telling them that. The people at Waste Management kept saying you don't owe anything. One of their systems knew I had paid. The other one that was [inaudible] did not.

Moermond:

You paid the fourth quarter. Did you pay a first quarter bill in January?

Hagberg:

Yes.

Moermond:

And you would be getting a second quarter bill...I got mine this week.

Hagberg:

There's one of the requests that I have. I haven't received the bill yet. Diana said I should pay the first quarter because they've already sent the bill and I should pay now for the first quarter and not have anything going on this quarter, April, May and June.

Chao:

So when we had spoken on the phone, I recommended you to pay the assessment because a payment was not applied to the fourth quarter bill in their system. It had been applied to the next quarter bill.

Hagberg:

And I would like to get a regular bill. This quarter, so can make sure it's going further. Otherwise, I have to wait until September to know that I actually got something going now.

Chao:

I also did put in a request with Waste Management to make sure, because I know you have it set up with your bank, so I put in a request with them to make sure it's going to the right account, so that the same thing isn't going to happen again.

Hagberg:

I did the same thing and I also got [inaudible] it hasn't yet, it's going to give me a document saying that my account number has never changed since I started with Waste Management [inaudible] correct one. So, I'm getting that. I haven't received it yet so I can't put it on the table. They did say to me, verbally, that that account number had never been changed. If the people what I had called initially would say "you don't owe anything," somebody over there knew that I had paid. So, I don't think it was a wrong account number, I think they made a hash-up on their end.

Moermond:

I think there is no question that they messed up on their end. Now it's about straightening it out so that you aren't suffering negative repercussions beyond the pain of dealing with it so far.

Hagberg:

And the money to fax them all the information to prove that I had paid it. And so on. And so forth.

Moermond:

Were there late fees attached to this?

Chao:

There were no late fees.

Hagberg:

I would just like to get a bill from them. Actually, I would like an acknowledgement that they screwed up. That's a bit above and beyond, I think.

Moermond:

I will give you that, right now.

Hagberg:

Bless you. Again, I would like to get this started as soon as possible. Otherwise I'm going to be stressed out on this until sometime in September. See if I get another Dunning Notice.

Moermond:

They took the fourth quarter, because their system screwed up, they didn't think they collected it. They sent it to the City, saying you collect this bill for us. In March, they realize what they did wrong, they say they actually have this money and we are going to credit this to your first quarter bill. Did you already pay the first quarter?

Hagberg:

I paid the last quarter of last year and the first quarter of this year. I haven't paid for the second quarter yet.

Moermond:

That makes the first quarter double paid.

Chao:

Right. So now, he's prepaid for the second quarter.

Moermond:

They applied it to the second quarter, then.

Chao:

Sorry.

Moermond:

Just to be clear, when he gets a second quarter bill, it should be for zero.

Chao:

He's not supposed to get a second quarter bill.

Moermond:

They won't send him any bill. Can we have them send him a statement indicating he has no money due? I think that would be the polite thing to do.

Swanson:

We can follow up with Waste Management and see if we can get an invoice sent out with a zero balance and credit. What may make it easier is we can get a direct email from them, basically outlining all this and have our name contact information if you would like that.

Hagberg:

That would be better.

Swanson:

We'll do that. Get [inaudible] on the phone and send you a physical copy, if that works for you.

Hagberg:

So then I'll get some acknowledgement that ...

Moermond:

He's got more things in writing. I would really love to see an invoice sent to him that indicates he's paid, very clearly, through the second quarter. That means a lot more than having to show people six documents that were factually OK. He's been through so much rigmarole. What we are left with is this assessment. For fourth quarter, which they screwed up. I'm going to have it processed by the Council. It's going to be

the same amount that you would be in any quarter. You will just receive the bill through the City and get it at the end of May/beginning of June. It should indicate you are paid for the fourth, the first, and the second quarters. This is not on you.

Referred to the City Council due back on 5/22/2019

- 13 [RLH TA 19-205](#) Ratifying the Appealed Special Tax Assessment for property at 361 SUMMIT AVENUE. (File No. CG1901A1, Assessment No. 190051)

Sponsors: Thao

Approve the assessment.

Eric Lein, property owner, appeared.

Diana Chao, Chris Swanson, Staff.

Swanson:

The resident appears to appeal the special tax assessment for the property at 361 Summit Avenue for garbage services for quarter four of 2018. The invoice provided in that quarter was for \$294.60. There is a \$2.50 service charge put on that and the total assessment that is contested is \$297.10 (staff referenced the service charge, but that it wouldn't be charged unless the assessment was certified to the taxes). During the fourth quarter of 2018, Highland Sanitation provided service at this property for two medium and one large cart. Same situation as the previous case. [inaudible] residents who begin [inaudible] more for his stated reasons for appear. Again, the City's stance is everyone is required to have a cart for each individual unit at the property. The residence property was provided carts. Because they chose not to use the service does not equate a reason to remove the pending trash charges.

Moermond:

When I read the two letters you had written, the letter for the Summit property and the letter for the Grand Hill property, they appeared to be identical, almost identical. What is different about the two of them?

Lein:

The difference is the previous hauler is Waste Management, the current hauler is Highland Sanitation.

Moermond:

The current hauler for Summit is Highland Sanitation and the previous hauler was Waste Management or was that for Grand Hill?

Lein:

Waste Management used to be, and is, Grand Hill. Highland is currently Summit. Summit used to be a different hauler. Basically, my quick response is that everything I said for Grand Hill applies to Summit so if the public record can just look backwards, I can sit down.

Moermond:

It's all on the public record.

Referred to the City Council due back on 5/22/2019

14 [RLH TA 19-228](#) Ratifying the Appealed Special Tax Assessment for property at 434 SUPERIOR STREET. (File No. CG1901A1, Assessment No. 190051)

Sponsors: Noecker

Approve the assessment

Teresa Schnell, property owner, appeared.

Diana Chao, Chris Swanson, Staff.

Diana Chao:

This pending assessment is for \$72.84. That includes the \$2.50 service charge and \$70.34 for garbage service for a small cart from Oct 1 through Dec 31, 2018. According to the comments that Ms. Schnell submitted, it sounds like she is not entirely clear on the City contract with the St Paul Haulers Consortium. It sounds like she may have some issues with the holiday tree that's included in the collection.

The staff comments in response to this are, first of all, we'd be happy to provide a copy of the contract to Ms. Schnell if she would like to look that over. This is a signed contract between the City and the St Paul Haulers under Minnesota State Statute. And with this signed contract, there are assigned haulers for different areas of the City. I know that you had mentioned that you weren't entirely happy with the hauler that you have. That won't be something that we will be able to change. There's a hauler for each area. I also do want to address the holiday tree collection. Under the base price, there is a cost for bulky item removal and that is TVs, couches, things like that. There is no cost for removing holiday tree for anybody so you are not paying for that service.

I also wanted to explain how the billing works. Billing is sent to the owners by the haulers and if that does not get paid for 90 days, then the hauler turns over that delinquent amount to the City, which is what has happened with the fourth quarter bill. It went unpaid and now it's been turned over to the City to collect. Because garbage service was provided for your property from October through December, 2018, the City believes you are responsible for paying this outstanding charge.

Moermond:

The copy of the contract that I have is just marked up. Is that something you have access to in your directory now.

Chao:

Yes.

Moermond:

You can email a copy to Ms. Vang and she can print out a copy and provide it to Ms. Schnell so she will have it when she leaves today.

First thing, we will get you a copy of the contract. Looking at what was written on the website when you appealed, it sounded like there wasn't clarity between who were the parties in the contract. The City was actually the party in the contract with the consortium of haulers. You, as a citizen, get wrapped up on that side of it. We will get you that information so you can have that today.

Teresa Schnell:

My real issue is that, on my bill, on the back, it said that if I was to pay the bill I would be in some sort of contract with Waste Management, for which I did not receive services that they provided, that I could not get a refund. I would basically have no recourse. There's nothing I could do. That was on the back of the bill that I received. First one that I received.

Moermond:

I am looking at three notices on non-payment but I don't have a copy of the first invoice that Ms. Schnell received. Is that something we could get from Waste Management. We could add it to the record.

Chao:

I don't have it.

Swanson:

We could look at getting a copy of that. That is something that is not required for the hauler to provide to the City but I have no problem sending an email to that effect. I also want to say I will give Ms. Schnell my card so if she has any questions, she can contact me directly. Just in case there's any questions.

Moermond:

It seems to me, Ms. Schnell, what you are describing that was on the back of the original bill, was restated in the notices of non-payment that you subsequently received. So when they said you don't really have a choice, that was follow up by you don't really have a choice because it's City-wide hauling and it will turn into an assessment if you don't pay. It sounds heavy-handed. Are there any other pieces of information you want to put on the bill?

Schnell:

As far as the holiday tree thing, I feel like I am being charged for that because I am paying more now than I used to pay when I had my own hauler. I also feel it is entirely unfair for there not to be any option other than one. I know there's nothing you can do about that. I know this isn't the space for it but I feel it's important to bring that up.

Moermond:

I understand. Today is going to be a day about people putting on the record these types of concerns. I can't really take that and apply it to the unpaid bill. This not being that forum, but I appreciate your comments. I am left with the unpaid bill. What are you looking for today? Putting that comment on the record? Or something else?

Schnell:

Pretty much. I wanted to get that out there. I know my neighbors won't show up because they have to be at work or they have other commitments, but I am able to be here so I...

Moermond:

I won't surprise you, I am going to recommend approval of this assessment and you've got the public hearing time in May. Everything you said will move forward to the Council. We will ask Waste Management to provide a copy of that first invoice that you got so the Council can see what is on the back of it that they were sharing. Like I said, I do see similar language in the follow-up communications, so I think that they were covering their base, to let folks know, that it was going to get paid, one way or another.

Referred to the City Council due back on 5/22/2019

- 15 [RLH TA 19-200](#) Ratifying the Appealed Special Tax Assessment for property at 110 VIRGINIA STREET. (File No. CG1901A1, Assessment No. 190051)

Sponsors: Thao

Rescheduled to May 2 @ 9 a.m. per owner's request.

Laid Over to the Legislative Hearings due back on 5/2/2019

10:30 a.m. Hearings (CG1901A2)

- 16 [RLH TA 19-203](#) Ratifying the Appealed Special Tax Assessment for property at 1790 HAGUE AVENUE. (File No. CG1901A2, Assessment No. 190055)

Sponsors: Jalali Nelson

Approve; no show.

Referred to the City Council due back on 5/22/2019

- 17 [RLH TA 19-202](#) Ratifying the Appealed Special Tax Assessment for property at 62 MOUNDS BOULEVARD. (File No. CG1901A2, Assessment No. 190055)

Sponsors: Prince

Rescheduled to May 2 @ 10:30 a.m. per owner's request.

Laid Over to the Legislative Hearings due back on 5/2/2019

- 18 [RLH TA 19-244](#) Ratifying the Appealed Special Tax Assessment for property at 542 OHIO STREET. (File No. CG1901A3, Assessment No. 190056)

Sponsors: Noecker

Wayne Carlson appeared.

Chris Swanson, Staff:

The resident is here appealing the special tax assessment for the property located at 542 Ohio Street. This charge is for Quarter 4 of 2018 for trash service at the property. All residential units in the City of St Paul are required to have trash service. The outstanding amount for 2018 is \$176.08. There's a \$2.50 service charge on that for a total assessment of \$178.58 (staff referenced the service charge, but that it wouldn't be charged unless the assessment was certified to the taxes).

I talked to the resident about his reason for appeal but staff comment is that all residents in the City of St Paul are required to have trash service.

Moermond:

Mr. Carlson.

Wayne Carlson:

I have two buildings at that location. I've had one dumpster for the last 40 years that's

been taking the rubbish from this 4-unit and this 5-unit. I continue to pay that rubbish service.

Moermond:

The second building is a 5-unit next door?

Carlson:

5-unit and there's a 4-unit. I currently pay \$103 a month for nine units. The purpose was to get haulers off the street. Results at my location is the addition of a hauler. I have Republic Services, they charge me \$10 a unit a month. They are charging me like \$250 and some . The price is excessive. They are charging me twice as much as I am paying with Republic. So, it's a real bonus to the rubbish hauler. I called Republic to take the rubbish carts away. They came and took them away. I don't have any rubbish carts anymore. There's nothing to pick up. I would like to have the bill wiped out because I do have rubbish hauling services. I don't need to have double hauling services on this 4-unit.

Moermond:

You said you asked Republic to remove the garbage cans?

Carlson:

Yes, and they took them.

Moermond:

So the organized hauling, dark grey cans, they took away?

Carlson:

They took them away.

Moermond:

When did they do that?

Carlson:

Right after I got the bill. Probably in November.

Moermond:

I think originally they sent them out the beginning of October, but some people didn't get them, various reasons, until later. You asked them last fall to come and take it away and they did. Mr. Swanson, that's extremely unusual.

Swanson:

I would say that is unusual. The haulers, first off, were not doing cart removals or cart switches during that period of time. After January 1, residents were able to get different size carts. I will follow up with Republic Services to see if they removed the carts. Maybe they thought it was commercial or some effect but it sounds very unusual and completely unheard of [inaudible]. The end result is that carts are needed at that property, specifically.

Carlson:

*I can tell you one d*** thing, I'm going to take the City to conciliation court over this. I hope that everyone here does the same d*** thing and ties up your legal system. This is a windfall for the City. The whole market is doubled up. You've got people who had one hauler, now you're paying two haulers. You're doubling up on the prices, the price is excessive. These haulers are charging us twice what we could get on our own. I got*

\$10 a month in South St Paul from Republic and here they are charging me \$240 a month, six times what they are charging in South St Paul. That is one h*** of a contract you guys wrote. I'm going to have this g*d*** thing in conciliation court.

Moermond:

Would you mind your language, we have kids in here.

I hear you want to go and take it to the next level. The next one would be the City Council and when you get your invoice from the City after that, the back of the invoice will have a description of the process for going to District Court. That would be your next step after that. With respect to this particular bill, my concern is with the way Republic handled your situation. If they took away the carts, I can't charge you the assessment. That would be a mistake Republic made and they need to own that. That would be true of the first quarter of 2019 as well. Mr. Swanson is going to call them and find out. I am prepared to recommend it gets deleted if things are looking like this, because they shouldn't.

Carlson:

So, I'll hear from somebody at some time.

Moermond:

Sign in and give us your contact information, phone number and email are the easiest to get hold of you. Do you have something to add?

Diana Chao, Staff:

That may be true of the fourth quarter of 2018 and the first quarter of 2019; however, the City does require that the 4-unit building have garbage carts in service.

Moermond:

You will end up having carts provided.

Carlson:

I'll take them away because I'm not going to have them....

Moermond:

Consider this notice to you that you need to have those and we'll work on those for fourth quarter and...

Carlson:

When are you going to get this ordinance corrected? I mean this is not legitimate. We've got hauling services. You know what, charging me that much money reduces the value of my property by \$10,000 a year. Looking at a cash flow basis. I either need my taxes abated for \$10,000 or you need not to charge me for this. There needs to be something, legislation, that allows opt out of. You wanted, the purpose of this thing was to have less garbage haulers in the street. In my case, you made more. The purpose of the legislation was counter-vailing to what you were trying to do.

Moermond:

What you are saying is all going to be in the record for the City Council to hear. I do appreciate that. I think we've heard each other today. Give us your email and contact information to notify you about the assessment being removed.

Carlson:

I hope we all take it down to Conciliation Court, one at a time, and you have the City

Attorney down there, wasting all the City's time. This is like the third time I've had to deal with...do you know how much time I've got involved? When I call Republic to try and get service, last time I called them in South St Paul, I was sitting on the phone, driving. They didn't answer my phone until I got to Oakdale, Minnesota. Another time I called Republic, I got all the way to Edina before they answered the call. That's the kind of service Republic gives. Ask them when I call them? Five minutes. This is a rip-off! Maximize the market place.

Moermond:

I have heard your comments. They are on the record. I am going to move on to the next case.

FOLLOW-UP: Based on staff email and photos showing garbage containers still on site at the property in contradiction to appellant testimony, recommend approval of the assessment. -Marcia Moermond

Referred to the City Council due back on 5/22/2019

19 [RLH TA 19-245](#)

Ratifying the Appealed Special Tax Assessment for property at 781 OHIO STREET. (File No. CG1901A3, Assessment No. 190056)

Sponsors: Noecker

Approve the assessment

Thomas Dengler appeared.

Diana Chao:

This assessment is for 781 Ohio Street. The total assessment is for \$72.45. This includes the service charge of \$2.50 as well as the cost for garbage service for the small every other week with three late fees of \$69.95 (staff referenced the service charge, but that it wouldn't be charged unless the assessment was certified to the taxes).

In the stated reason for appeal, Mr. Dengler indicated he doesn't use the garbage service and he hasn't had garbage service for 17 years. He brings garbage to the transfer station and is continuing to do so. Under City-side garbage service, all residential properties are required to have a garbage cart and receive garbage service and pay their bill for their garbage service. Currently, there's no option to opt out of our garbage program. Because there was garbage service provided from October of 2018 to December of 2018, we do recommend that he pays the delinquent charge.

Moermond:

This is a small cart every other week. So, you are appealing this assessment.

Dengler:

Yes. I'm not going to repeat everything that my neighbor, Mr. Martin said. I'm pretty much in the same boat. It's a seriously flawed system that they came up with. One of the things that you mentioned to Mr. Martin was the analogy with Xcel Energy. It's a flawed analogy. If you have a way of producing your own energy, solar or wind generator, if you produce more energy from that, they are required to buy it back from you. If you produce your own energy, you are not required to have Xcel service. Am I correct in that?

Moermond:

I am not ready to talk about the finer points of solar.

Dengler:

It's a flawed analogy.

Moermond:

I accept that it is a flawed analogy and retract it completely. We need to move on.

Dengler:

The monopoly here is the City, not the private company. They decided to take over and we got no say in it. It's a flawed system. There are a lot of people who are not happy about it. You can assess me or whatever, I'm not paying for it.

Moermond:

With respect to the assessment, I'm going to have to recommend approval. Thank you for your comments.

Referred to the City Council due back on 5/22/2019

- 20** [RLH TA 19-218](#) Ratifying the Appealed Special Tax Assessment for property at 1711 SAINT CLAIR AVENUE. (File No. CG1901A2, Assessment No. 190055)

Sponsors: Tolbert

Approve; no show.

Referred to the City Council due back on 5/22/2019

1:00 p.m. Hearings (CG1901A3)

- 21** [RLH TA 19-231](#) Ratifying the Appealed Special Tax Assessment for property at 337 CURTICE STREET WEST. (File No. CG1901A3, Assessment No. 190056)

Sponsors: Noecker

Approve the assessment

Thomas Martin appeared.

Diane Chao, Staff:

The total assessment for this property is \$112.99 which is for garbage service of \$110.49 which includes three late fees, and a service charge of \$2.50 (staff referenced the service charge, but that it wouldn't be charged unless the assessment was certified to the taxes). In his stated reason for appeal, Mr. Martin stated he doesn't require garbage service. Our response is that under City-wide garbage service, all residential properties with one through four units are required to have garbage cart and receive garbage service for each dwelling unit. Currently, there is no option to opt out of City-side garbage service. The property owner is responsible, as garbage service was provided from October through December of 2018.

Moermond:

Mr. Martin, tell me where you are coming from and what you are looking for.

Martin:

I've lived in the property for 30 some years. I never had a trash hauler. There's a transfer station at the bottom of the hill, I guess Water St or Plato. I usually take my refuse down there. It costs me \$5 to \$10 a month to use that service. Pioneer has never picked up any trash from my property. I don't understand why I owe them any money. I don't believe, in all fairness, you can throw a blanket over a community, a City, and say that everybody's the same. I don't agree with it and so I haven't paid it. Now it's included as a special assessment on my property taxes. I don't ever remember getting to vote for that. I thought at least I would have the opportunity to vote for something like that if it was to be applied to a tax status. That's kinda where I stand.

Moermond:

Let me break that down a little bit. I get that it was cheaper to use the transfer station than what it is now. You are not alone in having used that approach in the past. The City has had on its books for quite a few years, the requirement that you have garbage service at your home and you've never been written a tag on that. Nobody has ever said anything; it's never been a concern. Just saying, that's not a new requirement that you have garbage service at your address.

Martin:

That's how it was worded, that I need to have a service?

Moermond:

Literally, that is how it was worded. Yes, and now this has replaced that. By and large, people had private contractors to come and take their garbage. I am hearing you disagree with it. You don't want to use it and you don't want to pay for it. Everybody in the City is getting a bill to pay for this service. It would make sense, in your case, to go to the smallest possible level of service, which would be a small can every other week. I don't know if you have arranged to do that or not. In terms of voting for a particular assessment, in general, tax levies and assessments are not voted for as individual things. What you have is the ability to talk to the City Council. After that, of course, you will get information if you want to appeal it to District Court and so forth. That would be how due process is set up for you to object to it.

What I can look at is whether or not the charge is accurate. It looks like it is accurate. You are in the mix, the truck goes by every week. It doesn't sound like you have a can opt out to give the...

Martin:

Can't still sitting there. They threw it up on the boulevard. Turned it upside down because I indicated to them I didn't want the service. So they didn't have to stop at my house. With all that taken into consideration, can you tell me, once they've installed these individual contractors within a boundary area where they do their pick-up, what's the next step for those individuals on those garbage routes going to do next year when they can't expand their business. Or pick up any new customers. Are they going to raise their rates or are these rates a forever rate that's going to be the same this year and the same five years down the line.

Moermond:

In terms of the market and different businesses being able to increase or have their market share decreased, I'm going to set that aside, but I'm going to have staff

address what the rate structure will look like going forward and how the contract speaks to that. And you can talk about the proportion that each hauler has, because wasn't that decided among themselves?

Chao:

Right. Their current market share is based on what their market share was at the time of negotiations. And they all signed the contract with the understanding that this was going to be their market share for the five years of the contract. They're not going to have any fussing or worries about their market share changing. The pricing is also fixed in the contract. The only way it would change would be due to a fuel surcharge.

Swanson:

I have a little bit more. Annually, the City will sit down with the haulers and negotiate the rates for the next year. That's dependent on the Consumer Price Index, the cost of the tipping fee, and the cost of fuel on hi-way diesel. Those are the only adjustments haulers can make. On the open market, they can charge what they see fit. This is very set.

Martin:

And the only way that this is acceptable is if every individual that owns a property, that has any trash, is required to have that service? How is that even acceptable? I don't understand it. I know people in my neighborhood that for years have shared the same trash can and now all of a sudden we are all bumped up. I know it sounds like a few measly dollars a month, but I am retired, my income is not getting any greater. Whenever I am getting a raise from somebody, somebody else gets a little bit more out of it. And I don't understand why it has to be that all-inclusive if there are other options. I can see it if there were no other options, but there are other options for people.

Chao:

That is something that the Council looked at when they were negotiating, to see if it would be possible for sharing. Ultimately, they decided not to do that because they wanted a way to ensure that everybody would be able to get garbage service. This is something that we hear a lot from people and it's something we want to take a look at further down the line. But, as of right now, the way that the contract has been negotiated, by the Council and by Staff, there isn't an option for sharing right now.

Swanson:

I can give you my card. You should contact your hauler to get that smaller cart because you currently are paying \$102 a quarter and you can get that down to \$60. There is some help and support for residents who view this as an increase in costs. But you need to contact your hauler.

Martin:

Right. So I need to switch from my \$15 a month to \$30 a month. It just doesn't seem right, where I am permitted to vote on things that I don't the option to choose where I go one place or I go another place. I don't understand. I'm sorry. I guess I'll have to comply or otherwise I just have it added onto my property taxes.

Moermond:

Right now the way the contract is set up, it captures everybody. There is no ability to "opt-out" for individual properties and I get that it used to be more affordable in your circumstance. For other people, it's become more affordable. Everybody's case is individual. I don't have the ability to make this bill go away because you don't want to

be a part of the program. Or that, in principle, you don't believe there should be a program of this nature. I am limited to was there a cart provided, is there a truck going by. I don't have latitude around whether you should be covered by this.

Martin:

Right. And maybe this is just the first step of where I need to go to get some answers that would justify the overall blanket law that was passed that, the process that I use, isn't endangering anybody's life or causing undo traffic on the roads in the residential street. There's not any more or less trash laying in the gutter in front of my house than there ever has been. I guess I have really no choice.

Moermond:

You've talked about how you feel about the policy. This isn't the forum for that. I can't advise you about where the correct forum would be but, with respect to the bill turning into a proposed assessment, it sounds like this is a legitimate assessment for the...

Martin:

The can can sit in front of my house until it melts. My stand is, make the assessment against my property. I'm not going to send Pioneer a check, because I don't agree with it. If there's another avenue to pursue, I guess I'll have to find out about it.

Moermond:

I would take heed of Mr. Swanson's advice that you could get that bill down by a fair bit by going to the lowest level of service and if you turn the can upside down, you turn the can upside down, but at least it would be less headed onto the property taxes.

Martin:

Well, it's just like me calling Pioneer and talking to them and she goes well, why don't you just say you were on vacation? Why do I want to be deceptive about something that I don't... They said Tom, you're living in this house by yourself, we're going to send you out a medium can. And this is the one you're going to get and this is how much it costs. And you're going to pay for it. Or we're going to put it on your property taxes. And I'm going...you knocked on my door and asked if I wanted to buy encyclopedias and you left them anyway. So, put it on my taxes. I'm going to pursue this further because I don't think it's right.

Moermond:

You are objecting; I hear that. At the same time, the bill is still going to be coming. If we can save you \$100 a year or whatever it is, that's something.

Martin:

I know where your position is. It's the whole principle of the matter. Someone is telling me I can't shop anywhere else, I have to go to this specific store. And I'm required to do business with them, or, nothing else. I guess I can't say any more than that.

Referred to the City Council due back on 5/22/2019

22 [RLH TA 19-225](#)

Ratifying the Appealed Special Tax Assessment for property at 305 GEORGE STREET WEST. (File No. CG1901A3, Assessment No. 190056)

Sponsors: Noecker

Approve; no show.

Referred to the City Council due back on 5/22/2019

- 23 [RLH TA 19-232](#) Ratifying the Appealed Special Tax Assessment for property at 706 OHIO STREET. (File No. CG1901A3, Assessment No. 190056)

Sponsors: Noecker

Approve; no show.

Referred to the City Council due back on 5/22/2019

- 24 [RLH TA 19-207](#) Ratifying the Appealed Special Tax Assessment for property at 797 OHIO STREET. (File No. CG1901A3, Assessment No. 190056)

Sponsors: Noecker

Approve the assessment.

Jacob Cusic appeared.

Diana Chao, Staff:

The pending assessment for 797 Ohio St is for \$112.99, which includes \$110.49 for garbage charges and three late fees and a service charge of \$2.50 for the fourth quarter of 2018. In his stated reason for appeal, Mr. Cusick stated he was not aware that the payment for the delinquent amount had to go to the City, so he went ahead and paid Republic Services on February 16, 2019, before the due date on our final notice. Our comment is that the garbage hauler turned over all their delinquent notices to the City on January 5th, 2019. Any payment made after that date to the garbage hauler was applied as a credit on your account with them. You've essentially paid for your first quarter of 2019. Your fourth quarter 2018 is still unpaid.

Moermond:

Did that make sense?

Cusick:

I think so but I...

Moermond:

Did you happen to pay your first quarter as well?

Cusick:

I set up an account with them. I paid online. Feb 16th, \$110, so I figured that was what we were talking about here but if it's not, that's fine. Makes sense.

Moermond:

When you paid on February 16th, you were paying the first quarter of 2019. The fourth quarter of 2018 wasn't paid to them. And the City is now the collector.

Chao:

He did overpay because the \$110 includes late fees. The bill for the first quarter would be only \$96.08. so you should see a credit on your account of \$14.

Moermond:

Why did they carry over the late fees?

Chao:

No, he made the payment to them based on the amount on the City final notice.

Cusick:

When I set up an online account, they just had an amount due for me there, of \$110.96, and that's what I paid.

Moermond:

It seems to me, if the hauler turned the bill over to the City at the beginning of January, if they are taking payment from you including the late fee, it sounds to me like they've screwed up their accounting. We need Staff to check that out. In any event, you are still going to end up owning.

Cusick:

Yes. What I have, under my account, is a regular service charge from September 25th. So that's the fourth quarter charge, plus a \$9.61 service charge on December 11, another service charge of \$4.80 on January 4th. I think that's what makes up the assessment charge. I have my regular service for first quarter of \$105.68 plus a \$5.28 additional service charge on December 31.

Chao:

We are going to check with Republic, because it sounds like they did charge you the late fees from the fourth quarter of 2018 on your first quarter of 2019 bill. They should not have, since it was sent over to the City. We will have them credit you for the amount that's been overpaid.

Chris Swanson, Staff:

We will follow up with you once we get that, so you know.

Cusick:

Otherwise, this is just going to be an assessment from here.

Moermond:

Yes. It will keep the late fees, as written. We will get you credited for the late fees they charged you.

Referred to the City Council due back on 5/22/2019

25 [RLH TA 19-208](#)

Ratifying the Appealed Special Tax Assessment for property at 662 OTTAWA AVENUE. (File No. CG1901A3, Assessment No. 190056)

Sponsors: Noecker

Reduce from \$120.30 to \$102.44. amend to remove \$2.50 from \$102.44.

Charles Shreffler appeared.

Chris Swanson, Staff:

The resident is here appealing the special tax assessment for the property at 662 Ottawa Ave. We have the cost for fourth quarter service for a large cart. The initial service was \$117.80. There's a \$2.50 service charge put on this for the assessment process for a total assessment of \$120.80 (staff referenced the service charge, but that it wouldn't be charged unless the assessment was certified to the taxes).

This is a two-family dwelling so there were a large cart and a medium cart dropped off. There was a payment for the medium cart, but not for the large cart. This assessment is for the large cart.

Moermond:

The original bill for the fourth quarter would have included both carts?

Shreffler:

I have a bill here from Republic for \$96.08 for fourth quarter. It matches up with the notice. I paid this bill. That's why I am here.

Moermond:

What I am hearing is there is two cans. You've paid one can. There is the other can.

Shreffler:

I am here for 662 Ottawa, I have an invoice for 662 Ottawa and I paid it.

Moermond:

I have the invoice. It not only has the 96 gallon container, it has a 64 gallon container on it. I have late notices that indicate the original amount was \$208.76 and then you've paid for the 96 one. We all agree about that. We have to figure out what is going on with the other one.

Shreffler:

I wasn't given notice of that. I am here for 662 Ottawa. I paid it.

Moermond:

I understand that you are here on 662 Ottawa. OK, we're giving you the documents right now. Could you summarize for the record, Mr. Swanson?

Swanon:

When the initial bills were sent out for this property, because 662 Ottawa is a duplex...

Shreffler:

There's 662 Ottawa and 664 Ottawa but they are the same building.

Swanson:

In our system, we have 662 Ottawa, there's no difference in those two addresses. Two invoices were generated and they both went to 662 Ottawa...it looks like you paid the 65 gallon cart. Then there was still payment due for the 96 gallon cart because Republic Services didn't receive payment. They realized that this was a duplex with not two individual addresses. They did then combine this bill so you received a periodic notice of nonpayment for a total of \$213.88. That includes both carts. And it does not look like payment for the large cart that was outstanding.

Sheffler:

OK. So, I'm still confused but I'm being assessed. I would have paid this bill on time. I find it. I am with many citizens. Republic gets to screw up their billing and I have to deal with the government. You staffers have to hear how pissed off many of us are. I will pay my bill but I will not pay these assessments. If Republic can't keep it straight, how can I keep it straight, and then I have to pay for that.

Moermond:

Is this a duplex?

Sheffler:

Yes.

Moermond:

So we have two cans at the duplex. One can was charged and one was...not on your side. I trust you. I can get rid of those late fees. I can see you took care of your business. You gathered your paperwork and came down here.

Sheffler:

Is a invoice ... I don't see the invoice that I didn't pay. Do you have one?

Moermond:

Yes. It's dated September 25th.

Sheffler:

That's the one I sent you. Where's the invoice I didn't pay.

Swanson:

The hauler is not obliged to provide copies of the original invoices sent to the property owners. You provided an original copy of the 64 gallon cart. We don't have a copy on file of the 96 gallon cart.

Sheffler:

This is another example of customers get screwed in the process. You don't have to show me the invoice. If I was dealing with Republic, ...

Moermond:

I would like to see that invoice. We need to track it down. It's the right thing to do. We need to make sure it's addressed to you properly. I also don't see an itemization on the late notices you got. That would have helped resolve this earlier than today. Can you guys call Republic and have them give you the invoice for the 664 side?

Sheffler:

I will pay the invoice, I have my checkbook. If you will just take the late fees and this assessment stuff off of here and I will pay if you tell me what that amount is. I still would like to see an invoice.

Moermond:

We need to get that invoice to you because we need to have them be accountable for showing that to you. We will get that taken care of.

Chao:

I want to make sure this doesn't happen in the future. When you received your first quarter 2019 bill, did you see the two bills for the two sides of the duplex or did the same thing happen.

Sheffler:

Those were paid through our property manager. I haven't seen those invoices.

Moermond:

We will make sure you see what the invoice was for the 664 side. They did seem to make a connection, bringing it together with the other invoice by the time they sent the

late notice.

Swanson:

If you could check with the property management company about the first quarter 2019 and make sure they charged you the right amount for the two properties. I will give you my card.

Moermond:

And you will be following up with Republic. Here's what's going to happen. I will decrease the assessment. The lower amount won't be effective until the City Council votes on it and that is scheduled to be May 22. So within a week, maybe two, you will get an invoice from the City, after the Council votes. You can pay that then. That will be \$102.44. I'm sorry you had the hassle with this whole thing.

Referred to the City Council due back on 5/22/2019

- 26 [RLH TA 19-233](#) Deleting the Appealed Special Tax Assessment for property at 187 ROBIE STREET WEST. (File No. CG1901A3, Assessment No. 190056)

Sponsors: Noecker

Delete; the fee was assessed in error.

Referred to the City Council due back on 5/22/2019

- 27 [RLH TA 19-246](#) Ratifying the Appealed Special Tax Assessment for property at 197 ROBIE STREET WEST. (File No. CG1901A3, Assessment No. 190056)

Sponsors: Noecker

Reduce from \$171.87 to \$149.78. amend to remove \$2.50 - (staff referenced the service charge, but that it wouldn't be charged unless the assessment was certified to the taxes)

Diana Galaviz appeared.

Diana Chao, Staff:

The total pending assessment is for \$171.87. That includes the service charge of \$2.50 and \$167.37 which is the cost of a medium cart as well as an extra medium cart for the fourth quarter of 2018.

In Ms. Galaviz's stated reason for appeal, it looks like she had Republic Services as her hauler before the program began and she paid them on August 14th through that account number. It looks like she made another payment on November 21st but that payment was made to the previous account number. I think what we are going to have to do is contact Republic Services and have them locate the amount she made to the previous account and respond to Ms. Galaviz via email if that is all right.

Moermond:

Did all that....

Diana Galaviz:

Yes. They clarified all that because I was really confused.

Moermond:

We will push this assessment through, delete any late fees. What you have already paid will become a credit on your account. There's no interest accruing on the fourth quarter assessment. We will have Mr. Swanson making sure they get their billing squared away. We will get you his business card.

Galaviz:

Do I need to still pay the amount? You said it would be a credit moving forward.

Moermond:

They said you didn't pay the fourth quarter. You did pay the fourth quarter; they put it on the wrong account. They send it to us for collection. We will go to them and say you did pay and they will say oh yes she did. So, the City will collect the fourth quarter but what you paid to them in November will be credited to your bill now. You will get an invoice from the City for the fourth quarter amount in early June. It will delete any fees associated with it, down to what the original bill would have been.

Are there late fees?

Chao:

I'm not sure.

Moermond:

We don't have the exact amount but there are late fees attached. Like 5% twice or something. We will get them gone.

Galaviz:

And they are more expensive now that we have transferred over to the... I'm watching how you handle the angry property owners. I say wow I need to learn from her. It's really good.

Moermond:

Appreciate that. Thank you. If you leave your contact information, we will let you know what the amount will be.

And you guys will let me know.

Swanson:

Yes.

Galaviz:

The bills will be coming under my Mom and Dad's? It's originally [inaudible] transferred under my name and there was [inaudible] under my name [inaudible] the City with that?

Chao:

Did you get it changed with Ramsey County?

Galaviz:

No. I didn't go through Ramsey County. I just paid. The house is still under my Mom and my Dad's. I just pay all the bills.

Moermond:

Are you the representative of the estate?

Galaviz:
Not legally.

Moermond:
It hasn't been probated.

Galaviz:
I just, my Mom, my Dad always paid all the bills. I just take care of all the bills for her so she doesn't have to worry about it. That's why I transferred Xcel, garbage under my name. And then taxes, I just pay them.

Swanson:
We will follow up with Republic to make sure that's in your name. Did you receive a bill for this quarter at all?

Galaviz:
I think it was from the City. And it was under my Dad's name. That was confusing. They weren't able to answer last week.

Referred to the City Council due back on 5/22/2019

- 28 [RLH TA 19-212](#) Ratifying the Appealed Special Tax Assessment for property at 318 SIDNEY STREET WEST. (File No. CG1901A3, Assessment No. 190056)

Sponsors: Noecker

Approve; no show.

Referred to the City Council due back on 5/22/2019

2:30 p.m. Hearings (CG1901A4)

- 29 [RLH TA 19-217](#) Ratifying the Appealed Special Tax Assessment for property at 2140 BAYARD AVENUE. (File No. CG1901A4, Assessment No. 190057)

Sponsors: Tolbert

Approve; no show.

Referred to the City Council due back on 5/22/2019

- 30 [RLH TA 19-215](#) Ratifying the Appealed Special Tax Assessment for property at 48 BELVIDERE STREET EAST. (File No. CG1901A4, Assessment No. 190057)

Sponsors: Noecker

Approve the assessment

Mark Borgan appeared.

Diana Chao, Staff:

This pending assessment for 48 Belvedere Street East is for \$72.45. That includes \$69.95 for garbage service for the small cart every other week, three late fees, as well as the service charge of \$2.50 for the fourth quarter of 2018 (staff referenced the service charge, but that it wouldn't be charged unless the assessment was certified to the taxes). Mr. Borgen's stated reason for appeal is that he has his garbage picked up for free, so he is questioning why he has to pay for a service that he is not using. I just want to let Mr. Borgen know that the City-wide garbage program requires garbage service for all residential properties with one through four units. So, I am not sure who is providing garbage service to you for free but you are required to participate in this program. And garbage service was provided to you from October through December of 2018. So we do believe that you are responsible for the charge.

Moermond:

Mr. Borgen, you are not the first person I am hearing from who has other plans for their garbage and used to, and still do, other things. Tell me about what you are looking for today and why you are appealing.

Mark Borgen:

Mainly, because it's not a trash service who is picking up my trash. My son comes and picks it up. I'm on a very limited budget, so he takes my trash, which is one bag a week, to his residence. I've been doing this for years. When city Council decided to enforce this on all City residents without an opt-out, a case like mine has to be more than just single. I'm sure there's other residents who have had trash at my age bracket or even higher where our children are helping us out financially by taking care of our smaller utilities like rubbish removal. As long as I've been at 48 East Belvedere Street, which is coming up to 21 years now, I've never had to pay for my trash because I have a wonderful son who takes care of his father and helps him out. So, when the City came and implemented this, I'm not going to pay for service that I'm not using. I just think that's pretty reasonable. It would be different if I was using Waste Management, Triangle, any other trash company, of course Highland that was told now we're going to go with [inaudible] and that's fine. Convert it over, not a problem. Being forced to pay for service I'm not using. I have not yet once put out the trash can since the City of Saint Paul mandated it. I don't know what else to say.

Moermond:

I understand. You are not using it. The hauler still goes by your property every week to see if the can is out there, along with all the neighbors and emptying those there, so the cost is being incurred whether or not you are putting your garbage can out there. That's a cost that is being borne by all the people who are covered by the contract. I don't have a lot of latitude on this. I know some people are choosing other venues to share their frustrations. What I have before me is an unpaid bill for the fourth quarter and I am not hearing something that would allow me to decrease or eliminate the bill.

Borgen:

I understand that and I literally knew that this was never going to go further than having somebody to hear it. It is just that, again, I will say this for the record, I will not pay for this service because I am not using it. The only recourse is, of course, a class action lawsuit against the City and I'm sure that's coming. Whether that gets put on the ballot for us St Paul-ites to vote on this or not, the City Council never took it into consideration for an opt-out plan. It's just like where you, and I read from the St Paul Pioneer Press, there's those ladies who own a four-plex and only generate one bag and only used one trash can. Now they are forced to put out four, and being forced to pay

for four trash cans, instead of the one. Again, the City Council should have looked into this a little deeper and should have thought of this before they voted on it. This was a terrible idea. It was not thought through properly. But I can understand where you are coming from. You are probably going to recommend charging me for it but I'm just not going to pay for it. When it comes, I'm going to send it right back. Not opened, like I've done before. I'm not paying for service I'm not using. And it's going to probably end up in court.

Moermond:

And before that, it will probably end up on your property taxes.

Borgen:

It's already on my 2019 property taxes. According to your letter that was sent to me.

Moermond:

No, this wouldn't be on your 2019 taxes.

Borgen:

It's already on there.

Moermond:

Not this.

Borgen:

Yep.

Moermond:

Nope.

Borgen:

It says here that the assessment won't happen before November 15, 2019, to pay before the City sends it Ramsey County for collection to pay with your 2020 property taxes. It's already on my 2019.

Moermond:

That's what we are talking about today. What would happen is if the Council ratifies this assessment, you would get an invoice and you could choose to pay that invoice. If you pay it, it won't be placed on property taxes. If you chose not to pay it, it would be certified to go on to the Ramsey County bill for property taxes that goes out in November. That would be for 2020.

Borgen:

I am telling you right now, the property tax statement that I have received, in March, to be paid in April and October, it's on there. It's right underneath the recycling assessment.

Moermond:

That's not this bill. Do you want to bring that, Ms. Vang?

Chao:

That is a charge for \$24.80. It's not this pending assessment. It's not for removal. Everybody who is part of this program pays the \$24.80, and that goes towards education and administrative fees. So it's a blanket fee that everybody pays. It's not the same as this pending assessment.

Borgen:

That's not how it's written on the property tax statement. It says "garbage removal."

Moermond:

Let's put the actual statement on screen.

Swanson:

This is the solid waste fee, the \$24.60 that is administrative equipment, carts, parts, that is put on all residential properties. This is not applied to the actual removal of waste. Those bills are received directly from the hauler.

Borgen:

When I saw that, I'm thinking this is the fee from when the project was first started, the last quarter of 2018. So, that's what I thought that fee was. Like I said, for me to pay for a service that I am not using is just wrong.

Moermond:

I have your comments on the record. Anything else you want to put on?

Borgen:

No. Thank you for hearing me. I appreciate it.

Referred to the City Council due back on 5/22/2019

31 [RLH TA 19-236](#)

Deleting the Appealed Special Tax Assessment for property at 2200 ELEANOR AVENUE. (File No. CG1901A4, Assessment No. 190057)

Sponsors: Tolbert

Delete the assessment

Joanne Shephard appeared.

Diana Chao, Staff:

The pending assessment for 2200 Eleanor Ave is for \$83.40. This includes the \$2.50 service charge and the \$83.40 for a small cart and three late fees for the fourth quarter of 2018 (staff referenced the service charge, but that it wouldn't be charged unless the assessment was certified to the taxes). In Ms. Shephard's stated reason for appeal she indicated the property owner, Larry, passed away in September, 2018, and the property has been vacant. She did contact the City to inform us that the property was vacant. The City received notice of vacancy on January 29, 2019, so this vacancy hold was placed on the property starting February 1, 2019. Because the City did not receive notice prior to January 29, 2019, the garbage service had not been removed from the property, so garbage service was provided from October through December, 2018. We believe that Ms. Shephard is responsible for the charge.

Moermond:

You are appealing this. Was Mr. Larry Shephard a relative?

Joanne Shephard:

Yes. He was my former husband. I am helping my sons with the estate. The reason I am appealing is I am the person who called to see who I would pay for garbage. November 1, I called the City and had probably six calls between November 1 and November 5, bouncing from department to department. The previous company is the

one who told me they were terminating service because of the City contract. So now who to call, I have to pay somebody. I was trying to make sure we kept on top of Larry's utility bills. I contacted them November 1 through November 5, always getting promises that I would get calls back. I did not. When I finally spoke with someone December 19, who got me to this department, somebody that Chris knew, and she was supposed to follow up with a form that I would, for a vacant property. And I never, I waited 10 business days, giving them time for the process to get done. Then it was already the first week in January. I called then and it wasn't until January 20 something that I received a form. So, I've been starting since November 1. The very first bill we ever got, because we take the mail, was dated November 1. And also we did get a form that, up until I was finally able to talk with Chris and his department, specifically, the right people...oh, I never received anything except that second notice that it was due. On February 2, I received a form letter that was dated November 6 saying that I needed to fill out the form about the vacancy. I've been [inaudible] an awful lot to resolve a very simple issue. We've never used any pickup. My son and I brought everything home.

Moermond:

Does anybody live in that house right now?

Shephard:

No. No one. Not since September 7. They were just laying on the side, on the side, of the garage, laying down. It's not likely someone threw something in and it counted as a pickup. This department decided, told me to put them in the garage, which I did. Unless I am supposed to be paying for rent of their containers we never used. There's been no pickup whatsoever. We brought compostables, yard goods, trash to our own homes in Bloomington and Minneapolis.

Moermond:

What do you have in your computer system to share?

Chris Swanson, Staff:

Looking through our records of contacts, we don't have any records of contacts for this resident for ...We actually have something for November 5, 2018. I found a record contact there. It says unit is vacant, service has not been used. I do a follow up, sorry...yes, we have a phone call and [inaudible] we have a follow up phone call January 23. I know that you contacted me late December and we got the vacancy notice out to you at that time.

Shephard:

It did not arrive until later in January.

Swanson:

Later in January...so, I think that...

Shephard:

I had to call and follow up. I called in January and it was sent.

Swanson:

It was sent. I do think we retroactively applied that vacancy to the first of the year. One of the challenges is that if residents have any sort of service change, so if they were starting vacancies up or doing vacation holds during that quarter 4 2018, we would have had the resident pay the bill and there would have been a credit applied to their account moving forward [inaudible] back to them.

Shepard:

I was told to pay it and the money would go to the next owner as they re-activated it. And that seemed bizarre to me. That was what I was told in November. Clearly, who I was calling and speaking with was very uncertain what to do, they told me, if there's a building in the City, you have to pay. But, it's never been used. Larry was never living as of October 1.

Moermond:

You have an unusual circumstance.

Swanson:

Can I add one more thing to this? So, we did get the vacancy registration [inaudible] which include a certificate of death. We are not [inaudible] for this [inaudible] timing, so we could prove that Larry did pass away at that time.

Shepard:

I brought it with me.

Moermond:

Given the timing of Mr. Shepard's death and the delivery of the containers, the roll out of the information, I think it's reasonable to come to the conclusion that he did not have the opportunity to respond in any way to paying the bill and dealing with that. Although he was, no doubt, provided notice, he wouldn't have been able to receive it. Taking this into consideration, I am going to recommend the Council delete this fourth quarter bill of 2018.

Referred to the City Council due back on 5/22/2019

32 [RLH TA 19-248](#)

Ratifying the Appealed Special Tax Assessment for property at 83 ISABEL STREET EAST. (File No. CG1901A4, Assessment No. 190057)

Sponsors: Noecker

Reduce from \$333.97 to \$276.40. (Amend to remove \$2.50) (staff referenced the service charge, but that it wouldn't be charged unless the assessment was certified to the taxes)

Ms. Zona Butler appeared.

Chris Swanson, Staff:

The resident is here to appeal the special assessment for 83 Isabel Street. The charge for the Quarter 4 2018 trash service is \$331.47. There is also a \$2.50 service assessment charge for a total assessment of \$333.97. This is an interesting one because Ms. Butler owns three properties right next to her, so she actually owns 83 Isabel Street East, 86 Isabel Street East, and 133 Isabel Street East. The \$331.47 encompasses all the outstanding charges for all those properties. I will let Ms. Butler talk about her reason for appeal. She does have a letter included in this report. The City stands with the current assessment because under City-side trash service, all residential properties with one to four units have to have carts at those units. So, that amount would stand. I would note that we have already adjusted Ms. Butler's total a bit. I don't have that exact amount, I was going to pull it up. So, there's already been some reduction in cost. That was something staff did already, based on the

information we got from the haulers.

Moermond:

We've got three different addresses here. Is this bill for all three addresses?

Swanson:

Yes, this bill is for all three addresses. Ms. Butler, you have six or seven units? Between all those addresses?

Butler:

There are some vacancies. There are a lot of complexities with this. I have some vacancies. The initial promotional thing did not say that you couldn't just get one for the property. So, I ordered one for each property which I thought would be adequate. I know what goes out. Then the City decided they were going to augment it because the ordinance says you have to have one for every dwelling unit. I won't go into the unfairness of that right now, but I ended up with a whole bunch more cans. I have a big one and three little ones, an extra little one, and three big ones. That's when I talked to my councilperson. She recommended I talk with somebody in Public Works. I found out that if I fill out this form, I can get these cans taken away because of vacancies. That dropped me down to a total of three cans on one property, no cans on another property, and two cans on another property. [inaudible] So I have a total of five medium cans for five occupied properties. Republic has hired somebody special to work on this and I sat down with her. She understood what I was saying and I said let's make it simple, let's send one bill. I shouldn't have done that because that even made it messier. So, now I got billed for my original two cans. Then I got billed for my next 10 or 11 cans, but in reality, I'm down to five medium cans. It gets even more frustrating because Republic bills you once and you make payments and if it's not the full amount, they don't bother to send another bill showing the balance, they just [inaudible] thing saying you owe this much. [inaudible] which is how it got to this point. I have paid a total of...

Moermond:

The thing you are talking about is the periodic notice of nonpayment?

Butler:

Yes, any other time, and I know because I helped somebody with Waste Management, they send a bill, if you make a partial payment, they send you another bill that they put a late fee on. They are not doing this, so you don't every really know where you are at or what these late fees are.

Let me get to the bottom line here. I have five medium cans for the fourth quarter. In the first quarter, I've paid a total of, I should have been billed \$690. That would be the bill for these five cans. I have cancelled checks for \$973 because basically the trash collector says pay these bills and you will see your credits. What is this? Pay your bill first and see your credits later? This doesn't make any sense to me. I don't owe them any money, I've already overpaid. I see no reason to put it on as an assessment, because once it goes to assessment, then how do I get it off.

Moermond:

Get it off of...

Burler:

The tax record. I would have to pay it again in 2020 and I've already paid it.

Moermond:
When did you pay it?

Butler:
October 17, I paid \$102 and \$102, so I paid \$204.88. That was what I was originally billed. That was based on my ignorance of the fact I have to have a separate can for each unit. Then I got a whole raft of bills and that's when I had them change it to one bill. In February, after I got the bill for the first quarter of this year, is when I paid a total of \$769 and that should add up to \$973.

Moermond:
When were the additional cans dropped off?

Butler:
I think it was prior to October 1.

Swanson:
From our initial research, they were all dropped off at the start of the program.

Moermond:
We are talking about 10 units and five cans being dropped off? Or 10 dropped off and five picked up? What are we at?

Diana Chao, Staff:
Ten dropped off, five vacant, five in use. I can go over the amounts at each address if that is helpful.

Moermond:
Let's do that.

Chao:
At 83 Isabel, there's three 64 gallon carts and one 96. The 96 has been marked as vacant, removed. At 86 Isabel, there was one small every other week and one 64 and those ones are both vacant, removed. At 133 Isabel, there's three 64 gallon carts and one 96. One 64 and the 96 are the vacant ones. So, as Ms. Butler says, she currently has five 64 gallon carts across the properties. The initial total bill would have been \$938.27.

Moermond:
That initial bill is not talking about the carts that are for vacant units.

Chao:
It includes all of the carts.

Moermond:
Before the account is credited for having vacancies. We start with the \$938 across all of that. Keep going.

Swanson:
The hauler adjusted her bill for quarter 4 2018

Chao:
The cost of five 64 gallon carts is \$480.40. Even if it's split up among the properties, it doesn't matter to the total amount. The cost of one 64 gallon cart is \$96.08. That's

the base collection fee, no late fees. That includes all of the county taxes and environmental fees.

Butler:

If I have these five carts separated amongst my properties, it still is \$96.08 per cart? Per quarter?

Chao:

Yes.

Swanson:

Did you pay \$102.44 or just \$102 twice?

Butler:

At the beginning of the fourth quarter, I paid what I was billed. I didn't pay the one that came for the duplex because I knew I wasn't going to need it when I found out I could opt out for the vacancies.

Chao:

86 Isabel is not paid for at all.

Butler:

Correct.

Chao:

That's \$156.91.

Swanson:

That's based on, you had a small cart there? Every other week, is that right? And then a 64 gallon cart. A medium and a small every other week.

Moermond:

I'm hearing that we've got two carts paid for. You said in October you paid \$204.

Butler:

That's because I was billed, based on...

Moermond:

You paid \$204 altogether for the three properties in October. What you guys are telling me is, we've got five 64 gallon containers and late fees. Two were paid for and three weren't out of the fourth quarter and that was having to do with some billing strangeness. That got squared away with you paying Republic in February.

Butler:

I didn't know where I was at and wanted to get it cleared up because they aren't billing so you know where you are at.

Moermond:

I think what happened with the check that you sent in February, is it becomes a credit on your account for 2019 billing. They won't go back and apply it to 2018 because they already sent it to the City.

Butler:

If the assessment goes through, then it's sitting there for something I've already paid

them for.

Moermond:

What you paid them in February doesn't apply to what happened in 2018. You paid \$204 in 2018 and that you have been credited with. They want to collect the other \$300 some that you owe because you paid for two of five carts. When you wrote the check in February, this would go on you 2019 bill, a credit, but they're not going to be able to change what happened last year. Because they already sent it to collection with the City.

Chao:

It looks like the difference between the amount Ms. Butler paid and the amount unpaid for the five carts, less the late fees and the service charge, is \$276.40.

Moermond:

You made a good faith effort to address this. Let's take away the late fees and the service fees on this account, so you would only owe the three cans from the fourth quarter. You will get an invoice from the City around June 1 if the Council ratifies this. Whatever you paid in February would be a credit on your account. You are looking ...

Butler:

None of this is acceptable to me. But, I guess, there's still another opportunity to pay this and then you're telling me there's some credits out there. Francis is telling me there's credits out there. Can anybody do anything about them? A multi-billion dollar business? Billing correctly? I'm getting off the topic here. What you are telling me is we can only look at the three months of 2018 and you can't take into consideration any future credits or any payments that have already been made to Republic.

Moermond:

That is correct. When the beginning of January came, all of the haulers in the City had to report their delinquent accounts and the City sent a letter to those people saying they could pay or let it go to assessment. Once the delinquent accounts were transmitted to us, there's no way to repair that. Except for what we are doing now. It's crossed off their books.

Butler:

When do they get the money?

Moermond:

The City will pay them twice a year for delinquent accounts. The the City will go to the people and get the bills paid to the City. That's part of the contract the City has with the consortium of garbage collectors.

Chao:

Chris is going to go back to Republic as well and get a statement for what is a credit on your account.

Butler:

I have always paid my assessments because when the tax bill rolls around, oh man, anything I can do to lighten it along the way. What bothers me is you can't repair it right now.

Moermond:

I think we did just repair your fourth quarter bill. We are taking it from \$333.97 to

\$276. So we just removed all late fees and service charges. It is what it would have been had it all been figured out at the beginning of October.

Butler:

I will be getting a typical assessment bill that says I have to pay \$276.40 and I have some particular date to pay that before it rolls to the taxes.

Moermond:

It will be around June 1.

Referred to the City Council due back on 5/22/2019

- 33 [RLH TA 19-213](#) Ratifying the Appealed Special Tax Assessment for property at 2136 PALACE AVENUE. (File No. CG1901A4, Assessment No. 190057)

Sponsors: Tolbert

Approve; no show.

Referred to the City Council due back on 5/22/2019

- 34 [RLH TA 19-229](#) Ratifying the Appealed Special Tax Assessment for property at 2176 RANDOLPH AVENUE. (File No. CG1901A4, Assessment No. 190057)

Sponsors: Tolbert

Approve; no show.

Referred to the City Council due back on 5/22/2019

- 35 [RLH TA 19-206](#) Ratifying the Appealed Special Tax Assessment for property at 268 ROBIE STREET EAST. (File No. CG1901A4, Assessment No. 190057)

Sponsors: Noecker

Rescheduled to May 2 per owner's request.

Laid Over to the Legislative Hearings due back on 5/2/2019

- 36 [RLH TA 19-201](#) Ratifying the Appealed Special Tax Assessment for property at 1768 SAINT CLAIR AVENUE. (File No. CG1901A4, Assessment No. 190057)

Sponsors: Tolbert

Approve; no show.

Referred to the City Council due back on 5/22/2019

Assessment Rolls

- 37 [RLH AR 19-39](#) Ratifying the assessment for the City's cost of providing Collection of Delinquent Garbage Bills for services during October to December 2018. (File No. CG1901A1, Assessment No. 190051)

Sponsors: Brendmoen

Referred to the City Council due back on 5/22/2019

- 38** [RLH AR 19-40](#) Ratifying the assessment for the City's cost of providing Collection of Delinquent Garbage Bills for services during October to December 2018. (File No. CG1901A2, Assessment No. 190055)

Sponsors: Brendmoen

Referred to the City Council due back on 5/22/2019

- 39** [RLH AR 19-41](#) Ratifying the assessment for the City's cost of providing Collection of Delinquent Garbage Bills for services during October to December 2018. (File No. CG1901A3, Assessment No. 190056)

Sponsors: Brendmoen

Referred to the City Council due back on 5/22/2019

- 40** [RLH AR 19-42](#) Ratifying the assessment for the City's cost of providing Collection of Delinquent Garbage Bills for services during October to December 2018. (File No. CG1901A4, Assessment No. 190057)

Sponsors: Brendmoen

Referred to the City Council due back on 5/22/2019