



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
Joanna Zimny, Executive Assistant
legislativehearings@ci.stpaul.mn.us
651-266-8585

Thursday, January 14, 2021

9:00 AM

Remote Hearing

9:00 a.m. Hearings

- 1 **RLH TA 21-4** Ratifying the Appealed Special Tax Assessment for property at 51 SARATOGA STREET NORTH - 1523 PORTLAND AVENUE. (File No. CG2004A1, Assessment No. 200163)

Sponsors: Thao

Reduce assessment from \$352.82 to \$117.61.

David Faffler, owner, appeared via phone

Staff report by Clare Pillsbury: this is a special tax assessment for \$352.83 for quarter 3, 2020. Hauler is Waste Management. The property owner states they purchased the property on February 1, 2020. Due to repairs, it wasn't occupied until September 2020. The previous owner had suspended trash pickup but the current owner is unsure how long that request was for. The owner states he was called Waste Management in July and asked if they could start service, and they replied they didn't need the service until September. However, they received an invoice for quarter 3, 2020. Staff confirmed with the hauler the previous account was canceled February 2020. However hauler records show the current property called on April 20, 2020 to request delivery of a second 64-gallon cart and remove the 96-gallon cart. Therefore, a new account was set up as of May 3, 2020. Since this was during quarter 2, 2020 the hauler added the cost of service for 2 carts from May 3, 2020 to June 6, 2020 to the quarter 3 invoice. The property owner did call the hauler in August to activate service and was told it had already been started. The property owner was told they would have to have a vacancy form filled out. The hauler has no documentation of that form being filled out, nor does the City have any record of contact with the property owner. We are recommending approval of the assessment.

Moermond: you said there was communication in July, did the hauler call the owner?

Pillsbury: in the request for Legislative Hearing the property owner said they were called by Waste Management in July. I don't see any notes of the hauler contacting them in July. There are notes of contact in April and August and October.

Swanson: generally the hauler doesn't contact residents to restart service. A temporary service form would put the account on hold until the date listed. It would stay that way until the owner calls the hauler or the City and tells them to restart.

Moermond: I'm seeing a transaction with Ramsey County on February 3, 2020 for our records. Mr. Faffler, tell me about what you're looking for?

Faffler: I never called the hauler to request service because no one was living there until September. I had no need to, I had 20-yard dumpsters on site. Why would I call them for a service that I don't need? I never called and asked for service. I called the end of August because I had renters moving in September 1. That is when they told me it was activated. It was surprising, they never came out during that time and I had dumpsters on site. I shouldn't pay for something I didn't use or need. I know you have rules that say properties have to have service, but I didn't need it nor did I call them.

Moermond: is this your only property in the city?

Faffler: it is one of several.

Moermond: is it the only one with service?

Faffler: they're all in the program.

Moermond: the rub seems to be the miscommunication between you and the hauler, and the question of having a vacancy form filled out. It appears there was a miss in not getting that form filled out. When you bought the house was it empty?

Faffler: I bought it from my grandma, so we moved my aunt into a home after my grandma died. I bought it in February and my sister is the caretaker.

Moermond: so you had someone in the home?

Faffler: she went in a home the summer of 2019. There was a lot in the house my sister had to sell and throw. She kept the containers there until I bought the place the first week of February 2020.

Moermond: so your sister left during 2019?

Faffler: my aunt did, yes.

Moermond: I can see how this would be confusing. I'm not at all clear on the communication with Waste Management. You have different understandings of what was going on at the house. Looking at it, what you're telling me makes perfect sense. I think it is a gray area, and we don't have the ability to get clearer information. That being said, I need to call it on your behalf since it is in the gray area. I'll recommend the Council reduces this to one-third for the September services. Down to \$117.61. It is sufficiently gray that I can't hold you accountable for the whole thing in good conscience.

Referred to the City Council due back on 3/3/2021

2 RLH TA 21-10

Ratifying the Appealed Special Tax Assessment for property at 2134 SAINT ANTHONY AVENUE. (File No. CG2004A5, Assessment No. 200167)

Sponsors: Jalali

Approve the assessment.

David Faffler, owner, appeared via phone.

Staff report by Clare Pillsbury: this a special tax assessment is \$107.02 for quarter 3, 2020. This is for a medium cart and late fees. The hauler is Advanced Disposal. The property owner stated they called the hauler May 2020 and requested the service be suspended from June to September 2020. They state they were told it would be suspended but received a quarter 3 invoice. Hauler states that they have no record of the property owner calling, so we recommend removing the assessment.

Faffler: this is a student rental and they told me they wouldn't be there for the summer, so I called and was told it would be suspended. I didn't know about the form at this point, I do now.

Moermond: and they're saying you didn't call at all.

Faffler: I got the bill and I thought it was unfair to be charged for something they didn't pick up because the kids weren't there. That's why I'm appealing.

Moermond: I'm less sympathetic about this one. The wheels in motion in the previous case with the family members is a much grayer situation than here. This is a straight up property management issue. That is a different flavor from my perspective. If I'm thinking about this as you are, you'd like it reduced by one-third, basically prorating the \$107.

Faffler: that's correct.

Moermond: Mr. Swanson, can you talk about how property owners are informed of vacancy holds?

Supervisor Chris Swanson: there are multiple ways we set up education. We have a lot of information on the website, we send out an annual mailer with the process for temporary service holds and Unoccupied Registration Dwelling forms. When you call to the hauler they now tell the caller they must fill out one of those 2 forms to get a hold. I can tell you that all the haulers follow that process, because we get the calls from residents about the frustration with that. That is how you get a hold with any of the haulers.

Moermond: in this case I am going to recommend assessment. This is a property that is an investment property, a rental. It isn't in transition and there are two flaws with your situation. One is lacking the vacancy form and the lack of the hauler having the same understanding of what happened. Their records show no communication. You did get a reduction on the larger of the 2 assessments, but I'm recommending approving this in whole.

Faffler: I accept this one. You've been very fair.

Referred to the City Council due back on 3/17/2021

- 3 RLH TA 21-47** Ratifying the Appealed Special Tax Assessment for property at 1430 AVON STREET NORTH. (File No. CG2004A3, Assessment No. 200165)

Sponsors: Brendmoen

Approve the assessment.

Julie Kallmes appeared via phone

Kallmes: I did get a call about it already, I didn't realize with the new system and how it worked. I'm not contesting.

Moermond: Great! I think we're done then. I will recommend approval.

Referred to the City Council due back on 3/3/2021

4 [RLH TA 21-18](#)

Ratifying the Appealed Special Tax Assessment for property at 2245 CARVER AVENUE. (File No. CG2004A3, Assessment No. 200165)

Sponsors: Prince

Layover to LH January 21, 2021 at 9 am. Current recommendation is to reduce assessment from \$114.34 to \$99.43. Staff to inquire as to whether further reduction is needed for late fees from previous quarters.

No one appeared

Staff report by Clare Pillsbury: this is for \$114.34 for quarter 3, 2020. Hauler is Waste management. The property owner states they have been making quarterly payments through bill pay since the start of the program in 2018. The property owner also states he has been receiving assessments from the City for service and believes his payments are being applied to the account he had prior to the collection. Staff confirmed the payments had been going to their old account. They currently have a \$503.88 on that old account, which includes payment made on September 14, 2020 for quarter 3 2020. Therefore staff is recommending that only the late fees be removed from the quarter 3 assessment, down to \$99.43.

Moermond: this begs the question of whether previous bills were sent to assessment?

Swanson: quarter 3 and 4 2019, and quarter 1 and 2, 2020 have been sent to the City and put on taxes.

Moermond: the money they paid to Waste Management they will be transferring to the current account. The credit will migrate, but it seems to me that there would be four additional late fees we'd want to reduce for them since they paid their account in a timely fashion. We should double check what is going on with that to keep good faith with them. I'll lay this over to next week and you can let me know how much we'd decrease this further to take from this amount. We have \$99.43 so far, but there is likely more.

Pillsbury: do you want us to look all the way back to the beginning of the program?

Moermond: if there are more than the four, we should talk about that. I'll leave that up to you.

Laid Over to the Legislative Hearings due back on 1/21/2021

5 [RLH TA 21-41](#)

Ratifying the Appealed Special Tax Assessment for property at 1159 GALTIER STREET. (File No. CG2004A3, Assessment No. 200165)

Sponsors: Brendmoen

Delete the assessment.

No one appeared

Staff report by Clare Pillsbury: this is a pending assessment of \$3.36 for quarter 3, 2020. The property owner states their account was on auto pay until mid-September and Advanced Disposal kept messing up their payments so they would remit the \$67.28 on their bank account every month instead of every quarter. They said they would refund but there was a complication with billing. They kept calling and customer service told them to disregard it. They said they are responsible and they didn't skip the payment, it was on auto pay until mid-September 2020. Hauler records show that the property owner did receive incorrect charges twice, May 8, 2020 and May 15, 2020. Both charges were refunded in full to the account. After reviewing the account information the resident showed me of her online account, there was a payment July 1 listed as aborted. We're not sure why. The bill hadn't been generated yet. Because of all the confusion we are recommending removing the assessment as a courtesy. We have spoken with Advanced, and it appears any auto pay issues have been rectified.

Moermond: perfect I think that's right. Delete the assessment.

Referred to the City Council due back on 3/3/2021

- 6 RLH TA 21-7** Ratifying the Appealed Special Tax Assessment for property at 1516 HOLTON STREET. (File No. CG2004A3, Assessment No. 200165)

Sponsors: Jalali

Reduce assessment from \$77.36 to \$67.28.

No one appeared

Staff report by Clare Pillsbury: this is a pending assessment for \$77.36 for quarter 3, 2020. The property owner purchased this property on June 7, 2018 and was assigned Pete's rubbish at the start of the program. After Pete's was sold to Waste Management the only invoice she received was the invoice and final notices from the City. She did not understand the invoices were not the original invoice and continued to pay the City. When they called City staff on November 24, 2020 to pay her invoice and final notice she found out she should be receiving an invoice from Waste Management. She then called Waste Management and spoke to a customer service rep who told her they had been sending the invoices to the previous property owner at an address in Denver, Colorado. The property owner would like the late fees removed from their assessment as they never received a copy of their original invoice.

Moermond: so the City is going to reduce the quarter 3 assessment, and in addition the hauler will credit the account from the late fees, so they're walking away \$10 ahead.

Pillsbury: just up until quarter 3, 2020. So for quarter 3, 2019 to quarter 2, 2020. We're reducing the late fees just for quarter 3, 2020.

Moermond: understood, so recommended.

Referred to the City Council due back on 3/10/2021

- 7 RLH TA 21-42** Ratifying the Appealed Special Tax Assessment for property at 1577 MARION STREET. (File No. CG2004A3, Assessment No. 200165)

Sponsors: Brendmoen

Reduce assessment from \$114.34 to \$99.43.

No one appeared

Staff report by Clare Pillsbury: this is a tax assessment for \$114.34 for quarter 3 2020 for a large cart with late fees. Property owner states that they purchased the home in 2019. Waste Management never sent a bill to them; they continue to send it to the previous property owner despite having called many times to change the billing address. The hauler confirmed the initial invoices were sent to the previous property owner in Edina. Therefore as a courtesy we recommend removing the late fees and reducing to \$99.43.

Moermond: so recommend the reduction to \$99.43.

Referred to the City Council due back on 3/10/2021

- 8 [RLH TA 21-46](#) Ratifying the Appealed Special Tax Assessment for property at 1379 MCAFEE STREET. (File No. CG2004A3, Assessment No. 200165)

Sponsors: Yang

Layover to LH January 21, 2021 (property owner was unable to be reached).

Voicemail left January 14, 2021 at 9:35 am: we will try back in 15 to 30 minutes.

Voicemail left January 14, 2021 at 9:51 am: we will try calling again next Thursday between 9 and 10 am

Laid Over to the Legislative Hearings due back on 1/21/2021

- 9 [RLH TA 21-50](#) Ratifying the Appealed Special Tax Assessment for property at 1110 WOODBRIDGE STREET. (File No. CG2004A3, Assessment No. 200165)

Sponsors: Brendmoen

Approve the assessment.

No one appeared

Staff report by Clare Pillsbury. This is an assessment for \$113.68 for quarter 3, 2020. The property owner stated they didn't have an unpaid bill for quarter 3 and believes they paid online. Hauler records show there were no payments made quarter 3 of 2020. I did speak with the property owner and they said they would be paying the assessment and not contesting. They have no documentation of payment during quarter 3.

Moermond: approve the assessment.

Referred to the City Council due back on 3/10/2021

10:00 a.m. Hearings

Special Tax Assessments

- 10 RLH TA 21-43 Ratifying the Appealed Special Tax Assessment for property at 1042 CHURCHILL STREET. (File No. CG2004A4, Assessment No. 200166)

Sponsors: Brendmoen

Reduce assessment from \$77.36 to \$47.12.

No one appeared

Staff report by Clare Pillsbury: this is an assessment for \$77.36 for quarter 3, 2020 for a small weekly cart with late fees. The property owner stated they closed on the property in September of 2019 and despite this bills are still being sent to the previous owner. Staff confirmed with the hauler that the quarter 3 invoice as sent to the previous owner. In addition, a copy of the November 22, 2019 hauler update list has the current property owner listed. However, the hauler did not put in a work order for this change. Therefore, staff recommends removing the late fees of \$10.08, as well as an additional \$20.16 for the fees accrued in quarter 1 and 2 of 2020. Basically, adding those late fees to this quarter as a reduction.

Moermond: so recommended.

Referred to the City Council due back on 3/10/2021

- 11 RLH TA 21-49 Ratifying the Appealed Special Tax Assessment for property at 1183 ENGLEWOOD AVENUE. (File No. CG2004A4, Assessment No. 200166)

Sponsors: Jalali

Approve the assessment.

Shaun McClary, owner, appeared via phone

Staff report by Clare Pillsbury: this is for a special assessment of \$9.30 for quarter 3, 2020. The hauler is Aspen. The property owner is appealing because they state there was improper billing notice, this is a ridiculous process and they haven't been receiving consistent invoices for garbage from the hauler. Staff confirmed with the hauler that the quarter 3 invoices and notices of nonpayment were sent to the correct property owner and mailing address. The payment for quarter 3 invoice was not made until September 4, 2020. Therefore, the hauler was justified in adding the two late fees of \$4.56 for a total of \$9.30. Staff recommends approving the assessment.

Moermond: Mr. McClary, why are you appealing?

McClary: my number one goal here is to share that I don't believe this a good process for the City. I'm not anti-organized hauling. I think it has been a good change with the decrease in traffic. There is no incentive here for haulers to communicate with the residents to make sure folks are getting their bills. We haven't received regular billing. Prior to this happening we'd miss statements here and there. We didn't get the statement, or the first or second notice but did get the third notice of the assessment. That wouldn't have happened prior, with the hauler putting it on the City to do the assessment. We have lived here 19 years. I'm happy paying the late fee, but I want to make it clear this process isn't working well. Especially with the economic situation, it is significant staff time I'm guessing. Since receiving this third notice I asked Aspen to

do electronic payment, and we were supposed to be receiving bills. We didn't get the first one, and then after that we got two paper bills and two emailed bills. I don't know if that had something to do with me contacting Clare, but it is good. We won't miss it. Clare was able to share the letters they show they have sent. I don't really see that as verification that they were sent when they're generated by a system. We obviously have questions with what was going on with the post office this summer. I find it hard to believe three notices were missed by the same hauler. Those are my concerns.

Moermond: in terms of your policy comments about the billing system and incentives, this is something the City is working through right now. This was the first contract for organized hauling and there are a few points where we'd like to change things after learned lessons. There is a different incentive program, they will get paid regardless of whether the homeowner pays them directly, that is part of the universal service provision. That would be true whether we are handling the billing or the hauler is. Comments like yours help to augment the argument to have that looked at. Your property assessment roll on which your property appears there were 673 other parcels who had unpaid bills. A lot of people are choosing to pay their bills through the assessment process. I'm not sure why. You do have a late fee. And that's just today's 10 am session. We would like to have it cleaned up because you are right about incentives and simplicity. Your comments will be on the record, and this helps give information to the City for the negotiation process.

McClary: thank you and thanks to Clare for helping me understand the process.

Referred to the City Council due back on 3/10/2021

Special Tax Assessments-ROLLS

- 12 RLH AR 21-12** Ratifying the assessment for the City's cost of providing Collection of Delinquent Garbage Bills for services during July to September 2020. (File No. CG2004A3, Assessment No. 200165)
Sponsors: Brendmoen
Referred to the City Council due back on 3/10/2021
- 13 RLH AR 21-9** Ratifying the assessment for the City's cost of providing Collection of Delinquent Garbage Bills for services during July to September 2020. (File No. CG2004A4, Assessment No. 200166)
Sponsors: Brendmoen
Referred to the City Council due back on 3/10/2021