



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final

Legislative Hearings

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Thursday, April 18, 2019

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings (CG1901B1)

- 1 [RLH TA 19-287](#) Ratifying the Appealed Special Tax Assessment for property at 1362 BERKELEY AVENUE. (File No. CG1901B1, Assessment No. 190052)
Sponsors: Tolbert
Approve; no show
Referred to the City Council due back on 5/22/2019

- 2 [RLH TA 19-296](#) Ratifying the Appealed Special Tax Assessment for property at 243 ERIE STREET. (File No. CG1901B1, Assessment No. 190052)
Sponsors: Noecker
Reduce from \$72.84 to \$63.33. Update: Service charge of \$2.50 cannot be assessed. New amount is to reduce from \$63.33 to \$60.83.

Ericka Golden appeared.

Chris Swanson, Staff:
The resident is here to appeal the special tax assessment for the property at 243 Erie St. The cost for service at that property is \$70.34 for Quarter 4 2018 for trash service. This was a small garbage cart. The service charge is \$2.50 for a total assessment of \$72.84. The appellant stated she has never had trash, never used trash at the property so she doesn't believe she should pay for trash. The City believes that this charge should stay. Under City-wide garbage service, all residential properties are required to have trash through the City-wide program. We have various levels and sizes of carts, but people are required to have the trash service. I see that she has a small cart; she could look into a small cart every other week, if she wanted to reduce the amount.

Moermond:
Ms. Golden, you said you have relatives who own a trash company and they've helped you in the past. Tell me a little more about your situation and why you are appealing.

Ericka Golden:
My history is, yes, I have family members who have always owned their own trash business and so, back in 1993, 1994, I was going through a divorce and had three

small children, and was building my house. And my great-uncle, at the time, said I could just bring my trash, which is probably equivalent to one bag a week, to my parent's house and I wouldn't have to pay for trash or anything. That's what I have been doing since I built my house in 1994. That worked out. That was fine with my parents. With me. So, I've never had the cost. I can't afford that because I don't have regular income. After all these years, I've never once had to pay for trash.

Now I'm put into a situation, my situation was always fixed. It was never broken. Now, I'm being thrown into this situation where it's going to cost me money, the money that I could be using towards my other bills. I have never had to pay for trash removal. I did what I was supposed to do in the beginning, I signed up for the smallest size trash container, because I didn't want somebody else making that decision for me. And I did it every other week, just because I didn't want somebody else making that decision for me. I did that part. After all these decades, I never once had to pay for trash. I just don't have that money to go towards that. [inaudible] other than pay for some trash. I just don't understand how this whole situation could have come to light with this new system. I didn't talk to my relatives, but I think because of this whole new system with the City, they got rid of the trash part, but they still have the roll-offs, whatever else they do. But it's caused them issues.

Moermond:

The system was built to help small haulers stay in business; that was the goal that was articulated publicly. I don't know the impact on your family's business. What I do know is that it is not within my authority to say that you can be waived out of the program because you have other arrangements. The way it is set up is it's every household that is of your size is automatically in the program. No exceptions.

Golden:

I understand. With this hearing, I didn't know what to expect. I just wanted to be heard so that...

Moermond:

This is the way to put that on the record. It will go in front of Council with the concerns you have raised. I can tell you another thing, also. In the late 1990s, there was an ordinance adopted by the City that required you to have garbage service at your own property. That would have been for all single family homes, duplexes and other homes, too. At that point, it would have been private hauler providing service. Nobody complained about you, but it's been in place that you had to have service for some 20 years. Now you need to have it as a part of this program.

Golden:

Back then, if that was the case, then I would have had them pick up my trash and I still wouldn't have paid for it. So...they would have set up the trash cans and I would have used them. But they wouldn't have charged me.

Moermond:

I can't get you out of the program. That sounds like what you would really like to see.

Golden:

I'm hoping everybody can go back. I'm hoping the system will change. I was hoping with the petition that I signed and everything, I was hoping for a total change, that this wouldn't come to be.

Moermond:

Right now I have before me a fourth quarter bill for garbage services for your property. I'm happy to hear your concerns about the program but I have only purview over the bill. One question is, did they send a truck out every week to collect the garbage. I'm not hearing you say that there wasn't a truck coming around, I'm hearing you say I didn't need this, I don't want it, I don't think the City should have it. Is that fair?

Golden:

You are probably going to tell me that there's no way to get out of that \$70 bill.

Moermond:

I don't have a way to get you out of that \$70 bill.

Golden:

So, I need to pay it and then...

Moermond:

If something happens in the future, then something happens in the future. But right now, I am looking at the bill. What will happen is the Council will have a public hearing on this May 22. If they ratify the assessment, you will get a letter in the mail in a week or two and it will be for that amount of money. If you pay that invoice, that's that. If you don't pay that invoice, it will become a part of your 2020 tax bill.

Golden:

So right now, do I pay the hauler directly then? That bill?

Moermond:

No. The bill we are talking about today is the fourth quarter, October through December. The hauler turned the unpaid bill over to the City. The City is responsible for this bill now.

Golden:

So it's on my property taxes?

Moermond:

Not yet. The hauler has washed their hands of fourth quarter. If you pay them, they are not going to apply it to this old one; they would apply it to your current one. You already have your first quarter bill, and probably your second quarter one as well. If the City ratifies your fourth quarter bill on May 22, you will get an invoice and you can pay it then, then it won't show up on your 2020 taxes.

Golden:

What do I do to pay it right now? Like this week.

Moermond:

Go up to the Real Estate office, the office of Financial Services, it's on the 7th floor. Just tell them you would like to pay that.

Golden:

Can I pay it on line?

Chao:

Yes. The website is stpaul.gov/assessments

Golden:

But it's on that letter...

Swanson:

You can pay by electronic check or by credit card. There's a processing fee to pay by credit card.

Chao:

You have the small weekly cart with a cost of \$70.34. You could contact your hauler and switch that to small every other week. That's \$60.83.

Golden:

That's what I signed up for, every other week. So I have to go back to them? Waste Management is my hauler.

Moermond:

Contact them and say you have weekly service of a small can and you want every other week service of a small can. They will change out your can. You will get a smaller bill. The small cans with the black lids they collect every week. The small cans with the purple lids, they collect every other week. Have you paid your first quarter bill for this year?

Golden:

Yes.

Moermond:

I will decrease this amount, but I won't do it moving forward. We will decrease the assessment to \$63.33 for fourth quarter 2018.

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

- 3** [RLH TA 19-275](#) Ratifying the Appealed Special Tax Assessment for property at 1316 HARTFORD AVENUE. (File No. CG1901B1, Assessment No. 190052)

Sponsors: Tolbert

Approve; no show.

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

- 4** [RLH TA 19-298](#) Ratifying the Appealed Special Tax Assessment for property at 1294 JEFFERSON AVENUE. (File No. CG1901B1, Assessment No. 190052)

Sponsors: Tolbert

Approve the assessment. Update: \$2.50 charge cannot be assessed.

Patricia Hartman, property owner, appeared.

Diana Chao, Staff:

This pending assessment is for \$63.33 which is the cost of the small every other week \$60.83 as well as the service charge of \$2.50. Ms. Hartman indicated in her appeal that she has not set out her garbage can and Waste Management has not collected garbage from her property so she believes she is not responsible for this bill. The City believes Ms. Hartman is responsible. Under City-wide garbage service, all residential

properties with up to four units are required to have a garbage cart and receive garbage service. There isn't an option to opt out of the City-wide garbage service. The City is operating under a signed contract under state statute. The property owner is responsible for paying the outstanding charge, as garbage service was provided from October through December 2018.

Moermond:
Ms. Hartman.

Patricia Hartman:
Having listened to this, I think we have a very different view of this matter. When you look at the City code that controls all of this, the City has to provide a service in order to impose these kinds of fees and there's been no benefit to my property whatsoever, because I haven't used any of these City services. I haven't created a public nuisance. There's been no garbage piling up. No one from the City had to come out and clean it up. There really isn't any reason for the City to get involved with this and claim that I owe them money for anything. No service whatsoever, by way of trash pick-up, has occurred on my property. I haven't used the service; I haven't needed the service. The existing Codes do not allow the City to place these charges on my property. So, I know you are going to say...

Moermond:
That isn't within my purview to deal with. I respect your opinion. I have no authority to grab onto that argument. I can only look at the bill itself. Right now, you can't opt out of the program. The volume of garbage is part of the deal but making a trip to your property is another. Not unlike a utility bill, where part of it is simply connecting you to the electrical grid and the other part is for electric provided.

Hartman:
This does not resemble a public utility. There is not a utility being provided by the City. All of this talk is a bunch of misplaced concepts designed to generate money for the haulers and the City. The new trash plan, as she said, she signed a petition, we had enough signatures, we are entitled to have a vote this fall on the ballot. The City should have suspended this ordinance. It has no current authority. It is acting in an illegal manner by even continuing to engage in this farce. Really? And intimidate people and make them think they owe this money. I just had to come here and have my say and tell you that it's not a question of did you add the numbers wrong. No. We never requested service. We have no contractual relationship with Waste Management. The City is not really providing the service. There's no public nuisance. None of the existing City code actually authorizes them to impose these charges and for them to try to mislead our residents into thinking they owe this money is really abominable.

Moermond:
Thank you for coming down

Hartman:
I just want to let everyone know here: stpaultrash.com is our website. You can buy these trash T-shirts, you can sign the petition that will serve to further limit the penalty powers that the City Council is trying to impose on all of our fine citizens. And we see an example of how they handled this one and so we are very cautious about giving them more power. [inaudible] sign the petition here to limit more legislation underway. Thank you.

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

- 5 [RLH TA 19-289](#) Ratifying the Appealed Special Tax Assessment for property at 559 LEXINGTON PARKWAY SOUTH. (File No. CG1901B1, Assessment No. 190052)
- Sponsors:** Tolbert
- Approve; no show.*
- FOLLOW-UP: Based on a review of the written materials associated with the appeal, it appears that a reasonable effort was made to work with Waste Management. Therefore, I recommend deleting the late fees. -Marcia Moermond*
- Referred to the City Council due back on 5/22/2019**
- 6 [RLH TA 19-290](#) Ratifying the Appealed Special Tax Assessment for property at 559 MCKNIGHT ROAD SOUTH. (File No. CG1901B1, Assessment No. 190052) (To be referred back to Legislative Hearing on May 30)
- Sponsors:** Prince
- To refer back to Legislative Hearing on May 30, 2019 at 9:00 a.m.*
- Referred to the City Council due back on 5/22/2019**
- 7 [RLH TA 19-278](#) Ratifying the Appealed Special Tax Assessment for property at 689 TUSCARORA AVENUE. (File No. CG1901B1, Assessment No. 190052)
- Sponsors:** Noecker
- Approve the assessment. 5/15/19 Update: \$2.50 service charge cannot be assessed.*
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- Gene Szondy, property owner, appeared.*
- Chris Swanson, Staff:*
The resident is here to appear the special tax assessment for the property at 689 Tuscarora Ave. The tax assessment is for outstanding trash service for Quarter 4 2018. The total assessed amount is \$72.45. That is the base cost of \$69.95 for a small cart every other week, late fees, and a \$2.50 service charge. The resident states that they have never needed the garbage service, never had any trouble with trash collected from the property. The City believes this charge is right. All residents are required to have the City provided trash service. If you had set out trash cans, the trash would have been picked up. Trucks are going down that alley, collecting trash in the neighborhood.
- Moermond:*
Mr. Szondy.
- Gene Szondy:*
There's never been any trash picked up at my property. I don't generate any trash.
- Moermond:*
Do you live there?

Szondy:

Yes. It's my official residence.

Moermond:

I understand. Sometime when people aren't generating trash, it's because they are not living there.

Szondy:

I travel a lot. I work for a labor union. I'm out of town. For my employment, I travel to many different states. I don't generate any trash, period. I have had some things that I have had to dispose of, but, trash collectors don't collect that kind of stuff. I will mirror the previous argument. I think this is a violation of the constitution, the United States Constitution. This is a forced association with a business that I don't want to do business with. I'm sure you can't address that [inaudible] you want to look at the bill. It is an unlawful seizure of property, my money, and our trash, if I were to have some. I also think it is an unlawful use of the City taxing authority to be a bill collector for a private party. My goal here is, I shouldn't have to pay anything. It's not that I can't afford it. I think this is a very wrong application of the powers of the City government to assess property for private business.

Moermond:

I will say that they are operating under a contract with the City. It is not exactly the same thing. Staff, for someone in his circumstance, where he is not at the home very frequently, would it be possible to talk to the hauler and get service suspended? Is there a process for that?

Chris Swanson, Staff:

There is a process for residents to get temporary stops in service at their property, for residents who are gone over four weeks. You need to contact the hauler directly, fill out a form, and provide it two weeks in advance.

Moermond:

I mention this because, whether you win or lose your argument, it is something you can do to decrease the impact if you lose your argument.

Szondy:

I would like to raise a question. The requirement to do two weeks prior, in my situation, that is not always available. The other thing I will raise is the security of my home. If I notify the carrier, how do I know that information is not going to be hacked or fall into the hands of people that then break into my home. One of the things everybody tells you is do not publicize when you are gone. I know of cases in the past, where St Paul paper carriers were feeding information to gangs that were breaking into houses. That has happened. My concern is if I tell someone I am going to be out of town, for 30 days, am I just telling somebody break into this house, he's gone? That's a legitimate concern. I want to know what security is provided by this City if I tell people I'm going to be out of town.

I work for a labor union; I spent all of January out of town. I could not tell anybody. I spent half in southern Minnesota and the other half in Bismarck ND, negotiating labor contracts. I spend half of February. I spent 12 days in March out of town. I don't produce any trash. I live in hotels. I got over 3000 nights in Holiday Inns alone. Your ordinance does not fit my situation. It wasn't taken into consideration what people work. How about pilots? They travel. I know, you can only rule on the bill. I want to

get my case out so people understand what is going on out there.

I'm 71 years old. I've lived in the west end neighborhood all my life. I've known some stuff that's gone on. When I talked about the newspaper delivery people, it was a long time ago, but they were directly feeding thieves who were gone when they stopped delivery of the newspaper. Their houses were getting broken into. I've had situation where I couldn't go to Best Buy out here to get a radio put in my car. I've lost two, because people who were putting them in, were stealing them. They were taking my address. When I went to get a third radio, I had to take my license plates off to get a radio. And not give them my name. Pay cash. The City Council did not take that into consideration. It's a rough world out there.

Moermond:

I'm going to have to recommend approval. But you knew that, I think.

Szondy:

I know. At least I got heard. By the way, I drove from Duluth this morning. I left at 5AM to get here.

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

10:30 a.m. Hearings (CG1901B2)

- 8 [RLH TA 19-276](#) Deleting the Appealed Special Tax Assessment for property at 1242 EDGERTON STREET. (File No. CG1901B2, Assessment No. 190058)

Sponsors: Busuri

Delete the assessment.

Frank Niswander, property owner, appeared.

Chris Swanson, Staff:

The resident is here to appeal the special tax assessment for the property at 1242 Edgerton St. The cost for service at that property is \$115.36 for Quarter 4 2018 for trash service. There was an additional service charge is \$2.50, for a total assessment pending of \$117.86 (staff referenced the service charge, but that it wouldn't be charged unless the assessment was certified to the taxes). The resident owns a duplex and was delivered a 35 gallon every other week and a 64 gallon every week at the start of the program. I assume the 64 gallon was delivered because he did not fill out a request for the second cart. All residential properties in the City of Saint Paul are required to have a garbage cart so that means the duplex should have two carts. We do not have any record of any smaller cart requested. Nor do we have any request from the resident saying that it was a vacant unit during that time. We have it set up as a vacant unit in Quarter 2 2019 going forward.

Moermond:

Which cart served the vacant unit?

Swanson:

The outstanding amount is for the 64 gallon cart.

Moermond:

In the first quarter, when was this determined to be a vacant unit, one of the two units in the duplex, was the unit determine to be vacant the one that had the larger, or the smaller container servicing it? While staff looks that up, I will turn it over to you, Mr. Niswander. You are appealing this assessment. Tell me about what you are looking for today.

Frank Niswander:

When this debacle first started, I ordered the small one...well, to start with, I purchased the property in 1989, not as a duplex, a single family home. My wife and I are the only two people who have lived in that home since then. She passed away in January, 2018, so I'm there myself. When the slips come out to order what you wanted, I ordered exactly what I had before, a small tub. When the City come by, I got two slips in the mail, for second floor and first floor. I ended up with a small tub and a big tub. I started calling the City. I must have made 15 different phone calls. They transferred me to Public Works. All they said was it's a duplex. I said it's not a duplex, it's a single family home.

This went on and on and on. Finally, I called Waste Management. They picked up the big tub and the little one and left a little one with a purple top. So I ended up with one tub. About two weeks later, Waste Management called and said, you live in a duplex so you gotta have another tub there. I said no, I don't. The first bill I got from Waste Management, it had the small tub, the large tub, the tax, the environmental, the whole works. I sent the whole bill back to Waste Management. I wrote on the insert in there I ordered a small tub, that's all I'm paying for. They accepted the \$51.09 or whatever it was for a small tub and I started getting the mail that I owed, I think it was \$115 and some change at that time. This goes back from October through December, 2018. Eventually, I got so frustrated, there was a thing about a vacant unit, so I signed up for that. I got a bill from Waste Management two days ago that says I'm billed for one tub. Only. A small tub, every other week pick-up. Like I originally wanted to start with.

What I would like to know is, they've already, for some reason, put \$20 on my 2018 taxes for solid waste. I have no idea what that's for. And then from January through March, according to this lady I called Waste Management and asked them about this bill. What is this for? Who changed this? They said somebody in the City garbage changed this. I don't know if I heard him say something about a vacant unit. The unit has been vacant since December, 1989, when I purchased the property. I had no idea this house was ever classified as a duplex. There's not two entrances to get into the home. I talked to somebody at the City Council or City garbage disposal and they said would you take a three question test with us about your property and I said sure. So, they said do you have two separate entrances for this property? I said no. One front door, one back door. And they said do you have a solid wall that separates your unit from the next unit? I said no, you walk right through our hallway and go upstairs. The third question was, do you have a kitchen up there? I said, yah, there is a kitchen up there. You got a duplex. That was that. That's the only satisfaction I've gotten.

I would like to know like to know if anything's going to happen with the assessment from 2018, October through December, or January through March. The way it states now with this bill from Waste Management, I only owe for a small tub every other week. That lady said it would be the same until I moved or something else happened to the property.

Moermond:

You said you paid them \$51.09?

Niswander:
\$51.06, I believe.

Moermond:
Last October?

Niswander:
Yes. As soon as I got the bill. I highlighted, it's itemized on the bill. I highlighted that and wrote on that little insert there. You are supposed to detach the bottom and send it in with your payment. And I wrote on there I'm paying for a small tub. I did that twice. The first time I got it and sometime in January, I did that again.

Moermond:
I have two questions for staff. Explain the solid waste charge that shows up on the 2018 tax statement. What does that cover?

Swanson:
That \$24.60 covers the cost of the administration of the program, the cost of the purchase of equipment, specifically the carts for the program. The City had to purchase carts for this rollout. Also covers the cost of the debt incurred that the City takes when the hauler turns over. Ultimately, that will be covered by assessments but it covers while we hold onto that.

Moermond:
The second question is what is the \$117 made up of?

Swanson:
The original bill was for \$166.42. That is including a \$70.42 charge for the [inaudible] state and local taxes on solid waste process and collection. It looks like the resident paid \$51.06, which is the base collection fee shown on the invoice for the small every week cart.

Niswander:
I do have a small every other week cart.

Diana Chao:
Now, but not for the fourth quarter. You had the weekly cart.

Niswander:
I changed. They picked up the one. I have the purple top.

Moermond:
When was it determined this was a vacant unit?

Swanson:
The end of quarter 1 2019.

Chao:
It was put in place for April 1.

Swanson:
Which is why the resident had the revised bill.

Moermond:

Mr. Niswander, you are describing to me a good faith effort to clarify your situation as having a vacant unit in what is described as a duplex. I haven't got the specs on the property to determine if the building code would determine it is a duplex, but it has been classified that way. I think you were making a good faith effort to explain it isn't being used in that fashion and when it became clear to you how to designate it that way, things got clarified. For that reason, I'm going to recommend the Council deletes this \$117 proposed assessment.

Niswander:

Now is that October through December?

Moermond:

This is your fourth quarter bill from last year. I can't look at your first quarter bill yet.

Niswander:

The tax I pay in May, is that 2018 or 2019? My property taxes.

Moermond:

Your property tax for 2019 would be payable in May and October.

Niswander:

And you don't know what that \$40 charge is for?

Moermond:

\$24 and he just explained that was administrative costs.

Swanson:

That is charging for two units because it is still registered as a duplex. Tomorrow if you sold your house, you would sell it as a duplex. If you want to reduce that fee, you would have to contact Ramsey County, get this reclassified as a single family house, not a duplex. By doing that, you can reduce that fee.

Niswander:

At the start of this, a realtor told me don't change it, because you'll get more money for a duplex. The way St Paul is going, I'm ready to leave.

Moermond:

Today, I'm recommending your tax assessment goes away.

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

9 [RLH TA 19-297](#)

Ratifying the Appealed Special Tax Assessment for property at 651 HAWTHORNE AVENUE EAST. (File No. CG1901B2, Assessment No. 190058)

Sponsors: Busuri

Reduce from \$194.66 to \$97.33. Update: \$2.50 service charge cannot be assessed. New charge is to reduce from \$97.33 to \$94.83.

Daniel Otto, property owner, appeared.

Diana Chao, Staff:

The assessment for 651 Hawthorne Ave E is for \$194.66. This includes \$192.16 which is garbage service for two medium carts for the fourth quarter of 2018, and a service charge of \$2.50. In Mr. Otto's appeal, he stated he had only wanted one small cart. Because he owned a duplex, he was delivered two medium carts which he says he never used. He contacted his hauler, Waste Management and it sounds like they removed those two medium carts and delivered him a small cart, but this was after the fourth quarter of 2018. This property is registered as a two family dwelling according to Ramsey County property tax records. The City did not receive a cart size selection from the property owner so each unit was assigned a 64-gallon medium cart. The City did provide clear instruction to property owners that every residential unit needed to have its own cart. It was an error on Waste Management's part to remove the second cart from the property since all residential properties with one through four units are required to have a garbage cart for each dwelling unit. The City can provide an unoccupied dwelling registration form for Mr. Otto to fill out that he can place that second unit on a vacancy hold moving forward. The City doesn't have any notice of a vacancy hold prior to this or any communication requesting a vacancy hold. We believe this assessment should stand since he received service for the two medium carts from October through December.

Moermond:

Breaking down the proposed charge of \$194.66, what is inside of that charge?

Chao:

There's the \$2.50 service charge and then there's \$192.16 which is the cost for the two medium carts and the late fees.

Moermond:

Mr. Otto, you are appealing this. Can you tell me why and what you are looking for today?

Daniel Otto:

I lived in St Paul 32 years and figured out how to hire my own garbage service. I've always had a small. I live alone, just like my neighbor Frank. It might be considered a duplex, but when I got the card, it didn't say anything about duplexes needed two carts. This is the first time I heard about having a vacant, so. I filled it out for the same small cart that I had. They brought me two medium carts. I made many phone calls down to the City, got nowhere, nobody ever told me you could fill out some kind of vacancy for the one unit of the duplex. I live alone and produce one small little amount of garbage every couple weeks. I never used your garbage service. Finally in January, I called Waste Management again and they said we can bring you out the small cart that you wanted. I said why did you take three months. In a few days, they brought me the small cart and picked up the two medium carts. Since January, I've used it twice.

Moermond:

[to Staff] Would you provide the form for the vacancy to Mr. Otto.

Otto:

I find it very curious that I called the City three or four times, called Waste Management three or four times, in August or September when they delivered the two carts to my house. Nobody said anything about...they just kept saying you live in a duplex, you need two carts. I said I filled out your card, I ordered one small cart. How come my neighbor next to me, who has a little rambler, which is considered a single family and there's like 12 people living there, why can they pick one small cart, but I

can't?

Moermond:

Your case isn't quite the same as your neighbor's case. I need to sort through some of the details. Your neighbor did pay for the small cart service up front and disputed the second cart. Your neighbor also has completed the paperwork for a designated vacant unit.

Otto:

I didn't know anything about that.

Moermond:

I wasn't hearing from staff that you had communicated to the City and you have a phone record of every call, is my understanding.

[To staff] You did not report you had calls for this property. Is that correct?

Swanson:

When I looked through the [inaudible], I didn't see any calls for this account.

Moermond:

I am hearing you also called Waste Management. Nobody was getting their carts changed in the fourth quarter. What got delivered was what was going to be for the fourth quarter. What I will recommend to the City Council is they delete one of the carts from your bill [inaudible] the other cart. I would be happy to look at the first quarter of 2019 when that comes up, for a similar reduction. You are responsible for paying for one cart. So I will divide the bill by two.

Otto:

I wanted the small cart. This is the first time I knew about it.

Moermond:

I am not hearing that was communicated clearly and ordering a small cart and getting through all of this did not happen. I am willing to get you down to one medium cart and that will be my recommendation. The cost difference between medium and small every other week is \$25.74. My recommendation is \$25.74 more than you want to get. You are welcome to go to City Council and ask for a further reduction.

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

10 [RLH TA 19-272](#)

Ratifying the Appealed Special Tax Assessment for property at 47 ORANGE AVENUE WEST. (File No. CG1901B2, Assessment No. 190058)

Sponsors: Brendmoen

Approve the assessment.

Chris Swanson, Staff:

The resident is here to appeal the special tax assessment for the property at 47 Orange Avenue West. That's for garbage service for Quarter 4 of 2018. The cost for that service was \$60.83. There's a \$2.50 service charge put on that, for a total assessment of \$63.33 (staff referenced the service charge, but that it wouldn't be charged unless the assessment was certified to the taxes). The service provided was

a small cart, October through December. The appellant states he does not generate any trash and does not need a trash service. Under the citywide garbage service, all residential properties are required to have trash service through the program. There are a number of other sizes for residents who don't generate that much trash. Based on that fact and including that all residents need to have trash, we believe this assessment should stand.

Moermond:

Mr. Costello, you are appealing this. Can you tell me why and what you are looking for?

Mr. James Costello:

I haven't had a trash hauler in over 25 years. The reason is simple. Why should I put an empty trash can out and pay \$240 a year for having that done. The trash cart's been sitting in my driveway since they dropped it off, still taped up and everything. Would you pay \$240 a year to put nothing out there?

Moermond:

What do you do with your trash?

Costello:

Recycle just about everything. I live alone, little to no trash. Once, every six months, I get a half garbage bag full, I take it over here to Wabasha St, they charge me \$2.50.

Moermond:

I am afraid you are stuck with this bill. There is no ability to opt out of this system. Every property in this category is covered. You've got a small cart at your place. Does it have a black lid or a purple lid?

Costello:

I believe it's a purple lid.

Moermond:

That's the lowest price they can...

Costello:

It's empty is my point.

Moermond:

I know. The City contracted haulers are going out every week in spite of the fact you don't generate anything. All properties are required to have garbage service. Actually, City Code has required you to have garbage service for some 20 years. I understand where you are coming from, but I don't have any flexibility on this point. I am going to have to recommend approval of the assessment.

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

11 [RLH TA 19-281](#)

Ratifying the Appealed Special Tax Assessment for property at 1240 RICE STREET. (File No. CG1901B2, Assessment No. 190058)

Sponsors: Brendmoen

Approve; no show.

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

- 12 [RLH TA 19-294](#) Deleting the Appealed Special Tax Assessment for property at 1869 ROME AVENUE. (File No. CG1901B2, Assessment No. 190058)

Sponsors: Tolbert

Delete the assessment.

Diana Chao, Staff:

This assessment is for \$9.54. That includes a \$2.50 service charge and \$7.04 which is two late fees for the small cart 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. Ferron's stated reason for appeal is he never received the initial bill from his hauler so he believes these late fees should be waived. Gene's Disposal mailed out the invoice and three Notices of Non-Payment to the primary tax address listed in Ramsey County tax records which is 1869 Rome Ave. The City does believe the property owner was given adequate notice and should be responsible for this assessment.

Moermond:

I'm going to call this a growing pain and delete this assessment. You may talk, but keep it short. There are other people waiting.

Mr. Andrew Ferron:

I called Gene's Disposal when I got the first late notice and said there's some sort of error here. We never got the first bill and I'm sorry, I always pay on time. I always check my mail. It's an issue of their inflexibility to waive the charge when I called. That is why I am sitting here today. By doing this organized system, we have dis-incentivized them to provide a level of customer service that my previous trash hauler would have had to do when they competed against each other. \$7 of a late fee is an easy thing to pay but I am here to force them to do a little more of a service. Also to have parity across the City. Some of my co-workers can pay their bills on line, but I can't because I have Gene's Disposal. There's no incentive for them to resolve that. I am a captive customer and there's nothing I can do.

Moermond:

Staff, any comments on that?

Chris Swanson, Staff:

We do understand there is differences between how different haulers take payment. Did you get your most recent bill?

Ferron:

I have paid all of my bills on time. The reason why I got a second late notice is I was waiting for a callback from Public Works, to talk through my situation with them and see if they had any power to resolve it.

Swanson:

We will definitely ...I am going to give you my card so if you have any issues, you can directly contact me. I am program supervisor. We are working with the haulers to make sure we don't have these issues come up in the future. That first bill, there's some learning...

Ferron:

When I talked to Public Works, they said other haulers were waiving the late fee. That's why I elected not to pay it. I paid my original amount due and they passed it on for assessment.

Moermond:

I probably would have done exactly what you did.

Ferron:

I just needed to be here to get this into the public record.

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

13 [RLH TA 19-273](#)

Ratifying the Appealed Special Tax Assessment for property at 161 WHEELLOCK PARKWAY EAST. (File No. CG1901B2, Assessment No. 190058)

Sponsors: Brendmoen

Approve the assessment.

Chris Swanson, Staff:

The resident is here appealing the special tax assessment for 161 Wheelock Parkway East. The total cost is \$96.08 for garbage service provided for Quarter 4 2018. There is a service charge of \$2.50 for a total assessment of \$98.58 (staff referenced the service charge, but that it wouldn't be charged unless the assessment was certified to the taxes). The stated appeal is that the resident paid online dated 1/5/2019. He's got an invoice from Waste Management showing it was paid on that date. The challenge here is that payments taken after 1/4/2019 were not able to be applied to Quarter 4 2018 garbage service because the haulers had already turned over any outstanding amount. Any payment would have been applied to Quarter 1 2019, so there would not be additional late fees for that one, but Quarter 4 remains unpaid. The nice part about this situation is Waste Management has not applied any late fees on any of their turned-over assessment amounts, so what the resident had is exactly the same amount as if he had paid the bill in Quarter 4. The City would recommend that it stays.

Moermond:

To be clear, the payment he made was applied to his bill moving forward. And so, it is a valid payment. If he also paid the first quarter, then he is covered through mid-year, because he has two payments on the record. He is basically paying ahead.

Swanson:

That is the case.

Moermond:

Mr. Tine, you are here; what would you like to say for your appeal?

Mr. Raymond Z Tint:

I just paid online. The second payment I was late because I [inaudible]

Moermond:

They are saying you paid, but you missed the deadline. So, it's moving forward. This bill is still due, but you are covered for the next ones. I'm afraid it does make sense for me to recommend approval on this one. What you've already paid covers you for your next bill. I am sorry you made the trip down here. I hope there's a little more

clarity about what is going on?

Tint:

Yes.

Swanson:

Here is my card, in case you have more questions about what is going on.

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

- 14 [RLH TA 19-303](#) Deleting the Appealed Special Tax Assessment for property at 1400 PARK STREET. (File No. CG1901B2, Assessment No. 190058)

Sponsors: Jalali Nelson

Delete the assessment

Diana Chao, Staff:

This pending assessment for 1400 Park Street is for \$98.58. That includes a \$2.50 service charge as well as \$96.08 for a medium cart 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). That stated reason for appeal is that the property had a fire and so this property has been vacant since February of 2017. It's currently under construction and the contractor is using its own dumpsters. According to City records, we don't see that this property was either a registered vacant building nor was it on the City's vacancy list. The property owner didn't fill out an unoccupied property registration form. The City did not have knowledge that this property was vacant. As of right now, we believe the assessment should stand.

Moermond:

When was the fire?

Meng Xiong:

February 2017. I did receive a vacancy notice from the City of Saint Paul. They listed it as a vacancy building under construction.

Moermond:

I am going to recommend this gets deleted. As I look at the record, there are two files for 1400 Park Street. One indicates that it is a wrecked structure. And there's a new file for permits that were pulled in the course of 2018. It's clear to me this was demolished and I will recommend it gets deleted.

Xiong:

I was told there was going to be one coming up for May 2019, too? Would I...

Moermond:

Can I have a look at what you've got there? Oh for the first quarter. I can have Staff have that deleted.

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

1:00 p.m. Hearings (CG1901B3)

- 15 [RLH TA 19-295](#) Ratifying the Appealed Special Tax Assessment for property at 1098 ALBEMARLE STREET. (File No. CG1901B3, Assessment No. 190059)

Sponsors: Brendmoen

Approve; no show

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

- 16 [RLH TA 19-269](#) Ratifying the Appealed Special Tax Assessment for property at 1663 HAZEL STREET NORTH. (File No. CG1901B3, Assessment No. 190059)

Sponsors: Busuri

Reduce from \$69.41 to \$34.70 (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)

Chris Swanson, Staff:

The resident is here to appeal the special tax assessment for the property at 1663 Hazel Street North. The assessment is for Quarter 4 2018 garbage service. There was a small cart at that property and there was service during that time. The total amount for the service is \$66.91. There is a service charge of \$2.50, so the total assessment facing this property is \$69.41. The resident moved in October 30, which is why there is some ambiguity on the bill. I do know that Gene's Disposal provided service that entire time. The title companies are supposed to contact the City and the County to make sure there's no outstanding charges for service. When residents call in about this issue, we recommend they contact their closer, the title company, and have them work it out with the previous owner. We would say this still does stand and it does cover the cost of service provided.

Moermond:

When did you buy the house?

Roni Budde:

October 30.

Moermond:

You closed that day and was the seller present? Or was it electronically...

Budde:

Yes, they were present.

Moermond:

They didn't disclose to you...

Budde:

No.

Moermond:

Tell me about why you are appealing and what you are looking for.

Budde:

I didn't even buy the house until October 30th. I did call Gene's to arrange service and I was told at the time they could not set it up, they had to wait to hear from the City. My first hold-up there, I was taking my trash in to work because I thought I didn't have service, based on what she told me. I didn't see a bill from them at all until last Saturday when I got the first half of 2019 bill. The notice from the City was the first inkling I got that there was any kind of charges. In looking in the City's 2019 Annual Guide, it says if you are selling, that you should pay the quarterly bill in full. If you are buying, you will be responsible for paying your share of the quarterly bill of the time you own the residence. I have no problem paying for what I actually owe but I didn't own the house. I don't feel I should have to pay for that. Or the time I was told, right or wrong, that I did not have service.

Moermond:

Do you remember who told you that?

Budde:

Whoever answered the phone at Gene's.

Moermond:

What's your experience with Gene's [inaudible]

Swanson:

I think generally the hauler's been pretty good. I think one of the challenges they had is they were worried that until they got a City updated list with the new property owner's name, they were still providing service and taking payments, so they would have picked up the trash if the trash was out.

Budde:

It was not. The can was still in the garage, taped shut when I moved in.

Swanson:

So that's kinda what I am getting at is if the cart was out, Gene's would've picked up the trash cart there. Again what, where, there was some delay is relied, to update the most recent, during that period, during the new period, on updating name of the property owner on Ramsey County property tax records. So there definitely would have been some delay from when Ms. Budde purchased the property to when we were able to get that information over to the hauler. But, during that time trash was still provided.

Moermond:

I am struggling with the communication that Gene's had. At that point in time, they were really the authority, in terms of the communication, on this. I'm not clear about how frequently, during the fourth quarter, the City updated the list of owners that Gene's was able to reference. Do you have any information on that?

Chao:

I can tell you how many updates we did during that fourth quarter. There were four updates in that three month period.

Moermond:

The situation with the previous owner not disclosing, they literally had to initial forms saying there were no pending bills on the property and that wasn't true. They would have received the billing in the mail. They should have told you that. It is on them. Staff mentioned that sometimes working through a title company, the closer, can be

useful. Ultimately, they are hired professionals for assisting in a purchase at closing. But the responsible party is the seller. Hopefully, your realtor and the other professionals can help you. This isn't a ton of money. I've seen cases where we are talking hundreds and thousands of dollars.

In terms of the communication with Gene's, it sounds to me like this is sort of a growing pain that Gene's was going through in its conversation with you. Maybe the person on the phone should have had a better idea of how to communicate to you what was going on and that didn't happen and should have happened.

Budde:

I asked her how long it would take for the City to notify her and she said I have no idea.

Moermond:

You are talking to an operator at that point, you are not talking to somebody who is necessarily working with the data. There was better information that she could have provided you and for whatever reason, she did not. I want to give consideration to that, because that should have been better. What I am hearing from staff is that there was a garbage truck driving by there every single week checking, regardless. What I would like to do is cut this in half for this one quarter. That is a reduction from \$69.41 to \$34.70.

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

- 17 [RLH TA 19-270](#) Ratifying the Appealed Special Tax Assessment for property at 592 NEVADA AVENUE EAST. (File No. CG1901B3, Assessment No. 190059)

Sponsors: Busuri

Approve; no show.

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

- 18 [RLH TA 19-291](#) Ratifying the Appealed Special Tax Assessment for property at 1350 PROSPERITY AVENUE. (File No. CG1901B3, Assessment No. 190059)

Sponsors: Busuri

Approve the assessment.

Moermond:

We have a request from Elaine Beaubien to review her appeal, which she stated in writing. She indicates this is a second home which hasn't produced but one bag of garbage since the beginning of the program. One bag of garbage that goes to the dump for far less money. Not only am I supposed to be paying hundreds of dollars for a service I don't use but I am being charged the fees to dispose of said non-existent garbage. This city is "stealing" money from all of us individuals that do not require garbage service. There were no services rendered at the address on record. How is this even legal?

Would you folks from Public Works respond to that?

Diana Chao, Staff:

Under City-wide garbage service, all residential properties are required to have a garbage cart and receive garbage service. We don't have an option to opt out of the City-wide garbage service. The City believes that the property owner is responsible for paying this outstanding charge, as garbage service was provided for this property from October through December 2018.

Moermond:

This is really an odd situation. The owner has an address in Louisville, Kentucky, which, if this is a second home...I guess I am struggling with is this an occupied property or a vacant property. Maybe we should send some information so she understands that she can have service suspended if she is not there. Or we can calculate this as a vacant building. Right now, there isn't anything on the record that that is the case. Can we send something in the mail to her, if we haven't?

Chao:

Yes.

Moermond:

The service was provided. Did you receive any communication from the owner, indicating any problem?

Chao:

No.

Moermond:

I'm going to recommend approval and let's get this lady some information to help her in the future.

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

2:30 p.m. Hearings (CG1901B4)

- 19** [RLH TA 19-252](#) Ratifying the Appealed Special Tax Assessment for property at 812 CALIFORNIA AVENUE WEST. (File No. CG1901B4, Assessment No. 190060)

Sponsors: Brendmoen

Approve; no show.

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

- 20** [RLH TA 19-263](#) Ratifying the Appealed Special Tax Assessment for property at 541 DAYTON AVENUE. (File No. CG1901A1, Assessment No. 190051)

Sponsors: Thao

Approve; no show.

Laid Over to the Legislative Hearings due back on 5/9/2019

- 21** [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.

Hearing was originally scheduled for 4/18/19, but appellant showed for 4/11/19 and case was heard then. See minutes of 4/11/19.

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

22 [RLH TA 19-271](#)

Ratifying the Appealed Special Tax Assessment for property at 679 HOYT AVENUE WEST. (File No. CG1901B4, Assessment No. 190060)

Sponsors: Brendmoen

Reduce from \$98.58 to \$63.33 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 Chao, Staff:

There is a total assessment of \$98.58. This includes the service charge of \$2.50 as well as the base collection fee of \$96.08 for a medium garbage cart for fourth quarter 2018 (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, Ms. DeSpain states that she is a Zero Waster; she hasn't used her garbage cart. She has communicated to the City that she doesn't want nor need this service. The City believes that Ms. DeSpain is still responsible for her bill. Under City-wide garbage service, all residential properties up to four units are required to have a garbage cart and receive garbage service for each dwelling unit. Currently, there is no option to opt-out of the City-wide garbage service. This service was provided to Ms. DeSpain. Waste Management was going down her alley during the fourth quarter of 2018 so we believe she is still responsible for paying this charge.

Moermond:

You are appealing this assessment. In your words, what's going on?

Marguerite DeSpain:

I am sorry that all of us have to spend our time on this rather than on more serious issues. Everything was right except that there is no alley at my house. It's a street and so my bin has never been on the street for pick-up. I am baby-sitting that cart for the City without charging any rent. I left the cart alone from the beginning because I know asking for service means I am responsible for it. And then a neighbor, after about three weeks, went and moved the cart, thinking he was helping me. Moved the cart up the driveway. Thought I was out of town or something.

I've never had garbage pick-up. When I first moved here 12, 13 years ago, I did it for a little bit and then I decided it was way too expensive and wasteful so a neighbor and I, who is also a single person, have been sharing for all these years. So now, her cart is sitting half empty and I am not using it at all. I have gone to buying all bulk and for the principle of the matter, to conscientiously object to this. My background is I was an ethics professor for seven years and then got cancer so I had to go [inaudible] and was laid off from my position. I became one of the people I've been advocating for all these years and [inaudible] and I experienced what it was like not to have enough

money to pay your bills, not be able to work full time, and to try to keep my house and hundred thousand dollars debt because of that. And so, garbage was one thing I could control. I could completely discipline myself to change and also, morally wanted to do that. We like to make ourselves reduce the waste that we are producing so I started the program, trying to be a zero waster, composting, and teaching my neighbors.

The other thing that happened to me that it is good for you to know in the City is that before the program officially started, before the bins were delivered, they had a notice that was going around that you should call if you want a smaller bin. When I called Waste Management, I called them all, none of them knew if I was one of their people. None of them could verify. So I didn't know who is my provider, if I have one. Waste Management was one of them; they said we don't have your address. So I think it's because I didn't have garbage pick-up at all. So, maybe when people had garbage pick-up, they were able to organize that. But they couldn't even talk to me about a bin, which set me off from the beginning to dislike this program because there was no way I wanted to be forced into the largest bin. I thought that's really wrong. And then it made me protest the whole program overall, because of that experience. And then I learned that the bin was only a few dollars less and it was half the pick-up, every two weeks, and a much smaller container. What scared me, and made me protest this the most, was when I saw that big bin, I thought to myself, wow, I could just stop recycling and stop composting and just throw it all in there. It would be so much easier. And I said to myself, what a terrible thought. And if I'm thinking it, so are other people thinking it and we are really going in the wrong direction. Because we are motivating people, especially when they feel forced to pay for something they don't choose, to just lash out and create the most [inaudible] deal with. I know two neighbors who stopped recycling, out of laziness, because it's so much easier to put it in the bin now.

So, that was an important piece of information I wanted you to get is that this bill, in particular, is the one bill you have where no one had a choice. Besides the size of bin. Unless they could get their garbage company to talk to them about their account. And because it was so disorganized, the Waste Management Company responded to me and said we don't even know if this is really going to happen. We don't totally believe it's going to happen. On the phone, she said, we don't have enough staff, we don't have this figured out. That's what they were saying at the beginning of the program. After that experience, I called the City and talked to whoever was supposed to answer the phone and I asked the garbage questions and they referred me all around. Once the bin was delivered, I called the Mayor's office, I called all City Council members, I wrote letters to City Council members, from then on I just kept on sending letters saying I will serve on a citizen committee. I'm paid \$105/hour for my consulting and I will give it to you for free.

We need a mediator, obviously, we need someone to sit down with the City Council, the haulers, the citizens and figure this out, because all kinds of resources are being wasted. This was a solvable problem; we cannot solve the problem with drugs, with our children, with everything. It is surprising that they just did not nip this in the bud or with people instead of saying we didn't do anything wrong. We didn't make a mistake. As an organizational development consultant, and all of you seem wise enough to know, if we are going to make a big change, anywhere, in the first year, you build in room for yourself for changes to be made and citizen input. You know that it's not going to go completely [inaudible]. Any change you make, in our families or anything, always with wisdom, room to make improvements. And so, I feel like I'm being asked to pay for the mistakes of the City Council and the failures of our attorneys in the City, the failures of whoever, who are refusing to deal with this. I think that I cannot afford

to pay for this. I cannot afford to pay for their mistakes. And when I look today [inaudible] single households we have in St Paul, St Paul didn't know. Every office I talk to didn't know. I don't think they did adequate research on this to find out that we have a growing number, since 1970, according to the Metro Council, the number of single households and elders over 50 has grown substantially every year since 1970. So this program really makes a mistake by not considering single person households [inaudible] and I think it goes the wrong direction.

So those are the most important things. I basically call myself a conscientious objector to the program and feel like I am appealing to a higher law. That we have a civil law, that there is a higher law about protecting nature, our earth, our water, our air, [inaudible] they are concerned about, too. And I feel like this program violates that higher law because in the first place, they got hundreds of thousands of bins from [inaudible], they created a bunch more [inaudible] plastic. The most forward thinking cities are using paper. Big paper, wax paper lined bags. They are not using plastic bins. So anyway, there's other things that they could have done and I just feel like they've been irresponsible and they are asking us to pay the price for not expediently solving this problem.

The other issues I also agree on are the democratic and representative form of government. They say, we asked for input ahead of time. How could I ever have dreamed, or you, ever have dreamed, that there would be forced participation, with no thinking ahead about any exceptions. I didn't even involve myself. I wouldn't even have thought that I, that my City Council and Mayor would have lacked that amount of foresight. I even put, afterwards, I didn't even know, about this stuff ahead of time. I'm busy working in the native community with serious issues, much more serious issues than garbage, with poverty and the opioid epidemic and everything else. So, anyway, I think once that they've got information, just like any of us, once they find out, goodness, we really have made a mistake, mistakes here, their failure to recognize that I think has shown that there was not a democratic process in representing all citizens, including those of us who do not have trash pick-up, who have never had trash pick-up before this program.

Some of us were not represented in the negotiation. From my work as an ethics professor, I don't understand why their own attorney isn't telling them this, a contract is not valid if both sides do not consent to it and fully understand the agreement. And if they were representing the citizens of St Paul, I certainly didn't understand what they were agreeing to and they obligated me to that contract, making it an invalid contract that I have no part in and don't feel responsibility to pay for. And this is, I think, going to be a legal question and I hope the City doesn't end up having to pay out another million dollars to somebody because of not thinking that part through. That's social contract theory, John Locke, which our whole constitution is based on. So a contract has to be agreed upon by both people and fully understood and not coerced. I'm coerced at this point.

The City is also engaging in a commonly understood predatory practice which our Minnesota State Attorney General's office, every day, is fighting. So, you and I get a bill, you know I could send a bill right now to the City for renting my driveway for its garbage cart. Right? [inaudible] ridiculous thing. But, I could just get fed up, send a bill out and say you owe me money. And so, the State Attorney General's office will go after a company that does that, whether it's a [inaudible] product or whatever, they just say prove that she signed up for this. Well, there's no proof I ever signed up for this. I've never signed up for it. I've never used the service. In the state of Minnesota, that's illegal, to bill me for something I did not sign up for. Now he's not getting

involved right now, the State Attorney General, but this is a disturbing predatory practice that I feel the City has engaged in.

Just a couple more points, bear with me. I also found out that 40% of our population of St Paul, according to the Metro Council, is within 185% of the poverty level now. And that we're the poorest city in the state. I thought really? So that, again, I believe this program is immoral because of the harm and further burden that it is causing to low income citizens, especially older citizens. Instead of encouraging neighbor share, which would, could reduce that burden and reduce waste.

The program has not considered the growing number of single person households, persons over 50, disabled, and low income. And lastly, which you can relate to, thousands of hours of time, financial resources of citizens, and civil servants, has been, and continues to be, wasted. This feels immoral to me. So I already talked about that. In terms of it being a solvable problem. I feel like I've been charged for a service I didn't ask for at any time, or use, and that I responsibly informed the City and Waste Management that I didn't want the service and that I wanted them to pick up the cart and asked for them to take the cart. I didn't do anything obnoxious with the cart; I thought of it. Parking it somewhere or bringing it today. But I feel like the City has further harassed me and others with bills and threats and penalties and fees and now threatens my housing with an assessment, to further tax me. It's my understanding that a [inaudible] assessment can be appealed if the charge is more than the amount [inaudible] for the service. It has been the case in this instance. I have not used this service. I have been charged more for a service than what I have received. Because I have not put my bin out, I have never opened the lid. Never provided any service to me.

I appeal for these charges to be refunded, halted, and for all harassment, bills, and fines, and fees from the City of Saint Paul or any of its contractors to cease and desist. Any questions?

Moermond:

You have written comments on there. If you want to submit those so we can scan them into the record. We can do that right now.

DeSpain:

I will be happy to. And I have a picture of the empty bin. Sorry to be so long.

Moermond:

This isn't the first time I've heard some of these things. We have heard from people who have shared cans in the past that this is different, that this is not what they want to do. In terms of the contract that the City engaged in, and your belief that that is an immoral contract, that is not a road that I can go down. What I am looking at is did the truck go by your property to pick up the garbage and even though there wasn't garbage to be picked up doesn't mean that service wasn't provided. The City does have the ability, under state law and under contract, to be able to do a program that covers all households. Should they have is the question you are bringing to bear and that is a discussion that will happen elsewhere.

You have a medium cart now, and, whichever way this goes for you, if you had a small cart collected every other week, the financial impact of the decision, should it be adverse to where you want to go, should be smaller.

Diana Chao, Staff:

We can contact Waste Management and have them contact you to coordinate switching out your medium cart to a small every other week if that's what...

Moermond:

And understand that you are still a conscientious objector. But that would be a smaller impact, financially.

Chao:

The price of the medium cart is \$96.08 and the price of the small cart collected every other week is \$60.83. That is a difference of \$35.25.

DeSpain:

If I was forced to be on the program, I would go with the smaller cart, but it should have been done when it started. I don't feel like any of these [inaudible] is an option. I think that there's a lawsuit going on and all these problems. I actually think people like me should be frozen until this is resolved. I do not think it should go on assessment on our property tax. I think by indicating that I want that cart, I would be asking for this service. Which could make me responsible, financially, for all of these bills. Which I can't afford to be and I also can't afford to be that in representing you and everybody else who probably have some concerns about this program. I have to stand up to things that are wrong, if we stop doing that, we're really, it's a sad world. I am going to stand up for this being wrong in the first place and I don't want to, in any way, indicate agreement, participation...

Moermond:

Early on, did you communicate the size cart to Waste Management that you wanted. It sounds like you didn't because you thought that would say you agreed with it.

DeSpain:

I called Waste Management before the program, before there were even options of carts or anything and said you can opt for a smaller cart but if you do it now, you will be stuck with it through December. When I called Waste Management, it was like what's going on, nobody knew [inaudible] or whatever. At that point, I couldn't have opted...

Moermond:

I can't explain the communication at Waste Management and certainly Waste Management speaks for itself.

DeSpain:

The only thing I could figure was not having trash service before. It caused me to be, oddly, not able to be found. So, it wasn't that I indicated to them at that time I wanted a smaller cart. At that time, I was just trying to understand the program.

Chao:

To provide some clarification, the City did mail out a postcard to property owners to select the cart size. That was to be sent back to the City, prior to October 1.

DeSpain:

When was that?

Chao:

That was in May of 2018. Prior to October 1, the City-wide garbage program wasn't in place. If you had contacted one of the haulers, they wouldn't have been able to speak

to the program.

DeSpain:

I don't remember getting anything, but that doesn't mean I didn't. I get so much junk. And I knew I wasn't interested at all in this program. It certainly didn't say on the card every human being is going to be forced, no exceptions. There's no neighbor share.

Moermond:

I'm sure it did say that.

DeSpain:

No neighbor share? That's why I was calling, to find out what's going on, what about those of us who neighbor share? Actually never dreamed that a forward thinking City of Saint Paul would not allow it, It only sunk in after October when it came and I started calling the Mayor's office and everything else and it sounded then like they admitted they made a grave error and we are stuck for five years so we are trying to get out of it right now. It sounded like it could change any day.

Moermond:

You are making representations that I am going to let lie. I am not going to say the City Council or the Mayor, for that matter, acted correctly or incorrectly in the way you are representing. That's going to be an argument that you take forward. What I am looking at is a container that was delivered, you do not have the option to opt out of this program. In point of fact, there was an ordinance in this City for at least 15 to 20 years prior to the enactment of this program that required every residence in this City to have garbage collection. Could you have an arrangement with your neighbor to share? That was something that was looked at occasionally. This is not a new requirement that these services be provided. You are making representations about who is adversely impacted or positively impacted. I don't know that has actually been figured out. We do know that people who suffer from having dumping in their yards tend to be in poorer neighborhoods. So, if I don't have much money and can't afford garbage service and my neighbor doesn't either and my neighbor dumps their old mattresses on my property as they are leaving, I am stuck with a very large bill, so that argument, in that women and children tend to be more in poverty, I can't say the social contract you are representing is necessarily the underlying aspect. The next contract, that can be negotiated.

For this moment, I am looking at a medium container during the fourth quarter that you didn't take out of your garage. I've got no ability to deal with you wanting to opt out. There is no opt out provision. I know that Waste Management's going by there. I know that nobody was notified about your preferences, from what I am hearing here. Your comments will be shared, in their entirety, with the City Council. They can consider that, with respect to this bill. With respect to the program in the long run, that isn't something that can be discussed at this hearing. There are other places where that conversation could happen.

DeSpain:

Sorry. It's frustrating. When you are trying to deal with the nuts and bolts...

Moermond:

I am in the nuts and bolts business and I have three guys waiting right behind you.

DeSpain:

One little thing, I never was told it was illegal to be neighbor sharing.

Moermond:

It was a complaint based system. There was never a complaint, which speaks well of you.

DeSpain:

I can call and complain about any of my neighbors at any time. We have a dumping ordinance. It just needs...

Moermond:

What this does provide, if you throw away your mattress, there's a bulky item or two that you are able to handle. The intention is to decrease the impact of that on the City. Whether that will happen, I do not know. Thank you for coming in and putting your views on the record.

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

- 23 [RLH TA 19-277](#) Ratifying the Appealed Special Tax Assessment for property at 1392 MARION STREET. (File No. CG1901B4, Assessment No. 190060)

Sponsors: Brendmoen

Approve; no show.

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

- 24 [RLH TA 19-288](#) Ratifying the Appealed Special Tax Assessment for property at 1259 MATILDA STREET. (File No. CG1901B4, Assessment No. 190060)

Sponsors: Brendmoen

Reduce from \$63.33 to \$31.61. 5/15/19: Update: \$2.50 service charge cannot be assessed; new amount is to reduce from \$60.83 to \$29.11.

Chris Swanson, Staff:

The resident is here to appeal the special assessment for the property at 1259 Matilda Street. This is for Quarter 4 2018 garbage service. The initial cost for that service is \$60.83. There's a \$2.50 service charge for a total of \$63.33. The resident says services were not rendered and he was charged for unwanted service. All residential properties in the City of Saint Paul are required to have trash service under the current contract.

Moermond:

You are appealing. Tell me about your thoughts.

David Wiedl:

I am appealing this because I didn't use the service during this quarter. I wasn't at the residence; I was down south. In the past, I could call garbage service and have them suspend it and not have to pay for the winter. This is mandating that I have to pay for services un-rendered.

Moermond:

There is an ability to suspend service.

Wiedl:

You have to petition the City of Saint Paul to do so. By the time I was able to do that, this was assessed to me. By the time I got the bill, I called Waste Management and said hey suspend this garbage service, oh, you have to petition the City. Here's the forms: Red Tape; Red Tape. In the past, I could just stop it.

Moermond:

When were you gone?

Wiedl:

From October until recently. I came back for this. Otherwise, I'd still be there.

Moermond:

You came back for a \$60 hearing?

Wiedl:

Yes. Because I'm fighting this. Because I don't want this garbage service either. Because I didn't ask for it; it was mandated. In the past, I had a choice. My arguments are, in the past, when Waste Management drives their truck down the alley, I didn't have to pay for it. I just paid to pick up my garbage. I could use a different service. So that argument is moot, whether they drive by or not, is irrelevant. In the past, they drove by all the time. Your argument with the mattresses, that's moot also because that's an extra charge. Appliances, construction waste, yard waste, mattresses are not allowed in this garbage service.

Moermond:

Mr. Swanson, would you clarify the record.

Wiedl:

It says right on top of the can.

Moermond:

You get a certain amount of those things, though, not everything, but...Mr. Swanson?

Swanson:

Depending on the size of your cart, there's either two or three bulky items provided by under this program, at no additional cost per year. You have the smallest, so you would have two. If you have a mattress, a TV, a chair, set that out, call your haulers to be picked up at no additional cost. So, it is still a service provided under the current contract. It's not a service provided in that bin.

Moermond:

There was conversation City staff had in the fourth quarter about the procedure for people who were away from their properties. Were there bumps in the road in that?

Swanson:

Initially, yes, in processing some of these service holds. A temporary hold was between four weeks and six months, and there's a long term vacancy of a property. There's some general questions on who does what and how to [inaudible]. There's definitely some hiccups on [inaudible]. You probably told the trash haulers I don't need trash service on my property, so they sent you to the City and you needed to do a temporary service hold on that property because you are gone for a couple months. There may have been some confusion with that. I have the temporary service hold here right now for you.

Wiedl:

When I got this bill, I called them and said I don't need the service, I'm not...service was mandated when I was away. So, that's how I got this billing and I was unable to suspend it until after.

Moermond:

It's not suspended right now?

Wiedl:

I've got the papers at home. It's not suspended right now.

Moermond:

So, you still haven't filled those out. I don't know how Waste Management handled those conversations and I believe that how they did that changed over time. You should have gotten clear information up front. There was a way, clearly described in the contract, that they should have explained to you...

Wiedl:

I never saw the contract.

Moermond:

The contract is that think and it's the contract between the City and the hauler. There are provisions for dealing with your situation and it wasn't handled in a clear, forthright manner on their part to you. I want to say, it should have been. And I think that it can be, moving forward. Do you have a timeframe right now when you know you are not going to be...

Wiedl:

By the time I was aware of any of this, by calling Waste Management, this had already happened. The assessment had already happened.

Moermond:

You got billed in October. You got a notice of nonpayment in November and another one in December.

Wiedl:

By the time I got the mail...

Moermond:

Your not picking up the mail for a few months...it's not unreasonable to say that the address of record for Ramsey County taxation is the correct address to be mailed to. If you had a forwarding address, the Post Office would send it on.

Wiedl:

By the time I was aware of this suspension service, this had already happened.

Moermond:

You said you talked to them last fall about this.

Wiedl:

Yes. They sent me the paperwork.

Moermond:

And you didn't fill it out.

Wiedl:

This is already happening, is what I am saying. This happened prior to that.

Moermond:

I don't know the timeline that you are trying to explain.

Wiedl:

This was mandated on the public, unwilling to me. By the time I got the bill, that's when I learned about how to suspend the service. I would have suspended it from the getgo.

Moermond:

You got bills in October, November and December. And you did not initiate a suspension of your service. I am trying to give you some credit and say you worked with Waste Management. I heard you say you once did that in the fall and I just heard you say not until after this went to assessment. At which point in time did you talk to Waste Management?

Wiedl:

During this.

Moermond:

What does "during this" mean? Does it mean during this assessment? Does it mean during the fall when the program was starting?

Wiedl:

During the fall when the program was starting, but by that time, I'd already gotten the bill.

Moermond:

There would have been a mailing in August, letting people know this is getting started. What did that mailing say?

Swanson:

The mailing in August said this is starting. They also dropped off carts during that time [inaudible] property. There was information attached to the cart about temporary service holds. This was a two year process before this actually went into place. You got the original notice in September, then in October, a notice of nonpayment, another in November, also in December.

Wiedl:

I am disputing for services un-rendered.

Moermond:

You will pursue that elsewhere. Right now, you did not opt out of the program.

Wiedl:

I am unable to.

Moermond:

Mr. Wiedl, I am trying to help you here. We have a path to get this decreased and perhaps taken care of in the future. I would like to cut this in half, and say it's kinda

on you that you didn't get this squared away last fall and you weren't checking your mail. And I kinda think Waste Management has some responsibility for lack of clear communication.

But these guys were sending out mailings that were really clear. It's new. I say cut it in half. I need you to fill out forms, though, when you want the service to be suspended. You have to own that, bureaucratic or not, so they have documentation to stop service for that time period. I don't have your first quarter bill in front of me, just your fourth quarter.

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

- 25 [RLH TA 19-280](#) Ratifying the Appealed Special Tax Assessment for property at 1538 MAYWOOD STREET. (File No. CG1901B4, Assessment No. 190060)

Sponsors: Brendmoen

Approve; no show.

FOLLOW-UP 8/9/19: based on a review of the written appeal materials, it appears the owner was acting under a reasonable belief that she was going to have 2 small containers, rather than 1 medium and 1 small. I am recommending the assessment be decreased to reflect the cost of a small container. -Marcia Moermond

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

- 26 [RLH TA 19-274](#) Ratifying the Appealed Special Tax Assessment for property at 1603 SAINT ALBANS STREET NORTH. (File No. CG1901B4, Assessment No. 190060)

Sponsors: Brendmoen

Approve; no show.

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

- 27 [RLH TA 19-302](#) Ratifying the Appealed Special Tax Assessment for property at 1154 ARUNDEL STREET. (File No. CG1901B4, Assessment No. 190060)

Sponsors: Brendmoen

Reduce from \$112.98 to \$96.08 per staff recommendation. (Property owner paid another hauler. The other hauler issued a refund from the amount paid but owner is still responsible for the Quarter 4 cost)

Update: The \$2.50 service charge cannot be assessed. Reduce from \$110.48 to \$93.58.

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

- 28 [RLH TA 19-305](#) Ratifying the Appealed Special Tax Assessment for property at 271 FRONT AVENUE. (File No. CG1901B4, Assessment No. 190060)

Sponsors: Brendmoen

Reduce from \$83.40 to \$70. Update: \$2.50 service charge cannot be assessed at

this time, reduce from \$80.90 to \$67.50.

Chris Swanson, Staff:

The resident is here to appeal the special tax assessment at 271 Front Avenue. That is for garbage service Quarter 4 of 2018 for a small cart with three late fees. The cost is \$80.90. There's a \$2.50 service charge for a total assessment of \$83.40. The property owner states he never got a bill at 271 Front Avenue. The bill was sent to a previous property he owned. We actually have tons of those bills included in the file. He would like the late fees removed. Staff comments are that this seems very reasonable.

Moermond:

What do the late fees amount to?

Swanson:

\$10.56. His new bill would be \$70.34

Moermond:

Mr. Mueller, is there anything else you are looking for today?

Matthew Mueller:

No, that's why I am here, but I have spent hours and hours on the phone, just to get to this point. I actually came back from Tampa last night just to see you.

Moermond:

Totally not worth it.

Mueller:

I was coming back anyway.

Swanson:

Here's my card. It does look like we got the billing address updated. Did you get your most recent bill from them.

Mueller:

Got one today.

Swanson:

So, it looks like it's going to the right spot. We rely on Ramsey County Tax records and they were slow to update.

Mueller:

Can I pay my bill now? Can I pay it without the late fees?

Moermond:

Ms. Vang will write it on the worksheet. \$70 even. You will want to talk to either Lynn or Tanya. They will know exactly what to do at this point.

Swanson:

He is the last case. I will walk him up there. \$70.

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

HAWTHORNE AVENUE EAST. (File No. CG1901B4, Assessment No. 190060)

Sponsors: Busuri

Approve the assessment

Diana Chao:

The pending assessment for 2163 Hawthorne Avenue East for \$108.19. This includes the service charge of \$2.50 and the cost of the medium cart of \$105.69 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. Her's stated reason for appeal is that he purchased the property on December 28, 2018, and doesn't believe he should be billed since he wasn't living there prior to this date.

Any delinquent charges are charged to the property, not the owner. Because the previous owner left a portion of their bill unpaid, the new property owner is now responsible for the delinquent amount. The city recommends that you contact your title company to see if you can recover the outstanding amount that the previous owner failed to pay, but the current property owner is ultimately responsible for the delinquent charge.

Moermond:

Mr. Her, you are appealing this. You closed at the end of the year on this property. Were the sellers present at the closing?

Vela Her:

Yes.

Moermond:

They signed documents that they were telling all of the pending bills, orders, and assessments on the property. You had professionals hired to do a title search to find assessments, but it's not going to tell you about orders. That is something the seller has to tell you, legally. Have you talked to your realtor about this? The folks who were on your team? What did they say?

Her:

Yes. I did. I call the realtor and I call the title company and they tell me no matter what. My realtor said to come here and see what you could do. The title company said they can't do nothing about it. I called Berquist and they said they switched companies and I should call Waste Management. So I called Waste Management and they told me if the previous owner didn't pay for it, no matter what the bill is going to go to me. I was like why; I barely purchased it. They just told me because that's on you. That don't make any sense. So. Do you help me with that? So.

Moermond:

Have you tried to reach the seller?

Her:

They told me they tried to reach them. I called. I am a working father; I have kids. I don't have time. Can you do anything about it. When I was purchasing the property, the realtor told me the utility, they even paid the down payment for the closing, they would pay all my utilities. What did happen? They said in a document.

Moermond:

They told you they would pay this and they didn't. Here's where I am at with it. The fault does not lie with the public sector, that a private seller didn't tell you this. The seller is responsible for that. It is a private matter between you and the seller about how this gets resolved. That is cold comfort, I know. I can't step in and say the public sector can fix that for you.

Were they represented by a realtor? And you were represented by a realtor?

Her:

Yes.

Moermond:

There should be contact information, between those two realtors, that they could get ahold of the seller. The bill is moderate enough that it should be too hard to get the seller to pay that, especially when they said they would be taking care of it.

We will give you everything that we have, to make sure you have that to share.

Chris Swanson, Staff:

If they have any questions, I will give you my card. I have talked to a lot of title companies recently.

Moermond:

Those are the bills that were sent to the previous owner, Betty Bossier. They are prior to when you bought the house, so she knew that was there.

Her:

So you say all these bills come to me? And I have to talk to the seller about it?

Moermond:

Yes. When it goes unpaid, it attaches to the property. That was said in the letters that went to the old owner. It said, if you don't pay this, it becomes as assessment on the taxes. This seller didn't disclose that to you. Or they neglected to actually pay it which they said that they would. We will also get you the assessment roll that it shows up in. I don't have a better answer in these cases.

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

Assessment Rolls

- 30** [RLH AR 19-44](#) Ratifying the assessment for the City's cost of providing Collection of Delinquent Garbage Bills for services during October to December 2018. (File No. CG1901B1, Assessment No. 190052)

Sponsors: Brendmoen

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

- 31** [RLH AR 19-45](#) Ratifying the assessment for the City's cost of providing Collection of Delinquent Garbage Bills for services during October to December 2018. (File No. CG1901B2, Assessment No. 190058)

Sponsors: Brendmoen

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

- 32** [RLH AR 19-46](#) Ratifying the assessment for the City's cost of providing Collection of Delinquent Garbage Bills for services during October to December 2018. (File No. CG1901B3, Assessment No. 190059)

Sponsors: Brendmoen

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

- 33** [RLH AR 19-47](#) Ratifying the assessment for the City's cost of providing Collection of Delinquent Garbage Bills for services during October to December 2018. (File No. CG1901B4, Assessment No. 190060)

Sponsors: Brendmoen

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