

April 5, 2019

St. Paul Office of Assessments
700 City Hall
15 West Kellogg Blvd
St. Paul, MN 55102

VIA U S Mail and electronic upload to:www.stpaul.gov/hearinggarbage

Re: 1294 Jefferson Ave
Property ID: 10-28-23-13-0027
Assessment #190052

Pursuant to your request, I am writing to notify you that I continue to dispute your claim for charges allegedly due for garbage services at my home address.

As stated in my previous February 22, 2019 letter, in September of 2018, I notified Waste Management that I would not be using their services. To date, not one piece of trash has been collected from my home by this city assigned hauler.

Your previous notice mailed in mid-February claimed that your assessment “will be collected by a special assessment under the authority of Minn. Stat. Chap. 443.29 and the Saint Paul City Charter by the procedure outlined in Minn. Stat. Chap. 429.”

In my previous response, I referred you to:

- 1) The entire Chapter 443 which is a law passed in 1945 to address “rubbish disposal,” i.e., the process by which rubbish is burned, buried or destroyed, not merely collected. You specifically cite Minn. Stat. 443.29 as your authority for this assessment. That statute states in relevant part:

The rates for rubbish disposal shall be a charge against the premises from which rubbish is collected, and the owner, lessee, or occupant of the premises, or against any or all of them, and any claim for unpaid rates (Emphasis supplied.)

Therefore, assuming that Minn. Stat. 443.29 is applicable to this assessment, it requires that someone *actually collect* some rubbish from the assessed property. Since neither Waste Management, nor any other affiliate of the City, has collected any rubbish from my property, this statute does not apply.

- 2) You also previously cited Minn. Stat. Chapter 429 as a basis for your assessment, although you failed to identify any part of Chap. 429 as authority for your right to make this assessment.

The only reference to rubbish in that chapter, appears in Minn. Stat. 429.101, Subd. 1(a)(1), authorizing assessments for the removal of rubbish from sidewalks. As with the previous statute, your assessment claim falls outside this statute.

By letter dated March 15, 2019, I was notified that the City was now citing Chapter 220 of the St. Paul Code as its authority for this assessment.

Chapter 220 was allegedly enacted via the City's Ordinance 18-39. Ord 18-39 became the subject of a petition for referendum that was found legally sufficient by the Ramsey County Elections office on October 31, 2018.

Despite the City's admission that the petition was sufficient, it failed to comply with Sec. 8.05 of the City Charter, requiring that the City either repeal 18-39, or suspend it unless and until the ordinance receives 51% approval by a citywide ballot vote.

As you should be aware, the City's continuing failure to comply with the City Charter has resulted in a lawsuit, Clark, et al, v. City of St. Paul, et al, Ramsey County Ct. File 62-CV-19-857.

For the above reasons, I continue to dispute the City's assessment. I will be appearing at the hearing scheduled on April 18, 2019, at 9:00 am.

Sincerely,

Patricia Hartmann
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St. Paul, MN 55105

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