



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final

Legislative Hearings

Marcia Moermond, Legislative Hearing Officer
Mai Vang, Hearing Coordinator
Joanna Zimny, Executive Assistant
legislativehearings@ci.stpaul.mn.us
651-266-8585

Thursday, July 6, 2023

9:00 AM

Room 330 City Hall & Court House/Remote

Garbage Legislative Hearings

9:00 a.m. Hearings

Special Tax Assessments

- 1 [RLH TA 23-192](#) Ratifying the Appealed Special Tax Assessment for property at 2234 MARGARET STREET. (File No. CG2302A2, Assessment No. 230106)

Sponsors: Prince

Assessment was deleted by staff prior to creation of AR based on finding in May 2, 2023 Legislative Hearing.

No one appeared

Moermond: this is a carryover from a previous Legislative Hearing on May 2 where we determined this should be deleted. It was laid over because this Assessment Roll wasn't yet in front of Council. Recommend that deletion.

Withdrawn

- 2 [RLH TA 23-249](#) Ratifying the Appealed Special Tax Assessment for property at 2226 CARDINAL PLACE. (File No. CG2302A1, Assessment No. 230108)

Sponsors: Prince

Layover to LH July 20, 2023 at 9 am (unable to reach PO).

Voicemail at 9:22 am: this is Marcia Moermond from St. Paul City Council calling you about your appealed tax assessment for garbage hauling services at 2226 Cardinal place. We'll try you back in 15 to 30 minutes.

Voicemail at 9:52 am: this is Marcia Moermond from St. Paul City Council calling you again about your appealed tax assessment for 2226 Cardinal place. We will try you back one more time around 10:15, if you aren't available we will reach out July 20th and try and reach you then.

Voicemail at 10:08 am: this is Marcia Moermond trying to reach you one last time Mr. Erickson. We're going to put you on the July 20th agenda for the 9 am time slot,

between 9 and 10:30 we'll reach out to you to discuss this pending assessment.

Laid Over to the Legislative Hearings due back on 7/20/2023

3 RLH TA 23-266 Ratifying the Appealed Special Tax Assessment for property at 1999 CLEAR AVENUE. (File No. CG2302A1, Assessment No. 230108)

Sponsors: Yang

Approve the assessment.

Fannie Pen, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Clare Pillsbury: the property owner stated they were not living in the property during this time period. City records show an Unoccupied Dwelling Registration Form was submitted on February 13, 2023. Hauler confirms the Unoccupied Dwelling Registration Form submitted was applied to the account on February 17, 2023. The current assessed amount is for service for a 64-gallon cart from January 1, 2023 to February 17, 2023. The property owner was charged \$55.61 for service, plus an additional \$10.77 late fees. The first late fee of \$5.21 was added based on the original invoiced amount of \$104.26 and the other two late fees of \$2.78 were added after the Unoccupied Dwelling Registration Form was applied to the account. Hauler records do show that the property owner contact Waste Management regarding a vacancy request on January 11, 2023. However, the property owner never filled out and submitted the Unoccupied Dwelling Registration Form that was sent to them that day. Therefore, staff recommends approving the assessment.

Moermond: why are you appealing, Ms. Pen?

Pen: I don't want to pay because I don't have any trash to pick up. Nothing was ever picked up. The City didn't do any work, why did they charge me money? I don't live in that house. Why would I pay something they didn't provide service for? If I live in the house I know I have to pay, but I pay trash at the house I live at already. I rented a dumpster, I was remodeling. Why would you charge me money for no service?

Moermond: it looks like you had a conversation with the hauler at the beginning of January about the fact no one was living there and they told you to fill out a form to make the bill go away. It took you 5 weeks to get that form turned in, why did that take so long?

Pen: I did what they told me. I am not living there.

Moermond: who was living there?

Pen: no, I bought the property from the owner and they moved out the day I closed. The City was supposed to have a record I bought it and it wasn't up to par because it was so dirty. I had to hire someone. It was difficult to get workers. It is finally almost done, then I am selling.

Moermond: you bought it September 21, 2021, is that right?

Pen: maybe. It was 2 years ago.

Moermond: you've had it 2 years and you've been working your way through fixing it?

Pen: yes.

Moermond: how come you didn't deal with this earlier, that is a lot of garbage bills during that period?

Pen: because I got a dumpster.

Moermond: you aren't answering my question. How is it it took you a couple of years that there was a garbage bill you were paying when the house was empty. The first contact they say you have is January of this year and then you took a month to send it in, and they cut it in half.

Pen: I never talked to the hauler because I don't have any trash.

Moermond: you said that.

Pen: I rented a dumpster. The City couldn't pick up all the construction trash.

Moermond: I'm wondering what happened with the bills during all of 2022 and the fourth quarter of 2021. Those bills I'm guessing you paid? We didn't have this conversation before. Now we're talking about half a bill because you told them it wasn't occupied. It seems like it would be even smaller if you returned the form right away instead of waiting a month. We're talking about \$50 you would have been informed about earlier. Are you looking for that money back from when you waited to turn in the form? I need a specific ask.

Pen: I wanted them to stop charging me until I am done with the house.

Moermond: how long does an Unoccupied Dwelling Registration Form last, Ms. Pillsbury?

Pillsbury: it can last indefinitely until it is cancelled by the property owner. Based on the one she submitted in February of 2023 they put it as indefinitely unoccupied. No assigned end date until she calls.

Moermond: you have that part of what you are looking for. No forthcoming bill for garbage services until you or a new owner call. That is taken care of. We are down to this half bill from the first quarter of 2023. Tell me specifically what you would like with that.

Pen: I don't want them to charge anything until I put the house on the market and it is occupied. Yesterday I cleaned it again. I don't have any trash to put out to pick up. I don't want you to charge me anymore.

Moermond: you are talking in a circle; we just said your bill moving forward is going away until you or a new owner calls to reestablish service. One question is why did it take you so long to reach out to the hauler to let them know it wasn't occupied? It appears to me it was unoccupied since September 2021 through now. The other question is you have a \$66.38 assessment. You are saying in general you don't want to pay for service but you haven't told me specifically what you are looking for with this assessment.

Pen: I explained when I called the title company we record the closing. I expect the City to know the house was in my name and I don't live there because the house isn't up to par.

Moermond: you must have been paying the bill for all of 2022. You were advised to fill this form out and your bill will go away, and you didn't do that for 5 weeks. The City doesn't monitor sale transactions for the property. For all the City knows you could put renters in there and not have garbage service. You are responsible for following the law, the City isn't going to track you down. For this situation you did know at the beginning of January what the expectation was to make the bill go away. You didn't fill out the form in a timely fashion which is why the lion's share of the bill is there. I'm going to recommend the Council approve the assessment. We can send you a confirmation email with the details as well.

Referred to the City Council due back on 8/23/2023

- 4 RLH TA 23-252** Ratifying the Appealed Special Tax Assessment for property at 314 ROBIE STREET WEST. (File No.CG2302A1, Assessment No. 230108)

Sponsors: Noecker

Delete the assessment.

No one appeared

Staff report by Clare Pillsbury: in this case the hauler, Republic Services, requested the assessment be removed, so we recommend that.

Moermond: this is a tiny assessment. It looks like all they do is send once sentence but they don't talk about what kind of error on their end or why they're requesting it. They just ask and we process the resolution to go before Council to delete \$5.21. Heavy bureaucratic machinery to get rid of \$5.

Pillsbury: correct.

Referred to the City Council due back on 8/23/2023

- 5 RLH TA 23-251** Ratifying the Appealed Special Tax Assessment for property at 1251 WATSON AVENUE. (File No. CG2302A1, Assessment No. 230108)

Sponsors: Tolbert

Delete the assessment.

No one appeared

Staff report by Clare Pillsbury: the property owner reached out and stated they shouldn't have to pay the assessment because there was a service hold in place during this period. Waste Management records show that the property owner was being billed for both June 1 2022 through December 31, 2022, and January 1 through March 31, 2023 on their Quarter 1 invoice. Since haulers are unable to collect for previous billing periods, and there was a service hold in place during Quarter 1, 2023, staff recommends removing the assessment in full.

Moermond: they put six months' worth of an old bill on a first quarter bill for 2023. They don't get paid because there is a service hold and shouldn't have been billed. So they

tried to assess the City for an old bill amount that they can't even ask under contract. This is a hauler billing error.

Pillsbury: yes.

Moermond: recommend the deletion.

Referred to the City Council due back on 8/23/2023

- 6 [RLH TA 23-267](#) Ratifying the Appealed Special Tax Assessment for property at 1261 WOODBRIDGE STREET. (File No. CG2302A1; Assessment No. 230108)

Sponsors: Brendmoen

Delete this assessment and layover to LH July 20, 9 am to see if there is a pending Q2, 2023 assessment.

No one appeared

Staff report by Clare Pillsbury: property owner stated they were in the hospital for the past six months, as a courtesy staff recommend removing the assessment. When they called in June, six months back would have covered January through March.

Moermond: when you receive calls like this, logistically impossible for someone in the hospital to deal with a service hold and record. The second quarter bill also went to assessment, is that in play?

Pillsbury: we don't know that yet.

Moermond: we don't have that?

Pillsbury: it is due the 5th of the month.

Moermond: let's lay this over to July 20th to see where we are at with the hauler forwarding the assessment for this quarter.

Laid Over to the Legislative Hearings due back on 7/20/2023

10:00 a.m. Hearings

Special Tax Assessments

- 7 **RLH TA 23-250** Ratifying the Appealed Special Tax Assessment for property at 399 BLAIR AVENUE. (File No. CG2302A2, Assessment No. 230109)

Sponsors: Balenger

Approve the assessment.

Lwei, interpreter, appeared

Nyar Pwo, owner, appeared

[Moermond gives background of appeals process]

Staff report by Clare Pillsbury: the property owner contacted the City to request the assessment be reduced or removed as they don't have the money to pay it. We did reach out to Republic Services and they show they did receive service for two 64 gallon carts the first quarter of 2023 therefore our recommendation is to approve the assessment. They did attempt to make a \$208.52 on January 16, 2023 but it was declined due to non-sufficient funds.

Moermond: the attempted payment of \$208.52 is less than the total bill, so a payment towards the entire bill is what it appears?

Pillsbury: the original bill was \$208.52 but there were also late fees added plus a \$30 charge for insufficient funds.

Moermond: so not enough with the added fees. I understand you are having financial difficulties and that is why you want this decreased; can you expand on that?

Nyar Pwo: when I received the letter and people came to my house, I thought they were from the City, I sent payment and thought it was done. I received a complaint for the parking of a commercial vehicle. My truck is not commercial, so I think I am allowed to park it there.

Moermond: we're talking about two different things. You have some other tax assessments appealed; those have to do with Code Enforcement things. All we have today is the garbage hauling bill. We're talking about those other things on August 1.

Nyar Pwo: I made a payment a few days aback on the phone for the garbage fee. If there are some leftover I will pay those and pay it off.

Moermond: the bill we are talking about today is the bill from January 1 through March 31. I am thinking if you just called they were applying it either to the second or third quarter bill.

Pillsbury: we contract with the haulers to send the initial invoices at the beginning of each 3-month service period, if they are unpaid the unpaid balances are sent to us and we collect through the special tax assessment processes. They have to be paid directly to the City after that point.

Moermond: if in the past few days he paid the hauler, there is a deadline applying to the second quarter, and if that is missed it is applied to the third. If he missed that deadline, what should he expect?

Pillsbury: the deadline for April through June period would be June 30th.

Moermond: so if you didn't call by then the hauler would send it to the City for another one of these assessments. It would be applied to your July through September bill. It looks like this is a duplex?

Nyar Pwo: yes.

Moermond: is it family living in the other unit?

Nyar Pwo: it is family. Two of my children live upstairs and my wife and younger child live downstairs.

Moermond: so you are using it more like a one-family home, so the requirement you have two cans we can make it so it doesn't apply since it is one per unit but if this is acting like a single-family home I'd like you to have a lower bill because of that. That also depends on the amount of service you need. Do you fill up both those containers every week? Or could you manage with one that's a bit bigger? What volume of garbage do you have?

Nyar Pwo: some weeks we don't even have garbage, it is empty.

Moermond: we will get you a form you can fill out. We can let the hauler know you should pick up the other can.

Nyar Pwo: they already took one can.

Moermond: you only have one can right now? That is odd.

Nyar Pwo: after I paid the bill and I called them before this hearing, I told them they can take one away because I was getting a bill for two cans.

Moermond: when did they do that?

Nyar Pwo: I called them before last Friday and they told me they would pick it up last Friday.

Moermond: I'm glad they did that but they weren't supposed to do that without approval. We will have you do the form, I'm happy we're down to one container. Is it the right size? Smaller or larger?

Nyar Pwo: the 65 gallon I have now should be enough. I'd like to say something about the past service. Back then my hauler was Blaine and they gave me the metal can, but now the City took over and now I have a bigger can. I told them I wanted the smaller one like I used to and they said I can't.

Moermond: there are three sizes of cans. One is smaller than the recycling can, 32 gallons. Half the size of yours now. There is also a larger can that is 97 and holds 5 to 6 bags of trash. Would you like a smaller one? Or stick with what you have?

Nyar Pwo: I want to keep the size I have.

Moermond: your original question was for the assessment you didn't have enough money to pay. Under City code that isn't a reason I recommend this is decreased or deleted entirely. This is a private expense for each property. I can't ask all the taxpayers to pay your bill. We need to figure out a way to make this work the best we can. I have two things I want to tell you about, the first is I wanted to check where you were at with paying your property taxes to make sure you were ok with the County on those since you mentioned you were having income issues. You are ok there.

Nyar Pwo: I want to pay this today if you can help.

Moermond: you can pay it on the City's website, that's fine. If you didn't want to pay it all right away, that is fine, and if it all done this year it won't go on next year's taxes. You can also pay on the 7th floor of this building today. The interpreter is here for 2 hours, so you could do that and go pay.

Nyar Pwo: I don't have a credit card, just cash.

Moermond: they will take cash. The last thing is when I was looking at the tax site I noted you paid your entire tax bill all at once. You can split it in half and it would free up some cash throughout the year if you wanted to do it that way. I just wanted you to know that was an option.

Nyar Pwo: when I have the money I want to pay everything else, I don't want to owe anything. I don't want to be in this position again.

Moermond: I am recommending approval of the assessment today but moving forward you'll only be paying for the one can. We will see you August 1 to talk about your other assessments.

Nyar Pwo: for today's appeal is there any reduction you can do?

Moermond: I wish there was, the problem is that I would have to justify how a reduction is appropriate for this situation. I have heard the original bill for two containers was correct, the insufficient funds charge, none of those things are reason I can reduce. If there was another kind of reason, say the container was removed halfway through the container, I could look at that. But your situation for this quarter I don't have a good enough reason to ask that of the City Council, and I'm sorry for that. Any other questions about today's assessment?

Nyar Pwo: no, no other questions.

Referred to the City Council due back on 8/23/2023

Special Tax Assessments-ROLLS

- 8 RLH AR 23-57** Ratifying the assessment for the City's cost of providing Collection of Delinquent Garbage Bills for services during January to March 2023. (File No. CG2302A1, Assessment No. 230108)

Sponsors: Brendmoen

Referred to the City Council due back on 8/23/2023

- 9 RLH AR 23-58** Ratifying the assessment for the City's cost of providing Collection of Delinquent Garbage Bills for services during January to March 2023. (File No. CG2302A2, Assessment No. 230109)

Sponsors: Brendmoen

Referred to the City Council due back on 8/23/2023