



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final

Legislative Hearings

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Thursday, January 16, 2025

9:00 AM

Room 330 City Hall & Court House/Remote

Garbage Hauling Assessment appeals

9:00 a.m. Hearings

Special Tax Assessments

- 1 **RLH TA 25-46** Ratifying the Appealed Special Tax Assessment for property at 620 VICTORIA STREET SOUTH. (File No. CG2501A1, Assessment No. 250111)

Sponsors: Noecker

Delete the assessment.

Sherri Faiad, owner, appeared via phone

Moermond: we've looked over the file and Waste Management agreed to delete this assessment, covering the costs. You don't have to worry about an assessment for Quarter 3, 2024.

Faiad: I greatly appreciate that. Fantastic, thank you Jill, I appreciate it.

Referred to the City Council due back on 2/12/2025

- 2 **RLH TA 25-47** Ratifying the Appealed Special Tax Assessment for property at 901 YORK AVENUE. (File No. CG2501A2, Assessment No. 250112)

Sponsors: Yang

Delete the assessment.

Referred to the City Council due back on 2/12/2025

10:00 a.m. Hearings

Special Tax Assessments

- 3 **RLH TA 25-25** Ratifying the Appealed Special Tax Assessment for property at 1689

REANEY AVENUE. (File No. CG2501A2, Assessment No. 250112)

Sponsors: Johnson

Approve the assessment.

Jim Davis, realtor o/b/o owner, appeared via phone

Carrie Brown, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Jillian Barden: Carrie Brown was charged for bulky items left from previous owner. She purchased the home April 11, 2024. Multiple bulky items were collected by Waste Management on April 3 and April 10, 2024, which resulting in an additional \$435.00 to be added onto the Quarter 3, 2024 billing statement, along with \$75.21 in late fees, plus a prorated charge for service from April 13 to June 30, on the Quarter 3 billing statement.

Moermond: the property transacted April 11, 2024. We have a period where the previous owner didn't pick up the costs of the bill, and secondarily they also left bulky items to be picked up beyond the service level they had. Those didn't appear on the second quarter bill; it was on the third quarter since it was unknown they existed.

Barden: yes.

Davis: Jillian laid it out correctly. Why is Carrie being billed for the previous owner's junk?

Moermond: the bill, if unpaid, is forwarded to the City as a proposed special assessment to attach to the property. That becomes a debt on the property left by the previous owner.

Davis: right. So again, you haven't said or shared anything that has told me Carrie is responsible for a previous owner's debt other than how the City of Saint Paul chooses to take care of the garbage.

Moermond: you probably know, as a professional, the seller and the buyer need to figure out the assessment situation. This wouldn't have been an assessment at time of transaction but that the closing the seller would disclose any pending assessments or bills. This wasn't dealt with in closing. It also wasn't something the title company brought to your attention, though it is often the case.

*Is it the seller's responsibility morally? Absolutely. Is it a nuisance attached to the property? Yes. These are sometimes deleted if the bill were issued to the previous owner during *your* period of ownership they would be responsible. When you bought the property you bought its prospective debt. We will not go back and collect from a private individual for the private transaction that the City wasn't party to. The assessment is part of City code. Have you contacted the seller?*

Davis: they have no interest, they won't answer. Many attempts and they left no forwarding information. How many hearings like this do you have in a given, month, week, year? How many?

Moermond: maybe two or three times a year over the four thousand assessments. That doesn't mean it isn't happening, it means perhaps people aren't paying attention to their

bills.

Davis: does the City have a contract with Waste Management?

Moermond: City has a contract with a consortium of garbage haulers that expires the end of March.

Davis: are you renewing those contracts?

Moermond: no.

Davis: beginning in April the homeowners will be picking their own garbage company?

Moermond: no, the contract is between the City and the hauler. Not the hauler and the property owner. The change is the City will be doing the billing moving forward. That's in the future. I don't know it would change the circumstances in this case.

Davis: long story short is the City is a bill collector for Waste Management?

Moermond: we have a contract with a private entity to do a public service. We aren't their bill collector.

Davis: that's a fun way to say it, but the "but" here is if the bill doesn't get paid the City is on the hook, correct? And they in turn assess the property owner? Correct?

Moermond: that is the way it works, yes.

Davis: what part of that will change in April?

Moermond: the hauler won't be doing the original billing; the City will be doing the billing.

Davis: you're creating a billing system the means by which is the same; it is just how it is billed is changing.

Moermond: the City will be issuing the bill and unpaid bills will go to assessment for collection.

Davis: alright. So, it doesn't change. Where I'm going is the City is a bill collector for a billion-dollar company, which I find interesting.

Moermond: which I dispute because we are operating under contract. You are welcome to present that argument.

Davis: do you agree it is fair for Carrie to have to pay this money?

Moermond: I appreciate that you want to interrogate me on this--

Davis: yes or no?

Moermond: no, sir. I'm not playing that game.

Davis: you have to play the game; you set the rules. I am playing by your rules.

Moermond: this is a private matter between you and the seller as far as I am concerned. I have said I think there is a moral responsibility but that isn't something the City will enforce. That is between you and the seller, we aren't a party to your contract.

Davis: you are involved because the way you set the rules up is not the same as say, where I live. I pay the collector. If I leave, I'm on the hook for the crap I left behind.

Moermond: so, you disagree with the contract and you can certainly make that argument to the City Council and they may look at it differently. As it has been presented to me, you were stuck with the bill, Ms. Brown, and that bill is in large measure due to the previous owner not compensating that or it being handled at closing.

I'm going to recommend approval. Service was provided to the property. The way the Code is set up that it attaches to the property not the individual. Yes, some cities do things differently. The taxpayers passed this on a ballot initiative as a mandate from the voters. The St. Paul taxpayers passed a ballot initiative saying they wanted to do organized hauling. That's what I'm operating with.

Brown: a bill wasn't even created before I closed, so they wouldn't even know how much they owed at closing.

Davis: agreed and how was she supposed to know about something that happened after the fact? The dates show the bulk of what is owed was after she purchased the house. How was she supposed to know?

Moermond: she couldn't know any more than if you buying a property with a pending assessment. If there's a cleanup on the property and it hasn't been assessed at time of purchase. That is a contingency that the seller should disclose. I don't know if the closing agreement with you and your title company used says this, but typically the standard contract does. Again, this is between the seller and the buyer. My recommendation is going to be approval of the assessment as written, but you are welcome to speak to the Council about a different outcome.

Davis: so, you're saying you absolutely have no means to change your mind and you choose not to.

Moermond: I am saying this is my recommendation, but you have the ability to testify to the Council for a different outcome and they may look at it differently than I do.

Davis: and when does this take place?

Moermond: there should be a notification telling you about today's hearing, and that same letter tells you when the Council Public Hearing is. I believe it is February 12th.

Davis: Carrie, did you get a letter?

Brown: I got the Public Hearing notice, ratification of assessment letters, the bills. Which total about \$836.

Moermond: I have \$576.

Brown: there were two before that that I paid.

Davis: she paid \$129 twice. So \$258. Plus what, Monica—Marcia? 576? That's the \$800-some. She paid the previous seller's bills unbeknownst to her. The amount in question is \$836 and some change.

Moermond: you're the professional so I suggest you look into the nature of the contract and how you want to proceed privately. The City is not a party to the private transaction and won't take responsibility for that. Again, the Council could interpret this differently. That's their job.

Brown: for someone else's garbage? That's amazing.

Davis: so, Monica---I'm sorry, Marcia. If you were Carrie what would you do? Limited, fixed income.

Moermond: I can't offer you advice on how to pursue this. I'm not legal counsel.

Davis: if the bill doesn't get paid what happens?

Moermond: if the assessment goes unpaid the assessment will be part of the 2026 property tax statement.

Davis: that will be divided by 12 months or whatever.

Moermond: I think you are familiar; they're paid in 2 halves.

Davis: sure, I'm looking at it from a mortgage perspective and paying in escrow. The assessment goes to the taxes and notify the lender to say there's more taxes on this property so they collect more on mortgage escrow. Is that generally how that works?

Moermond: that is a private matter between bank and owner and I don't feel comfortable giving advice on that.

Davis: alright, well you're no help. Alright, Carrie anything to share?

Brown: I'm just really disappointed in this. Like, I just moved to St. Paul and I am amazed. Absolutely amazed. No, nothing to share other than my complete disappointment in this process.

Davis: and I hope you sleep better at night, people. We're done.

Moermond: hopefully this is good advice for future transactions you shepherd. I wish you both well, take care.

Referred to the City Council due back on 2/12/2025

4 RLH TA 25-45

Ratifying the Appealed Special Tax Assessment for property at 89 WINNIPEG AVENUE (File No. CG2501A2, Assessment No. 250112)

Sponsors: Bowie

Reduce assessment from \$154.44 to \$134.31.

Jean Nzuaweni, owner, appeared
French interpreter via Language Line appeared via phone

[Moermond gives background of appeals process]

Staff report by Jillian Barden: the property owner is contesting his bill for Quarter 3, 2024 in the amount of \$154.44. It is the July through September garbage bill.

Moermond: I understand there were changes of who things should be addressed to due to a divorce, is that accurate?

Nzuaweni: yes.

Moermond: I can recommend it is reduced from the current amount that includes late fees to an amount that doesn't include late fees, so the amount is the same it would have been initially. That would be from \$154.44 down to \$134.31. If there are other reasons for disputing I'm happy to hear them.

Nzuaweni: yes, I do not have any problem with the bill, but if you can give me permission to ask some questions?

Moermond: that is absolutely fine.

Nzuaweni: I would like to thank you for the permission. First last year, September 5, 2024 I left the house and I received the bill 3 times, for this address at 39 Winnipeg Avenue. I can pay the \$137. I have some other questions, is that okay?

Moermond: absolutely.

Nzuaweni: as the owner, I accept to pay the bill but I no longer live there.

Moermond: when I look up your address in the Ramsey County tax records, I see there are two owners; you, and Josephine Witemba. That means either of you could be responsible for paying this bill as far as the City is concerned.

The Ramsey County recorder's office shows it was sold to both of them April 30, 2019, and no change in deed since then.

Nzuaweni: I have documents I signed from Court saying she is the owner of the house. The money from the bank. I don't want you to think I am the owner right now.

Moermond: there is a difference between the mortgage loan documents and the deed.

Nzuaweni: if someone signs a document when taking a loan, does that make them the owner of the property?

Moermond: it doesn't say she was a witness; it says she was an owner, buyer of the property. It sounds to me like the judge will be reassigning the ownership of the property to you and that will be changing the ownership record you have in your hands. We can get you the phone number for the Ramsey County Recorder's office to speak with about the deed. They would be the right office to get those records so they can be considered in the divorce. Any other questions?

Nzuaweni: she isn't paying the bill. She's still living in the house. I took so much overtime just to pay for this house and I'm the only one responsible for the bills.

Moermond: I understand. I don't have any control over who is on the deed, but we can get you the information for any attorney you may be working with. We'll give you the office phone number of where the deed is registered so you can go talk to them about changes and what information they would need from the judge to make sure it is correct.

Moermond: back to the bill, it will be reduced but is there anything else you'd like changed? Name on the bill? Smaller cart size. Anything there?

Nzuaweni: I will pay for the bill, but I'm not living there anymore. Who will pay the next bill?

Barden: we could switch to a lower level of service, but it would be a smaller can as well. It would be picked up every other week with a smaller can. That would take the bill down to \$36.19 this quarter and then slightly more the next quarter. There's a new hauler, thus the small price difference between quarters.

Referred to the City Council due back on 2/12/2025