



# 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*

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*651-266-8585*

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Thursday, May 9, 2019

9:00 AM

Room 330 City Hall & Court House

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#### 9:00 a.m. Hearings

##### Special Tax Assessments

- 1 [RLH TA 19-322](#) Ratifying the Appealed Special Tax Assessment for property at 500 BAY STREET. (File No. CG1901B1, Assessment No. 190052)

**Sponsors:** Noecker

*Approve the assessment*

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*Gerald Loberg, property owner, appeared.*

*Diane Chao, Staff:*

*The proposed tax assessment for 500 Bay Street is for a total of \$63.33. This includes the \$2.50 service charge as well as the \$60.83 which is the cost of service for the small every other week cart. (staff referenced the service charge, but that it wouldn't be charged unless the assessment was certified to the taxes.) Mr. Loberg's stated reason for appeal is that the new plan will raise his cost 500%. The City believes that he is still responsible for paying this charge. Under citywide garbage service, all residential properties are required to receive garbage service and to have a garbage cart. There is no "opt out" option for citywide garbage service. Additionally, these negotiated prices are fixed for the duration of our contract between the City and St Paul haulers. Garbage service was provided from October through December of 2018 so he is responsible for this payment. He is also using the 35 gallon small every other week cart, which is the least expensive service available under our program.*

*Moermond:*

*Mr. Loberg, tell me a little about why you are appealing.*

*Gerald Loberg:*

*She covered it there, but there's a whole lot more to this. It starts with this. You are all familiar with this, I'm sure. But with most people do, they just read the front page. They don't turn it around and look at the back page. What this says here, in fact they were kind enough, I can't believe Waste Management would do this, but I will get to them in just a minute. What this says here, is that by paying this bill, you are automatically giving us your permission. That doesn't make any sense and that's not the way we buy things in a market system. We don't do it that way. And trash is just a simple thing. And people usually just go ahead and find other ways to handle it. And*

*they do it. They don't have to be hornswoggled like this. That's what this is.*

*Moermond:*

*I didn't quite hear what you said it was.*

*Loberg:*

*It's just basically, by doing one thing, it automatically says you're agreeing to this whole premise here. What they propose to do. Waste Management. Not the City. And that is a little weird. You don't buy anything like that. I didn't buy this pen like that. So, the second thing is, I have some experience with Waste Management, but it's not recent. About 15 to 20 years ago, they were my hauler. And I know what kind of jackals these people are. You have a problem with it, you call them up and all they do is holler and scream at you. Finally, I told them to get their kit, to get out. And take their caboodle with them. Let's see, what else I got here. OK. I based on that experience, I just put it in my notes, never to deal with these people again, unless somebody else owns it or they got some new management in there. But, you know, I'm not going to take this kind of treatment from a rubbish hauler. Which is basically what they are. And I wouldn't choose them as my hauler; they'd have to pay me to haul my trash.*

*But, I, like so many other people, have found a way to do just that by something that's a little more economical. I'm just a guy that lives there by myself. And I don't generate a lot of trash. Most of the stuff that I generate is recycling. And that's probably 80% and to have my bill raised, that's a little dramatic, 500%, but it is. It is what it is. I don't even need the basic service of what they have. It's just not necessary for me to have it. And, uh, but I also understand it's kind of a way for the City to raise money. And, uh, I thought I'd come down here and throw this thing out here and see if anybody will salute.*

*And that's the second thing that I wanted to talk about. I don't know if I'm permitted to do that. Which is the scandal that's been going on here, with something called property tax. I don't know if that's allowable or if you just want to stay on the issue. You want to just stay on...*

*Moermond:*

*Well, I am the Hearing Officer so you want to talk to me on what you want to talk about. And I haven't stopped you from making your comments so far. Be mindful that there's other people behind you, so be concise in your comments.*

*Loberg:*

*I got it condensed down pretty well.*

*Moermond:*

*Let's hear it.*

*Loberg:*

*OK. Property tax is so ambiguous and how you come with the figures, the appraisals, there's all kinds of appraisals. And all of them would suggest a different property value. There's appraisals for mortgages, for insurance, for sale purposes, and anything else that you want to do with it. And they all come back with different figures. So, what is the true value of the property. I think it goes right back to the basics. It's what two people agree upon. And so taking a tax, that is a tremendous burden, especially on retirees, that many of them are just living on social security. They've paid all their lives into the system, without any question. And then, and now, they're*

*being taxed out of their homes? They're going to have to make a decision between food and medicine and whether they got a roof over their head. That doesn't sound like...it sounds like we should be able to do better than that. And what I would ask has anybody in this room heard of something called the Tobin tax? Has anybody...*

*Moermond:*

*It's your turn to talk, we're not having a conversation with the whole room. It's your turn to made comments for the record. You were just asking rhetorically and we are not going to engage in a conversation about this theory. You can make a quick comment on it, connect it to where you are going, OK, do that.*

*Loberg:*

*My quick comment would be this, it's easier for the City to raise more funds than they ever thought possible and with less strain, less drain, and probably, with less personnel, because most of it could be done on the computer. It was developed, not by me, it was developed by an economist down in Florida and his name is James Tobin, hence the Tobin tax. And it's a very easy way for cities to deal with their funding problem. The only reason why maybe you never heard of it is because it never gets any press. It never gets into the media for some unknown reason. But I wish Tobin would write a book on it, at least you'd have something to hand instead of your hat. Something like that would be to eliminate and I'm sure ...*

*Moermond:*

*OK. So that's your comment. You aren't happy with the property taxation system; you've talked about appraised values not being satisfactory from your perspective and that you believe there's an alternative way to finance local government. I would like to bring you back to the point about the garbage hauling service. You talked about it costing more and that you don't like Waste Management. Had you had any problems with Waste Management in the fourth quarter?*

*Loberg:*

*They never did.*

*Moermond:*

*Because you didn't put out your container? Because you didn't...*

*Loberg:*

*Because of their invoice.*

*Moermond:*

*Would you like to put that invoice into the record?*

*Loberg:*

*Yeah.*

*Moermond:*

*Bring it up to Ms. Vang and she will scan it into the record, so we can see what you are talking about. You don't want to say you agree with what they are charging...*

*Loberg:*

*That's right. I never did. In fact, I'm with the people with the St Paul lawsuit, the trash lawsuit, St Paul trash. I'm sure you heard of them. [laughs] So, the, uh, they're just full of shenanigans, you know. You get yourself in, it may sound like a good deal, right now, but who's to say it's not a good deal down the line. And besides, the*

*amalgamation between the private sector and the public sector is never a good idea.*

*Moermond:*

*It says "see reverse for important messages." You refer to the back side of this piece of paper. The backside of this piece of paper is blank. And so, I don't know what...*

*Loberg:*

*That's a copy.*

*Moermond:*

*OK. So, what you are referring to, you haven't given us. Because you haven't shown us the back of the piece of paper.*

*Loberg:*

*Well...right here.*

*Moermond:*

*OK.*

*Loberg:*

*They just put that in. It's the St Paul trash people that were sending that out. It's one of the first missives we got.*

*Moermond:*

*Here's exactly what it says: "Important message. This invoice constitutes an offer by Waste Management to provide service to you for a specified period. By paying this, you agree to continue service during the specified service period, with no refund, whole or partial, for early cancellation, unless such refund is required by law, regulation, or contract." And then it indicates in smaller print, "St Paul Citywide garbage system begins October 1. Start using your city garbage cart on October 1. This is your first quarterly bill. For billing and customer service questions, contact us." And then it gives also the City's website.*

*You can go ahead and have a seat. So, you don't agree. What I am left with is you have a small cart. You have chosen not to use it, but that cart is there and you are in a type of home...you can sit because then your voice gets picked up on the mic...*

*Loberg:*

*I am hard of hearing.*

*Moermond:*

*Oh, you are hard of hearing? We can speak up; that is not a problem.*

*You are a single family home.*

*Loberg:*

*A single family home? I would call it that, yeah.*

*Moermond:*

*You are in a single family home, which is one of the kinds of properties that is required to be in this garbage hauling program.*

*Loberg:*

*Oh yeah, everybody's in it.*

*Moermond:*

*I hear that you are objecting to having to participate in that, that it covers your particular property. And that you are, therefore, not putting out the cart. The fact is, you are in the program. Everybody is paying for the program. The garbage truck is going by whether or not you put out your cart. If you are having service problems with Waste Management, Mr. Swanson, what exactly does one do with problems with Waste Management.*

*Chris Swanson, Staff:*

*There's a number of options, if you are having service problems with Waste Management. First, we would have you contact Waste Management directly to address the problem.*

*Loberg:*

*I haven't had service...*

*Moermond:*

*Let's let him talk for just a minute.*

*Loberg:*

*OK.*

*Swanson:*

*Secondly, if you don't want to contact Waste Management, the City also works as a resource to address issues. You can call our trash line at 651-266-6101 or go online at [garbage@stpaul.gov](mailto:garbage@stpaul.gov). Or you can contact me directly. I will give you my card so that in future, if you wish you can call me. There's a number of options to help address service issues.*

*Moermond:*

*While your dispute with the City is ongoing, you may want to change the cart collection frequency so that you have less on the line. Right now, you have a small cart every week pickup is what you are set up for. You may want to set it up for every other week. That will decrease your bill a little bit. So if you don't come out on the side you want to, you have less at risk.*

*Swanson:*

*He is already set up for a small cart every other week.*

*Moermond:*

*Oh. It doesn't say that in the summary. It says garbage service, small cart.*

*Chao:*

*In staff comments, we write that it is every other week.*

*Moermond:*

*Hauling services provided is where I looked. Which is where I would expect it to be. So, he does have that, which is good. It's less, then.*

*You won't be surprised to hear me say that I do think you have to pay this assessment. However, continuing to disagree is not a problem with me. There's a public hearing set up where you can talk to the City Council about it. And there's appeal avenues after that about this particular assessment. OK?*

*Your comments will be in the record and available to anyone who wants to see them, including the Council members who will be making a decision on the assessment. If there is any other document you want to put on the record, we can do that. Is there anything else you want to put on the record? Documents? You have a pile of letters there.*

*Loberg:*

*These are the stuff they've been sending me.*

*Moermond:*

*Did you want them put in the record? Or is one document enough?*

*Loberg:*

*Pretty much is self-explanatory. I haven't paid 'em because, you know, I haven't used their service.*

*Moermond:*

*Right. Thank you for coming down. If you don't want to talk to Waste Management, talk to Mr. Swanson.*

*Loberg:*

*There's no reason...*

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

**2**      [RLH TA 19-372](#)

Deleting the Appealed Special Tax Assessment for property at 689 CONWAY STREET. (File No. CG1901C4, Assessment No. 190063)

**Sponsors:**      Prince

*Delete assessment.*

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*John Carroll, property owner, appeared.*

*Chris Swanson, Staff:*

*The resident is here appealing the special tax assessment for the property at 689 Conway Street. This is for Quarter 4 2018 garbage service. The cost for this is \$9.61. There's a service charge of \$2.50 for a total assessment of \$12.11 (staff referenced the service charge, but that it wouldn't be charged unless the assessment was certified to the taxes). This cost is actually two late fees on a medium cart from October through December 31.*

*The stated reason for appeal is that "the original bill was not sent to me or my wife, it was sent to the previous owner, and when we tried to fix it, Republic said it was actually on YOU to update public works with the correct information."*

*Looking at this, I would say that we remove this assessment.*

*Moermond:*

*Done. I'm sorry you had to make a trip downtown for this.*

*John Carroll:*

*I had a spiel and everything, for this.*

Swanson:

*Did you get bills moving forward from Republic?*

Carroll:

*When the bill came to the previous owner, I called Republic right away and informed them and they were, like, you need to talk to the City. I became a middle man for three or four months. What happened I guess was they sent you guys the bill that said I had a late fee, you guys paid it and then soon after, they told me they were going to delete the fee. But you guys already paid. From your standpoint, they owe you money. From my standpoint, I don't owe anybody anything. And then this all came about. You said something earlier about the growing pains.*

*For the record, I think this is a great program. I love this socialist [inaudible]; I don't have an issue with it. I hope you guys do the same thing with alley plowing.*

Moermond:

*You are on the record, sir. And I'm sorry you had to make a trip downtown. And I'm glad to hear you.*

**Referred to the City Council due back on 6/12/2019**

- 3 RLH TA 19-257** Ratifying the Appealed Special Tax Assessment for property at 957 COOK AVENUE EAST. (File No. CG1901C3, Assessment No. 190062)

Sponsors: Busuri

*Reduce from \$230.81 to \$115.40*

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*Gregory Maslow, property owner, appeared.*

*Chris Swanson, Staff:*

*The resident is here to appeal the special tax assessment for the property at 957 Cook Ave East. This tax assessment is for the outstanding Quarter 4 2018 garbage bill. The cost is \$228.31 for the service provide. There is a \$2.50 service charge for the assessment process, for a total assessment pending of \$230.81. (staff referenced the service charge, but that it wouldn't be charged unless the assessment was certified to the taxes.) The service provided is for one medium and one large cart at the duplex owned by Mr. Maslow.*

*The stated reason is that this is a duplex. He only uses one unit. He was ordered two carts; he never put out any carts. He doesn't use the service. Only generates a small amount of trash at the property.*

*The justification for this assessment is that all residential units in the City of St Paul are required to have trash service by City contract. That is a trash cart per living unit, so Mr. Maslow has a duplex, there should be two carts there. I did talk with Mr. Maslow in February...*

*Gregory Maslow:*

*Twice I was down there.*

*Swanson:*

*Yeah, twice in February so to get him set up for a vacancy on one of those units,*

*because it was unused. But up 'til February, we had not heard anything from Mr. Maslow stating that. So, there was nothing we could really do to make it known that was a vacant unit up to that time.*

*Moermond:*

*What size cart does Mr. Maslow have now?*

*Swanson:*

*He currently has a 64 gallon and a 95 gallon.*

*Maslow:*

*I have the two, but you were going to take the 64 off of it when I signed all those papers.*

*Moermond:*

*In February, one of the carts went away. I want to confirm which cart was taken away. Was it the large cart?*

*Swanson:*

*It was the medium cart that went away for him.*

*Moermond:*

*So he has one large cart.*

*Swanson:*

*Yes.*

*Maslow:*

*They are both still there.*

*Diane Chao, Staff:*

*The service is removed but the cart is not physically removed. With a vacant unit.*

*Moermond:*

*Did you fill out paperwork with Mr. Maslow to decrease the cart size?*

*Swanson:*

*We did discuss other options available for decreasing the cart size. If my memory serves me, you wanted to keep a cart in case you had additional trash?*

*Moermond:*

*Mr. Maslow, I will turn it over to you then. What is the situation?*

*Maslow:*

*I was fine with one so I was going to get rid of the big one but the price difference between the big and the medium was almost nothing. So, I was fine with the one large cart. The issue is the property...I've had nothing but problem renters so I hadn't rented it in four years. I rented it for two years prior to that and prior to that I hadn't rented it in over 10 years. I don't like being a landlord, to put it mildly.*

*The other issue is I've had a host of medical issues. I've done rehabs in other places. I wasn't at the property. I've had knee surgery, car accident with broken ribs, and then a broken foot. All within the last year plus. So that's why I haven't generated any trash.*



*Moermond:*  
*Do you live at this property?*

*Maslow:*  
*Yes.*

*Moermond:*  
*And you occasionally use the other unit as rental, that you haven't had great success, though. It's been just occasionally it's been a rental unit?*

*Maslow:*  
*Like I said, four years ago, four to five years ago, is the last time I rented it. And it was for two years there I rented to two different parties. Prior to that, from 2000 whatever it was, ten years ago, I didn't rent it out. When I had tenants, I had a 90 gallon barrel. I don't even remember the name of the service.*

*Moermond:*  
*In the fall, when the two barrels were dropped off, or, this last summer they would have been dropped off, did you try to reach out to the City about that? Tell me about that.*

*Maslow:*  
*Exactly. Called the City. City said call the hauler. Hauler said call the City. Back and forth. Back and forth. I would wait a week, get the same spiel. Had some really nasty person on the phone from Advanced Disposal. She wasn't very pleasant and I hung up on her. Then after my last surgery when I could walk a little better, I came down and talked to uh, Dan Bostrom was my councilman and I talked to his aide.*

*Moermond:*  
*Scott Renstrom?*

*Maslow:*  
*Yes, Scott. I spoke with him. He told me about this vacancy thing. In all the phone calls I had prior to that, no one said you could come down and do this vacancy thing.*

*Moermond:*  
*When did you talk to him? Was that February?*

*Maslow:*  
*It was the morning that I talked to Chris the first time. I went over there and sure enough, there was the paperwork that Chris had me fill out. I don't know if it was the first time or the second time he took the medium size barrel out. But he said it was up to you and the Council about the first quarter and the second quarter, it was the same issue but I don't have the letter for that yet, for that hearing date. I'd like to take care of that right now if that would be possible. The first barrel that I filled up was April 4, the first time the service was actually....*

*Moermond:*  
*So, last summer what was the process about talking about cart delivery? It seems like they had to say on their little slip what they wanted.*

*Swanson:*  
*Basically we sent out an early notice to all property in the City of St Paul inquiring what size cart they wanted, basically if they wanted a 64 gallon, 95 gallon, smaller, larger.*

*That was returned to the City [inaudible] requested cart. There was also additional information to contact the City if there were questions about that process, too. So that was the cart size request notice. Also at that time, we were sending out additional information sort of outlining the program that was starting, to make sure residents were aware of the new systems that were going to be in place.*

*Moermond:*

*Do you have any record of what was requested? I am guessing he requested one large container and didn't request a second because the unit was vacant. But because it was a duplex, he was automatically delivered the default size, a medium container for the second unit. Does that sound like a possibility?*

*Swanson:*

*I think that would have been...*

*Maslow:*

*100% correct.*

*Swanson:*

*Perfect.*

*Maslow:*

*First, I called the number and requested the large cart. When I found the little card, I thought it was junk mail and I filled it out for just the large cart and sent that in, too. When I had both barrels delivered, I called, I said I thought the medium one was delivered because I didn't fill out the card. I called and filled out the card, after I found it, I just wanted the large. When they both got delivered, that's when this whole ball started rolling.*

*Moermond:*

*I'm going to call this a growing pain, getting this system established here in the City. I'm going to recommend the Council cut this in half for the fourth quarter bill. You are going from \$230.81 to \$115.40. You would be paying for one of the carts.*

*Maslow:*

*The service didn't start until April 4.*

*Moermond:*

*The cart was delivered and you were in the program last fall, fourth quarter.*

*Maslow:*

*This same issue is going to come up for the quarter after that, too.*

*Moermond:*

*For the January part of the bill?*

*Maslow:*

*The January, February, March. That quarter's going to be the same issue.*

*Moermond:*

*Mr. Swanson, how are you going to handle that?*

*Swanson:*

*I do see there is an outstanding Quarter 1 2019 garbage bill for the same amount.*

*That should have been paid, I know we discussed that. You pay that forward to the hauler and then they make adjustments based on the vacancy that was put in place. It looks like payment was never made to the hauler.*

*Maslow:*

*No, it wasn't because like I said, service didn't start until April 4.*

*Moermond:*

*The service existed the entire time. That's the thing. You had the carts from last fall and the trucks were going by to pick up the garbage, whether you put the carts out there or not. The service was in place. That's what I am wrestling with here. I don't have any indication that you were in Florida for all the fall through February or anything like that. Or there was paperwork filled out. I'm hearing I called them; it wasn't clear what I should be doing. I got it squared away in February. I respect that you called them, that it was a headache, that you, in all good faith, filled out the paperwork. One cart was your intention. I'm just going to cut it right down the middle. I know you don't want to pay the fourth quarter. I'm going to say you need to pay the fourth quarter.*

*Cutting it down, in terms of the first quarter, I don't have that in front of me yet. We can set that aside and deal with it in a similar fashion and what we'll have is you billed for one cart for the entire quarter. We can adjust the bill downward until you've had that conversation. That's something Mr. Swanson can handle on his side, prepare a worksheet on, and we can take care of it here. I cannot do it today because it's not legally in front of me today. I can only deal with this fourth quarter bill and I'm trying to help you on it.*

*Maslow:*

*I don't feel it's justified at all that that I have to pay.*

*Moermond:*

*OK. I respect...*

*Maslow:*

*Inasmuch as there was no way I was hauling garbage out.*

*Moermond:*

*I respect that and yet there was also an option for you to call and have a walk up service for them to come up by the house or by the garage, wherever you kept your container. That was described in the materials, also. There's plenty of people out there who have mobility issues and get walk up service because of that. There's a little extra charge but it is an option. And it's described in the materials.*

*Maslow:*

*The thing was I wasn't generating garbage.*

*Moermond:*

*That's not what this is measured by, it's whether you are in program or not and you are in the program because of the type of housing that you are in.*

*Maslow:*

*Right. From the very start, when I called the City, they'd say call the hauler. Back and forth, back and forth, back and forth.*

*Moermond:*

*Which is why I cut your bill in half.*

*Maslow:*

*The cart thing was a surprise to me and when I got two carts. I know other people...*

*Moermond:*

*I just dealt with that. I've gone as far as I can with this but if you want to get something more, or different, you will need to talk to the City Council.*

*Maslow:*

*That Council meeting would be June 12?*

*Moermond:*

*Yes.*

*Maslow:*

*I will take my chances with the City Council.*

**Referred to the City Council due back on 6/12/2019**

- 4**      [RLH TA 19-264](#)      Ratifying the Appealed Special Tax Assessment for property at 613 CROMWELL AVENUE. (File No. CG1901C4, Assessment No. 190063)

**Sponsors:**      Jalali Nelson

*Approve; no show.*

**Referred to the City Council due back on 6/12/2019**

- 5**      [RLH TA 19-350](#)      Ratifying the Appealed Special Tax Assessment for property at 1122 JACKSON STREET. (File No. CG1901C4, Assessment No. 190063)

**Sponsors:**      Brendmoen

*Approve; no show.*

**Referred to the City Council due back on 6/12/2019**

- 6**      **RLH TA 19-356**      Ratifying the Appealed Special Tax Assessment for property at 1078 REANEY AVENUE. (File No. CG1901C3, Assessment No. 190062)

**Sponsors:**      Prince

*Approve assessment.*

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*Joseph Kostuch appeared.*

*Diane Chao, Staff:*

*For 1078 Reaney Avenue, we have a total assessment of \$179.18. This includes a service charge for \$2.50 and the service cost of \$176.68. This is the cost of one large cart as well as the additional cost for a medium cart. (staff referenced the service charge, but that it wouldn't be charged unless the assessment was certified to the taxes.)*

*Mr. Kostuch's reason for appeal is that "he never had the garbage picked up since October 1, 2018. He never signed up for the garbage disposal. The City is trying force it on him and he doesn't use the service."*

*Under Citywide garbage service, all residential properties are required to have a garbage cart and receive garbage service for each dwelling unit. This property is classified as a duplex so there is one cart per unit. Property owners have to provide garbage service for all occupied dwellings and there are no options to opt out of Citywide garbage service. We believe he is responsible for paying the outstanding charge, as garbage service was provided from October through December 2018.*

*I just pulled some records now to see if Mr. Kostuch had contacted the City previously and it looks like he did call twice in September and twice in October, and once in November. All these messages state that he does not want the containers; he doesn't want to pay the bill. He doesn't want to be in the program. He states that his son lives in the other unit and they had previously shared and he doesn't want the second cart. But, as I stated, service was provided for these two carts from October through December, so we do believe he is responsible for paying this.*

*Moermond:*

*Is David your son?*

*Joseph Kostuch:*

*Yes. I have a duplex and I live in one unit, he lives in the other. First of all, we never signed up for City or local garbage service. Never have we done that. And we never have used those vendors garbage service or City garbage service since it started October 1 of last year. What we do is we have a container for our own garbage, our own container, and we take it out weekly. What I'm saying is I'm not paying for something I don't use. We've never used it, the citywide garbage service. Never. Since October 1 have we ever signed up. Or used it.*

*We do not want your socialism garbage service. Socialism is the same as communism. We want no part of that. The local garbage vendor and the City of St Paul do not know that garbage is not being picked up at our residence. At all. We have our own garbage container. It's either by our three season porch in the back or on the three season porch in the wintertime. Summertime, it goes outside. We've had one large garbage container from a previous garbage service. For 20 years. And we aren't now going to two garbage containers. We called the City way back before garbage started even, September, around October 1, to pick their garbage containers up on our property. They didn't do it. They are still there. Seems like the City is trying to force garbage service on us. Which we don't want. Previous garbage service we had, back in September, of '98, we had Waste Management and the cost of that garbage service was \$247.96 per year. And what the City forced us, through the attempt through the City to force us would have been \$712.96. Thirty dollars from tripling the service that we already had back in September of last year. And we had way more [inaudible]. They were telling me that we gotta take your garbage. No, I don't. This is a free country and I got a right to choose the garbage service I want. So, what you're doing is against the law. Forcing people to take your garbage service. It's unconstitutional.*

*Moermond:*

*Did you have other comments, also?*

*Kostuch:*

*That should take care about it. We are not paying for something we never use. We never have used. The Citywide garbage service. I told them come and get your garbage containers back. On October 1, offa my property. They didn't do it.*

*Moermond:*

*I have some thoughts about your situation. I don't know if you would be interested. One is, it sounds like you are similarly situated as the previous gentleman, where you have a large and a medium container and maybe you ...*

*Kostuch:*

*I don't want your containers. We got our own container.*

*Moermond:*

*I'm just going to talk for a minute, because I just have a couple questions here. Was there any selection that went on last summer? Any returned postcard regarding size of containers.*

*Chao:*

*No. These were assigned to him.*

*Moermond:*

*Why one large and one medium instead of defaulting to two mediums?*

*Chao:*

*He previously had one large cart there. So, one large would have been for the one unit and because there was no garbage cart assigned for the other unit, it was given a medium cart.*

*Moermond:*

*OK. You don't have to answer this ...where I'm going to go with this is I'm trying to find a way we can talk about your duplex really functioning more as a single family home. If we do that, my hope is we can get you down to one cart.*

*Kostuch:*

*No. [inaudible]*

*Moermond:*

*This is not a conversation you want to have.*

*Kostuch:*

*[inaudible] even try to do that. It still would be double. If it's almost triple now, in the present situation. Like I say, I checked into all this before October 1. I'm not talking about now, I'm talking before October 1 of last year. Thirty dollars shy of tripling. If you do take a garbage container away and I go with your service, which I don't plan on doing, it would still more than double...*

*Moermond:*

*What I am trying to say, while you are talking over me, is trying to figure out a way to decrease your bill, so if you lose your long term argument, there is less financial impact. It's not saying you agree with having the program and all that. I'm saying, if we shrink that bill, we shrink the impact on you. That's what I was looking for. If you're not interested in having that conversation, that's fine.*

*Kostuch:*

*You'd have to shrink it to my previous garbage service before October 1 of last year. If you don't shrink it to that, I don't want it.*

*Moermond:*

*You are playing all or nothing and that's fine. I put out the offer to try to work with you, given it's your son who lives in ....*

*Kostuch:*

*Like I said, we have our own garbage service. We have our own container. We take it weekly to a proper disposal place.*

*Moermond:*

*You heard my comment that all the properties are covered by the program in the City of St Paul and everybody has their fair share to pay.*

*Kostuch:*

*You have no right to do that. The City has no right to do that.*

*Moermond:*

*That is the argument you are making and that is not something I can address in this setting...*

*Kostuch:*

*This is still a free country and [inaudible]...*

*Moermond:*

*You said that and you like to talk over me instead of giving me a chance to say something and you are repeating what you said earlier, so, let me assure you that every word that you say is being put in the record. There's a recording as well, so nothing is going to be missed.*

*Kostuch:*

*That's fine.*

*Moermond:*

*I have made my offer; you have declined it. That's fine. The next stop for you, if you want to dispute this further, is the City Council public hearing.*

*Kostuch:*

*I don't want to dispute it. I don't have the service and I don't want it. I never had it. Never signed up for it.*

*Moermond:*

*I understand. I am going to put a recommendation in front of the City Council to approve this assessment, if you want to dispute that assessment, the next stop is at that public hearing.*

*Kostuch:*

*I got no assessment on my property. They've never taken an ounce of garbage out of my property for what is it now, seven months? Seven and a half?*

*Moermond:*

*I understand what you are saying and you have heard...*

*Kostuch:*  
*I'm not paying for something I've never used.*

*Moermond:*  
*That is your choice. I have nothing more I can do for you today, Mr. Kostuch.*

*Kostuch:*  
*That's OK.*

**Referred to the City Council due back on 6/12/2019**

### 10:30 a.m. Hearings

- 7     **RLH TA 19-373**     Ratifying the Appealed Special Tax Assessment for property at 1519 WILSON AVENUE. (File No. CG1901D1, Assessment No. 190054)

**Sponsors:**     Prince

*Reduce from \$108.18 to \$48.*

---

*Daniel Avoles:*  
*Where is the City Council?*

*Moermond:*  
*Back up. There you go. This isn't the City Council meeting; this is a hearing to prepare a report for the City Council. Mr. Avoles, I am going to start with a staff report on why they are proposing this assessment and then we will talk with you about why you are appealing and what you are looking for today. I will turn it over to you, Mr. Swanson.*

*Avoles:*  
*I'm not appealing nothing.*

*Moermond:*  
*Why are you here?*

*Avoles:*  
*I got a letter in the mail that said I had to be coming down here, for a hearing. And I can't hear and I can't see, so.*

*Moermond:*  
*You are not required to be here today. Today's hearing is for people who object to this proposed assessment. It looks like there's an assessment proposed for your property of \$108.18 for garbage hauling service. Are you OK with that?*

*Avoles:*  
*Am I OK with what?*

*Moermond:*  
*There's a bill for your property, that Public Works wants to put on your property taxes...*

*Avoles:*



*There's two wrong names on.*

*Moermond:*

*Then you do want to talk about this and I'm going to get a staff report to start us out.*

*Avoles:*

*Can I knock on wood? [pounds on table]*

*Moermond:*

*You don't need to do that. I need to hear from staff right now, OK? Mr. Swanson, what can you tell me about 1519 Wilson Avenue?*

*Chris Swanson, Staff:*

*The resident is here to dispute the tax assessment for the property at 1519 Wilson Avenue. This cost is for \$105.68. That's for Quarter 4 2018 garbage service for a medium cart and two late fees for October 1 through December 31.*

*Avoles:*

*Two what?*

*Swanson:*

*Two late fees. There's two late fees applied to this outstanding amount.*

*Avoles:*

*I've only opened the first bill you sent me.*

*Moermond:*

*We are going to let him finish his report, then we will come back to you with your comments. Mr. Swanson, please continue.*

*Swanson:*

*There's a \$2.50 service charge for a total outstanding assessment of \$108.18. (staff referenced the service charge, but that it wouldn't be charged unless the assessment was certified to the taxes.) The stated reason for appeal is that the bills are going to his brother, John. I do see in our records, Ramsey County Property Taxes, that we have John and ...*

*Avoles:*

*Mark Edward, who lives in Los Vegas, Nevada.*

*Moermond:*

*Let's let him finish his comments, please, Mr. Avoles.*

*Swanson:*

*They are the individuals listed on the bills. We also have notices of nonpayment going to John and Mark at the Wilson address. We believe this bill should stand because notices were going out and service was being provided at this property during this time.*

*Moermond:*

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

*Avoles:*

*What?*

Moermond:

*What are you looking for today? Why did you come?*

Avoles:

*It said to be here at 10:30 on the 3rd floor of the courthouse. That's why I am here.*

Moermond:

*You said there was a problem with the names on the bill. Did you want to talk about that?*

Avoles:

*Well, where is my name? I'm in the property; I was born in that g\*\*d\*\*\* house.*

Moermond:

*Mr. Avoles, you will watch your language in here.*

Avoles:

*Watch what?*

Moermond:

*Mr. Avoles, your name is not on the property; the bill went to your relatives. Right?*

Avoles:

*Not relatives, two older brothers.*

Moermond:

*Well, you are related. They went there. They are the owners, according to Ramsey County. Now, did you want to pay the bill? Is that why you are here, because you want it to be paid by you instead of by them?*

Avoles:

*I have to pay it; I live there.*

Moermond:

*Have you talked about this with your siblings? With your brothers, that you want to pay the bill? 'Cause it's OK with me if you pay the bill. It's OK with the City if you pay the bill, as opposed to them. Honest to goodness, the City will take the money. Do you want to do it that way? What do you think? Are you OK, Mr. Avoles?*

Avoles:

*I thought there was going to be a City Council hearing or something. Representatives of the City of St Paul. Ramsey County.*

Moermond:

*I am that person, right now.*

Avoles:

*Citizens. Residential.*

Moermond:

*What is it you want to accomplish today? Do you want to pay the bill yourself?*

Avoles:

*I can't afford that. How much or whatever you said. I guess that's why I'm here. Today. To argue my case.*

*Moremond:*

*OK. So, it's that you can't afford the bill. It shows in the paperwork that your two brothers also have the same address.*

*Avoles:*

*[laughs] How can they live in North Hastings and Los Vegas, Nevada?*

*Moermond:*

*I am just saying they told Ramsey County that they lived there. That's where the property tax bill there and that's why their names are on it. So, it's too expensive. Here's what's going to happen. Everybody in your kind of housing is in the garbage hauling program. What you have now is a medium cart. We can do a couple of things to decrease the cost of the assessment moving forward. But, the service was provided.*

*Mr. Swanson, we have a medium cart and no walk up service. Some people with limited mobility want walk up service. Can you tell me about that?*

*Swanson:*

*We have the option for residents with a medical need to have walk up service, provided for free, for your trash service, so you won't have to bring it physically down to the street. The hauler, the driver, will come up and collect the trash bin and then bring it back up to the place that it was. We can give you the paperwork to fill out for that, if you are interested. Also, I think you were hinting, there is also another size options available to help reduce the cost to you. We have a 32 gallon every week that's \$70.34; we have a 32 gallon every other week that's \$60.83. We'd love to get you set up for those different size carts if you want to go that route. That will decrease the quarterly amount for trash service.*

*Moermond:*

*Are you living alone? Do you have a personal assistant? Do you have someone else in the household who is able to bring the cart down to the street? How do you manage that?*

*Avoles:*

*I have a cat. Four legged cat.*

*Moermond:*

*OK. How do you get your garbage out of the house then, to be picked up?*

*Avoles:*

*I throw it in the dumpster, down the street. Down on 3rd Street. I burned a bag of garbage in my bonfire pit in the backyard. I don't create trash.*

*Moermond:*

*It sounds like you do. It sounds like you create trash and you put it in other people's dumpsters. What I would like to do is get it set up so that you are putting it in your own garbage can. We can set you up with the smallest service, for the least amount of money. And that you have walk up service so that you don't have to figure out how to get it to be picked up on the alley or in the driveway. Is that something you are agreeable to?*

Avoles:

*I don't have no alley and there's no alley on this Wilson...*

Moermond:

*Or driveway. I don't have an alley, either. Do you have a driveway at your house?*

Avoles:

*I have a driveway; the neighbor parks two trucks there.*

Moermond:

*So that's where you put your garbage can then, at the end of the driveway. Are you interested in getting the bills decreased, and getting some help getting your garbage out?*

Avoles:

*Increased?*

Moermond:

*Decreased. Have it go down.*

Avoles:

*Yes. I only want one pick up a month.*

Moermond:

*We don't have that option. We've got every other week we can give you.*

Avoles:

*We don't have the option. Where's the City Council?*

Moermond:

*The City Council's meeting for you will be in June.*

Avoles:

*I gotta come back again now?*

Moermond:

*This is not a City Council meeting. The letter that was sent to you is clear on that. I think you would benefit you to get your bill decreased. It looks like you have a number of people involved in ownership of the property and I don't know how the conversation happened between you and your siblings about the size of the garbage cart. Did you and your brothers ever talk about that?*

Avoles:

*There's two sisters. There's an older and a younger sister and they all think they own the house.*

Moermond:

*Did you have a conversation with your siblings about...*

Avoles:

*No, I didn't have a...*

Moermond:

*You are living there alone with your cat, right?*

*Avoles:*

*I'm supposed to have a conversation with them? Tell them to quit s\*\*\*\*\* in the S\*\*\* box?*

*Moermond:*

*You know that you are not making sense. I am working on your garbage bill here. This is a really straightforward matter. I would like it, for your sake...*

*Avoles:*

*You are not making sense, either.*

*Moermond:*

*I would like, for your sake, to have the smallest bill possible. I am willing to go backwards in time, because you've got multiple owners, to get your bill changed for the fourth quarter. But, I need you to fill out some paperwork to indicate you want your container changed and I think you should get the walk up service because I am not comfortable knowing you are throwing your garbage into other people's dumpsters. And burning trash in the backyard. That's not good for the environment or for your neighbors, either. Mr. Swanson, do you have...*

*Avoles:*

*A garbage environment?*

*Moermond:*

*Do you have the form he can sign for getting a small cart every other week?*

*Swanson:*

*We can get him set up for a small cart every other week.*

*Moermond:*

*Let's do that right now.*

*Swanson:*

*Right now? I will send out an email today to get that addressed. Sir, just make sure your cart is out so they can make the switch. Can you hear that? And I also have a form to get signed for walk up service. I will fill this all out right now and then you can just sign it and we're good.*

*Moermond:*

*Fill it out. Right now.*

*Now, I understand that you want to pay the bill. If you want to pay it, that's on the seventh floor, the finance office in this building. If you don't want to, it will come forward as an assessment on the property taxes. A new bill will come out and you can pay that. Ms. Chao, what will be the cost of the new cart.*

*Diane Chao, Staff:*

*The cost of the small cart every other week will be \$60.83.*

*Moermond:*

*If you sign this paperwork, I will recommend your assessment gets cut from \$108 to \$48 and you will get every other week service and they will walk up to your garage to*

*pick it up. OK?*

*Avoles:*

*I don't have a garage. I got a shack in the back.*

*Moermond:*

*Where you keep your garbage container. As long as it's visible, they will come and get it.*

*Are you ready, Mr. Swanson?*

*Swanson:*

*Sir, I need you to sign right here. This is setting you up for walk up service.*

*Moermond:*

*Let's have staff decrease first quarter cost as well. We'll create a TA file on that as well.*

*Avoles:*

*I should have someone here to read this.*

*Swanson:*

*This is where your address is. I will get your phone number. I have your name listed here. I said your reasons for the walk up service is wheelchair bound. I listed today as the start date. And I have that you certify this because there is a medical need. And I have this date, the date you signed.*

*Avoles:*

*What date starting?*

*Swanson:*

*Today. 5/9/2019*

*Avoles:*

*What about all them bills I got? And there's a collection fee...*

*Moermond:*

*Today the bill...*

*Avoles:*

*... they will be after my ass. This Highland Park Disposable Company's got a collection agency hounding me, on my f\*\*\*\*\* back.*

*Moermond:*

*That's your second strike. You will be out of the room if there is any more language. Now, you've been offered the opportunity to get your bill cut more than in half. It will be less than half. I am looking for you to cooperate in this. You can choose to do that. Or, I will recommend that the assessment goes forward as it is written. You did not specify a cart size; your family did not specify a cart size. This is the bill that went unpaid. I'm trying to work with you. Right now, this would go \$60 down and the first quarter bill would also be decreased. You can choose. Now, do you want a small cart with every other week service and walk up service. I really think you do.*

*Avoles:*

*I don't understand what you are saying. Walk up service. I don't need no wake up service. I am awake; I am here, today.*

*Swanson:*

*All right. That works for me.*

*Avoles:*

*Where do you need my phone number?*

*Swanson:*

*We are good with the phone number.*

*Moermond:*

*Mr. Avoles, if you want to further appeal what I am recommending, the letter that told you about today's hearing also told you about a City Council hearing and you are welcome to attend that. Right now, I am decreasing it...*

*Avoles:*

*Welcome to do what?*

*Moermond:*

*There's a letter that told you about today. It also tells you about the City Council meeting. If you are not satisfied with today, you can go there. In the meantime, I wish you a good day. I think we are done.*

*Avoles:*

*I gotta go with the Hiway Patrol?*

*Sheriff Deputy:*

*We are done for today.*

**Referred to the City Council due back on 6/12/2019**

- 8 RLH TA 19-361** Ratifying the Appealed Special Tax Assessment for property at 1935 CARROLL AVENUE. (File No. CG1901D1, Assessment No. 190054)

**Sponsors:** Jalali Nelson

*Reduce from \$223.49 to \$60.83*

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*Shawn Parker appeared.*

*Chris Swanson, Staff:*

*The resident is here to appear the special tax assessment for the property located at 1935 Carroll Avenue. The current outstanding amount for Quarter 4 2018 is \$220.99. There's a \$2.50 service charge on that for a total assessment of \$223.49. (staff referenced the service charge, but that it wouldn't be charged unless the assessment is certified to the taxes.) This is for garbage service for two medium carts from October through December, 2018 period.*

*The given reason is that "I am living by myself in a side-by-side duplex where half of the house has been "unoccupied" for over three years and will remain unoccupied for at least another year, maybe longer. The "garbage cart size" card I returned to the City of Saint Paul before June 1st, 2018 was ignored. On it I had selected "one" small cart*

for my property. The "Unoccupied Dwelling Registration Form" I completed in November of 2018 has also been ignored. After two medium dumpsters were placed on my property I promptly contacted Ramsey County to inform them of the mistake and asked them to downsize my property to the "one cart" I selected. This request was answered only with me being told there was nothing that could be done. [They are not the ones who deal with the cart size issue.] I was sent on a runaround lasting several months, and while late charges were being added to my bill, the haulers on my street weren't even picking up my garbage on a regular basis. Advanced Disposal was not prepared for the new business and changes to their routes..."

There's a lot of information with this account. I have already worked with Shawn to try to address this. There is a significant credit on his account, provided by Advanced. Basically they have credited Shawn \$268.83. That covers the small cart issue, also covers the vacancy that was put in November. People who signed up for vacancies in that first quarter were supposed to pay the full amount and then there was a credit put on their account. Advanced actually proactively provided a credit on this account. After all these payments and credits and stuff went through, \$106.48 remains outstanding. It looks like there is more confusion with the bills. I sent an email to Advanced about 40 minutes ago, trying to break down what is happening with this account.

Moermond:

What is in front of me, right now, is a bill for \$223.49. you put a note in here, garbage service for two medium carts and three late fees. That, clean and simple, is what the garbage hauler forwarded to the City as an unpaid bill.

Swanson:

True.

Moermond:

Would you recommend a reduction in that assessment? Based on your review of the file?

Swanson:

I would recommend reducing the ... Quarter 4 2018 amount to \$121.66.

Moermond:

Because...

Swanson:

Because that will basically clean off any outstanding amounts that are owed for this...

Moermond:

For what time period?

Swanson:

Basically for the bill not representing the right cart size, initially, because he did have a small cart that was not reflected.

Moermond:

So, because of the cart size and ...

Swanson:

Cart size and then because of the vacancy.



*Moermond:*

*And the vacancy. So we get down to \$121.66 per staff recommendation. I am going to turn it over to you now. We have a very complicated case, according to staff and I wasn't going to go into the weeds if I could go with the summary. We can go to the weeds if you need to go there. Tell me a little about what you are looking for today. Was it to get that reduction, or are you looking for something else?*

*Shawn Parker:*

*First of all, thanks for your time and thanks for all your work on that. I wasn't able to quite process everything you said.*

*Moermond:*

*I know. And plus, everybody has just heard all those loud voices in the previous case. It's kind of hard to get your head back in the game.*

*Parker:*

*I think you said you are recommending reducing the bill to \$121 for Quarter 4 2018.*

*Moermond:*

*Yes. Take it from \$223 to \$121.*

*Parker:*

*I appreciate that but that wasn't what I was hoping for.*

*Moermond:*

*What are you hoping for?*

*Parker:*

*I was hoping to have, I'm trying to be concise and direct, to pay just what I asked for in the original cart slip, \$60.83 a month. I had a long list of communication I have attempted with the City and Ramsey County and even the assessor going back to August 22 of 2018, disputing what had happened with the carts. I had requested a small cart every other week per the card you sent us and as quickly as I could after the two medium dumpsters were delivered, quickly contacted the City and Ramsey County. Then I was sent on a run around. I was told to call the County Assessor to have my property re-classified. I have records of everything I talked about with him, his name and the dates and that. He's basically not going to re-classify my property and then, after more run around, I finally learned about the unoccupied dwelling form, wish I had known about that earlier. I filled that out and got that back to the City but that seems to have been ignored, because I can show you the bill from January, the first quarter of this year, which still is billing me for two...*

*Moermond:*

*I am going to bring you back to the fourth quarter. I understand I would get a very different staff report if we were talking about the first quarter because he's been working on the file.*

*You are telling me that back in the summer, when the cart size selection went out, what you wanted was a small cart every other week. You ended up with two medium carts. What Mr. Swanson is proposing is you be billed for one medium cart. And you're saying I did my best, I got the run around, I did my best to communicate clearly what was going on. I didn't know I could declare one of the units vacant and get the bill decreased so it's treated like a single family home rather than a duplex.*

Swanson:

So, what I am actually recommending, for the \$121.66, that is basically the cost for service for  $\frac{3}{4}$  of the small cart every other week. When we look at Quarter 1...

Moermond:

That doesn't make sense. \$121 is  $\frac{3}{4}$  of a small cart every other week?

Swanson:

Oh! Two small every others! There's still unpaid balance for Quarter 4 and then there's still not payment received for Quarter 2, based on the information I have from Advanced. He did make a payment on Quarter 1, not to try to talk about these.

Moermond:

You are.

Swanson:

For this amount, your account will be completely caught up.

Parker:

I took all the numbers that Mr. Swanson gave me on the phone last night and added them together and it's funny, once I took all those numbers and put them in a nice column, I hit a \$121.66 also. Here's the part where I think I should have...and then [inaudible] tax form?

Moermond:

That's correct. What we are talking about today is the amount the hauler sent to the City for collection, \$220.99. We tack on a \$2.50 service charge. (staff referenced the service charge, but that it wouldn't be charged unless the assessment was certified to the taxes.) Moving forward, you have a lot of changes on your account for the first quarter and the second quarter. And there's payments received. Just going back to that to that initial time period, there was some difficulties getting rolling with the system and things weren't clear, as they should have been for you making your decisions and figuring out how to navigate this new system. I feel it is reasonable to adjust your bill. You do have a legitimate concern. Staff was getting you down to \$121 with their recommendation. You are saying I only want to pay for one cart every other week.

Parker:

That's the way it's been since January.

Moermond:

And you are saying 1  $\frac{1}{2}$  cart. You are splitting the difference?

Swanson:

Well, so, what I am saying is that \$121, well we can work on how to address this.

Moermond:

We are trying.

Swanson:

There is an outstanding amount for Quarter 1, also...

Moermond:

This is not what is in front of us right now.

Swanson:

So, speaking specifically to what is in front of us right now, we should, I recommend we go with just the \$60.83 for that one every other week cart.

Moermond:

I don't think you are going to get it lower than that.

Parker:

That's really awesome. That's all I really wanted. Sorry it came down here but I'm really happy to meet you all.

Moermond:

So, \$60.83 makes sense for what you've gone through, trying to get this sorted out properly. Mr. Swanson is aware of your situation and will be working on that.

Parker:

Will that wipe the tax roll off?

Moermond:

You have two options. You can go up to the seventh floor and write them a check for \$60.83 or after the City Council votes on it on June 12, you will get an invoice for that amount and you can pay that invoice. If you choose not to pay that, it will show up on your 2020 property taxes. This particular invoice, garbage for the fourth quarter, will come from the City of St Paul and it will probably say the Office of Financial Services. It may say from the Real Estate Office, I'm not 100% sure, but it would be a City office.

**Referred to the City Council due back on 6/12/2019**

**9**      [RLH TA 19-263](#)

Ratifying the Appealed Special Tax Assessment for property at 541 DAYTON AVENUE. (File No. CG1901A1, Assessment No. 190051)

**Sponsors:**      Thao

*Reduce from \$171.87 to \$96.08. Amend to reduce from \$169.37 to \$93.58. (staff referenced the service charge, but that it wouldn't be charged unless the assessment was certified to the taxes.)*

---

Michael Schumann appeared.

Diane Chao Staff:

*This pending assessment for 541 Dayton Avenue is for \$171.87. This includes a service charge of \$2.50 as well as garbage service for fourth quarter 2018 of \$169.37.*

*In his statement, Mr. Schumann says that he contacted Republic to let them know he would be in Florida for the winter and his carriage house apartment has been vacant since September. He provided his Republic statements showing credits. He maintains he doesn't owe any money.*

*Regarding the credits, when Republic turns over delinquent accounts to the City, they credit your account to zero out your balance. You start over on a fresh, clean slate for the next quarter. He hasn't been credited for the undue payments, they just zeroed out accounts.*

*Moermond:*

*In the fall, they received information that the carriage house is not in use and that he's in Florida. Keep going.*

*Chao:*

*This property is classified as a three-family dwelling in Ramsey County property tax records. The property was delivered 2 64-gallon Medium carts and 1 96-gallon Large cart on September 6th, 2018, prior to citywide garbage service. According to our records, the property owner contacted the City on 9/18/18 to inform us that he had 1 vacant unit at the property. The City removed one 64-gallon Medium cart. The property still has one 64-gallon Medium cart and one 96-gallon Large cart in service. The property is actually being undercharged (the amount for 1 64-gallon Medium cart and 1 96-gallon Large cart plus 3 late fees would be \$228.30).*

*Republic has not indicated to us that he had a temporary service hold in place, but if he has information about that service hold, we'd be happy to look at it.*

*From what we understand, the property owner didn't make a payment for the two carts that were in use during the fourth quarter of 2018. As it stands now, we believe he is responsible for the delinquent amount.*

*Moermond:*

*So, it was the hauler that adjusted to make it a smaller amount.*

*Chao:*

*That's the amount they sent us.*

*Moermond:*

*Not the full \$228*

*Chao:*

*Yes.*

*Moermond:*

*Mr. Schumann, you are appealing this. Can you talk a little about what you are looking for today?*

*Michael Schumann:*

*Well, this whole garbage program is a nightmare. Let me talk about the fourth quarter and my particular situation. In mid-September, I got a notice that I was being assigned Republic. I immediately contacted them and told them my carriage house was undergoing renovations and I was going to be in Florida for the winter, starting October 1. They told me I had to talk to the City about the vacancy, which I did, then the City came and got the extra dumpster. Then they told me I wasn't a customer of theirs so they couldn't talk to me about my vacation hold. I said under the program I am told that I have to give you two week's notice and it's September 15. Well, our systems can't handle that, you will have to call back in October. Then I get this bill and call back and say I'm in Florida, you gotta adjust this. Then basically, I got the circle jerk. Not only that, they created two accounts for me. I ended up talking to somebody and asked if I would get sent a corrected bill reflecting that I have one active unit and yeah, we'll send you a corrected bill. Never got a corrected bill.*

*Once I got to Florida, I never got any bills. In fact, I never even got a notice for this assessment here. The only reason I am here today is because I heard through the grapevine, through some other people that I was talking to about the trash situation, that these hearings are going on. Your notice that you sent to me, never got forwarded to me in Florida. I am assuming they go out with a [inaudible] saying "do not forward" because I have run into that before with other assessment notices from the City. The assessor's office says they want to know when their mail is going to an invalid address. Then they throw it away when they get it back. I don't know how people like me, who are out of town, are supposed to find out about this stuff.*

*The bottom line, for the fourth quarter, I should only be paying for only one medium size cart.*

*Moermond:*

*I was understanding staff saying there are three units on your property.*

*Schumann:*

*Right.*

*Moermond:*

*I heard that one unit is being renovated and you live in the other unit? Or do you live in both?*

*Schumann:*

*I live in the main unit and then I have a rental unit on the third floor.*

*Moermond:*

*When you say you are gone, you say there's a unit that is occupied there.*

*Schumann:*

*Right. There's one unit occupied. And there was one unit occupied in the fourth quarter.*

*Moermond:*

*Just wanted to make sure I had it accurately. You called the City to say you would be gone and it wouldn't be it would zero out your bill, it would go down to one cart.*

*Schumann:*

*Basically, when I talked to Republic, they basically finally ended up talking to somebody and they threw up their arms and said we're just going to credit this account. It's too much of a mess. So then I go online, finally seeing these bills I never got. And it shows all these credits. And none of them say they are credits because they turned over the bill to you guys. They just show credits. I was led to believe those credits were because they screwed up on the billing and they are crediting me for improper billing. It's a nightmare! If you look at the actual paperwork they generate, it's completely incomprehensible, what you are paying.*

*Now I find out that you guys are trying to assess me for \$171 and late fees and all this other stuff. The only reason there are any late fees is they told me they were going to send me a corrected bill and they never did.*

*Moermond:*

*The difference, then, would be the late fees.*

Schumann;

*The difference would be they are charging me \$171. The quarterly charge for a medium can is \$96.08. That's what I should be paying. Because that's what I was using. I had one apartment that was there for the fourth quarter, period.*

Moermond:

*From the very beginning, they understood one of the units was under renovation. Then on September 15, you called to say that in two week's time, you were headed to Florida and it was that second conversation that doesn't appear to have impacted the bill. The way it should?*

Schumann:

*None of this impacted the bill. What happened was, vacant units, you gotta talk to the City, they gotta remove the container. I did that; the city came and got the container, but the City never communicated to Republic that the container was removed. So I gotta go up the chain on that and then they finally figured out that there's only two containers there. Then, again on September 15, in the main unit, I was going to be in Florida for the winter. Well, then that's when I got in the circle jerk, you are not a customer, so we don't know how to deal with this. I said figure it out. And then I got a bill and they are still billing me and then I called them again and ...*

Moermond:

*Who picked up the container?*

Chao:

*The City's cart manufacturing company contractor.*

Moermond:

*What communication is happening between the City and the hauler when a cart would be picked up like that?*

Chao:

*We would send them a billing update. Which we did on September 26, to let them know one medium cart was removed.*

Moermond:

*If their in-house communication wasn't clean, that's a problem with the contractor then that should probably be addressed. If it hasn't been already. The cost for one medium cart for a quarter is...*

Chao:

*\$96.08.*

Moermond:

*I am willing to chalk this up to a growing pain. I will recommend the assessment be reduced from the amount the hauler sent, \$171.87 to \$96.08, reflective of one unit for service for 2018.*

Schumann:

*I'd like to make another comment, backing up the gentleman that was just in front of me. For 30 years, we had a dumpster at this property that we shared with the four-plex across the alley. Now, instead of one dumpster, if you add up all the recycling carts and all of the garbage carts we are supposed to have, we have 14 carts. The four-plex has four garages and one parking spot which is 100% of their frontage on the alley.*

*There's no place for them to put any carts. On my side, I have a side yard so basically all the carts are dumped on my property.*

*This is an absurd situation. The rule that there has to be one cart for every living unit is the root of all the discontent that is going on in the City. Because you don't have any flexibility to take into account the physical geometry. If you look at the carts, there's one bag in them. The haulers are going through the process of dumping them when they are empty. Our alley is primarily duplexes and triplexes. We have over 50 carts in one block. There's nothing but carts in the alley. This is idiotic and needs to be fixed. I don't have a problem for charging on a monthly basis. But let us work with the haulers on how many carts we have, or if we share across multiple properties. That makes it more efficient for the hauler and it reduces the amount of space. It eliminates the problem where the haulers are knocking over the cans and the crap is all over and then the homeowner is supposed to clean up the mess the hauler caused.*

*This has to be part of your report. This has been going on now for six months. People have been bitching about it. And the Council needs to fix it.*

*Moermond:*

*I understand. All your comments are on the record and they will see them there. You are obviously not alone in this perspective and they are getting feedback from this hearing room.*

*Schumann:*

*You need to make your own recommendation that this is a big problem and it needs to get fixed. Independently of the financial assessments. This is where the petition...I just came from the court hearing to get this thing thrown out, which is probably going to happen. The reason all these people are up there and the reason that we are suing the City is not because we are against a coordinated collection, it's because of this idiotic policy of having all of these containers. That just doesn't make any sense. All right. Thank you very much.*

*Now, the other thing is I have absolutely no documentation about the assessment, when it's going to be at the City Council...*

*Moermond:*

*This will be at the City Council May 22 at 3:30PM. I don't know what is happening with the notices. I can only refer you to the seventh floor to talk to someone in our real estate area to find out what happens with those notices. They are there until 4:30PM. Or you can call them.*

*Schumann:*

*So, May 22 at 3:30 is when your recommendation. And you are going to recommend \$96.08. And I'm going to get a bill then, after the Council adopts that.*

*Moermond:*

*Yes.*

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

**10**     [RLH TA 19-258](#)

Ratifying the Appealed Special Tax Assessment for property at 1773 MARGARET STREET. (File No. CG1901D1, Assessment No. 190054)

**Sponsors:**     Prince

*Approve; no show.*

**Referred to the City Council due back on 6/12/2019**

- 11 RLH TA 19-255** Ratifying the Appealed Special Tax Assessment for property at 468 WHEELER STREET NORTH. (File No. CG1901D1, Assessment No. 190054)

**Sponsors:** Jalali Nelson

*Forthcoming.*

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*Howard Volk appeared.*

*Diane Chao, Staff:*

*The pending garbage assessment for 468 Wheeler Street North is for \$333.97. This includes the service charge of \$2.50 as well as the cost of garbage service for three medium carts and three late fees for the fourth quarter of 2018, which is \$331.47. (staff referenced the service charge, but that it wouldn't be charged unless the assessment was certified to the taxes.)*

*In Mr. Volk's stated reason for appeal, he says there is no physical room on the property for four cans (he currently has the three medium garbage carts and one recycling cart). The building has three occupants and he has only been paying for the two cans that are in use. This property is classified as a three family dwelling according to Ramsey County Property Tax Records and the property was delivered three medium carts August 15, prior to the start of citywide garbage service.*

*Under citywide garbage service, all residential properties with up to four units are required to have a garbage cart and receive garbage service for each dwelling unit. The property owner must provide garbage service for all occupied dwellings. There is no option to opt out of the citywide garbage service. The City believes the property owner is responsible for paying the outstanding balance as garbage service was provided for these three carts during fourth quarter 2018. Additionally, the property owner can adjust the size of the garbage carts or adjust the service levels, if he is concerned about space. However, we can't reduce the number of garbage carts.*

*Moermond:*

*Mr. Volk, you are appealing. That was a nice summary but, in your own words, what are you looking for today?*

*Howard Volk:*

*If I had the physical land to put the third cart, I guess I wouldn't be complaining, I'd go for three little carts, which would be more than adequate. I literally have about a seven foot area level ground on the alley. In there used to be the big dumpster that I've had for nearly 40 years that I've had this property. So, dumpsters went away and they dropped off all these carts. Way back, when they went to the recycling program, they dropped off three of those big carts also. Two of them, long gone. Again, there's just no room on the property. Again, there's three adults, four year old, living in the unit. We don't need that kind of service. Only reason I had the big dumpster is because it is a rental and people are not all that efficient with their garbage. I always had the big dumpster, it was always easy. I understand the reasoning for the new program. I am willing to accept that but I only have room for the two medium carts. Switched me to*



three little carts. One of their bags fills up a little cart. A grocery bag and not a garbage bag. My resolution is to pay you for the two medium carts I've been using all along [inaudible] that third cart and it's a done deal.

I'm not sure what else I can do. Try to get a backhoe and dig out some more property land. The carts that are there now, when they bring the arm out of the truck to lift them up, they are knocking them over. One of the carts is smashed; the lid is broken off. [inaudible] talked with garbage service companies. Now, I am on the T intersection of the two alleys and the alley runs parallel with University Avenue, which would be all the room in the world for some [inaudible] to use, is not accessible with the garbage trucks. That hill there is literally a 15 foot drop across the four foot property line. And in the winter, that's one big ice rink there; there's no trucks that go up and down that alley. We've actually had squad cars towed from that alley before. [inaudible] That alley, unfortunately, is not accessible and usable to us.

Starting in January, I've been paying for my two medium carts. I haven't paid fourth quarter, I'd like to get it worked out. I heard somebody say you were able to pick the size cart you have. I do see that paperwork, but I was never able to pick it. Maybe because I don't live in the property and the cart size was sent to there. I would have been fine October 1 also. [inaudible] people that live there can be verified by water consumption. [inaudible]

Moermond:

I am going to bring up an aerial of your property.

Volk:

If we got that big tree removed, that would make the garbage haulers a lot happier, too. Now, I'm on a corner, T intersection, tight corner.

Diane Chao, Staff:

Can I ask Mr. Volk a question?

Moermond and Volk:

Yes.

Chao:

Would it be possible for your tenants to put the garbage carts out on the street for collection?

Volk:

You would think so, but no. These tenants are [inaudible] not going to go out there Sunday night or Monday morning and [inaudible]. I wish. If we could start fining the tenants, then maybe they could do it.

If they went to the street, how would the garbage truck get them, because it's lined up with cars all day long.

Chao:

Well, it looks like there is a little bit of a driveway next to your property?

Moermond:

It's an alley.

Volk:

*You look at the giant hill to get into the alley. I'm on [inaudible] short little [inaudible] and it crosses [inaudible].*

*Moermond:*

*Here's the aerial of the property. The building with the big white roof there, is that on University Avenue?*

*Volk:*

*Correct.*

*Moermond:*

*I'm seeing a T alley, there, that comes up the side and behind your property. Right now, is the pick up location on the vertical or horizontal alley.*

*Volk:*

*Move your hand down. There.*

*Moermond:*

*That is centered in the back of parcel, facing the north-south alley.*

*Volk:*

*Correct. Yes.*

*Moermond:*

*Ms. Vang also has a Google picture that showed a bit better.*

*Volk:*

*Yah! There's this alley, this building here...*

*Moermond:*

*That's the white roof we just saw?*

*Volk:*

*Right. They drop all their rain water and ice melt off into this alley. All winter long, it's an ice rink here. One time, we seen a squad car towed out of here. I've pulled a couple neighbors out, but basically, you try to go up the alley, start sliding backwards and get wedged in. in the winter. Nobody goes up and down there without four wheel drive. No way a garbage truck is going to do that.*

*Moermond:*

*That alley we are looking at right now is the east-west alley, right? Not the north-south?*

*Volk:*

*That's University.*

*Moermond:*

*Yes. That's the east-west alley that we just saw.*

*Volk:*

*You can see the corner of my garage is actually in the alley. So when a garbage truck is coming this way, if he tries to make the left, to come down that alley, he clips my garage. That's been hit a number of times, also. This has all been grandfathered in with variances.*

*Moermond:*  
*Do they ever turn right?*

*Volk:*  
*That's all they can do now. They come this way, they can go right. Right on the corner of this [inaudible] is a monster dead tree. It makes their turn even tighter.*

*Moermond:*  
*Right where the hand is, is that the dead tree?*

*Volk:*  
*Right. You've got the telephone wires that run through the tree. It's a half dead tree. That's giving the guy trouble, too. So, when he makes his turn, you know the alley is only yea-wide, he makes that turn, he's got that tree on there. His arm is basically banging the cans as he's driving through there. That's why we are dealing with all the little in the alley now. The old days, it was a dumpster, so the guy had to physically get out of the truck and connect the dumpster up.*

*Moermond:*  
*For the record, the tree is on the northeast side of 463 Kerschel.*

*We can definitely have our Forestry people look at it and see if the City has control over it and then the utilities can look at it. Otherwise, it's kind of a private property issue as well.*

*Volk:*  
*One of those heavy guy wires is coming through that tree as well. I don't know how it's coming down.*

*Moermond:*  
*Professionals.*

*You do have a garage on your parcel.*

*Volk:*  
*Small garage.*

*Moermond:*  
*Have you put one of the carts in the garage.*

*Volk:*  
*That's where it's been living since it was put in my yard. What it doesn't show is there's maybe 10 feet of pretend driveway there. For the garage. It's all grass. It's all hill. If you put a can there, it tips over. It's not usable*

*Moermond:*  
*Is that garage used for parking?*

*Volk:*  
*Just for lawnmowers, the person [inaudible] lives there. When I bought the place in '81, there was a variance because of the size restrictions of the property and the [inaudible] I'm just assuming that this pushes my variance, [inaudible] amend the variance.*

Moermond:

*I don't know what the deal is with the variance.*

Volk:

*1981. Purchased the place. Made sure the variance [inaudible] legalized.*

Moermond:

*I have no records that go back that far.*

Volk:

*No computers then.*

Moermond:

*I am sympathetic towards your situation. At the same time, it is a three plex.*

Volk:

*It is. For 40 years, I lived with one big can. My neighbors loved me, you know, I've got this big bag, I will throw it in there.*

Moermond:

*Right. We had a gentleman earlier who did that.*

Volk:

*My couple neighbors lived next to me always said, got a big PC, put it in there.*

Moermond:

*Mr. Swanson, I'm wondering what the storage parameters could be on the property. I'm seeing a lot of stairs going down the front of the property. The carts would need to go down the alley, if they were stored in the back. Which sounds like it's hazardous in the winter but the building on University shouldn't be shedding its water into the right of way. That's not good.*

Volk:

*I've probably put in five or seven complaints on that and nobody's done nothing about it.*

Swanson:

*You are asking whether we could pick up the cans in the front.*

Moermond:

*I'm brainstorming here. We've got a legal situation but this is pretty tight. We've got a legal three plex that needs three cans. We can go with the smallest can size but it still is probably...I think you could fit three carts in there.*

Volk:

*I have three in there now. The medium sized garbage cans and then the medium size recycling can. They are literally shoulder to shoulder. They want a couple feet on each side to grab the can.*

Moermond:

*And yet they don't get it and that's the way it is.*

Volk:

*So, they knock one over and then they grab the one and then they...*

*Moermond:  
Who's the hauler here?*

*Vang:  
Advanced.*

*Moermond:  
Is that something you could work with Advanced on?*

*Volk:  
They literally broke the lid off one of the cans.*

*Swanson:  
We can definitely talk to Advanced, talk to an Operations supervisor, see if they'd be willing to go out there and brainstorm how they could address this.*

*Volk:  
Or bring your backhoe and dig up some more earth. I just don't want to pay that expense.*

*Swanson:  
They are not going to do that. If you have room to kindof stack the cans, instead of having them all in a line. The haulers can do that.*

*Volk:  
There's no room unless they want to come up in the yard.*

*Moermond:  
We are talking about somebody going out and helping you brainstorm this. If there's a landscaping solution that costs a little bit of money or shoulder grease, maybe that's the way this will have to go. But we would like to see if we can't get somebody out there who runs a truck and understands how this site could work before we come to a conclusion. I can tell you you didn't pay any of your bill for the fourth quarter and so, there's still going to be some money due on this thing, even if we decrease it.*

*Volk:  
I understand. I'm willing to pay for the two cans I've been using and have been saying that since August. So first quarter, January, and coming up to here, I've been paying only for two cans and getting fees and bills. For these next couple of quarters.*

*Moermond:  
I'm only looking at the fourth quarter right now. We can commit that our Staff will work with Advanced Disposal to look at the site. We don't have much flexibility right now. You are willing to pay for two carts. I need to get this looked at, to see if there's another way to do it. Your tenants may need to take some responsibility for learning how to manage that. If this is a little harder and a little different, we all have to learn how to do that. Tenants, included.*

*Volk:  
I wish they were trainable, believe me. About two or three times a year, I get letters from the City, either the lawn isn't mowed or the walk isn't shoveled or ...*

Moermond:  
*Actually, that comes on you.*

Volk:  
*I understand. It's supposed to come on them because it's part of their lease, but what can you do?*

Moermond:  
*We will try to help you but you are probably going to end up with this. Ultimately this is an unpaid bill. There's ways to make it smaller; we could go with two medium and one tiny cart.*

Volk:  
*That's what they told me in January.*

Moermond:  
*We need to get someone out there to look at it. Maybe you do need to do a landscaping solution. I don't know. Mr. Swanson, how would he know when to meet someone at the property?*

Swanson:  
*I will follow up with Advanced Disposal, probably ask their Ops guys to contact you directly. To see if they can evaluate if there's a better way for them to have collection.*

Moermond:  
*I would like a staff report on May 30 so I can make a recommendation at that time.*

**Laid Over to the Legislative Hearings due back on 5/30/2019**

### **Special Tax Assessments-ROLLS**

- 12 RLH AR 19-57** Ratifying the assessment for the City's cost of providing Collection of Delinquent Garbage Bills for services during October to December 2018. (File No. CG1901C3, Assessment No. 190062)  
**Sponsors:** Brendmoen  
**Referred to the City Council due back on 6/12/2019**
- 13 RLH AR 19-58** Ratifying the assessment for the City's cost of providing Collection of Delinquent Garbage Bills for services during October to December 2018. (File No. CG1901C4, Assessment No. 190063)  
**Sponsors:** Brendmoen  
**Referred to the City Council due back on 6/12/2019**
- 14 RLH AR 19-59** Ratifying the assessment for the City's cost of providing Collection of Delinquent Garbage Bills for services during October to December 2018. (File No. CG1901D1, Assessment No. 190054)  
**Sponsors:** Brendmoen  
**Referred to the City Council due back on 6/12/2019**