



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final

Legislative Hearings

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Thursday, May 16, 2019

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

- 1 **RLH TA 19-250** Ratifying the Appealed Special Tax Assessment for property at 466 CENTRAL AVENUE WEST. (File No. CG1901D4, Assessment No. 190066)

Sponsors: Thao

Delete the assessment.

Zong Lor and Bao Yang appeared.

..Tax Assessment Worksheet

Postcard Returned by: Zong Lor

Cost: \$117.80

Hauling Service(s) Provided: Garbage Service for Large Cart, 3 Late Fees; Oct 1 - Dec 31 2018

Garbage Hauler: Republic Services

Type of Order/Fee: Garbage Hauling

Billing Time Period: 4th Quarter 2018 (Oct 1 - Dec 31)

Invoice Date(s): Oct - MISSING / Nov - MISSING / Dec - MISSING

Returned Mail/Notice Concerns?:

Stated Reason for Appeal (if given):

Staff Comments: When a delinquent balance is turned over to the City, the property owner's account with the garbage hauler will show a zero balance. The City is now responsible for collecting that amount. If a property owner made a payment to their garbage hauler after January 5th, 2019, that payment was applied as a credit on their account. The property owner is still responsible for paying the City any outstanding delinquent balance from Quarter 4 2018.

Chris Swanson, Staff:

The resident is here disputing the special tax assessment for the property at 466 Central Avenue West. This is for \$110.28 for garbage service for Quarter 4 2018. This is for a large cart and three late fees for service between October 1 and December 31.

The stated reason...we do not have a stated reason.

Basically, our view is that this amount stands because service was provided during that period of time. We don't have any contact from the resident saying why there

would be any reason to stop service. So, we believe that this outstanding amount should stand.

Moermond:

I am looking at a printout submitted by owner. It's a Wells Fargo printout from February 14, 2019, and it says Republic Services says the account was paid and it lists two dates: October 30 and January 24. I'm curious about that October 30.

Swanson:

So, looking at this account, it does appear that the resident did pay Republic Services for Quarter 4 of 2018. I think we will recommend that this be removed and we will follow up with Republic on that.

Moermond:

Mr. Lor, do you want to express your frustration?

Zong Lor:

That's good. I try to raise my [inaudible] on this garbage issue. It's kinda [inaudible] between theirs. Before the City forcing this company upon us in our area, I was using the local company which is very nice and I don't have an issue, but once the City forced this upon us, there is issue after issue and I just want the City to make things more easier, more simple, and cheaper for the local people, not pay more, 'cause I paid half the price what I pay now. Not the service that I used to have.

Moermond:

Your comments will go in front of the Council with your case. Sorry for your trip downtown.

Bao Yang:

Can I say something? Because it's not done yet. I got this letter saying we did not pay for the balance. And it wasn't \$110, it was \$117.80. and I called Republic Service and they said the bill was good, the balance was zero. I called the City of St Paul...

Moermond:

I can explain this before you go further. Number 1, they made a mistake and didn't credit your account in October. Number 2, when they forwarded the delinquent bill to the City of St Paul in January, that makes it look like your account is zeroed out at that point. You're getting information from them that it is paid even though they sent it to the City for collection. There's mixed messages going on. And that doesn't help you as a consumer.

Yang:

I just don't want to come back, because Republic says, we've got two properties. And they are saying it's the other property and the City of St Paul is saying it's this current property. And so, I don't want to have to come back.

Moermond:

I don't want you to have to do that either. What I am going to say is Mr. Swanson is in charge of managing the contract with the garbage haulers. We will give you his business card and you can work with him to resolve the other property which I don't have in front of me today.

Yang and Lor:

Thank you.

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

2 RLH TA 19-394 Ratifying the Appealed Special Tax Assessment for property at 325 CHARLES AVENUE. (File No. CG1901D4, Assessment No. 190066)

Sponsors: Thao

Approve the assessment

Xeng Xiong appeared.

Chris Swanson, Staff:

The resident is appealing the assessment for the property at 325 Charles Avenue. The outstanding amount is \$228.31. This is for one medium and one large cart and three late fees for Quarter 4 2018 garbage service. The reason for appeal is that the bill was paid on January 15, 2019, and the property is currently vacant. The Staff comments that no vacancy was reported to the City for Quarter 4 2018. I don't think we have anything now, I will go check. Second, if you paid after 1/5/2019, the payment was not able to be applied to Quarter 4 2018. The account had been cleared and sent to the City for assessment. We believe the amount should stand as service was provided during that time. There were garbage cans at that property.

Moermond:

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

Xeng Xiong:

This bill has been paid and I have this. How come this invoice has been paid to. US bank [inaudible] say they already had the money, but they not cash it. Second payment, second quarter of this year. First quarter of this year. But the fourth quarter, he already mentioned that this has been paid. I have the copy right here, too.

Moermond:

I am looking at this and on the right hand side, it says payment detail, paper check, name on account Mai Vang, amount \$239.55, sent January 8. Is that the payment for the fourth quarter?

Xiong:

That's my wife.

Moermond:

That's the fourth quarter payment you are talking about?

Xiong:

Yes.

Moermond:

Mr. Swanson, would you explain what the haulers are doing with payments received after January 4.

Swanson:

Any payments received after January 4 is applied to the account as a future credit. On January 4, the haulers zeroed out any amount owed to them and turned that over to the City for collections. So, the hauler did get your payment; they did process it. They did

apply it to your account but they applied it to the Quarter 1 2019 bill as opposed to the Quarter 4 2018 bill so they [inaudible]

Xiong:

Our Quarter 1 we already paid, too, and what is that money going to go?

Moermond:

That is the second quarter then you would be paying.

Xiong:

I [inaudible] with what he is saying. [inaudible] to our taxes, fine. But...

Moermond:

What I am looking at right now is that...

Xiong:

Why couldn't they send us a note that say your money has been credited first quarter than I not have to come here.

Moermond:

Mr. Swanson, I am not sure what the communication was.

Swanson:

So, you are asking why they didn't send you something that the check was not able to be applied to quarter 4 but was applied to Quarter 1.

Xiong:

Yes.

Swanson:

So the haulers do not generate those, basically. If there's credits that went above [inaudible] for Quarter 1 2019, after they process your check, you just would not receive an invoice. If it was below what you owed for Quarter 1 2019, you would receive a reduced invoice. I don't know if you got an invoice for Quarter 1 2019.

Xiong:

We do have for Quarter 1. My wife already paid it, too. It's \$206.79. the bank say they already received the check. They not cash it yet. They got two of my check, almost \$400+ and the second invoice of this year has come in.

Moermond:

Do you have those with you today? Those other invoices?

Xiong:

Yes, all right here. Two right here. Three right here. I have fourth quarter, I have first quarter, and I have second quarter.

Moermond:

We can't deal with all that today but we are going to make a copy so Mr. Swanson can follow up with Pete's and find out what's happening with the first and second quarters of 2019.

Xiong:

There's nobody living there. I filled out the form. I have another property. I filled out

the form December 1 and we talked to them. They keep billing us. What do I need to do. Nobody living there; I have to fix it. I sell the property right now. I close May 31. Now the Title say I owe some trash but I fill this out and nobody respond to stop it. Can somebody help with this? 45 Winona East.

Moermond:

That is not in front of me today. Mr. Swanson will look into that. I don't see any vacant information for 325 Charles.

Xiong:

I going to fill this out and send it to you. People ready move out the first of the month.

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

3 RLH TA 19-395 Ratifying the Appealed Special Tax Assessment for property at 450 EDMUND AVENUE. (File No. CG1901D4, Assessment No. 190066)

Sponsors: Thao

Delete assessment.

Ketny Dinh Nguyen appeared.

Vietnamese translation services provided by Language Line Solutions interpreter 262279

Chris Swanson, Staff:

The resident is appealing the special assessment for the property at 450 Edmund Avenue. This is for \$96.08 for garbage service Quarter 4 2018.

Ketny Dinh Nguyen (through interpreter):

Basically, only my family live here. One family live here and I have been living here over 20 years. I use only one trash can. Each year I pay \$112 [inaudible]. I don't need the smaller one. I cannot make the appointment for the second one. I use only one.

Swanson:

I am going to basically state the City's reason, or the appellant's reason for the appeal and then also add staff comments. So, the stated reason for appeal is that he has only one garbage cart on his property and he is being charged for two carts. He only paid for one cart. From our records, it looks like he paid for the large cart at the property. Based on City and County records, this is a duplex. There are two residential units on this property. All residential units in the City of St Paul are required to have a cart. The resident is required to have two carts at this property. I see that a large cart and a medium cart was delivered so the resident would still owe for the service of the medium cart.

Ketny Dinh Nguyen (through interpreter):

So basically, what he said, is he called the City or County and they removed the medium cart away about two months ago. So, basically he explained that his house is considered like a duplex, but only one family live here. Six people, actually seven people, his two parents, his wife, himself, two kids, and one of his brother. So, seven people in household, but actually only one family.

Moermond:

I have one question and one statement. Is there someone who consistently reads the mail at this property?

Ketny Dinh Nguyen (through interpreter):

Only my parents, my children, and my wife pick up the mail at the mailbox.

Moermond:

My concern is that Mr. Nguyen didn't get the information properly translated if family members weren't tracking on the nature of the communication. He wouldn't have understood that he could apply to have a single cart at that time. Knowing that, I am going to have him fill out a form that says it's one family living in this duplex and therefore we will have a charge for only one cart. The charge for the second cart, which is in front of me today, I'm going to recommend that the Council delete, as long as he fills out that form before he leaves. We will get him some help to do that.

Interpreter:

By filling the form, the City can remove the second charge for him. Is that right?

Moermond:

That's what I am going to do. Yes.

Interpreter explains to Mr. Nguyen.

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

- 4 RLH TA 19-367** Ratifying the Appealed Special Tax Assessment for property at 464 EDMUND AVENUE. (File No. CG1901D4, Assessment No. 190066)

Sponsors: Thao

Approve; no show.

Moermond:

I have a note here: Did Diana Chao hear back from when the money went to Republic?

She had an inquiry in; she has not heard back from them. She is following up on that.

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

- 5 RLH TA 19-396** Ratifying the Appealed Special Tax Assessment for property at 463 EDMUND AVENUE. (File No. CG1901D4, Assessment No. 190066)

Sponsors: Thao

Layover to May 30 @ 9 am

Mao Thi Nguyen, property owner, and Jose Deloya, renter, appeared.

Vietnamese language services provided by interpreter 262279.

Chris Swanson, Staff:

The resident is appealing the special tax assessment for the property at 463 Edmund

Avenue. The amount is \$117.80 for garbage service for a large cart and three late fees in Quarter 4 2018.

Mao Thi Nguyen (through interpreter 262279):

So basically, I am the owner of the house, but I rent the house out to the tenant and the tenant confirmed with me that he used his credit card to make the payment for that over the phone. But now, I have received these notifications so I really don't know what happened.

Swanson:

I will do a quick summary. The stated reason for appeal is that the renter, Jose Deloya, pays the garbage bill over the phone. He says he doesn't have a receipt, thinks he paid sometime in December. The City believes this amount should stand because the property owners are responsible for the bills and were mailed bills. If he paid after January 4, 2019, the payment would have been applied to the Quarter 1 2019 bill and not the Quarter 4 2018 bill.

Interpreter:

The tenant made the payment in September 2018, right?

Swanson:

No. we don't have any records for when the renter made a payment.

Interpreter:

OK. Got you.

Mao Thi Nguyen (through interpreter 262279):

I have the renter here. Can the renter talk to you?

Moermond:

Absolutely. Come have a seat, sir. Mr. Deloya, you think you paid the garbage bill in December. If you didn't pay it in December, did you pay it later? Do you have any information?

Jose Deloya:

I don't have any information because I just pay with a credit card. I don't get an invoice, see.

Moermond:

Do you have something on your credit card statement?

Deloya:

I don't go to the [inaudible] and check it. I don't know what happen [inaudible]

Woman interprets for Deloya:

So he doesn't have a receipt that he paid it, because he paid over the phone.

Moermond:

He paid over the phone, by credit card and he doesn't know exactly when he paid. He thinks it was in December, is that right?

Woman interprets for Deloya:

He was saying he would pay this assessment, no problem. He was just trying to figure out, was there a payment made to a garbage company. In that Quarter 4.

Moermond:

From what we are looking at, it doesn't look like there was a payment recorded prior to January 4. What I will do is continue this matter to May 30. If he is able to bring us a credit card statement or something that indicates payment was made and Republic sent this in error. If his statement indicates it was paid January 4 or later, it obviously was applied as a credit in 2019.

We can also ask Republic if they can provide us with payments and receipts on this account.

Woman interprets for Deloya:

So he would have to come again, May 30.

Moermond:

We may be able to resolve this by phone before then and save him a trip downtown.

Woman interprets for Deloya:

He is saying it's better if he just pays it.

Moermond:

What is probably the case, but I am not sure, is that it was paid after December. So, he paid his first quarter bill with that payment and fourth quarter is still due and owing.

Swanson:

I don't see an invoice for Quarter 1 2019, so that's probably what happened.

Woman interprets for Deloya:

OK.

Moermond:

In terms of interpreting in Vietnamese, I would say the situation is this: it would probably be simplest to have her pay the bills directly and then have the tenant pay her. She is the one receiving the notifications, so that would make it simpler. That's my first statement. My second is that it appears very likely that the tenant paid the first quarter bill so this bill would be approved and it would be invoiced again to her to pay the fourth quarter. We will confirm that but I want to let her know that it will come back to her again.

Mao Thi Nguyen (through interpreter 262279):

I have a question. The tenant said he made the payment. Do I need to make the payment for that amount again?

Moermond:

It appears he made the payment late, so the payment was applied to the next bill, the first quarter 2019.

Mao Thi Nguyen (through interpreter 262279):

In summary, for the amount of \$117, do I need to pay?

Moermond:

I think it is likely but I am following up with the garbage company to make certain.

Interpreter 262279:

You need to make sure and then you will reach out to her.

Moermond:

Yes. And we need her contact information. Thank you for translating today.

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

- 6 RLH TA 19-382** Ratifying the Appealed Special Tax Assessment for property at 881 EDMUND AVENUE. (File No. CG1901D3, Assessment No. 190065)

Sponsors: Thao

Approve; no show.

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

- 7 RLH TA 19-358** Deleting the Appealed Special Tax Assessment for property at 945 EDMUND AVENUE. (File No. CG1901D3, Assessment No. 190065)

Sponsors: Thao

Delete the assessment.

Suenie Vang and True Hang appeared.

Chris Swanson, Staff:

The resident is here to appeal the special tax assessment for the property at 945 Edmund Avenue. This is for quarter 4 2018 garbage service. The cost outstanding is \$96.08. This is for garbage service for a medium cart from October 1 to December 31 provided by Republic Services. The stated reason is "the upper unit of this duplex has been vacant in 2018 and only one garbage container has been used by the family. Please remove the small garbage container and remove and its charges for the past and the future."

This property is classified as a two-family dwelling according to Ramsey County property tax records. The property was delivered 1 64-gallon Medium cart (serial # 0818804441) and 1 96-gallon Large cart (serial # 0918301582) on 9/12/18, prior to the start of citywide garbage service. Under citywide garbage service, all residential properties, including duplexes, are required to have a garbage cart and receive garbage service for each dwelling unit. There have been no vacancies or services stops reported to the City for this property. The property owner is responsible for paying the outstanding charge, as garbage service was provided for 1 64-gallon Medium cart and 1 96-gallon Large cart from October through December 2018. The City can provide the Unoccupied Dwelling Registration Form to the property owner to register the vacant unit moving forward.

Moermond:

We have attached to the record, dated December 31, is a periodic notice of nonpayment. It says in that the new amount due is \$10.54. It appears that Republic has forwarded to the City \$96.08. Do you know what is going on with that?

Swanson:

I do not know what's going on with that.

Moermond:

It looks like they are saying she hasn't paid her bill in a timely fashion and she owes late fees, but the bill was actually paid.

Swanson:

It does appear that they sent a periodic notice of nonpayment for the \$10.54, that were the late fees.

Moermond:

I am going to recommend that this assessment gets deleted. Sorry, ma'am for the inconvenience.

Suenie Vang:

May I say something?

Moermond:

Yes, keeping in mind I've got 20 people behind you.

Vang:

I know that it is a legal action but I understand that it's not fair because I pay extra money for two carts. And one cart, even the medium cart is not getting full. And my family has six and the upper level is still vacant 'til now, because we still fixing. But after fixing, we are just going to live in the whole property.

Moermond:

Have you filled out a vacancy? Let's get you to fill out this form, indicating the unit is not in use. When it is in use, we will deal with that. I can't do anything looking back to the fourth quarter bill. If you appeal the first quarter bill, I would be inclined to get you down to one large cart. Ultimately, if you are using 1 ½ carts, you are probably going to need two, a large and a small, maybe you want to think about what you want to do.

Vang:

Just one cart is enough.

Moermond:

Oh, I thought you said you used 1 ½.

Vang:

No. Even the only cart that we use, only half full.

Moermond:

You could use only one medium cart then. You get a free change each year.

Swanson:

There is no form for a cart change; you just have to call your hauler. I will give you a brochure about the program with your hauler's contact information on it.

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

8 RLH TA 19-379 Deleting the Appealed Special Tax Assessment for property at 983 EDMUND AVENUE. (File No. CG1901D3, Assessment No. 190065)

Sponsors: Thao

Delete the \$5.12 assessment.

FOLLOW-UP to No Show Hearing:

Moermond:

There was a minimal late fee and part of that was paid. I am going to say that was a good faith effort and recommend the balance of the late fee was deleted.

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

9 RLH TA 19-357 Ratifying the Appealed Special Tax Assessment for property at 623 FULLER AVENUE. (File No. CG1901D4, Assessment No. 190066)

Sponsors: Thao

Approve the assessment.

Patricia Lacy, daughter of Thelma Buckner, appeared on her behalf.

Chris Swanson, Staff:

The resident is here to appeal the special tax assessment for the property at 623 Fuller Ave. This is for \$105.68 for garbage service for a medium cart and two late fees for Quarter 4 2018. That's October 1 through December 31. The stated reason is "We don't use the garbage container. It's stored in our garage. We don't have a place to put the container when it's outside. We take our garbage elsewhere. This is a single-family dwelling and only 2 people reside at the property."

Under citywide garbage service, all residential properties are required to have garbage service for each dwelling unit. Property owners must provide garbage service for all occupied dwellings. There is no option to opt out of the citywide garbage service. We have no record of this being a vacant or any request to not have garbage service at this property. We believe this outstanding assessment amount should stand.

Moermond:

Ms. Lacy, tell me about this dual address situation and what's going on.

Patricia Lacy:

The house is so big, it has two addresses. We have a four car garage. We have a steep pitch to the garage driveway. The only place outside the garage is gravel, grass, weeds. There is absolutely no place to put that garbage can even if we wanted to use it without the neighbors coming back and forth, knocking it over, the neighborhood drunks and stuff [inaudible] on it. [inaudible] because we don't use it. If we put it in the driveway, it's gonna fall down. Wintertime, it's pretty impossible for anybody to pick it up. Other reason, is we have two commercial properties. For 30 years, we have taken our trash to one of them.

Moermond:

I don't know that there's a lot I can do for you on this. It sounds like there is a place to put the garbage, but it would be taken advantage of by neighbors?

Lacy:

It was, because the neighbor behind me informed me that drunks are putting their beer bottles or whatever in there. When I discovered that, I cleaned it out and locked

it up. In the garage. I do have a dry ground because it's so...this is the garage here...this is the steep pitch of the driveway. That's the other side of the garage, because it's a four car garage. Faces Dale St. If we put it up on the grass, it's going to fall down. If I put it in the driveway, it's gonna fall down. If I put it on the sidewalk, it's in people's way. If I put it on the outer driveway, toward the street, it's going to get [inaudible]

Meormond:

Are you talking about storage for six days a week? Or are you talking about putting it out for pick up?

Lacy:

Just putting it out anywhere. I don't know even where to put it for the pickup.

Moermond:

It sounds like you had a place to put it and the neighbor was putting things in it.

Lacy:

It was down in the driveway, though. [inaudible] on the sidewalk, I rolled it to the driveway. Then people started putting stuff in there. We don't use it; we just...we don't have trash at the house. We take it...

Moermond:

And that isn't going to help you out with this today. Everybody in the property category has to have garbage service. That's what I am dealing with right now. Trying to bring up an aerial map of your property here. If there is a place on the curb where it can be put, whether it is beside a walkout, or a driveway or an alley space...

Lacy:

The place would be between the City sidewalk and the rest of the driveway coming out of the garage. But in wintertime, we can't park there because we never get a plow [inaudible] from when the city plows us in. So, it's an impossible corner. But that's what it is.

Moermond:

Corner property.

Lacy:

We have not used trash.

Moermond:

In terms of the location of the can, that's something the hauler can work with you on.

Lacy:

We're never going to use it, that's the problem.

Moermond:

There's no option to opt out right now. I can't get you out of the program; there's no getting out of it.

Lacy:

Can we come to the next hearing on the 12th?

Moermond:

Yes. And what I am going to suggest is a small cart every other week. Do you have a purple lid or a grey?

Lacy:
It's grey.

Moermond:
That's an every week can. An every other week would be a smaller bill. Mr. Swanson will provide the phone number to get the smaller cart every other week pick up. It's cold comfort.

Lacy:
To have any cart is useless. This is something the City should have taken to the communities before it was forced down our throats. I know I'm not the only person. I know there's a petition going on.

Moermond:
Everything you are saying is going on the records. I will put an aerial map attached to your record so you can show them.

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

7 RLH TA 19-360 Ratifying the Appealed Special Tax Assessment for property at 646 FULLER AVENUE. (File No. CG1901D4, Assessment No. 190066)

Sponsors: Thao

Delete the assessment.

Richard A. Bowen appeared.

Chris Swanson, Staff:
The resident is here to dispute the tax assessment for the property at 646 Fuller Avenue for Quarter 4 2018 garbage service. The cost is \$3.03 with a service charge of \$2.50, for a total assessment of \$5.53. this is for one garbage late fee for service from October 1 through December 31, 2018. The garbage provided is Highland Sanitation. (staff referenced the service charge, but that it wouldn't be charged unless the assessment is certified to the taxes.)

The stated reason for appeal is "I do not owe any late fee." According to information provided by Highland Sanitation, the property owner paid the Quarter4 2018 bill on 12/17/18. The due date was 10/5/18. The property owner is responsible for paying the late fee, as the bill was paid after the due date.

Moermond:

Mr. Bowen, you are disputing the late fee?

Bowen:
The first bill I got included the late fee and written on the envelope from Highland Sanitation was "USPS please deliver to correct address."

Moermond:
Do you have a copy of the first bill with you? May I take a look at that?

Bowen:

You may. May I approach?

Moermond:

Absolutely. I will give this right back to you. I am going to have Ms. Vang scan it so we will have it in our records but you can have the original.

It looks like this is your bill January 1, 2019 through March 31, 2019. They did put a late fee on it, which is odd. They are reflecting you paid your fourth quarter fill on December 17, 2018. Mr. Swanson, I am uncomfortable having a fourth quarter late fee attached to the first quarter bill. I am going to recommend deletion. I think this is bad billing practice.

I will give this back to you. Here's your envelope.

Bowen:

I'd like that to be scanned, also. It has their note. The first bill they sent was returned, apparently.

Moermond:

OK. We will have that on the record, then. I apologize for the inconvenience. If anything like that happens again, please make a copy of it and send it in. We can save you a trip downtown.

Swanson:

Here's my card. I will follow up on the late fee because that's not supposed to happen.

Moermond:

It will be attached to the record so people can see you were incorrectly charged and they can follow up to see if anybody else has that problem. So, it's very good you came down.

Bowen:

I actually had service for 30 some years without a problem until St Paul...Highland Sanitation's my hauler...and there have been problems since.

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

- 11 RLH TA 19-261** Ratifying the Appealed Special Tax Assessment for property at 973 IGLEHART AVENUE. (File No. CG1901D4, Assessment No. 190066)

Sponsors: Thao

Delete assessment.

Marie Tran appeared.

Chris Swanson, Staff:

The resident is here to appeal the special tax assessment for the property at 973 Iglehart Avenue. The outstanding amount is \$24.27 with a service charge of \$2.50 for a total amount of \$26.77. (staff referenced the service charge, but that it wouldn't be charged unless the assessment was certified to the taxes.) This is for garbage service for October 1 through December 31 of 2018. Republic Service is their hauler.

The stated reason for appeal is " I had paid a total of \$77.37 for services from 10/1 to 12/31/18. First payment was \$23.45 on 12/20, in my name on invoice #0923-003755027, acc# 3-0923007045, service from 10/1 to 12/31/18. I called and change to my name from previous owner on 12/1/18. I received an invoice stated Jon B Tran or Current Property Owner for \$77.37 acc# 309238604510. I called and made payment of \$53.92 by credit card on 12/24/18, confirmation # 298225342052. Apparently, when the previous owner forwarded to me the original bill that he received, but had not paid, because the sale of the property was completed before 10/1. I did not know about the new service arrangement in St. Paul at the time. Anyway I had paid Republic \$77.37. The original bill was \$70.34 sent to Jon B Tran in September. I feel now that they should refund to me the extra charge that I was not aware of as the new owner. Why am I being harassed with invoice send from the City of St. Paul?"

The amount outstanding was not paid by the previous owner who owned the property. That was supposed to be paid by the owner when they sold the property to Ms. Tran. So, we believe that amount should still stand.

Moermond:

Ms. Tran, you assumed ownership of the property when?

Marie Tran:

The later part of October.

Moermond:

You purchased the property from Jon Tran? Any relation?

Tran:

My brother.

Moermond:

You and your brother need to have a talk about the garbage bill.

Tran:

We did. He admitted that he neglected to pay because of the [inaudible] going on. He gave me the original bill that he received and the original bill was \$77 that was sent to him in September. I didn't know about the whole St Paul garbage thing. Actually the original bill was \$77.34 in a different account number. When I became aware from my neighbor that garbage is quarterly, so, actually, called and changed to my name in December. So, I get bill for that, \$23.45 and I pay that. And then I was aware that there was three months services. So, Jon get me back the original bill that he didn't pay. And I also receive a bill from the company sent to me, \$77.33. And I make the additional payment of \$53.92, so the total amount of \$77.37 is paid completely. And I have records of here when I paid, the account too. So I don't know why I am getting this \$24.27. Now, that's twice. And now you say I owe \$26 something because there's \$2 more assessment on that? Everytime I get something, I call the company and they look and say "yah, you have no balance." I have all these copies here; I am happy to give it to you.

Moermond:

I am looking at two different bank statements. One indicates a withdrawal in the amount of \$53.92 in the month of December and the other account statement indicates a withdrawal in the amount of \$23.45 in the month of December. Taking those together, they are sufficient to cover the bill. I'm not sure what the issue is,

since they happened in December.

I think we are looking at deletion in this case. I'm sorry you have been troubled by having to come downtown.

Tran:

Seems like everyone is having the same problem.

Moermond:

I have had hearings on this before and this is the first time billing problems have showed up so consistently.

Tran:

I just want to make a comment. I have services for garbage collection; we all have. And we have never heard of a company could not pick up the garbage because of bad weather. And this company have had that at least three times, for the last three months we have had services with them. Just for the records.

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

- 12 RLH TA 19-267** Ratifying the Appealed Special Tax Assessment for property at 564 THOMAS AVENUE. (File No. CG1901D4, Assessment No. 190066)

Sponsors: Thao

Delete the \$173.46 assessment.

Ms. Moermond:

I just discussed this with Diana Chao. This property was charged as a duplex and Ramsey County officially changed it to single family home on March 13. However the TISH report on October 1, 2018, listed it as a single family home so there wasn't a document at the City indicating it wasn't a single family home and the owner has no reason to suspect otherwise until this whole conversation started so I will recommend deletion of that charge.

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

- 13 RLH TA 19-286** Ratifying the Appealed Special Tax Assessment for property at 660 THOMAS AVENUE. (File No. CG1901D3, Assessment No. 190065)

Sponsors: Thao

Delete assessment.

Vivian (Minjeong) Kang appeared.

Chris Swanson, Staff:

The resident is appealing the special tax assessment for the property at 660 Thomas. The amount in dispute is \$96.08 for Quarter 4 2018 garbage service provided by Republic Services. According to the records, on Republic Services' website, this is the stated reason for appeal: "According to the records on the Republic Services website, initial payment was made in Oct 2018. \$96.08 was billed in Nov 2018 and \$96.08 was credited from Republic Services to our account on 11/20/2018. After this date, no additional invoice for the same service period Oct 1-Dec 31, 2018 was issued

to us and the balance for 2018 was \$0. Multiple Republic Services representatives confirmed this info and one of the representatives, Whitney is currently working on clearing this issue.”

According to information provided by Republic Services, the property owner did not pay for garbage service for 1 64-gallon Medium cart during Quarter 4 2018. The amount on the 11/20/18 invoice was not credited off. The \$96.08 is showed as a "credit" because this amount was removed from the account and turned over to the City for assessment. The property owner is still responsible for this delinquent amount, as garbage service was provided from October through December 2018.

Moermond:

So the original bill for service at the property was for one medium cart?

Kang:

Small one.

Moermond:

So a 35 gallon container, not a 60? Looks like the original bill was for \$70.34. She printed out the account activity at Republic and it is showing a credit on the account on October 15 in the amount of \$70.34.

Swanson:

I have a little bit more about that, my apologies. So, this is actually a duplex, so there's both a 35 gallon every week there and a 65 gallon every week cart. So, the payment Republic received was for the 30 gallon every week and not the medium sized cart.

Moermond:

I am wondering about the account credit on November 20, which is for \$96.80.

Kang:

The original bill that we received was the smaller cart, \$70.34, and that was only [inaudible] that we received. Then, later on, they recognized this was a duplex so they did send additional billing [inaudible] the cart of the bill that they sent so I called and talked to the customer representative and [inaudible] and she apologized and she credit that exact amount, \$96.08, recognizing that there's no delivery of the medium size cart. She says it was automatically billed because it was duplex and [inaudible] the service. So, as you can see here, and the credit was made November 20, middle of the quarter service. And when I received the notice that we owed this amount and I spoke with them again and someone told me exactly what you described that they Republic Services makes effort to try to collect any outstanding balance until the end of the quarter and then if payment is not still made, they push that charge to the city. So, as you can clearly see here, is the evidence that it was already resolved during the middle of the quarter. It wasn't nearly the end of the quarter that they were describing, that they made an effort to try to collect toward the end of the quarter. There's clear evidence that we resolved it clearly already toward the middle of the quarter. So, it was really big surprise that we get this mail of [inaudible] charge the city. Now when I spoke to multiple representative of Republic, all indicated it was resolved.

Moermond:

What is the situation with the duplex. Do you live there? Do you rent the other unit?

Kang:

Yes, I live there. Yes, it's rented.

*Moermond:
Do you have two carts now?*

*Kang:
Yes.*

*Moermond:
Do you have the size that you want?*

*Kang:
Yes.*

*Moermond:
Right now, I'm going to focus on your bill for the fourth quarter is corrected. I am looking at the account activity. It mirrors the activity that you just described. It looks like they credited your account on November 20, but it's confusing because your original payment was just for one cart.*

*Kang:
I pay the bill for one cart in October.*

*Moermond:
Then you get this credit for a second cart that you didn't have, so it's kind of like they are crediting you, but they never charged you to begin with. That seems odd. This is on them to straighten this billing situation out. They didn't deal with it correctly, back in September.*

*Swanson:
So, I was looking at whether we have any records of cart deliveries. We do have a record of both a 35 and a 65 to this property. So, I don't know what issues, or what occurred there. In looking at our record, we have a pretty comprehensive record if there's carts that weren't places or if additional carts [inaudible] that roll out period. I don't see anything for this account regards us not having a cart at this property. It is an interesting situation so it does look like Republic did credit for the service that was maybe not provided. But the challenge is that there still should have been a cart there, so...*

*Kang:
It happens a lot, too, in the first quarter, we have another duplex property and they only delivered one when they were paying two and then we get the call from the, one month later, hey they only had one and I have made call and then, so, it has been a lot of confusion. They promise they gonna credit that one month [inaudible] still waiting for that credit back. And they also saying that smaller cart is very popular and at this property now we have two smaller cart and also then both of them were gone. I called in and then [inaudible] made payment [inaudible] they were getting all these calls because smaller size is very popular and then their smaller size cart are stolen. So, it crazy. So, they say it will be delivered but they charge us \$30 for when they do bring the cart. I am pretty frustrated with Republic Services. They did say they get a lot of these calls; their carts disappear and someone stole them. [inaudible] cart.*

*Moermond:
What's the other address you are talking about?*

Kang:
511 Van Buren.

Moermond:
We can look into that separately. I'm just going to focus on the Thomas address today. I am still struck with the fact that they seem to have screwed up the billing on their end. And they seem to acknowledge that only one cart was there, whether or not two were delivered, they have made a decision that they will recognize it as one. They need to be accountable for making that determination, working with a customer that way.

Swanson:
I, so, we, the City was the one who initially [inaudible] the carts. The contractors...so there could be some...accounta...that could...you know...I think we should remove this assessment charge. There wasn't a cart there; it looks like Republic is acknowledging there wasn't.

Moermond:
It could have been the cart was stolen; it could have been any number of crazy things, but with them acknowledging it, there you are. I am going to recommend this assessment gets deleted. Mr. Swanson is aware of the other address and can look into it.

Kang:
There a very small thing and the same time Republic Services has a bad business practice. [inaudible] this quarter, it says removed late charge because [inaudible] and then they push it to the City. They never tried any effort to try to resolve with me.

Swanson:
Call me and we will talk about this further.

Kang:
It's their internal customer service problem and then they just push it to the City.

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

- 14 RLH TA 19-351** Ratifying the Appealed Special Tax Assessment for property at 814 THOMAS AVENUE. (File No. CG1901D3, Assessment No. 190065)

Sponsors: Thao

Decrease the assessment from \$117.80 to \$102.44

Moermond:
I would recommend deletion of the late fees. It looks like we have an address issue also with this one. The address should be corrected and Ms. Chao will be following up to make sure everything is lined up as it should be.

Ms Vang:
What is the recommended assessment?

Ms. Chao:
The assessment should be decreased to \$102.44

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

- 15 RLH TA 19-364 Ratifying the Appealed Special Tax Assessment for property at 423 WESTERN AVENUE NORTH. (File No. CG1901D4, Assessment No. 190066)

Sponsors: Thao

Layover to May 30 @ 9 am

Jimmy Nguyen appeared.

Chris Swanson, Staff:

The resident is disputing the special tax assessment on the property at 423 Western Avenue North. The amount is \$110.49 for garbage service for a medium cart and three late fees for Quarter 4 2018. The hauler is Republic Services.

The stated reason for appeal is there was "No service from October to Feb 21. Republic Services did not provide the garbage container until Feb 21, 2019."

The City's cart delivery records show that the cart distributor attempted to deliver 1 64-gallon Medium cart to the property on 9/13/18. The cart delivery was unsuccessful due to owner refusal. The property owner then called the City's garbage information line on 10/3/18. The customer service representative's message stated: "He is very upset that he is being forced into garbage service he does not need. He has a commercial account for his business and does not want the additional service." The property owner is responsible for this delinquent charge as he was responsible for accepting the garbage cart that was delivered to ensure that he was receiving the services he was paying for. Even if there are commercial accounts at other locations.

Moermond:

I haven't heard of a case of a cart not being delivered because of owner refusal. So, the truck full of carts comes to a full stop and then there's a discussion with the property owner? What happened here?

Swanson:

Yep. So, we have a couple instances of that. It is very infrequently, but basically if the [inaudible] cart vendor tried to deliver a cart and the owner told him or flat out refused to have a cart on the property. They came back, noted that in their accounts, and provided the City with that information.

Moermond:

OK. Mr. Nguyen, what would you like to say for the record?

Jimmy Nguyen:

I don't know how, you know that Republic Services provide to work with the City. I agree to do to made the City clean. I agree, but the point is, they didn't drop the cart until February 21. After so many time calling for Republic Service. The reason why I call them is I received a bill...

Moermond:

...call Republic? Or call the City?

Nguyen:

I call Republic so many times, too.

Moermond:

Who are you calling? You said "too"? Are you calling both the City and Republic?

Nguyen:

Yes, ma'am.

Moermond:

Tell me about that.

Nguyen:

I called Sara [inaudible] department, whatever that is. Allissa from St Paul on 651-2666101. The reason for my call is, OK, after I find that City requirement, I said fine send me the [inaudible] bring me the containers.

Moermond:

Is this to your home? Do you live at this address?

Nguyen:

Yes. I do live there; to be fair, it is whatever service I use. I do receive that. I mean, I don't have a container 'til February 21. I don't know if they dropped off February 21 or not because at that time I am on vacation oversea, but after I got back, I saw a container, in February. I would be happy to pay whatever the term. Container drop for my service. I use it. I pay for it.

Moermond:

That's not quite how the system works. And there was mail delivered to your address, I believe. I'm going to ask Mr. Swanson about this. There were a few mailings that described the program that was coming on line and described the cart delivery. You would have been notified that a cart was coming in September. Mr. Swanson, what can you tell me about that?

Swanson:

Before the program was implemented, there was four mailings directly from the City to residents. And all tenants and property owners. Basically, alerting them it was coming and was going to start October 1. The first one had general information, the second one went out in early spring 2018 and also had resident request a cart size and then when the carts were actually delivered, there was an additional educational piece that was included. So, there was a lot [inaudible] to residents that this new program was coming. So we could try to make sure people were aware what was happening so there wasn't any confusion when it rolled out.

Moermond:

When were you out of the country?

Nguyen:

I left Febary 17. This year, 2019.

Moermond:

You left February, came back in March?

Nguyen:

Yes. This year, 2019.

Moermond:

I would like to get a copy of the mailings attached to this record. Demonstrating notice and also Mr. Nguyen can see what that past communication was. I am going to continue this case to May 30 so we can get the additional information on the record. I will make a decision that day on what to recommend. You are welcome to come back or we can email you.

Nguyen:

Yes, ma'am. I want to be fair. There's a lot of advertising stuff. To be fair, that's all I ask.

Moermond:

And you refused the container and I am thinking there was adequate information that there wasn't an option to opt out of the collection program. But I want to make sure we have all the ducks in a row because if you didn't get those notices, we can have that conversation.

Your public hearing is on June 12.

Nguyen:

[inaudible] I would like to change the container in my home property to, literally, little bit of stuff.

Swanson:

I don't actually work for Republic Services, I work for the City. Call Republic Services.

Nguyen:

Oh boy! Call Republic again?! I don't know whether you are going to get the answer.

Swanson:

They can switch out the cart.

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

- 16 RLH TA 19-385** Ratifying the Appealed Special Tax Assessment for property at 511 BLAIR AVENUE. (File No. CG1901D4, Assessment No. 190066)

Sponsors: Thao

Decrease from \$117.80 to \$102.44.

Ms. Moermond:

Staff recommended deleting late fees. Current assessment of \$117.80 should be reduced to \$102.44

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

- 17 RLH TA 19-386** Ratifying the Appealed Special Tax Assessment for property at 547 EDMUND AVENUE. (File No. CG1901D4, Assessment No. 190066)

Sponsors: Thao

Decrease from \$117.80 to \$102.44

Ms. Moermond:

Staff recommended deleting late fees. Current assessment of \$117.80 should be reduced to \$102.44

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

- 18 **RLH TA 19-392** Ratifying the Appealed Special Tax Assessment for property at 583 EDMUND AVENUE. (File No. CG1901D4, Assessment No. 190066)

Sponsors: Thao

Layover to May 30 @ 9 am

Darlene Morgan appeared.

Chris Swanson, Staff:

The resident is here to appeal the special tax assessment for the property at 583 Edmund Avenue. The amount outstanding is \$110.49. That is garbage service for Quarter 4 2018 for a medium cart and three late fees. The stated reason for appeal is "haven't had garbage service since October and doesn't have a City garbage cart." She initially received a cart at the initial roll out for the program but called to cancel and had the cart taken away. She stated that she takes garbage to the transfer station. Under citywide garbage service, all residential properties, up to four units, are required to have a garbage cart provide by the City contract. There is no option to opt out of the garbage service program. We do have records of delivering a cart to this property, but I don't have record of removing the cart or anything to that effect.

Moermond:

Ms. Morgan, can you tell me about you appeal, what you are looking for?

Darlene Morgan:

I had Republic Services; I had them before the City came in and I was having problems with them so after I got the notice saying the City was taking over, I just dealt with them, because if you are late, if your bill is late [inaudible] late in paying your bill, and they come out to take your cart, they gonna take your whole cart. And so, until you pay their bill. You know, you're paying your bill, but you are not getting the service.

Moermond:

Back when you used to have Republic, that's the way they managed it.

Morgan:

So, after the City came in [inaudible] the letter, I thought the City was going to insist [inaudible] And so, when they delivered the City and stuff, I was behind on my bill, but I put the [inaudible] out and they took the

Moermond:

Which one?

Morgan:

The City one. And they took it. They came out right before you know the bill of City

and stuff. And so, I called them when the City was supposed to take over like...

Moermond:

The beginning of October?

Morgan:

The beginning of October, I called them, before the City was taking over [inaudible] because I didn't know you had to go through the City thing so you know, in September. I called to cancel so I wouldn't have a new bill. And so when I called to cancel, I talked to a guy, this is September. So they cancel my bill, they cancel the service, you know, suspend the service, cancel the service and stuff like that. So, when the Republican bill came again, they had October and November on it. I called them to let them know my account had been cancelled since September. So I didn't owe anything for that part and stuff like that and that's when somebody told me, it was a lady from there, she say well, we owe \$24, 'cause I ain't paid, just what I owe for September. We owe you \$24, this was in November some time I called to talk to them or whatever. And she say I had to call the City about the cancel thing because it wasn't supposed to be cancel. I got the answering machine and I never heard nothing no more. I got the one bill but I haven't been having service since September and I take my stuff to the, I pay \$4 a bag.

Moermond:

I am confused. Republic shouldn't have removed the cart. And I am not sure what record you have on cart delivery and pick up. That seems odd to me. I would expect Republic to pick up their own cart that you had prior to September. And remove it.

Morgan:

You know, Republican, the service I had with them before the City came. If you behind on your bill, when they come out to take your trash, they gonna take their whole can. [inaudible] in the back of the truck but they take the can because they say you know.

Moermond:

I don't know whether or not that is happening. Mr. Swanson?

Swanson:

I can speak a little to that. First off, under the new [inaudible] trash system, even if you never pay your bill, the hauler is still required to pick up the trash. They are not pulling carts, nothing to that effect. So that's one of the good things that come with this system. The haulers didn't move carts that first quarter. Basically, up to January 2019, the City's cart delivery contractor was doing all the switches. I see a record of us delivering a cart; I don't see a record of us pulling a cart.

Morgan:

I told you, when they came, I was behind. [inaudible] the week they deliver the cart and stuff, after that [inaudible] but I was behind with Republic and the same way the cart disappear when you are behind, it disappear and stuff. I called, you know, after it disappear and stuff and when they sent out the new bill, Republic sent me it and that bill had the two months on it. I told them I hadn't used the service September because I called and cancelled it. Then I haven't had a can, I haven't used the service, they took the can. [inaudible] maybe a week like I say, whatever day 'cause then I think the trash was pick up on a Tuesday [inaudible] cart coming on Friday. I put my trash out in that cart and they took the cart.

Moermond:

I think I understand that. Here's what I'm running into is that you would have received a lot of notification that you would have been a part of the City garbage system. I need to get some information from Republic. I don't believe that they were collecting any carts. If something happened with the cart that was dropped off, I don't think it was that Republic picked it up. Something else may have happened. They have no interest, whatsoever, in collecting those carts.

Here's where I am stuck though and I want Mr. Swanson to get this information. You would have received notification that you were responsible for having this cart there, responsible for paying for the services for part of the City-wide plan. We need to get information directly from Republic. I can certainly see if there is confusion between the City and Republic, we want to square that away and make sure that the late fees go away.

Also, it looks like there's a medium cart and if you need a smaller cart size, there's a phone number to get a small cart every other week. That's the smallest bill that could be achieved.

I can't give you an answer right now for your situation, I need more information.

Morgan:

Let me say something. I'm getting no communication, nothing else, nobody, about...

Moermond:

And then the communication started, Mr. Swanson?

Swanson:

The communication about this program started early in...

Morgan:

Wait, I'm not talking about...I know the program, that's what I'm saying, I know the program is changing over. I was waiting for the change; I thought a new company was going to come along, see that's what I'm saying. And once a new company was going to come out, I cancelled my service with Republican in September [inaudible] and that was the end of the service. [inaudible] like you said, they don't [inaudible] right behind me. They pick up the people right behind me trash; they got trash all over back there and Republican they pass on Friday my area and maybe the people behind but they don't pick up the trash on this side. They got a lot of trash out. They got six, seven cans, fill up trash, fill all over.

Moermond:

Thank you. Let's get you the information so you can get set up with the smallest cart possible. I will get additional information from Republic and what is going on with that can. I don't want to give you an answer today until I can get all of it on the record. Hopefully we can communicate with you by phone or email and save you a trip downtown. If you want to put more information on the record, you are welcome to do that. We will go May 30 at 9AM.

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

19 RLH TA 19-387

Ratifying the Appealed Special Tax Assessment for property at 610 EDMUND AVENUE. (File No. CG1901D4, Assessment No. 190066)

Sponsors: Thao

Decrease from \$117.80 to \$102.44

Ms. Moermond:

Staff recommended deleting late fees. Current assessment of \$117.80 should be reduced to \$102.44

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

- 20 RLH TA 19-384** Ratifying the Appealed Special Tax Assessment for property at 435 THOMAS AVENUE. (File No. CG1901D4, Assessment No. 190066)

Sponsors: Thao

Reduce from \$117.80 to \$102.44

Ms. Moermond:

Staff recommended deleting late fees. Current assessment of \$117.80 should be reduced to \$102.44

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

- 21 RLH TA 19-388** Ratifying the Appealed Special Tax Assessment for property at 744 THOMAS AVENUE. (File No. CG1901D3, Assessment No. 190065)

Sponsors: Thao

Layover to May 30 @ 9 a.m.

Kazoua Moua, property owner, and Mae Vang, her daughter, appeared.

Translation into Hmong provided by Ms. Mai Vang, Staff.

Chris Swanson, Staff:

The resident is here for the special tax assessment for the property at 744 Thomas Avenue. The cost is \$106.32 with a service charge of \$2.50. (staff referenced the service charge, but that it wouldn't be charged unless the assessment is certified to the taxes.)

Moermond:

Actually, no. The cost is \$106. That's all we have.

Swanson:

And 32 cents. This is for garbage service from October 1 through December 31 of 2018. This is for a medium cart. The stated reason for appeal is the property has one medium trash bin. The \$106.32 was a double charge by Republic Services on the 11/2018 invoice. Resident states that they spoke to Republic, a service rep, in December and then the account was credited \$106.32 for the double charge.

We did email Republic Services about this. I will check to see if we received a response yet. This came in recently so we are trying to get all the information we can on this.

Moermond:

The confusing thing is when I look at the payments, there was a credit applied to the account November 20, but I don't see a previous payment to November 20. So, I am confused about what's going on with that. So, Ms. Mous, what can you tell me about...actually I should have...

Mai Vang:

I'm sorry. I walked out.

Moermond:

Would you read.

Mai Vang:

Just this?

Moermond:

Yes.

Mai Vang:

OK. [translates into Hmong]

Moermond:

We have this question about the payment and the credit in November.

Mae Vang:

The first bill was due in October. There was a miscommunication with my Mom and my brother so they wrote the first check for \$96.08. So, there was a remaining balance of \$6.36, which was made through online December 7, 2018. Prior to that payment being made, Republic Services sent another bill dated for November 20. This bill included the \$102.44 and \$106.32.

Moermond:

Were there...

Swanson:

So, if I could jump in really quickly, as we are looking at this kinda real time, this is actually a duplex, per Ramsey County records. We have record of delivering both a 65 gallon and a 95 gallon cart to this property. I was looking at our records right now and we don't have any information in terms of us removing the carts for any reason or setting up any vacancies at this property. For the City of St Paul under the contract, you are required to have a cart per living unit at this property. And this does appear to be a two unit property.

Mae Vang:

Since my parents has been in this house, since '95, they've always lived just as a one family. And so, since even the previous trash company, they've only had one bin. Even with the delivery, we've only received one cart. I spoke to Joe Kirby, I believe he is from the City, he said a two cart was delivered and gave me both numbers on the cart. We have only the medium size cart on the property.

Mai Vang:

[translates into Hmong]

Mae Vang:

No. He gave me, he tell me there's records that two carts were sent out, but since the switchover in September, we only received the medium cart. I matched the number that he gave me to the medium bin on the property. He did tell me to look at the neighbor's carts as well, just in case it was misplaced there but I haven't seen that cart. I don't know where it was delivered to. All I know is we don't have it on the property.

Moermond:

You said there was a check written in October. Do you have a record of that?

Mae Vang:

I don't have a record of that, but the company did send me a record and it has the check number. Can you use that?

Moermond:

I would love to look at that...I am looking at a credit on the account October 19 of \$96.08.

Mae Vang:

That's actually a payment on the account.

Moermond:

Yes, a credit on the account. You put the credit on. So, it looks like they decided there was a second cart that should have been billed also and they charged you a late fee for that second cart.

Mae Vang:

Nope. The original bill that was sent for October, I have it.

Moermond:

I will have Mai scan it in really quick and give it back to you...it does look like \$96.08 was paid on the account on October 19 and we were to have two carts there. It appears that only one cart ended there. You were working with Republic about what was going on with the second cart? Did you have a conversation with them about that?

Mae Vang:

Yes. I had a conversation with them just letting them know we had one cart. They did tell us that the records from the County, the house is listed as a duplex. We should have two carts. I did tell them since my parents lived in the house, it's only been a one-family house. They didn't use it as a duplex. And so, we had one cart, always. We told them we never received the large cart, just the medium cart. And so that's why they credit the \$106.32 back to the account in November.

Moermond:

Got it. Could we get a form on this one. What I'd like to do, is have you fill out this form, a couple have to do with vacancy of the unit. In the other, describe that your parents live there as though it was a single family home. We can use that to officially get you down to one cart in the system.

Mai Vang:

[translates into Hmong]

Moermond:

It looks as though Republic was acknowledging there was one cart at this property,

rather than two, and they credited the account to reflect that. And then they forwarded the balance to the City. That seems kind of "off." Mr. Swanson, do you see that differently.

Swanson:

So the way the system is set up, is if there's a vacancy that should be set up on the property, there is supposed to be payment made in Quarter 4 2018. If there was credits owed, they would be applied to Quarter 1 2019. The fact that there was no payments made on this account basically means the credit that Republic applied moving forward, so that \$106...

Moermond:

There was a payment made. We just looked at the Republic statement and it showed a payment on October 19 that \$96.08 was paid.

Swanson:

There was a payment made for the medium, but not for the large cart. So we are talking about Republic to try to credit the account for the large not being there is they did put a credit on your account moving forward. The thing is, without payment being made to them so they can use your payment to credit, is how that amount was turned over to the City. So when you pay the City, the City pays the hauler and then that credit is paid up and makes that a wash.

Moermond:

Perhaps you could explain the January 25 payment and the April 24 payment. Because those payments and they are online payments look like they are for a large cart and a medium cart.

Swanson:

I see a payment on 1/25/2019 of \$102.44. That covers the cost of the large cart. For Quarter 1 2019 garbage service. Then I see a payment of 4/24/2019 of \$91.35. I don't know what that amount is, probably a large cart with credits applied. I can do some further investigation.

Mae Vang:

That's also something I wasn't sure of, because when I spoke to the Republic Service rep, she said they would take the large cart out. But then even the invoices that are coming in, it still has the 90 gallon listed on there. And the 68 gallon. And so I'm not sure what we're being charged for. We have the medium on site. That's all.

Moermond:

Were two carts delivered last September?

Mae Vang:

We only had one cart delivered.

Moermond:

The City shows two carts delivered. Republic will figure out what is going on with that. This is sufficiently complicated, by the time we get to the April 24 payment, figuring out what was credited and when, that I would like to continue this case, so we can square up the billing and talk to Republic. I'm going to put it on my calendar for May 30 and I will ask for follow up staff reports at that time. We can email all this to you with any additional documents we receive. Mai Vang can explain to you any additional information we get. Then I will put a recommendation on the record. You are welcome

to be here. Or we can email you with that.

Mae Vang:
What time on May 30?

Moermond:
9AM.

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

10:30 a.m. Hearings

- 22 RLH TA 19-355** Ratifying the Appealed Special Tax Assessment for property at 950 ASHLAND AVENUE. (File No. CG1901E1, Assessment No. 190067)

Sponsors: Thao

Approve; no show.

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

- 23 RLH TA 19-363** Ratifying the Appealed Special Tax Assessment for property at 142 BAKER STREET WEST. (File No. CG1901E1, Assessment No. 190067)

Sponsors: Noecker

Approve; no show.

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

- 24 RLH TA 19-266** Ratifying the Appealed Special Tax Assessment for property at 1932 BAYARD AVENUE. (File No. CG1901E1, Assessment No. 190067)

Sponsors: Tolbert

Approve the assessment.

Timothy Morehead appeared.

Chris Swanson, Staff:

The resident is appealing the special tax assessment for the property at 1932 Bayard Avenue. The outstanding amount is \$80.90 for a garbage service for a small cart and three late fees for Quarter 4 2018. The reason for appeal is that the resident is not using the service.

Under citywide garbage service, all residential properties with up to four units, including rental homes and townhomes, are required to have a garbage cart and receive garbage service for each dwelling unit. There is no option to opt out of the citywide garbage service. We believe that this amount should stand.

Moermond:
OK. Mr. Morehead.

Timothy Morehead:

I understand what you just said; I just wanted to go on record of explaining my rationale for this. This is approximately as much garbage as I produce in about a week.

Moermond:

Because we are not doing this by way of video, let me explain that you are showing me an orange plastic bag that contains less than a gallon's worth of material.

Morehead:

That's correct. Thanks for that. What I am trying to do. This I got from my 11 grandkids. I'm trying to be a zero waster to help their life in the future. We cannot sustain the current system we are on. I understand the City's program. I am going on record to say it's just not sustainable. But you know, I will volunteer services to help fix it. If somebody wants to contact...I'll help do whatever to come to some middle ground or something. But it's just not sustainable and I have to do...I want to reduce this even more, down to zero. It's hard, given how we package things now. That's my goal and that's what I want to do.

Moermond:

I just picture that [inaudible] eventually, could be developing a leak. It will fall off the car at some point, because these things happen. Getting down to as little waste as possible is so societally important and I really appreciate you putting that on the record. I don't think we hear that enough.

And yeah, you do know what I have to say.

Morehead:

I just want to get this on the record. Thanks for your time, by the way.

Moermond:

I appreciate you coming down. Mr. Swanson, you have a comment.

Swanson:

We have a small every week cart. We do have the option of the small every other week cart. It will save you a couple bucks.

Morehead:

If I had my way, a garbage truck would come down my street once every six months. My street, which is potholes, a whole other ballgame but anyway...

Moermond:

Bigger than the bag?

Morehead:

By the way, this is going to Lund's into the recycling of plastic bags, so anyway. I understand that, but I wouldn't even need that but thanks for the offer.

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

25 RLH TA 19-368

Ratifying the Appealed Special Tax Assessment for property at 1370 CLEVELAND AVENUE SOUTH. (File No. CG1901E2, Assessment No. 190068)

Sponsors: Tolbert

Reduce from \$105.69 to \$96.08.

Robert Burkhardt appeared.

Chris Swanson, Staff:

The resident is appealing the special tax assessment for the property at 1370 Cleveland Avenue South. The amount outstanding is \$105.69 for garbage service for a medium cart and two late fees for Quarter 4 2018. He states that he paid the only bill he received from Bergquist and submitted the receipt to St Paul on 2/20 to dispute the assessment but was assessed anyway.

The staff comments that the property owner made a payment of \$96.08 to Ken Berquist & Son Disposal on 1/23/19. This payment was processed on 1/30/19. If the property owner made a payment to the garbage hauler after January 5th, 2019, when the outstanding amounts were turned over to the City for collection, that payment was applied as a credit on their account. The property owner is still responsible for paying the City any outstanding delinquent balance from Quarter 4 2018.

Moermond:

Am I understanding that the bill was submitted to the City because it wasn't paid to the hauler by January 5. But payment was made to the hauler after January but was applied to the first quarter of 2019. Is that your understanding as well.

Swanson:

Yes.

Robert Burkhardt:

That is my understanding with Berquist and now Waste Management. What I am seeing is a credit carried forward. My gap is I don't have that Berquist statement from that fourth quarter. I paid online, assuming I was all square. By the time the assessment started coming, I didn't have the original documentation from Berquist as far as the terms of the bill, when it was due. Certainly, my understanding, is immediately to their online payment option, my understanding is that was well within their due date for when that Quarter 4 payment was due. Do you have that documentation? That's my missing piece.

Moermond:

No, I don't.

Burkhardt:

I'm not sure why you would, quite honestly. So, unfortunately, that's the gap. The January 5 cutoff seems like a very aggressive turnover for a service ending on December 31. If you don't pay within four business days, it gets turned over to delinquent. That's pretty aggressive.

Moermond:

It's billed prospectively. So, the billing would have gone out the first week in October.

Burkhardt:

The other complication that could be relevant in my case, is that I also purchased this property in October. October 18.

Moermond:

Oh, OK. The amount for a medium cart is \$96.08. We will kill your late fees.

Burkhardt:

How do we pay it? It was owed to Berquist and now it's Waste Management...

Moermond:

Yes, I got my bill from Waste Management a couple of weeks ago and it's due at the end of this month. And that's for the second quarter of 2019. The people in the switch category from Berquist to Waste Management, there's a time delay for adjustment.

We will get rid of the late fees. After Council approves this, there's a week or two at most, after the June 12 public hearing, then an invoice will go out from the City for this fourth quarter bill and it will be in the \$96 amount.

Burkhardt:

Right now my current bill reflects a credit.

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

26 RLH TA 19-251

Ratifying the Appealed Special Tax Assessment for property at 2177 FAIRMOUNT AVENUE. (File No. CG1901E1, Assessment No. 190067)

Sponsors: Jalali Nelson

Approve the assessment.

Katherine Werner appeared.

Chris Swanson, Staff:

The resident is appealing the special tax assessment for the property at 2177 Fairmount Avenue. The amount is \$69.95 for garbage service for a small cart every other week and three late fees for Quarter 4 2018. The stated reason for appeal is that Republic never picked up garbage from the property. Under citywide garbage service, all residential properties with up to four units, including rental homes and townhomes, are required to have a garbage cart and receive garbage service under the stated contract. As a cart was provided for this resident and the staff believes the amount should stand.

Moermond:

Ms. Werner.

Katherine Werner:

I, too, am grateful for this opportunity, although it was a little bit of a hassle for me to come downtown. But, I get to have lunch at Mickey's diner.

Moermond:

Well worth it.

Werner:

So well worth it. I am actually proud to be among the 11% property owners in St Paul refusing to pay their trash bill as a means of protest. I came of age in the "60s and I totally understand protest and civil disobedience. That's my stand for this. Yes, Republic has never picked up trash from my property because the bin remains within my fenced in backyard and sealed and unused. I also think it's testimony to the poor

planning and implementation of this plan that we have to go the expense of these hearings, that a separate call center had to be funded and staffed to handle complaints. This is, regardless of the intent, which I support, this has been a financial nightmare for the City and a good percentage of its residents.

Currently, I live on \$20,000 a year. I've owned my house since 1999 and I have an affordable mortgage and I live in a very nice neighborhood of MacGroveland. When I saw the garbage fee being added to my very tight monthly expenses, I realized the first thing I should do, once I realized opting out was not permitted, I thought I would have to apply for food stamps or something even to finance the smallest option. And a friend of mine, who also lives in my neighborhood but a different ward, I'm in Ward 4, she actually contacted her councilperson, Chris Tolbert, and said I can't afford this, I don't know what to do. His advice to her, according to her, is that she apply for food stamps. She has made this public, in a letter to the editor in the Villager as well. At least one councilmember's solution to one of his constituents is that she apply for a federally and state funded program in order to finance a City/County trash plan, which also makes no sense.

I'm not naive about what's going to happen here. Please know that I am not putting my bin out. I have just about as much trash as this gentleman on Bayard. Before the plan, I shared with a neighbor. Us three adults shared a small bin that was picked up weekly and we almost never filled it. So, I'm not paying for this and I'm not using it, as a matter of civil disobedience. And that's pretty much my stand here.

Moermond:

OK. I see you have paperwork in front of you. Do you have anything you want to have scanned into the record?

Werner:

Thank you, no. When I submitted the form and I made that short two sentences, when I think back, I would like to type up these comments and submit them more formally.

Moermond:

What you have just said is going to be almost transcribed. My assistant, who will work off of the recordings, pretty much writes up directly. It's not a court transcript, but she tries to take careful notes, especially in these hearings. You will see those online when they publish the agenda for June 12. If you wanted to mail in additional information, that's fine. There are business cards right there, so if what you are reading doesn't quite match what you wanted to communicate, you can always communicate more.

Werner:

Understood. And I'm grateful for that. Again, I have owned property in four cities, major cities, and I have never seen something as poorly planned and administered and thought through as this. Thank you.

Moermond:

Enjoy the good weather today?

Werner:

I'm going to enjoy a hamburger and a milkshake! You are welcome to join me at Mickey's.

Moermond:

I don't know that I'm ever getting out of here!

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

- 27 RLH TA 19-344** Ratifying the Appealed Special Tax Assessment for property at 2188 FAIRMOUNT AVENUE. (File No. CG1901E1, Assessment No. 190067)

Sponsors: Jalali Nelson

Approve; no show.

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

- 28 RLH TA 19-279** Ratifying the Appealed Special Tax Assessment for property at 1076 HAGUE AVENUE. (File No. CG1901E1, Assessment No. 190067)

Sponsors: Thao

Reduce from \$80.89 to \$70.34.

Amanda Weitekamp appeared.

Amanda Weitekamp:

The first thing I would say, for the record, is we bought this property under a homestead. We are trying not to have our names actually attached to the property. So, if there is a record, I would appreciate it if my actual name is not part of the record, but I guess I represent the Law of P and W Homestead Trust.

Moermond:

All right. Here is what I'm going to have to do. I will have to talk to the City Attorney about this because this is a public forum and what we do is a part of the public record. If you were to submit comments through the Council office as a constituent, they can keep your comments confidential. That is a communication, a complaint to the City, it's covered by Data Practices. I don't think, in this forum, that I have the ability to mask who is coming to testify and so I can say, if you want to walk away right now, and manage your communication differently, that's fine with me.

Weitekamp:

[inaudible] just that we spent a lot of money to do this and it's...

Moermond:

I hear that. Mr. Swanson, I am going to ask for a staff report before we go any further.

Chris Swanson, Staff:

The resident is appealing the special tax assessment for the property at 1076 Hague Avenue. The amount is \$80.89 for garbage service for a small cart and three late fees for Quarter 4 2018. The stated reason for the appeal is: "I am willing to pay the actual bill, but not any late fees, special fees, etc. The claim that bills were mailed to us means nothing if we never got them. I am assuming they were forwarded in the mail to the former property owner. I couldn't do anything online as we had no account number. When I contacted Republic in January, they informed me the prior bill had been paid and that it had been sent in the name of the former owner. So, I paid the January bill. We bought the property in May, had garbage in our name at this house

before the city took over. I'm not sure why the city did not have the correct name for the property owner or why it wasn't just sent to the household instead of particular name. This is the fault of the city, not me."

Staff comments are that we do have record of Republic Services mailing bills to the listed owner of the property [inaudible] but we do not have any record of the resident. We would say that all the bills [inaudible] the hauler were sent to the primary name [inaudible] property tax address. If [inaudible] you were not getting those, or if they were not passing it on, that's more of an issue between the property owner, the property owner or the tenant. We do think the service was provided during this time and that the outstanding amount should stand.

Moermond:

All right, I am going to quickly check something. If you would indulge me for a moment, because of when you said you acquired the property. I think the records will support what you are saying...

Weitekamp:

Sure. The bills went to the former owner and got forwarded instead of being sent to the actual property.

Moermond:

The 2018 property tax statement indicates that the owner is Paulette Fieling. And the 2019 statement indicates the Law of P and W Homestead Trust, in care of Thomas Andrew Handley, Jr. So, the notifications did go to the previous owner. You are here saying you are perfectly happy to pay the amount, minus those additional fees. And so, I am perfectly happy to reduce this. The amount for a small cart?

Swanson:

The amount for a small cart, no additional fees is \$70.34.

Moermond:

I am reducing your assessment to \$70.34.

Weitekamp:

Thank you.

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

- 29 RLH TA 19-265** Ratifying the Appealed Special Tax Assessment for property at 2126 HIGHWOOD AVENUE. (File No. CG1901E2, Assessment No. 190068)

Sponsors: Prince

Approve the assessment.

Attorney husband of Micaela Douglas, property owner, appeared on her behalf.

Attorney husband of property owner Micaela Douglas:

I have to leave but I wanted to go on the record. My proposal is we put this on hold until it gets to referendum, assuming Judge Castro decides in the petitioners' favor.

Moermond:

We will put this in the record: "Nothing is owed at this time in light of the

recently-submitted petition. The city must legislate in good faith and carry out its obligations under the charter. The ordinance must be temporarily suspended and submitted to a referendum. If it passes after a referendum, I will happily pay whatever is owed. If it does not pass, I owe nothing. I owe nothing in the meantime since the ordinance should be suspended in operation. I recommend we put this issue on hold until *Clark v. St. Paul* is decided." That's your statement for the record.

I don't have a choice in the matter and must recommend approval, but it is read into the record

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

30 RLH TA 19-369 Ratifying the Appealed Special Tax Assessment for property at 1895 IVY AVENUE EAST. (File No. CG1901E2, Assessment No. 190068)

Sponsors: Busuri

Reduce from \$77.38 to \$70.34

Patty McDonald appeared.

Chris Swanson, Staff:

The resident is here to appeal the special tax assessment for the property at 1895 Ivy Avenue East. The outstanding amount is for \$77.38 for garbage service for a small cart and two late fees for Quarter 4 2018.

The stated reason for appeal : "I paid the bill in full the first time we received it. We had recently purchased the property. Previously, I'm assuming, it was sent but addressed to the former property owners [Steven Weissmuller], and since it is a federal crime to open mail not addressed to you, we did not open it. We just handed the mail over to the real estate agent selling the home."

The staff comments: "The property was sold on 9/28/18. The Q4 2018 bill was sent out on 9/20/18, addressed to the previous owner. The property is still responsible for the delinquent charge, as no payment was received for Quarter 4 2018 and service was provided from October through December 2018, the amount should stand."

Patty McDonald:

OK. So, the first time I had a bill, which I just handed to you, it said I needed to pay Berquist and I needed to pay them by 2/15 and I paid them on 2/8. The next thing I got from them and one of the sheets shows, through my bank, that yes, I did pay it. The next thing I got from them was that it is late and again it says mail it to Berquist. So, I just want to pay my bill.

Moermond:

It looks like you closed on your property exactly at the same time as the system was starting, so the addresses that Berquist had was for the old owner. The old owner was getting the information and probably saying I don't own the property anymore. I am going to get rid of the late fees. We will go to \$79.34. What will happen is when the Council ratifies this as an assessment, you will get an invoice within a week. I'm sorry you had to come downtown to get this squared away.

McDonald:

It took hours...

Moermond:
I'm sorry.

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

- 31 RLH TA 19-253** Ratifying the Appealed Special Tax Assessment for property at 1930 JEFFERSON AVENUE. (File No. CG1901E1, Assessment No. 190067)

Sponsors: Tolbert

Approve; no show.

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

- 32 RLH TA 19-380** Ratifying the Appealed Special Tax Assessment for property at 1619 JUNO AVENUE. (File No. CG1901E1, Assessment No. 190067)

Sponsors: Tolbert

Delete assessment.

Kathleen Orme, daughter with Power of Attorney, appeared.

Kathleen Orme:
My mother, Patricia L. Pyne, has been a resident of the City of St Paul for 91 years. She has resided at 1619...

Moermond:
I need to get the staff report on the record. It should only take a minute or two, at the most.

Orme:
OK.

Chris Swanson, Staff:
The resident is appealing the special tax assessment for the property at 1619 Juno Avenue. The amount is \$80.90 for garbage service for one small cart and three late fees for Quarter 4 2018. I will let the resident speak to the stated reason for appeal. Basically, the City says this should stand as there is a pending credit on the account for Quarter 1 2019 as any temporary service holds are applied on the account going forward. Aspen did remove the bill for Quarter 1 of 2019 based on the vacancy information received from the city and have not billed for Quarter 2 of 2019. When this account is restarted, that credit can go forward. It should have been paid and will be applied to the account.

Orme:
If I am following this correctly, then why am I here? So we are all clear?

Swanson:
What I am saying is there is a credit on the account that rolled over from Quarter 4. If there were service holds to go into effect for Quarter 4, the resident was supposed to pay the quarter and then credits were applied on the account moving forward.

Orme:

Background...my mother fell into the category of when the City was just launching this whole program. She broke her hip. She was in the hospital. She was in assisted care and then moved into my home right at the time of all the communications and I put communications in quotes because it was a terrible communication overall. I tried to contact the City as the letters were coming in. We were picking up mail at her home; she was not at her home. She has not been at her home; she is still not at her home, since July and then we did the transfer. Anyway, a.)the letters were not helpful. I went onto the website, it was Parks and Rec you had to call first. It was an intern's phone number. It was terrible communication. She left a voice mail, a young girl, at the very beginning of this whole roll out, who said, we will come and check your house to see if you are actually there. There was no form to fill out for an elderly resident who was not at her home and who would not be at her home for a series of months. There was a vacation form that finally floated around, first, before there was another form. I have documentation from Aspen, I mean it was between calling the City and Aspen. It went round and round. There was an email from the City saying sorry about the circular messaging. It was like mid-October before the form even showed up. So, I just want to...there should be no charges, whatsoever, because we filled out...we had the...if the City would have had the form ready, the medical form ready, I had medical people at my house every week, that whole fall. And she was in the hospital and she was in assisted care. But there was no medical form, so by the time we got the medical form, we were on to helping her move in and dealing with other medical issues. So, I'm beyond irritated, the way that rolled out, so there has been no service. She is not at her home. I don't know how the City can even...I don't even know why I am here. Except for just paperwork issues. So, my request is that there is no fees. Does she owe anything on trash?

Moermond:

Thank you. Very helpful. Am I understanding you correctly, Mr. Swanson, that this would be assessed and credited towards the future? Why are we presuming there would be more service in these conditions?

Swanson:

So the way the temporary service hold, or vacancies, were set up for the fourth quarter 2018, is that residents were supposed to pay and then a credit would be on the account moving forward. Just because in those, sort of, in flux times, that was the most effective way for us to ensure that everyone got a bill and we were still able to capture all those changes that came in. So, I have heard back from Aspen and there is still a credit on this account for when it gets restarted, for when her mother moves back to the house, because that's how we had this set up. As I said, Quarter 1 and Quarter 2 are both deleted, so there's no charges that have accrued since that time. But basically, with the timing of the temporary service hold, when it was put in place, there would have been payment of needed to have been received and then credit would have been applied for...

Moermond:

What's the duration of the temporary service hold that is in place?

Orme:

Through July, but, she has fallen since going back to visit her home and I may need to extend that. [inaudible] my question at the end.

Moermond:

I think you are making a good point and we probably want to get the hold thing squared

away before the third quarter billing goes out at the beginning of July, but you will have a better idea...

Orme:

I can get documentation from Summit. They just called me back. I just couldn't get it today, that she has to go through physical therapy. She's got two cracks in her pelvis. [inaudible] through the end of the summer.

Moermond:

Through the end of the summer. Do you require the precise medical documentation? That seems a little overreaching.

Swanson:

We do not require the precise medical documentation. I would be more than willing to follow up with Aspen directly to ensure that this is pushed back for you.

Moermond:

And I'm going to get this thing deleted today. Aspen can bill with service is re-initiated but we don't need to bill it a year in advance or whatever this would amount to when she moves back in or when it's reoccupied in general.

Orme:

I appreciate that. I just don't want to force a 91 year old out of her home. That's a big thing, so I thank you for that. And she loved Ken Berquist and was very sad that they were acquired by Waste Management.

Moermond:

I loved Ken Berquist, too.

Orme:

And on the record, that was part of this whole thing, it was very sad that the small guy got bought out by the big guy. [inaudible] all the time.

Moermond:

What I understand is they were ready to retire and do that, but I hear you.

Orme:

[inaudible] for 70 plus years. To clarify then, I can follow up with Aspen with the medical documentation. Is there a new form that I need to get? I am concerned that, I can't remember if it's July 1, I'm dealing with Stacey, my Aspen person.

Swanson:

Stacey Sanders is who you are dealing with. She's the billing person there. I'm going to give you my card just to make sure we have the [inaudible] there. I will email Stacey and say we discussed this at this hearing. Please make sure this is extended so we stop it before anything else gets generated again.

Orme:

Thank you very much.

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

190067)

Sponsors: Thao

Approve assessment.

Mr. Eric Lein, property owner, and Ms. Lein, property manager, appeared.

Chris Swanson, Staff:

The resident is appealing the special tax assessment for the property at 93 Milton Street North. The amount is \$287.13 for garbage service for a medium cart and three extra carts and three late fees for Quarter 4 2018. This is a four-plex and each dwelling unit is required to have a cart. I will let the resident state his reason for the appeal. The City's reason for continuing with the assessment is under Citywide garbage service, all residential properties up to four units, including rental homes and town homes are required to have garbage carts and receive garbage service under the City contract. So that would be in this case with a four-plex, you have to have four carts under the City contract. So, we believe that this should still stand.

Moermond:

OK. Mr. Lein? Ms. Lein?

Eric Lein:

I wonder if we could [inaudible] 93 and 99 buildings because they are adjacent and [inaudible] together.

Moermond:

I will have him read the second address into the record and we will copy the notes into the other file.

Eric Lein:

Perfect.

Moermond:

Mr. Swanson, would you read in 99 Milton Street North, Unit 1.

Swanson:

The resident is appealing the special tax assessment for the property at 99 Milton Street North, Unit 1. The amount is \$287.13 for garbage service for a medium cart and three extra medium carts and three late fees for Quarter 4 2018. Again, I will let the resident state his reason for the appeal. The City's reason for continuing with the assessment is under Citywide garbage service, all residential properties up to four units, including rental homes and town homes are required to have garbage carts and receive garbage service under the City contract. As this is a four-plex, there are four carts required as per the City contract. And there are four carts at this property. The City believes that this outstanding assessment should stand.

Moermond:

Is this also a four-plex?

Swanson:

This is also a four-plex.

Moermond:

OK. Mr. Lein.

Eric Lein:

First, I apologize for my shaky voice. I do...

Moermond:

You already have, you don't need to.

Mr. Lein:

This page is a brief summary of what I would like to go through. This page is a picture of our two buildings side by side. The City Council saw them last year when I testified before them. Basically, the two buildings have been sharing for decades, a single dumpster. My daughter met last, I think it was May, with Mayor Carter, and Russ Stark and a bunch of other people. I will let her describe that.

Ms. Lein:

That meeting was on May 31, 2018, and Russ Stark the Chief Rezoning Officer and Deputy Mayor Jaime Tincher, they were there. Along with some others, and I showed this exact picture to Russ Stark and he looked and went "ooh, oops! We forgot about dumpsters and we really didn't think about this situation." And I have an email from him after that meeting and he said he had followed up with the staff regarding the concern I had raised in the meeting about the multiunit building owners and perhaps believing that an existing dumpster would be traded out for a new dumpster, rather than multiple carts. And so, he was wanting to, at the meeting, thinking we could maybe come to some resolution, because eight carts in the physical space of this one dumpster, there's not enough real estate. So, he was thinking that seems like a good solution and then he never circled back. The contract is set in stone.

Mr. Lein:

What I would like to talk about is the possible avenues for appeal for City Charter Section 14.01.4. It could be a mistake. It could be amounts to excess of benefit to the property. As far as mistakes, you heard from the attorney who had to go out; his property is on Highwood. Ordinance 839 is the ordinance that brought Chapter 220 into existence. Should have been suspended [inaudible] November 14 when the City Council determined that the signatures on our petition were sufficient. More than 4900 signatures required, 5400 or so received. That would verify it's valid, so therefore, [inaudible] the City decided the subject matter is not appropriate to send off to the electorate in a ballot. And so three petitioners started a lawsuit in February of this year. Judge Castro had the first substantive court hearing a week ago. [inaudible] it is a real issue and I believe the City should put this entire operation of Chapter 220 on hold, subject to court outcome.

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Can I ask a question, so I can put a note on this, these two, are these the Milton properties?

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Yes. I didn't see it written on here.

Ms. Lein:

99 is on the left. The darker color and 93 is the lighter color.

Mr. Lein:

This is a third building in the distance, that is not ours.

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Got it. And then the photos here that you are showing me, those addresses are...

Mr. Lein:

Those are on Holly, 580, 586, 590. All owned by me. 34 total units. For those 34 units, we pay \$1588 per year. I would like to compare that with 93 and 99 Milton. The City wants us to have eight carts. The volume of a two yard dumpster is about 404 gallons. Eight carts to equal 400 gallons would be four medium and four small carts. The price of four medium and four small carts would be \$2859 per year. For eight units, the City expects me to pay \$2859 per year; for 34 units, I pay \$1580 per year. A thousand dollar savings for 34 units versus eight units. That goes to my point that the assessments are in excess of the benefits for my property. Another basis I would like the City Council to put this whole program on hold.

I am a multifamily [inaudible] owner. [inaudible] single family. I have different things in my head [inaudible] what is value received versus empty carts that don't give me any value. They give the City an argument but they don't give me anything [inaudible]. So, back to the top part of this long-winded letter here. MN Statutes 443.28 has a variety of rules and it talked about rates for rubbish disposal should be as nearly as possible just and reasonable. Taking into account the number of people and the character of the trash and so on. Jumping down, back to the amount in excess of benefits. I handwrote an example #4, sitting here earlier today I heard about 450 Edmund, a house owned and occupied by seven humans. They get to have one trash cart. 99 North Milton, four units, seven humans, we have to have four trash carts. Again, we are faced with assessments in excess of benefits. I should be able to get about the same number of humans to fill about the same number of carts. And now they charge for empties. So, another reason for the City to think hard about actual assessments related to benefits.

Moermond:

Sir, are you arguing that the charges should be per capita rather than per property?

Mr. Lein:

Basically, what my bottom line argument, my bottom line suggestion is, allow owners to share or opt out with proof that proper garbage service is provided without garbage on the ground. Back to the good old days.

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[inaudible] November 8, 2017, authorizing the signing of the garbage contract. That contract, according to the Resolution, was required to be signed by the haulers no later than November 13, 2017. That was a Monday. The haulers signed the contract one day late, November 14. That in my mind is a mistake, the haulers missed their deadline and if I as a landlord miss a deadline, giving a renter notice to move, [inaudible] it's a hard [inaudible] if a court deadline is missed. It's a hard boundary. You do not miss deadlines. I believe, thanks to the City's late filing of paperwork, Monday, May 6, was a wonderful missed deadline. It was very obvious. The City Council set the rules. [inaudible] to adhere to those rules. If the City wanted to, [inaudible] in this issue, could say to the haulers, you messed up [inaudible] If the Council says, you owe an assessment, all of a sudden I get standing in an issue and I can complain about the late signature on the contract. Today I [inaudible], tomorrow I might.

So, back to the page here, amounts in excess of actual benefits. You heard me talk a month or so ago about my tri-plex. 547-549 Grant Hill. That tri-plex is across the alley from a single family home. One truck stops for all of our houses. The house across the alley, one cart; they get charged for one cart. My house has three carts. Supposedly, the cost to have the truck stop is three times as high for me as for them. This is in excess of benefit. It does not cost that truck any more to stop by my house than it does by the neighbor's.

Example #2, Waste Management will offer additional carts to households who want more than the City requires. When they do provide extra carts, they charge about half of the City's going rate. Why can't I, as a multi-family dwelling owner, pay the City's rate for the first cart and 50% off for the second, third, or fourth cart. [inaudible]

Example #3, [inaudible] I've listed buildings that I own and I've listed them in order of the price per year of each building. A five unit building is currently costing me, not in the City's organized trash program, \$413 per year. Next up, my combined buildings at 93 and 99 Milton, eight units \$956 per year. A 20 unit building garbage dumpster picked up two times per week, \$1800 per year. Now, we get to what the City would like me to pay for my 400 gallon worth of eight carts. \$2859 per year. That is more for eight units than for a 20 unit building, a 34 unit building. It's more than I currently pay for my five unit building. The only building that it's cheaper than, is 65 units. The 65 units are costing me \$3157 per year. I've got quantity discounts here. Again, not a single family property owner but assessments in excess of benefits hit me right in the face.

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Moermond:

You put together some nice documents here, a good record. You didn't touch on, but you did provide me with a copy of an article titled "After Stillwater Country Club spared street assessment, residents fight." That all has been scanned into the record, in addition to your photos and summary.

Mr. Lein:

[inaudible] Stillwater, testing for measured benefits. That's street improvements, this is garbage assessments. The theory is the same.

Moermond:

Just for the record, the City Council will be considering these assessments, not under Chapter 14 of the City charter, but under 429 of the Minnesota State Statute, using the procedures outlined in Chapter 60. I imagine you are fully aware of that.

Mr. Lein:

Chapter 60 refers to the charter.

Moermond:

Yes, it does. I have no surprises for you today, whatsoever. Your arguments must be decided in district court and the City Council. What I am looking at is an interpretation. Here, we've got this contract in place, we have this requirement. I'm going to have to recommend approval, but during the course of the year, things may get sorted a different way.

All of your information has been put in the record. We will make sure it's on both properties.

Mr. Lein:

Thank you.

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

34 RLH TA 19-366

Ratifying the Appealed Special Tax Assessment for property at 99 MILTON STREET NORTH UNIT 1. (File No. CG1901E1, Assessment No. 190067)

Sponsors: Thao

Approve the assessment.

Mr. Eric Lein, property owner, and Ms. Lein, property manager, appeared.

Chris Swanson, Staff:

The resident is appealing the special tax assessment for the property at 93 Milton Street North. The amount is \$287.13 for garbage service for a medium cart and three extra carts and three late fees for Quarter 4 2018. This is a four-plex and each dwelling unit is required to have a cart. I will let the resident state his reason for the appeal. The City's reason for continuing with the assessment is under Citywide garbage service, all residential properties up to four units, including rental homes and town homes are required to have garbage carts and receive garbage service under the City contract. So that would be in this case with a four-plex, you have to have four carts under the City contract. So, we believe that this should still stand.

Moermond:

OK. Mr. Lein? Ms. Lein?

Eric Lein:

I wonder if we could [inaudible] 93 and 99 buildings because they are adjacent and [inaudible] together.

Moermond:

I will have him read the second address into the record and we will copy the notes into the other file.

Eric Lein:

Perfect.

Moermond:

Mr. Swanson, would you read in 99 Milton Street North, Unit 1.

Swanson:

The resident is appealing the special tax assessment for the property at 99 Milton Street North, Unit 1. The amount is \$287.13 for garbage service for a medium cart and three extra medium carts and three late fees for Quarter 4 2018. Again, I will let the resident state his reason for the appeal. The City's reason for continuing with the assessment is under Citywide garbage service, all residential properties up to four units, including rental homes and town homes are required to have garbage carts and receive garbage service under the City contract. As this is a four-plex, there are four carts required as per the City contract. And there are four carts at this property. The City believes that this outstanding assessment should stand.

Moermond:

Is this also a four-plex?

Swanson:

This is also a four-plex.

Moermond:

OK. Mr. Lein.

Eric Lein:

First, I apologize for my shaky voice. I do...

Moermond:

You already have, you don't need to.

Mr. Lein:

This page is a brief summary of what I would like to go through. This page is a picture of our two buildings side by side. The City Council saw them last year when I testified before them. Basically, the two buildings have been sharing for decades, a single dumpster. My daughter met last, I think it was May, with Mayor Carter, and Russ Stark and a bunch of other people. I will let her describe that.

Ms. Lein:

That meeting was on May 31, 2018, and Russ Stark the Chief Rezoning Officer and Deputy Mayor Jaime Tincher, they were there. Along with some others, and I showed this exact picture to Russ Stark and he looked and went "ooh, oops! We forgot about dumpsters and we really didn't think about this situation." And I have an email from him after that meeting and he said he had followed up with the staff regarding the concern I had raised in the meeting about the multiunit building owners and perhaps believing that an existing dumpster would be traded out for a new dumpster, rather than multiple carts. And so, he was wanting to, at the meeting, thinking we could maybe

come to some resolution, because eight carts in the physical space of this one dumpster, there's not enough real estate. So, he was thinking that seems like a good solution and then he never circled back. The contract is set in stone.

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Yes, it does. I have no surprises for you today, whatsoever. Your arguments must be decided in district court and the City Council. What I am looking at is an interpretation. Here, we've got this contract in place, we have this requirement. I'm going to have to recommend approval, but during the course of the year, things may get sorted a different way.

All of your information has been put in the record. We will make sure it's on both properties.

Mr. Lein:

Thank you.

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

- 35 **RLH TA 19-268** Ratifying the Appealed Special Tax Assessment for property at 1980 STANFORD AVENUE. (File No. CG1901E1, Assessment No. 190067)

Sponsors: Tolbert

Decrease from \$110.49 to \$96.08

Moermond:

In this case, it looked like there was also an address change issue where the tax statement was correct but the hauler used the Stanford address. Therefore I recommend deleting the late fees.

Chao:

It will be decreased from \$110.49 to 96.08

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

- 36 **RLH TA 19-381** Ratifying the Appealed Special Tax Assessment for property at 213 WINIFRED STREET EAST. (File No. CG1901E1, Assessment No. 190067)

Sponsors: Noecker

Reduce from \$110.49 to \$55.

Richard Chanslor attended.

Chris Swanson, Staff:

The appellant is appealing the special tax assessment on the property at 213 Winifred Street East. The amount is \$110.49 for garbage service for a medium cart and three late fees for Quarter 4 2018. The stated reason for appeal is the house was and is vacant. The prior trash service was cancelled and mail forwarding had expired. They did not receive notices. No service was used.

The City received notice of vacancy on 2/27/19. This vacancy hold started on 3/1/19. Because the City did not receive notice of a vacancy prior to 2/27/19, garbage service was not removed for the property. The City does not show records of the property owner calling about this issue during Quarter 4 2018, so we did not know this was a vacant unit. If we did get notice, we would have been able to set him up to ensure the vacancy was reflected. The property owner is still responsible for paying the delinquent charge, as garbage service was provided from October through December 2018.

Moermond:

Mr. Chanslor you are appealing this, saying the house was vacant. Tell me about what's going on.

Richard Chanslor:

I moved out of the house about 2009. My stepson was living there for several years; I let him live there when I deployed. [inaudible] have a house up in Lindstrom. He was trashing the place, basically, do I had him move out probably a year before all this started. '16 or '17. Started fixing the place up with the intent to sell it. I had cancelled

my prior Waste Management service there because no garbage, no people. What garbage was generated from fixing the place up was hauled off to the dump. Because it was construction garbage that wouldn't have been taken in a can anyhow. Basically I didn't know that new service started. There was a can out in the alley but I thought I could initiate that when somebody moved in. I had no idea that they were billing me in advance for services and I didn't get most of the notices because the mail wasn't being forwarded.

The mailbox that was there, when I was done shoveling the snow, the mailman said he actually removed it from my fence and he is the one who put it up by my steps, because he didn't want the other person who fills in for him filling it up with junk mail. I didn't know that was legal, that he could remove a mail box, but I understood why he did it, to help me out. I didn't know I needed to file anything to opt out of this, to have the house registered as vacant, because I wasn't getting any notices in the first place. As soon as I found out, I'd opened up something that said past due on it. I said what is this, a company in Kentucky or something. Called them and they said I had to call the City. Called the City and talked to a nice woman there who gave me the form by email. Sent it back to her as soon as I could get it scanned in. That's the notice you said from 2/27, I believe. Basically I had no notice. I didn't know I had to register the house as vacant, in order to not have any garbage initiated. For a house that was vacant.

Moermond:

I was just checking here and it looks like the 2018 property tax statement goes to you at this address on Winifred. So Ramsey County Taxation believed that was where you were.

Chanslor:

Right. Because that was getting forwarded.

Moermond:

And then the 2019 Property Tax Statement shows you in Lindstrom. So, it got changed. The notices appear to be going to the Winifred address. And I hear you talking about the mailbox situation there, which is...odd.

Chanslor:

I had the mailbox wired to the fence because my stepson had a dog and he wouldn't play...the dog was pretty hyper and would get out pretty easy. I had it wired to the fence to he wouldn't have to go in there.

Moermond:

Mr. Swanson, can you tell me what we have on file right now?

Swanson:

I do see we have a vacant REU turned in and it's going forward. So, as of March 1, we sent that over to the haulers. We received it on February 27, 2019.

Chanslor:

I would just ask if that could be backdated to show the place was vacant the whole time.

Moermond:

It can't. That would be like, how would we know?

Chanslor:

I thought, since I was at another address...

Moermond:

Not according to the County. I hear them saying they gave an address to the hauler in good faith because that was the address Ramsey County Taxation had. I hear you saying mail was getting kind of screwy, the property was empty after your stepson left. At some point the mail did something with the mailbox. Somehow the mail wasn't being forwarded to you. I know the legal obligation on the City is to provide notice to you by first class mail. They did meet that obligation of giving you that notice. You had difficulty getting that notice.

What do you picture, moving forward, of your plans for the house?

Chanslor:

I was fixing it up for my daughter to move into. But then, the furnace went out in March. I haven't got that fixed yet either. She's going to probably find another place. I'll probably end up selling it. It'll probably be empty until I sell it. So, if I did pay, like some other people, I might get a credit. That wouldn't do me any good because I would never have any trash service in the future to get credited, either.

Moermond:

Here's what I am going to do. I'm not hearing fault on the part of the City. I am hearing you in a struggle and in transition. I'm going to divide this in half. Moving forward, the first quarter bill, I can see going ahead and deleting that, but I am not dealing with that today. We'll call it growing pains with the new system.

Chanslor:

Growing pains at my expense.

Moermond:

Well, it's also Ramsey County not having your address over a number of years. The owner of record at the tax address of record, is what they would have to do. So, I'm hearing four mailings went out to you at Winifred. You weren't there to get them. They weren't forwarded or you didn't catch them in the mail. You are welcome to go to Council and look for a different outcome.

Chanslor:

Thank you. The first quarter is going away.

Moermond:

I would like to do that. It's not in front of me today. Staff are hearing that is the direction I am going with that.

[Ms. Moermond hears the next case]

Moermond:

Mr. Chanslor, you are back again.

Chanslor:

If I paid that \$55, where does that go? To the City? Or?

Moermond:

It will be to the City. What will happen is the...

Chanslor:

A new letter comes out or something?

Moermond:

Yeah. The City got notification in the beginning of January that this was an unpaid bill, so sent out the notices that you got. On June 12, I will say to the City Council, please reduce this to \$55 and the City Council will go with that, unless you show up and object and they change their mind. Within a week, maybe two, of that public hearing, you will receive an invoice in the mail for that amount of money. Which you can send in at that time. If you choose not to pay it, it will eventually roll on to the 2020 property tax bill.

Chanslor:

OK. Fine. I just didn't know if I should pay something right now, or...

Moermond:

You are good for the moment. You will receive an invoice in about a month.

Chanslor:

Thank you.

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

37 RLH TA 19-397

Ratifying the Appealed Special Tax Assessment for property at 1535 CHAMBER STREET. (File No. CG1901E2, Assessment No. 190068)

Sponsors: Busuri

Approve the assessment.

Chong Lee attended.

Chris Swanson, Staff:

The resident is here to appeal the special tax assessment for the property at 1535 Chamber Street. The amount is \$114.10 for garbage service for Quarter 4 2018. The stated reason for appeal is the property was purchased on December 31, 2018. The new owner doesn't believe she should be billed because she wasn't living there during Quarter 4 2018.

Staff comments are that the City charges the delinquent balance to the property, not the owner. The previous property owner should have paid the bill on or before they closed. Because the previous owner left a portion of their bill unpaid, the new property owner is now responsible for the delinquent amount. The property owner can try to contact the title company to try to recover the outstanding amount the previous owner failed to pay, but the current property owner is ultimately responsible for the delinquent charge. The City believes this amount should still stand.

Moermond:

The previous owner of this property was a gentleman by the name of James Clark, who lived in River Falls, Wisconsin. And you bought the property at the end of December from him. And you are appealing because you didn't live there then. He evidently did not disclose to you that there was an outstanding bill. Do you have any documents related to this bill? Can we provide you with documents on this?

Chong Lee:
I don't have anything.

Moermond:
Here's the situation we are finding ourselves in. There's a few copies of this statement; several notices were given to the old owner. It tells the old owner that if it is unpaid, it will be assessed to the taxes for this property. So, Mr. Clark got legal notice that, by not paying the bill, this was going to turn into an assessment. He knew that at several points in time. Sounds like he got end of October, end of November and beginning of January, three notices saying hey, you didn't pay your bill, it's going to be put on the taxes. When you are in a closing, the seller says I am disclosing to you all the existing orders on the property, all the potential assessments on the property, all the actual assessments on the property. They are saying they are telling you everything; I am guessing they didn't tell you this. And they legally were required to do so and, in fact, initialed on a document that they had. It is a private matter, unfortunately, between the buyer and the seller, to square this away.

Ms. Vang provided you with the notices the seller got that this would become an assessment if it went unpaid. The part I highlighted, here at the bottom, is the part that clearly says that. Your realtor has a way to get hold of his realtor to say your guy didn't tell my buyer about this. It's just over \$100; it should be a simple matter. I would think they would resolve this matter politely and just pay it.

Those are the documents we have right now. If you need additional ones, I think that's something that Mr. Swanson could help you get. We are looking at Aspen Waste.

Swanson:
I will give you my card. We have had a lot of experience with residents contacting and working through the title company. We get how this works. If they have any questions at all, have them call me directly. If there is additional stuff they want from the City, we can figure out what they want. I have not had anyone need additional stuff from what we have provided already.

Moermond:
I am sorry you are in this position. You are not the only one where the old owner doesn't tell the new owner. Hopefully this helps.

Chong Lee:
Do I come to the hearing in June?

Moermond:
If you want to argue this further, you would come to the Council meeting in June. I would tell the Council what I am telling you, that it needs to be a discussion between you and the seller. The seller should really write you a check for that amount of money. Because they should have told you that was outstanding, and they didn't.

Chong Lee:
OK.

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

Special Tax Assessments-ROLLS

Delinquent Garbage Bills for services during October to December 2018.
(File No. CG1901D3, Assessment No. 190065)

Sponsors: Brendmoen

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

- 39 RLH AR 19-61** Ratifying the assessment for the City's cost of providing Collection of Delinquent Garbage Bills for services during October to December 2018.
(File No. CG1901D4, Assessment No. 190066)

Sponsors: Brendmoen

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

- 40 RLH AR 19-62** Ratifying the assessment for the City's cost of providing Collection of Delinquent Garbage Bills for services during October to December 2018.
(File No. CG1901E1, Assessment No. 190067)

Sponsors: Brendmoen

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

- 41 RLH AR 19-63** Ratifying the assessment for the City's cost of providing Collection of Delinquent Garbage Bills for services during October to December 2018.
(File No. CG1901E2, Assessment No. 190068)

Sponsors: Brendmoen

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