



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final

Legislative Hearings

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

Thursday, October 31, 2019

9:00 AM

Room 330 City Hall & Court House

Special Tax Assessments

9:00 a.m. Hearings

- 1 [RLH TA 19-836](#) Deleting the Appealed Special Tax Assessment for property at 792 CARROLL AVENUE. (File No. CG1903E4, Assessment No. 190140)

Sponsors: Thao

Delete the assesment.

Staff report by Clare Pillsbury: appealing \$130.41 for Quarter 2, 2019. Appealing because they didn't have a cart to be charged for. We recommend deletion per the email from Republic.

Moermond: there is an extensive email about how they didn't provide a cart. So recommended.

Referred to the City Council due back on 11/13/2019

- 2 [RLH TA 19-826](#) Ratifying the Appealed Special Tax Assessment for property at 2008 IVY AVENUE EAST. (File No. CG1903C1, Assessment No. 190129)

Sponsors: Busuri

Approve the assessment.

No one appeared

Staff report by Chris Swanson: this is for \$112.61 for Quarter 2, 2019. Resident is appealing because they thought they possibly made payment to Berquist. We wanted to reschedule to October 31, 2019. We haven't had a chance to follow up with Waste Management on this. I haven't heard from the resident. We'd like to layover to November 5.

Swanson: I want to update the record on this, I heard back from Waste Management, and they responded already and stated they have no record of any payments during that period and had nothing from Berquist. I also spoke to the resident on Monday and he couldn't find any record of payment for Quarter 2. So he said he was going to pay the bill.

Moermond: we'll recommend approval and not do a layover.

Referred to the City Council due back on 11/13/2019

- 3 [RLH TA 19-829](#) Ratifying the Appealed Special Tax Assessment for property at 559 MCKNIGHT ROAD SOUTH. (File No. CG1903B1, Assessment No. 190125) (To be referred back to Legislative Hearing on January 16, 2020; City Council public hearing to be continued to March 11, 2020)

Sponsors: Prince

Refer back to LH on Jan 16, 2020 at 9 am; PH on March 11, 2020 at 3:30.

Referred to the City Council due back on 11/13/2019

9:45 a.m. Hearings

- 4 [RLH TA 19-844](#) Ratifying the Appealed Special Tax Assessment for property at 1159 CENTRAL AVENUE NORTH. (File No. CG1903E2, Assessment No. 190138)

Sponsors: Thao

Approve the assessment. Reduce Q3, 2019 assessment to \$60.83.

Gregory Miller, owner, appeared

Staff report by Clare Pillsbury: appealing assessment of \$60.83 for Quarter 2, 2019 for two medium carts. Resident is appealing because doesn't want to deny assessment, but Waste Management isn't honoring the reduction in cart size discussed at the last hearing. We recommend keeping Quarter 2 to this as it reflects the lowest amount of service under the contract. Quarter 3 we recommend reducing to this amount, as Waste Management didn't reflect the correct service.

Moermond: so you're going to work to reduce this for the third quarter. He won't get an assessment for that quarter?

Chris Swanson: he will, but it was be adjusted down to the \$60.83 amount, the correct amount.

Moermond: ok so when the assessment letter comes from the City in a month or so, it will be the right amount.

Miller: I called the trash company, they hadn't heard of it, I told them I wanted to pay the \$60.83. She was rude. I'm facing foreclosure, and my electricity is going to be turned off. I'm not the only one facing hardships because of the trash.

Moermond: can we check on the tax situation here?

Miller: I have bills showing I have always had service. These are from 2001, when I switched to the dumpsters. I'm a corner lot.

Mai Vang: Taxes are fine.

Moermond: I remember us talking about that last time.

Miller: I just got dumped again last month, if I didn't have the dumpsters, I'd have to have some way to get rid of big pieces of trash. Model Cities said they were going to compensate me for the dumpsters, but they're giving me the run around.

Moermond: at the City we know some people with mortgage prevention services.

Miller: well I borrowed money from my dad to pay up.

Moermond: and then what?

Miller: I don't know.

Moermond: they can help you and start talking to the bank on your behalf to help your circumstances.

Miller: they refinanced on a 40-year last year. They won't do it again.

Moermond: and have you looked into energy assistance?

Miller: I'm going to do that today, I'm familiar with that.

Moermond: there's a brochure with lots of housing information. I would take that and if you end up in trouble again, they are specialists dealing with this who may have tools to help.

Miller: I bring it up because I'm not the only one getting zapped.

Moermond: you're certainly not the only one being pinched. You had a special circumstance with Model Cities. We got you down to the lowest amount. I think Republic Services was not great and they should have been aware. Mr. Swanson can we make sure Republic is aware of this?

Swanson: yes.

Miller: it seems like St. Paul is the only City where you can't share. I don't even fill the small one half full. But I have all this big stuff.

Moermond: so, you're going to follow up with Republic to make sure everything is correct. I think Mr. Miller has enough problems without having to deal with this too. For today this assessment is the right amount.

Miller: I'm ok with it, but I need them to bill me. I never got a bill.

Swanson: I see that Waste Management is his hauler. We may have had incorrect information put in this packet.

Miller: yeah, I thought it was Waste Management.

Moermond: there's stuff from Robie attached on here. We'll make sure it gets cleared up.

Swanson: I'll follow up with Waste Management and inquire about why you're not receiving bills and make sure everything is set up correctly.

Referred to the City Council due back on 11/13/2019

10:30 a.m. Hearings

- 5 [RLH TA 19-855](#) Ratifying the Appealed Special Tax Assessment for property at 788 CHARLES AVENUE. (File No. CG1903E3, Assessment No. 190139)

Sponsors: Thao

Reduce assessment from \$84.41 to \$73.32.

Stephen Ellsworth appeared

Staff report by Chris Swanson: appealing \$84.41 for Quarter 2, 2019. Appealing because the issue was settled with Highland four months ago and the account is current. There is a lengthy email between resident and Sue at Highland, and it does appear that a cart disappeared from the property and the resident contacted Highland about adjusting the bill to reflect that there was only 1 cart. There are two 35-gallon carts there now, the resident was also credited for the 3 months there wasn't two carts at the property. The challenge is the credit has to be moved on the next bill, they can't adjust the standing bill in front of the resident. The credit is applied on the next quarter, within the email Highland actually states that to the resident, saying "please pay this bill, the credit will be applied on the quarter three bill". So, staff does believe this assessment should stand, this is the difference in cost for the leftover for one medium cart the resident short paid. He was credited for the cart not being there by Highland on his quarter 3 bill.

Moermond: so they emailed that they did that, but we don't know for sure it was done.

Swanson: I don't have a copy in front of me.

Ellsworth: there was two additional pages that were photographs showing the one cart, and bank checks of four bills. I think the third one on there is for \$84.41. So basically, the amount was paid to Highland.

Moermond: the first check is for \$144 for January 25, payment January to March, 2019. The next one is dated May 8, for April to June, 2019, for \$70.84.

Ellsworth: I short paid because there was only one cart as of late February. Basically, all of second quarter there was only one cart, I thought my wife made the change, but nobody had, it just was gone.

Moermond: you wrote the check from May 8, was for one cart for April 1 to June 30th, because you didn't have a cart since end of February. In May you still only had one cart. That particular bill is what we're looking at today. And he paid the \$70, the other part came to the City as an assessment.

Swanson: what is in front of us is the other part of the bill, plus late fees. The payment was made in May, so there would have been one late fee on the total amount and then late fees for the outstanding amount.

Moermond: the payment on July 19 was for \$84 for the third quarter.

Swanson: Yes, I see payment for \$84.41, what the payment should have been was \$140.68, so that actually reflects a decrease in the Quarter 3 bill, because I don't see anything sent over to the City for an assessment of \$56.27. I think the third bill looks like it reflects a credit by Highland for Quarter 2.

Moermond: they did a credit because the balance was already sent to the City. And the fourth quarter they're up to the \$140 level.

Ellsworth: my impression is that Highland is happy because I haven't heard any complaints.

Moermond: they wash their hands and clear their books each quarter, and send it to the City. When did you get your second cart again?

Ellsworth: mid or early June.

Moermond: I'm going to have staff confirm that your bill has all been squared away with Highland and it's right. I think it is, but we will confirm. The third quarter bill had a credit, which means they have given you the money and if we did it we'd be giving you double money for that mistake second quarter. What I can do is say, if we took your bill and halved it and then reduced the late fees. We will reduce from \$84.41 to \$73.32. We will redact your account information from the documents you provided as well.

Referred to the City Council due back on 11/13/2019

- 6 [RLH TA 19-679](#) Ratifying the Appealed Special Tax Assessment for property at 842 LAFOND AVENUE. (File No. CG1903E3, Assessment No. 190139)

Sponsors: Thao

Reduce assessment from \$172.59 to \$96.08.

No one appeared

Staff report from Clare Pillsbury: appealing \$172.59 for Quarter 2, 2019 service. Appealing because there was a billing error with Republic. We agree and recommend deleting.

Moermond: what was the nature of that error?

Chris Swanson: we are recommending reducing the bill down to \$96.08. The resident called in to republic requesting a second cart, which was never delivered. So, he shouldn't be charged for service not delivered. I have an email for the record. The subject has a typo, but it is for this address.

Moermond: so recommend the reduction.

Referred to the City Council due back on 11/13/2019

- 7 [RLH TA 19-854](#) Deleting the Appealed Special Tax Assessment for property at 754 MINNEHAHA AVENUE WEST. (File No. CG1903E3, Assessment No. 190139)

Sponsors: Thao

Delete the assessment.

Cameron Lepisto appeared

Staff report by Clare Pillsbury: This is an assessment of \$113.17 for quarter 2, 2019. City provided one cart and has been billing for 2 carts, provider is aware of the error and has credited the account each quarter. He said his service is current and the one cart has been paid for. He contacted the City previously and emailed Republic with a billing inquiry with no response. We recommend deleting the assessment.

Moermond: so recommended.

Referred to the City Council due back on 11/13/2019

11:15 a.m. Hearings

- 8 [RLH TA 19-856](#) Deleting the Appealed Special Tax Assessment for property at 468 AURORA AVENUE. (File No. CG1903E4, Assessment No. 190140)

Sponsors: Thao

Delete the assessment.

Valerie McCarty appeared

Staff report by Clare Pillsbury: appealing \$3.52 for late fees for a small cart Quarter 2, 2019. Appealing because she's disputing the late fees. It looks like she did have a late fee, and when I spoke with her she stated she had made a late payment, but Republic had credited the late payment because they missed pickup a couple of times. You can see on the bill it looks like it was credited to her account. Staff would have to investigate further, I would recommend removing the assessment.

Moermond: looks like you had this worked out with Republic, tell me about that.

McCarty: I called them, and said yes, my bill was late. Republic doesn't send bills out until just before they are due. So, I overlooked the date, but I told them to subtract it because there were several days they didn't pickup in the winter, I'm on an incline. I told them to deduct that and they did, I don't know why they turned it in to be collected.

Moermond: right. You're saying they missed a couple times in the winter? Did you write down the dates?

McCarty: I didn't. I didn't think anything of it because I called them.

Moermond: I'm asking because if they missed a week of service, and your bill is \$70.00 for the quarter. If you miss a week of service, that's about \$5. So them giving you \$3.52 that's nice. But I'm putting out there that's definitely something to monitor. To be fair, if you're not getting the service, they didn't fully credit you. We'll delete this assessment and staff will follow up to see if you can be credited for more.

Referred to the City Council due back on 11/13/2019

- 9 [RLH TA 19-839](#) Ratifying the Appealed Special Tax Assessment for property at 560

CHARLES AVENUE. (File No. CG1903E4, Assessment No. 190140)

Sponsors: Thao

Approve the assessment.

No one appeared

Staff report from Clare Pillsbury: appealing \$4.80 for a late fee for a medium cart Quarter 2, 2019. Appealing because it was referred incorrectly. We'd like to investigate further.

Moermond: it was referred incorrectly was what they said in the appeal.

Mai Vang: I followed up with Mr. Ferrera and he indicated a lot of the garbage was put there by the previous owner and looking for a reduction, and then he said he would pay when he found out the amount.

Moermond: so approve it.

Referred to the City Council due back on 11/13/2019

10 [RLH TA 19-857](#)

Ratifying the Appealed Special Tax Assessment for property at 346 FULLER STREET (File No. CG1903E4, Assessment No. 190140)

Sponsors: Thao

Lay over to LH November 5, 2019 at 3 PM. Staff to follow up with haulers regarding payment.

Tetra Constantino appeared

Staff report by Clare Pillsbury: Appealing \$315.84 for Quarter 2, 2019. Resident is appealing because resident got notice of the program and wasn't using the cart or any service. Staff would like to review it further, he has two duplexes, each with 2 units. One is at 410 Virginia and one at 346 Fuller. Fuller also has a Quarter 3 pending assessment.

Swanson: resident has some items to review. He has stated he received a Quarter 4, 2018 final notice of nonpayment in January of 2018 and gave him a cancellation number. I want to follow up with them and see if there is a record of that phone call. He has a dumpster at the property serviced by Advanced. I'm going to follow up with Republic to see if they have been serving the property, and we need to follow up with Advanced as well. We should lay this over for more research and to see what happened with communications between owner and hauler on this.

Moermond: so you're telling me there's a conversation at the end of 2018 where it's thought that Republic cancelled the service for these two duplexes, but that needs to be confirmed because they wouldn't have had authority to do that.

Swanson: and we have no outstanding balance for Quarter 1. It started billing again in Quarter 2. I want to get the full story from Republic.

Moermond: what a situation, tell me about this.

Constantino: they summarized it pretty well. I included the documents, I don't know if

they touched on because there's two addresses on the one property id, there's a discrepancy between how the City counts the rolls and how Ramsey county has the ID listed. As far as the notices, the first one I ever got was the final notice of nonpayment. These cans have never been moved, I've never used it, they have never picked up any garbage at all. They have never been moved since they've been put down. I've never received any recycling bills at this address either. Because of the two addresses, but the photos show, one was taken March 1, 2019, two months after I got the cancellation ticket from Republic. And then when the cans weren't removed, I got some notices from them and the City I took the March 1 photo. Mr. Swanson asked why I took the photos, I did it because they were still there after the cancellation ticket, and I think I sent it to them. I looked for it to bring, to show they have never been moved. The other picture is May 6.

Moermond: first, you get recycling containers. I would think at the very least we can get you two or four recycling containers.

Constantino: I think two would be fine.

Swanson: they are normally dropped off within a couple weeks.

Moermond: Republic, if they did cancel your service, was not legally authorized to do that. However, if they did, that's on them, not on you. You have a dumpster right now?

Constantino: yes. That dumpster has been serviced for the last 20 years consistently. As of 2016 I had Coolidge, and then they sold their business to Advanced so they started servicing it. They continue to do so until this day. The City has it listed as 346 Fuller, so you send notices to that, but I don't get them.

Moermond: this account inquiry is from Advanced for the dumpster?

Constantino: yes.

Moermond: I asked Ms. Vang to pull up the information from the City.

Vang: the county has 410 Virginia as the primary address, with 348 fuller underneath. They both have the same parcel ID. The owner on Ramsey counter is at 410 Virginia Street Unit 1 and there's two other relative owners.

Moermond: what's showing up for the 2018 property tax statement, that would have been what was sent to the hauler. So, if it wasn't showing up correctly, it was an issue on Republic's end. I don't know what happened but there we are. Moving forward, you need to be in the program with containers. Its probably wise to get rid of the dumpster and not pay for both. What size containers make sense equal to the dumpster.

Constantino: I'd guess the four containers are about the same size. I already have a contract with Advanced that I prepaid.

Moermond: in all likelihood it's invalid. They are part of the consortium. I believe that contract would be null and void.

Swanson: what we can do, is we send a complaint to Advanced to contact you to get everything you're owed for anything you're prepaid and the dumpster removed. Its on them to resolve that.

Constantino: ok. To that point, Republic has done no work, so then, what happens?

Swanson: I'm going to follow up with Republic to see what they have for this account. I want to see why they haven't serviced the carts.

Moermond: you're getting it pushed from Advanced and Republic, and I don't want to double bill you. We'll have to have staff do some homework with them. I can put a time on the calendar to talk more, but we can also probably resolve this by email. Right now this bill is going to be in front of Council on November 13, so I need resolution on it by Tuesday November 5. We'll have it on the agenda 3 pm next Tuesday.

Laid Over to the Legislative Hearings due back on 11/5/2019

- 11 [RLH TA 19-838](#) Ratifying the Appealed Special Tax Assessment for property at 558 SHERBURNE AVENUE. (File No. CG1903E4, Assessment No. 190140)

Sponsors: Thao

Reduce assessment from \$117.27 to \$111.27.

No one appeared

Staff report from Clare Pillsbury: pending assessment of \$117.27 for Quarter 2, 2019. Resident said they were being overcharged for extra bags. We'd like to investigate further. He wrote a letter regarding his desire to repeal the assessment, he said he currently pays for two trash bins at the duplex and Highland assessed \$117 in extra bag fees. He said this is unfair as the size of the bag hasn't been described by the city.

Chris Swanson: in quarter one they had a legislative hearing and we had counted through them.

Moermond: and we actually have the photos from this bill because originally they incorrectly sent us Quarter 1 photos the first time around. Lets pull them up. [goes through photos] The date is March 28, 2019 they are charging for one extra bag. The lid appears to be at least a foot higher open. That looks like a legit charge. The next one is March 7, 2019 and they are charging four extra bags. There is one on the ground, and then at least 3 more. This is February 8. They are charging for 2 extra bags. Both containers appear to be open beyond 6". One at least a foot, so I would say that appears legitimate. February 1, four extra bags being charged. There's one tucked behind the can. I can't tell if both cans lids are open, but it suspect they are because of the way the recycling containers are positioned. Four extra bags appears to be legitimate. January 24, the 5 extra bags being charged. There might be something on the ground or in the back, but its hard to tell. Lets count that as 3 bags. Decease by \$6 to \$9. January 17, four bags. I can see at least two bags, and the lids are wide opened. Legitimate charge. January 10 charged 3 extra bags, it looks like there's at least three. Legitimate charge. That's all of the charges, so we'll decrease it by \$6, so to \$111.27.

Referred to the City Council due back on 11/13/2019

12:00 p.m. Hearings - LAYOVERS

- 12 [RLH TA 19-766](#) Ratifying the Appealed Special Tax Assessment for property at 1819 BERKELEY AVENUE. (File No. CG1903A4, Assessment No. 190124)

Sponsors: Tolbert

Approve the assessment.

Staff report by Clare Pillsbury: resident appealing \$60.30 for Quarter 2, 2019. Appealing because the owner reported no one is living the property and the last time the property was occupied was November 11, 2003. He's spoken with staff but never specified there was a vacancy. He said his parents were living in the mother in law suite but passed away. As of September 30 we still haven't received a completed form. We recommended approving the assessment.

Swanson: Ms. Chao did follow up with him and we never heard anything, and we never received anything back. I believe she sent a letter.

Moermond: recommend approval.

Referred to the City Council due back on 11/13/2019

- 13 [RLH TA 19-787](#) Ratifying the Appealed Special Tax Assessment for property at 46 ELIZABETH STREET EAST (File No. CG1903A4, Assessment No. 190124)

Sponsors: Noecker

Lay over the LH November 5 for staff to follow up with hauler on \$144 payment.

Alex Escoto appeared

Moermond: staff was to follow up with hauler to get some additional information. Last hearing, we have a question of notification going to Jose Escoto rather than to Alex Escoto.

Escoto: I didn't want it going on my property taxes, it wasn't credited on my next bill. I got the full bill, its been frustrating. I took advantage of your large item, and your collector was a jerk, he said it was too heavy. I told them what I was having picked up. I'm already upset about the service but on top of it I have to deal with the attitude and poor customer service.

Swanson: we followed up with Republic on the bill, why it was the amount it was. I sent an email from Republic for the record. They had additional bag charges, there was 23 additional bags picked up in Quarter 1 of 2019. So that's why that number was higher than the normal large cart with late charges. Republic followed up on the paying of cash to drivers, and they said they immediately put them on suspension while they look into it. There was a payment made in September that wasn't applied to quarter two, and make sure that was reflected on quarter 3. There was a \$70 payment made in September.

Escoto: what happened to the \$170 I paid right before I came here last time?

Moermond: they put it on your next bill.

Escoto: I paid it directly to Republic. This is a constant problem. But we have the option to vote the Council members out and I think there are a few people surprised when they're removed. This is what upsets the average person. I'm going to start making a more public presence. I go back to work on the 11th and I don't have time to come back and keep doing this. I'm going to have to leave work early to go to the Council meeting. This is why you have multiple companies, because if one kept messing up we'd hire another one.

Moermond: I will say that nothing happens without the Mayor. I hear people complaining about the Council, but all that negotiation happened and it included the entire city government. There were also public hearings, and they were full. Did everyone's voice get heard? You do your best to try. Here we are though.

Escoto: I was told last time I came I'd be contacted by email. Guess how many I got? Zero. It's been four weeks.

Swanson: they mentioned the \$70. They didn't mention the \$144. We'll send another email to Republic.

Escoto gives phone number.

Moermond: did you send them an email to ask them about the \$144?

Swanson: no, we didn't have the \$144 specifically included. We asked that payments made in September were applied to the quarter 3 bill. They broke out how the quarter 3 bill came to be, and said there was a \$70 payment made during quarter 3.

Moermond: how did you pay the bill?

Escoto: I used a card.

Moermond: can you pull that up? If we can see it withdrawn from the account, we'd have the ammunition.

Escoto: I think I used my brother's card. I think the payment was made a week before I came here on the third. It would have been the Monday before.

Moermond: if you paid in late September, they would have assumed it was applied to the third quarter.

Escoto: I talked to them and was clear I didn't want it to go to my assessment. They said it wouldn't.

Swanson: the important part is that you don't play twice. We want to make sure quarter 2 is addressed too.

Escoto: it doesn't change the fact that it would go have my taxes. This is ridiculous.

Moermond: lets see what's going on. As Mr. Swanson said, looking at the bottom line, we want to make sure you were charged the right amount and don't have extra charges.

Swanson: we'll get something back tomorrow.

Moermond: call Mr. Escoto and let him know what's going on. And then confirm in writing to him and copy my staff so its for the record. Layover to Tuesday November 5.

Laid Over to the Legislative Hearings due back on 11/5/2019

- 14 [RLH TA 19-786](#) Ratifying the Appealed Special Tax Assessment for property at 197 ROBIE STREET WEST. (File No. CG1903A3, Assessment No. 190123)

Sponsors: Noecker

Approve the assessment.

Staff report by Chris Swanson: it looked like they received duplicate bills from the hauler. One bill in Diana's, the appellant's name and one in her parent's name. The hauler doesn't have a record of duplicate accounts at the property, when the program started Diana had an account with Republic already, so she had an outstanding bill and then her parents received a bill under the new program, so it looked like there was duplicate bills, but they weren't.

Moermond: recommend approval based on that communication.

Referred to the City Council due back on 11/13/2019

Special Tax Assessments-ROLLS

- 15 [RLH AR 19-136](#) Ratifying the assessment for the City's cost of providing Collection of Delinquent Garbage Bills for services during April to June 2019. (File No. CG1903E1, Assessment No. 190137)

Sponsors: Brendmoen

Referred to the City Council due back on 11/13/2019

- 16 [RLH AR 19-137](#) Ratifying the assessment for the City's cost of providing Collection of Delinquent Garbage Bills for services during April to June 2019. (File No. CG1903E2, Assessment No. 190138)

Sponsors: Brendmoen

Referred to the City Council due back on 11/13/2019

- 17 [RLH AR 19-138](#) Ratifying the assessment for the City's cost of providing Collection of Delinquent Garbage Bills for services during April to June 2019. (File No. CG1903E3, Assessment No. 190139)

Sponsors: Brendmoen

Referred to the City Council due back on 11/13/2019

- 18 [RLH AR 19-139](#) Ratifying the assessment for the City's cost of providing Collection of Delinquent Garbage Bills for services during April to June 2019. (File No. CG1903E4, Assessment No. 190140)

Sponsors: Brendmoen

Referred to the City Council due back on 11/13/2019