



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final

Legislative Hearings

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Thursday, January 30, 2020

9:00 AM

Room 330 City Hall & Court House

Special Tax Assessments

9:00 a.m. Hearings

- 1 **RLH TA 20-104** Ratifying the Appealed Special Tax Assessment for property at 1078 REANEY AVENUE (File No. CG1904D2, Assessment No. 190157)

Sponsors: Prince

Approve the assessment.

Joseph Kostuch, owner, appeared

Staff report by Chris Swanson: appealing \$228.31 service for quarter 3, 2019 for one medium and one large cart, and three late fees. Resident is appealing because they don't put garbage out to be collected, they have very little garbage, and they have always done their own garbage. Staff comments are that under Citywide Garbage service, all residential properties up to four units, including rental homes and townhomes, are required to have a garbage cart per unit. Property owners must provide service for all occupied units, with no option to opt out. Staff comments are that this should stand, we also recommend resident looks at decreasing his cart size, he has a medium and large, if he went to two small every other week carts it would bring the total quarter amount to \$115.20, a significant savings. Also if there is a vacant unit we could set him up with an unoccupied dwelling registration form to reduce the cost even more.

Moermond: So staff is giving options to help get the bill down, and I'm hearing you say you don't really use the service.

Kostuch: I've never used your service. Ever! No one has ever picked up anything. You people don't know if you're picking up trash. You don't even know it. I was doing it my own way before you people came into it, October 1, 2018. I was already doing it before that. We have our own container and take it out once a week, some weeks we don't even have one small bag between the two of us. We have two people living in the duplex, one up and one down. Some weeks we have no garbage.

Moermond: are you related?

Kostuch: yes, I live downstairs, my son lives upstairs.

Moermond: now, a couple things. It doesn't matter whether your duplex is using it, all single family homes are getting billed to pay for the system. If you put garbage system out, or not, you're being charged like everyone else. And then we talk about size of can. I can work with you to get your bill down a lot, but I can't get you out of the program.

Kostuch: I'm not going to any size cans, I was already doing our own garbage before 2018.

Moermond: I can't get you out, the law doesn't allow me to.

Kostuch: I've never signed up for your garbage, and I don't want it or need it.

Moermond: I do not have the legal authority to get you out of the program, or anyone else. The law states single family homes through four-plexes must have it. I do have the ability to decrease your bill. You're welcome to use the service instead of having other arrangements, its going to cost me the same regardless.

Kostuch: no, its not. I'm not paying for a service.

Moermond: you understand this will be come an assessment on your taxes?

Kostuch: I'm not paying for service. You can take me to court if you want. But I'm not paying for a service I don't use.

Moermond: no one is taking you to court. Just so you understand process wise—

Kostuch: I don't care what's going to happen.

Moermond: I think you do. It will become an assessment on your property taxes—

Kostuch: you're trying to force me to take your service and I don't need it! Period. When you force people to do stuff? That's called socialism. That's the same thing as communism.

Moermond: Sir, I'm trying to help you here, and you're not wanting it. I understand that. I understand you want out of the program—

Kostuch: I've never been in the program! I don't want out!

Moermond: You haven't been using it, but you've been in the program.

Kostuch: no, I have not been it in! I've never been it. We were doing our own garbage before you even started.

Moermond: where do you keep your garbage cans?

Kostuch: we put it on the three season porch in the winter. In the summer its outside. We have an old garbage can. We own it. Its ours.

Moermond: staff is telling me that the hauler dropped off a medium and a large container, is that right?

Kostuch: yeah, when the program started. They are in my yard. I'll distribute them to the garbage men anytime you want them.

Moermond: we'll try and talk about that right now. What I can do is, this assessment would go onto your property taxes, and nonpayment of taxes is a serious matter.

Kostuch: its not property tax, its garbage, so quit referring to it as taxes. Its an assessment on the property taxes.

Moermond: and it has to be paid the same way as property taxes, non-payment of assessments will lose your property after a period of time the same way.

Kostuch: its not property taxes, its an assessment on the property taxes. Its something else.

Moermond: believe me, I understand the distinction but the laws apply the same way. Here, I'd really like to help you cut this down, you have a big quarterly bill. I assume the bills from last year went forward like this?

Swanson: yes, they were all assessed.

Moermond: So the fourth quarter 2018, first quarter and second quarter 2019 all went to assessment. They all went at \$228.

Swanson: first one was \$176.68, but quarter 1, 2019 was \$278.77 and quarter 2, 2019 was \$228.31.

Moermond: why \$278.77?

Swanson: I don't know without following up with the hauler. I can definitely do that. It does look like the difference between \$228 and \$176, so maybe they back billed for the second container.

Moermond: so they were incorrectly billing and they adjusted it upward.

Swanson: Oh, yep, from Aspen quarter 4, 2018 billed resident incorrectly for two carts, so they retroactively backbilled a certain number of residents and my guess is this is one of them.

Moermond: right now, Mr. Kostuch already has \$630 odd dollars that have been assessed to the property taxes and will show up on 2020 property tax bill. So that's already over and done with. What I'd like to clean this up so your 2021 property tax bill, if you don't want to pay it, is cut way down to size.

Kostuch: you haven't got the message yet.

Moermond: sir, I have your message loud and clear.

Kostuch: I did check into it when you came about, and you were way too expensive. Triple what I was paying. Now, you're probably four or five times what I'm paying now.

Moermond: sir, I know you object to this program.

Kostuch: and I never signed up for it.

Moermond: I've heard you say that a half a dozen times already.

Kostuch: I'll take you to court if I have to.

Moermond: then you should be taking us to court. You already have \$600 some dollars on your tax bill.

Kostuch: I do not owe a penny. They never picked up anything.

Moermond: Mr. Kostuch, in your own interest, lets say you take us to court and you win, fantastic you don't owe the money from last year. If you lose in court, you've lost those hundreds of dollars. I'd like to help you hedge your bets so you're spending a smaller amount about your win in court.

Kostuch: you still don't get the message. You don't realize we had service before.

Moermond: sir, I got your message and I've heard it dozens if not hundreds of times before.

Kostuch: I didn't stop doing it because the City came about. The City is trying for force me to take your garbage service and I will never give into socialism. That's the same thing as communism. Period! I will never bow to it!

Moermond: ok. You're really angry and I'm hearing that, and I'm trying to help you. You've had your platform. You've told me about the same thing six times, and I've told you about the same thing three times. I can help you get this bill down, you don't want to pay it at all—

Kostuch: because I don't owe anything! I don't owe a cent.

Moermond: if you do in the future want to decrease your bill, there are two ways that can happen: decreasing the cart size—

Kostuch: I won't do it. I told you how much garbage I had.

Moermond: Sir, will you show me a medium of respect, or I'll use my gavel or get a deputy in here. Listen to me, you can do two things: go to a smaller cart size, or because its family occupied duplex--

Kostuch: its not family occupied.

Moermond: you said it is you and your son.

Kostuch: yes. It is our house. We can do whatever we want with it.

Moermond: I agree completely. Here's the thing, legally as a duplex you have to have two carts.

Kostuch: No, no, no! We don't have that amount of garbage.

Moermond: I understand that. If you'll listen to me—

Kostuch: even before you came about!

Moermond: No. You can leave. I'm done.

Kostuch: even before you came about I had one cart. For years.

Moermond: Sir, you are not hearing me. We'll give you the forms, we'll decrease your cart size, if you want, otherwise this assessment moves forward as it is. You can make a speech at the City Council if that's what you choose to do, but I cannot help you in this room at all so I'm going to wish you a good day.

Kostuch: I think you'll be taking me to court, or I'll be taking you to court.

Swanson: here's the form and here's my card if you have any questions.

Kostuch: you go into garbage containers, I'm not interested in garbage containers. We've never had but one can for over 20 years. I'm not going to two. Don't tell me what to do, its socialism, same thing as communism. I'm not bowing to it.

Referred to the City Council due back on 3/25/2020

2 RLH TA 20-60

Ratifying the Appealed Special Tax Assessment for property at 722 GERANIUM AVENUE EAST. (File No. CG1904D2, Assessment No. 190157)

Sponsors: Yang

Delete the assessment. (No one appeared)

No one appeared.

Staff report by Clare Pillsbury: appealing \$228.29 for one medium and one large cart plus three late fees for quarter 3, 2019. Waste Management reached out to us and asked that the entire quarter 3 assessment be removed. We recommend removing it.

Moermond: in looking at these notes, is this because it's a duplicate account?

Pillsbury: yes, this was a duplicate account.

Moermond: so it had already been paid, this was a second one.

Referred to the City Council due back on 3/25/2020

3 RLH TA 20-38

Ratifying the Appealed Special Tax Assessment for property at 848 JENKS AVENUE. (File No. CG1904D1, Assessment No. 190156)

Sponsors: Yang

Layover for staff to consult with property owner about switching out cart size.

No one appeared.

Moermond: so, we have an appeal here, and my question back to him, since he's not using the service, is is he willing to go to every other week service?

Clare Pillsbury, Public Works: I spoke to him he told me he would get back to me. I

will follow up with him on that.

Moermond: if he does, we'll get him down to what it would have been had he been on that, \$69.95. So lets lay this over one week to hear from him if he's willing to switch out.

Laid Over to the Legislative Hearings due back on 2/6/2020

4 RLH TA 20-102 Ratifying the Appealed Special Tax Assessment for property at 1058 JESSIE STREET. (File No. CG1904D2, Assessment No. 190157)

Sponsors: Brendmoen

No one appeared, but file was reviewed and recommended approval of the assessment.

No one appeared

Moermond: this is a charge for a small, every other week can plus late fees. Here's the question I have, halfway through the staff comments it says "this property is registered as a two-family dwelling and is required to have two carts", but then the last sentence says "because the resident requested the cart be removed the are being charged for the lowest-level service." This seems contradictory?

Clare Pillsbury, Public Works: and that was typo, I did mention that, we're recommending approving the assessment.

Moermond: so tell me about this, is it a single or two family?

Pillsbury: it is a two-family dwelling.

Moermond: do we know if there's two carts there, and they are just paying for one?

Pillsbury: yes. They do have another one, they have a large 94 gallon. I did suggest reducing the size to the resident but she was not interested in doing that.

Moermond: we've got a large and a 35 gallon every other week. She didn't pay for that 35 gallon, probably because she doesn't want it, staff is recommending approval. Ms. Vang, can you alter the staff comments so they accurately reflect the situation?

Referred to the City Council due back on 3/25/2020

5 RLH TA 20-100 Ratifying the Appealed Special Tax Assessment for property at 908 YORK AVENUE. (File No. CG1904D1, Assessment No. 190156)

Sponsors: Yang

No one appeared but file was reviewed and recommended deletion of the assessment.

No one appeared

Moermond: this seems straight forward, and I have question, in this case we're looking at just a late fee, and a weird cart situation.

Clare Pillsbury, Public Works: so it appears as though the \$8.36 is the difference between the 64 gallon cart and a large 94 gallon cart. The resident did not pay the

difference because they say they have the medium cart and are being charged for a large.

Moermond: and they do have medium it appears.

Pillsbury: yes, exactly. So we recommended removing the assessment, according to the October photo, they still have the same 64 gallon cart that was delivered in September 2018.

Moermond: did they want a 94 gallon?

Pillsbury: they did. They requested that. We did follow up with the hauler to deliver the 94 gallon.

Moermond: ok, so deleting this assessment, perfect.

Referred to the City Council due back on 3/25/2020

10:00 a.m. Hearings

- 6** **RLH TA 20-31** Ratifying the Appealed Special Tax Assessment for property at 834 BEECH STREET. (File No. CG1904D4, Assessment No. 190159)

Sponsors: Prince

No one appeared but file was reviewed and recommended approval of the assessment.

No one appeared

Staff report by Clare Pillsbury: \$15.04 for quarter 3, 2019 appealing because resident didn't want to pay a bill he did not owe. He provided a copy of his current bill, showing the past balance was paid and no late fee was assessed, and his 3 calls to the City and 3 calls to Waste Management haven't resolved this. Staff comments are that all delinquent garbage bills are sent to the City for assessment after 3 months, so the delinquent bill was sent around October 15, 2019, this is reflected in the pending assessment amount, therefore we recommend approving the assessment.

Chris Swanson: There's an email included in the file about this.

Pillsbury: Waste Management said they didn't receive payment until August 2, 2019.

Moermond: so one month late fee. He got billed July 25 for the late fee, and he didn't pay it, and it continued forward for a couple late notices and what he's sharing is the third quarter bill showing its not on there, but the reason its not on there is because the second quarter late fee had already gone to City for assessment. Recommend approval.

Referred to the City Council due back on 3/25/2020

- 7** [RLH TA 20-101](#) Ratifying the Appealed Special Tax Assessment for property at 963 CONWAY STREET. (File No. CG1904D4, Assessment No. 190159)

Sponsors: Prince

Layover for staff to follow up with property owner.

No one appeared

Staff report by Clare Pillsbury: this is for \$220.97 for service for two medium carts plus late fees for quarter 3, 2019. Appealing because Cliff is representing his brother, A.C., who is no longer in the house as he has severe medical issues. Cliff did submit a UDRF on January 2, 2019 removing service for the two carts, this was sent to Waste Management and this shouldn't have been generated. We did confirm that the UDRF was submitted, and therefore recommend deletion of the assessment.

Moermond: why are there two carts?

Pillsbury: it is a two family dwelling, a duplex.

Moermond: so A.C. lived there, I'm wondering if the othering unit was vacant or if cliff lives there? Do they need one container? If they're related we can maybe get them down to one anyways, it doesn't seem like we shouldn't be deleting the entire thing if it's a duplex unless we clear up the issues of who all lives there.

Pillsbury: this came in late last night, so I can follow up with the resident.

Moermond: great, lets lay that over one week.

Laid Over to the Legislative Hearings due back on 2/6/2020

- 8 RLH TA 20-23** Ratifying the Appealed Special Tax Assessment for property at 736 SIMS AVENUE. (File No. CG1904D3, Assessment No. 190158)

Sponsors: Yang

Delete the assessment.

No one appeared

Staff report by Clare Pillsbury: this is for \$220.97 for quarter 3, 2019. Resident is appealing because each payment was done online electronically, and they had had two accounts with Waste Management, one was old before coordinated collection, and then a new one. They were sending payments to the old account, and they have since been transferred to the new account. So we're recommending removal of the assessment because they did make a payment for this quarter.

Moermond: and its all straightened out now?

Pillsbury: yes.

Referred to the City Council due back on 3/25/2020

11:00 a.m. Hearings

- 9 RLH TA 20-39** Ratifying the Appealed Special Tax Assessment for property at 2018 FOURTH STREET EAST. (File No. CG1904E2, Assessment No. 190161)

Sponsors: Prince

No one appeared but file was reviewed and recommended approval of the assessmentn, noting Appellant paid the assessment.

No one appeared

Staff report by Clare Pillsbury: this is for \$69.95 for quarter 3, 2019. Appealing because he's cancelling his service and there has been no pickup since June. We did talk to the hauler and they confirmed that as of October 28, 2019 the card hadn't been placed out for the last three months, however service was provided during this period. There is a note that they did pay quarter 3 already, which is true, however we do want the assessment to stand.

Chris Swanson: the assessment is correct. He submitted the request for Legislative Hearing before he paid the assessment.

Moermond: okay, approval it is.

Referred to the City Council due back on 3/25/2020

- 10 RLH TA 20-98** Ratifying the Appealed Special Tax Assessment for property at 523 FRY STREET. (File No. CG1904E1, Assessment No. 190160)

Sponsors: Jalali

No one appeared but file was reviewed and recommended deletion of the assessment.

No one appeared

Staff report by Clare Pillsbury: this is for \$10.55 for service quarter 3, 2019. Appealing because they received repeated late notices but never received a bill for the entire year. Staff comments are we did realize the bill was not mailed to the correct address due to the failure of Ramsey County to update the primary tax address to 1585 Serenity Lane in Waconia, therefore we recommend approval.

Moermond: so recommended.

Referred to the City Council due back on 3/25/2020

- 11 RLH TA 20-103** Ratifying the Appealed Special Tax Assessment for property at 1865 MARGARET STREET. (File No. CG1904E2, Assessment No. 190161)

Sponsors: Prince

No one appeared but file was reviewed and recommended approval of the assessment.

No one appeared

Staff report by Clare Pillsbury: this was another one, we are recommend approving.

Moermond: so staff comments say remove, but you're actual recommendation is approve? So that sentence should be deleted. Her paycheck not coming until the first doesn't really explain \$3.52 very well.

Pillsbury: I did explain to her that she should maybe try and save her paycheck from the end of the month for the quarter, and use that to the payment for the first month of the quarter and paying right away at the beginning of the month.

Moermond: she's probably got her own way of doing things. She's retired. The \$3.52 should stand in that case.

Referred to the City Council due back on 3/25/2020

12 RLH TA 20-92

Ratifying the Appealed Special Tax Assessment for property at 1158 MCLEAN AVENUE. (File No. CG1904E1, Assessment No. 190160)

Sponsors: Prince

Approve the assessment.

Rick Gallo, owner, appeared

Staff report by Clare Pillsbury: this is for \$6.03, for service quarter 3, 2019. Appealing because resident says they already paid the \$6.03 late fee with the next bill, attached document with 3 images. Staff comments are that on October 19, 2019 resident submitted payment of \$108.42 which would have been the quarterly payment of \$102.44 plus \$5.98 to cover both the quarter four bill and the quarter 3 late charge, however it wasn't processed until after the delinquent account was sent to the City, therefore the payment was applied as a credit on the account and we recommend approving the assessment.

Moermond: this is a late charge from the third quarter, and when the late charge went unpaid during the third quarter the hauler sent it to the City saying they didn't get payment during the third quarter, and a couple weeks after it got sent they received a check in the fourth quarter that included the amount that was late for this quarter. So, they got the check later, you're telling me when it comes later and the bill is essentially overpaid because they've already cleared their books, they will credit to the next bill, which would be 2020. A \$6 credit basically.

Gallo: I'm with you, I'm listening.

Chris Swanson: I would just ask, if I you have the quarter 1, 2020 paperwork with you, is there a credit reflected?

Gallo: I do have it.

Swanson: this is for a large cart, yep, there's a credit of \$6 and some cents on there.

Gallo: had I known that, I wouldn't be here. You can see they don't say credit. So I thought my garbage bill was going down, which is has been doing for the last year.

Swanson: your bill did go down some for 2020.

Gallo: if I owe it, please put it on there, I'm sorry to have bothered you. If you would have let the garbage company know that, it would have been nice to know.

Moermond: I do think that could be clearer in your invoice. Can you send them an email that using the word "credit" would be super helpful.

Gallo: they don't even do anything on here about that. All they do is give an amount to pay. I have bills going back, it's a different amount every quarter. They also change the day of payment, which is why that one was late.

Swanson: let me look at the last bills since you have them. This should have always been the day of payment, the 25th, they mistakenly used this date. There was no late charges applied then. It caused a lot of confusion, but luckily no late fees.

Gallo: but they did. I go on vacation for 6 weeks at a time, so I plan my bills out in advance twice a month. I had another late one that occurred, but it doesn't matter, I owe the \$6.

Moermond: I'd like to do two things, I think it could have been clearer so I recommend deletion, customer service wise they could have done a better job. You're out of town for 6 weeks at a time, do you do a service hold?

Gallo: no, I don't even need a bin. I'm a zero waster. I have one bag every two months, and take it to my other property where my wife lives.

Moermond: I'm just thinking if you're gone then you don't have to have any bill at all.

Gallo: its not even worth the bother. Now I don't even have to clean out the peanut butter jar, while before I was a zero waster for years.

Moermond: do you need the 96 gallons?

Gallo: not this time of the year, just in the summer because of the other things I do. To make the calls and do all the things its not worth it to me. I always pay my bill early, so when I got this \$6.08 that I believe I paid, its like, more than the parking and the time I'm taking, but its more the point of garbage company get your act together because I'm obviously not the only person with this problem. Please don't erase it, I owe it, if I owe it I owe it that's it. I'm sorry for wasting your time.

Moermond: is this vacancy hold something that can be done online in terms of convenience?

Swanson: we do have a form online you can email to Waste Management.

Gallo: there's so many things you have to do when you leave your home for that time, to get down to the garbage, its just one thing too many. I'm an attorney, just bundling up my files alone takes a lot. I don't even have my mail held. I have someone come by my house. For me it doesn't matter.

Moermond: and he can change his cart size once a year size wise?

Swanson: and then it's a \$25 charge.

Moermond: so if you wanted to switch out in the summer you could.

Gallo: \$6.03 isn't about the money. It was why does the garbage company think they can get double paid? Had I known it was result of that, and not it being the new year.

Pillsbury: and the rates did go down the new year, so it should be \$99 per quarter unless there are additional services provided or a late fee.

Referred to the City Council due back on 3/25/2020

THIRD STREET EAST. (File No. CG1904E2, Assessment No. 190161)

Sponsors: Prince

No one appeared but file was reviewed and recommended deletion of the assessment.

No one appeared

Staff report by Clare Pillsbury: this is for \$118.96 for quarter 3, 2019. He stated he submitted a vacancy request in May 2019 and should not have been billed for this period. Staff did see the vacancy was processed on May 31, 2019 and therefore recommend removing the assessment.

Moermond: lets correct the typo in the record, it says May 2018. So his second quarter bill he would have paid the beginning of April, and then because there was a vacancy starting May 31, he would get a credit for one month, and then shouldn't have gotten a third quarter bill. Recommend deletion.

Referred to the City Council due back on 3/25/2020

Special Tax Assessments-Rolls

- 14 RLH AR 20-28** Ratifying the assessment for the City's cost of providing Collection of Delinquent Garbage Bills for services during July to September 2019. (File No. CG1904D1, Assessment No. 190156)

Sponsors: Brendmoen

Referred to the City Council due back on 3/25/2020

- 15 RLH AR 20-29** Ratifying the assessment for the City's cost of providing Collection of Delinquent Garbage Bills for services during July to September 2019. (File No. CG1904D2, Assessment No. 190157)

Sponsors: Brendmoen

Referred to the City Council due back on 3/25/2020

- 16 RLH AR 20-30** Ratifying the assessment for the City's cost of providing Collection of Delinquent Garbage Bills for services during July to September 2019. (File No. CG1904D3, Assessment No. 190158)

Sponsors: Brendmoen

Referred to the City Council due back on 3/25/2020

- 17 RLH AR 20-31** Ratifying the assessment for the City's cost of providing Collection of Delinquent Garbage Bills for services during July to September 2019. (File No. CG1904D4, Assessment No. 190159)

Sponsors: Brendmoen

Referred to the City Council due back on 3/25/2020

- 18 RLH AR 20-32** Ratifying the assessment for the City's cost of providing Collection of Delinquent Garbage Bills for services during July to September 2019. (File No. CG1904E1, Assessment No. 190160)

Sponsors: Brendmoen

Referred to the City Council due back on 3/25/2020

- 19 RLH AR 20-33** Ratifying the assessment for the City's cost of providing Collection of Delinquent Garbage Bills for services during July to September 2019. (File No. CG1904E2, Assessment No. 190161)

Sponsors: Brendmoen

Referred to the City Council due back on 3/25/2020