



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, April 23, 2020

9:00 AM

VIA TELEPHONE

Special Tax Assessments

9:00 a.m. Hearings

- 1 **RLH TA 20-274** Ratifying the Appealed Special Tax Assessment for property at 503 ARLINGTON AVENUE EAST. (File No. CG2001B3, Assessment No. 200106)
- Sponsors: Brendmoen
- Reduce assessment from \$116.91 to \$102.44.*
- No one appeared*
- Staff report by Clare Pillsbury: this is for \$116.91 for quarter 4, 2019. Resident is appealing because the house has been switched out of previous owners name and bill is not coming in new owner's name.*
- Even after many attempts calling Waste Management to switch so we can open mail and make payments in our name. Waste Management confirmed that account had been in the name of the previous owner Nou Lee since October 1, 2018. The current owner of the property is Tom Lee. Therefore staff recommends removing the late fees and reducing the assessment to \$102.44.*
- Moermond: that seems reasonable. Were the Lee's okay with that recommendation?*
- Pillsbury: yes.*
- Moermond: ok we will go with that reduction.*
- Pillsbury: I did check with Waste Management and going forward the name should be changed.*
- Referred to the City Council due back on 5/27/2020**
- 2 [RLH TA 20-189](#) Ratifying the Appealed Special Tax Assessment for property at 706 BLAIR AVENUE. (File No. CG2001E3, Assessment No. 200118)
- Sponsors: Thao
- Layover to LH April 30, 10 am.*

No one appeared

Clare Pillsbury: I requested a layover to April 30, 2020, confirmed by Mai Vang we could.

Moermond: what's going on that we need a layover?

Pillsbury: we still need more information from the hauler, the more we dig into it the more complex the billing issues become. We're still trying to get more information to get a final recommendation.

Moermond: sounds good.

Pillsbury: I did notify the resident. I'll talk to them about 10 am and confirm with them.

Laid Over to the Legislative Hearings due back on 4/30/2020

- 3 RLH TA 20-200** Ratifying the Appealed Special Tax Assessment for property at 603 EDMUND AVENUE. (File No. CG2001E4, Assessment No. 200119)

Sponsors: Thao

Delete the assessment.

No one appeared

Moermond: this property had been condemned and ordered vacated and became a registered vacant building. The County wants the garbage hauling fee to be deleted for that period.

Clare Pillsbury: correct.

Moermond: ironically, the County was also providing dumpsters during that time.

Referred to the City Council due back on 6/3/2020

- 4 RLH TA 20-276** Ratifying the Appealed Special Tax Assessment for property at 1003 ENGLEWOOD AVENUE. (File No. CG2001C3, Assessment No. 200110)

Sponsors: Thao

Delete the assessment.

No one appeared

Staff report by Clare Pillsbury: this is for \$161.77 for quarter 4, 2019. Appealing because Property owner stated that they paid their Quarter 4, 2019 Invoice. Staff confirmed with the hauler that the account should have received a credit of \$264.16 earlier. Since the property owner has not been issued a reimbursement check for the \$264.16, staff recommends removing the assessment of \$161.77. Essentially we're taking that amount from the credit they should have been issued.

Chris Swanson: the resident stated they already paid, they actually paid quarter 1, 2020

because I think they paid the bill in February 2020, this was still outstanding.

Moermond: to be clear we are talking about fourth quarter 2019.

Swanson: so Republic didn't receive payment in the fourth quarter 2019 which is why it was sent to assessment. The resident felt they had already paid, but what they actually paid was quarter 1, 2020. We were aware there was a credit on the account, so instead of having them apply that credit moving forward, we applied part of that to this assessment. Republic is going to follow up for the remaining credit, with the resident, which will be applied to quarter 2, 2020.

Moermond: it seems like this is really old news, has the billing been cleared up?

Swanson: it has.

Moermond: recommend deletion of the assessment.

Referred to the City Council due back on 5/27/2020

- 5 [RLH TA 20-270](#) Ratifying the Appealed Special Tax Assessment for property at 661 GERANIUM AVENUE EAST. (File No. CG2001D2, Assessment No. 200113)

Sponsors: Yang

Layover to LH April 30, 10 AM (unable to reach owner).

Tried 4/23 9:05 am unable to connect – cannot be completed at this time

Tried 4/23 9:57 AM – layover to April 30 to try again - cannot be completed at this time

Laid Over to the Legislative Hearings due back on 4/30/2020

- 6 **RLH TA 20-205** Ratifying the Appealed Special Tax Assessment for property at 406 LAFOND AVENUE. (File No. CG2001E4, Assessment No. 200119)

Sponsors: Thao

Reduce assessment from \$241.97 to \$102.44.

No one appeared.

Staff report by Clare Pillsbury: this is for \$241.97 for quarter 4, 2019. Republic Services requested that the assessment be reduced by \$114.95 due to the fact that the resident was being billed for a second cart that had a temporary service hold in place. Staff recommends reducing the assessment to \$102.44, the reason being this is the base service price for the large 94 gallon cart at the property, with no late fees.

Moermond: so recommended.

Referred to the City Council due back on 6/3/2020

- 7 **RLH TA 20-194** Ratifying the Appealed Special Tax Assessment for property at 709 LAFOND AVENUE. (File No. CG2001E3, Assessment No. 200118)

Sponsors: Thao

Reduce assessment from \$547.71 to \$204.88.

No one appeared

Staff report by Clare Pillsbury: \$547.71 for quarter 4, 2019. Appealing because resident currently lives in a duplex and has two large 94 gallon carts at \$102.44 each. Therefore, any assessments that were sent to the City of Saint Paul should have been \$235.60. She stated that she did get a bill for Quarter 1, 2020 which indicated the correct amount for 2 large 94 gallon carts. Republic confirmed that the assessment amount should be reduced to \$235.60 due to the resident only having two 94 gallon carts at the property. Property owner should also not be required to pay lates fees due to the fact that the original invoice was for an incorrect amount. Therefore staff recommends reducing the assessment to \$204.88 which would be the base cost for two 94 gallon carts.

Moermond: the hauler is Republic?

Pillsbury: yes.

Moermond: I recommend the reduction to \$204.88.

Referred to the City Council due back on 6/3/2020

- 8 [RLH TA 19-829](#) Ratifying the Appealed Special Tax Assessment for property at 559 MCKNIGHT ROAD SOUTH. (File No. CG1903B1-1, Assessment No. 190168)

Sponsors: Prince

Layover to LH April 30 at 11 am.

Tried to call 9:50 AM 4/23 no answer, no voicemail.

Tried to call 10:23 am no answer, no voicemail.

Tried to call 10:53 AM, no answer, no voicemail.

Laid Over to the Legislative Hearings due back on 4/30/2020

- 9 [RLH TA 20-55](#) Ratifying the Appealed Special Tax Assessment for property at 559 MCKNIGHT ROAD SOUTH. (File No. CG1904B1, Assessment No. 190148) (To be referred back to Legislative Hearing on April 23; Council public hearing to be continued to May 20)

Sponsors: Prince

Layover to LH April 30 at 11 am.

Tried to call 9:50 AM 4/23 no answer, no voicemail.

Tried to call 10:23 am no answer, no voicemail.

Tried to call 10:53 AM, no answer, no voicemail.

Laid Over to the Legislative Hearings due back on 4/30/2020

- 10 [RLH TA 20-275](#) Ratifying the Appealed Special Tax Assessment for property at 430 MINNEHAHA AVENUE WEST. (File No. CG2001E4, Assessment No. 190162)
- Sponsors:** Thao
- Layover to LH April 30 at 10:00 am (unable to reach owner).*
- Moermond left voicemail 4/23 9:07 am – said will try back.*
- Moermond left voicemail 4/23 10:03 am – will layover to April 30.*
- Laid Over to the Legislative Hearings due back on 4/30/2020**
- 11 **RLH TA 20-219** Ratifying the Appealed Special Tax Assessment for property at 658-660 THOMAS AVENUE. (File No. CG1904E3-1, Assessment No. 200170)
- Sponsors:** Thao
- Reduce assessment from \$57.95 to \$30.*
- Vivian Kang, owner, appeared via phone*
- Staff report by Clare Pillsbury: this is for \$57.95 for Quarter 3, 2019. Resident is appealing because they state they have had two 32 gallon containers, pickup every 2 weeks service for 660 Thomas Ave for a long time. This service was around \$91 every three months. The Republic Services changed service to two 32 gallon containers, with pickup every week without their request and significantly increased price to \$141.68. Resident spoke to a customer representative and she referred her to their consultant. The consultant confirmed that they never received a request to increase service and \$91 should be the correct price. She advised resident to pay the price the resident used to pay and said she will credit the difference to the account. So, resident made the same payment of \$91.29 by the due date, July 25. Staff comments are that staff confirmed that the property owner had been receiving service for two 35 gallon carts with weekly pick up since Quarter 1, 2018. Therefore, their level of service had not changed when the invoice was sent out for Quarter 3, 2019. The Quarter 3, 2019 invoice of \$140.68 for two 35 gallon carts with every week pick up was correct. The resident had simply been undercharged for their level of service during Quarter 1, 2019 and Quarter 2, 2019. When the resident paid their Quarter 3, 2019 bill, they only paid \$91.29. Therefore, the assessment of \$57.95 represents the amount still owed for the total invoice (\$49.39) plus additional late fees of \$8.56. It is important to note that staff received confirmation from the hauler that the property did call on July 26, 2019 to request that the level of service be reduced from two 35 gallon carts with every week pick up to two 35 gallon carts with every other week pick up. The hauler did issue a credit of \$19.00 to account for the difference in pricing between two 35 gallon containers with every week pick up and two 35 gallon containers with every other week pick up. Therefore, staff recommends approving the assessment.*
- Moermond: so they had two every other week carts for most of that billing period?*
- Pillsbury: correct.*
- Moermond: and part of what is going on with the third quarter bill was they are back billing her for service for previous quarters?*

Pillsbury: no, it would have been the correct price for two containers with every week service, it is just that when the bill was issued that is what she had at the time.

Moermond: so when she decided to change her service level, they prorated the bill and future bills should be lower.

Pillsbury: that is correct.

Moermond: so the \$57.95 that I'm looking at is an amount she underpaid? Why am I seeing this? This is the difference between every week and every other week?

Pillsbury: she was paying \$91, Republic was under billing her in quarter 1 and 2 2019 for two carts with every week pickup. The cost of two carts with every week pickup should be \$140, so she was under billed. Third quarter they started billing her the correct amount for 2 with every week pickup. She decided to switch those out the end of July, one day after the payment for the invoice was due. So they credited her the difference between every week and every other week service for those two months. The \$57 is the portion of the \$140.68, which was the correct invoice at the time, the difference between that and what she was previously billed which was \$91.

Kang: we have never requested the weekly service; we have since beginning of 2019 I requested to have two bi-weekly service pickup. What Republic is saying is incorrect. I requested the biweekly pickup, they have the purple top. One day both of those blue top containers were stolen, so I called in to report that incident. They told me they were out of the purple top container, they're very popular since it is cheapest, so they have to send the bi-weekly top container but they wouldn't change my service level. That's why our bill never changed, our quarter 1 and 2 invoice showed correctly bi-weekly service. If they have internal records that their driver was picking up every week, it's not my fault, they were out of the purple top container. The notes Clare was given by their staff is incorrect. When I received a quarter 3 invoice, almost 50% higher, I called in and it shows the weekly service on that invoice. I spoke to their regular staff, and she didn't know, she referred me to their consultant, I had to wait an hour on the phone. She confirmed that they didn't have any record I called in to request the service level change from bi-weekly to weekly. She acknowledged that was a mistake from Republic, and told me to pay the price I used to pay for bi-weekly service and she would credit the difference. That's why I paid what I used to pay, the \$91, and I believed the consultant was going to credit the difference as she told me. It is correct they have a record I called in to inquire, but it is incorrect they noted it as me requesting to change it to bi-weekly. It is completely incorrect information. Their invoice they generated, they show bi-weekly service for quarter 1 and 2 and then quarter 4 biweekly, there's no way I called to increase to weekly for quarter 3. Their consultant found there was no record of me calling in to increase the service, we don't need that level at all. It is completely incorrect information given to Clare.

Moermond: what was going on with the availability of the small purple lidded carts?

Chris Swanson: January 1, 2019 was when we allowed residents to switch out carts, there were some challenges in making sure there were enough of those small purple carts. Interestingly enough, even if you had the two purple-lidded carts at your property, what you should have been billed is \$121.66 per quarter. It looks like republic credited you a significant amount lower than that on your quarter 1 and 2, 2019 bills. So you were paying about \$30 less than what you should have been paying, even if you had the every other week carts. Did you have the purple carts delivered in quarter 2?

Kang: no, it was delivered first week of January 2019. We did have the correct carts for a while, with the purple top. If they accidentally billed for service and then increased the price, it shouldn't be my fault. When I called Republic to request the service we needed for 2019, I confirmed the pricing multiple times, I was told by multiple people it was \$91 or \$92. At least 3 people told me that. They were clear about that pricing for biweekly service.

Swanson: looking at the fact they quoted you around \$91, I think that's the before tax amount for the base fee, if you apply the tax its around \$120, I think their customer service was lacking.

Kang: it's a multimillion-dollar company. The invoice was auto generated. The customer service representative didn't send it.

Moermond: he's not saying that.

Swanson: quarter 3 I'm going to suggest reducing the assessment to \$30, which will get you to the \$121.66 that you should have been billed initially, it removes the late fees.

Kang: the correct amount should have been what?

Swanson: \$121.66 per quarter.

Moermond: and if she would have been accurately billed, it would be a \$30 shortfall, not the \$57. That would be what your charge would have been for that service with no late fees.

Kang: so the \$30 is the difference between quarter 2 and 3 difference?

Moermond: we know that quarter 1 and 2 are under billed, so we have to set those aside and look at what quarter 3 would have been accurate, and if we do that your shortfall wouldn't have been \$57.98 (short fall plus late fees), it would have been \$30. It is like hitting the reset button on an accurate bill.

Kang: I appreciate that recommendation, but I spent almost two hours with Republic, I'm asking to honor that conversation and the confirmation I received from their own consultant, promising me the issue would take care of the difference as a credit. While I appreciate the time Mr. Swanson put into this, I want to request to honor the promise made from the consultant.

Moermond: and to be fair, the consultant relayed something differently to us then to what they relayed to you as your remembering it. I'm going to recommend the \$30 as Mr. Swanson is suggesting. I understand how frustrating it is, I apologize you were caught in the crosshairs on that.

Referred to the City Council due back on 6/3/2020

12 RLH TA 20-222 Ratifying the Appealed Special Tax Assessment for property at 658-660 THOMAS AVENUE. (File No. CG2001E3, Assessment No. 200118)

Sponsors: Thao

Delete the assessment.

Vivian Kang, owner, appeared via phone

Staff report by Clare Pillsbury: this is for \$66.40 for quarter 4, 2019. Appealing because property owner states that she doesn't know why she received an invoice for \$66.40. She does not feel as though she should have to pay the amount. Staff comments are that the hauler confirmed the assessment of \$66.40 was for an invoice that was issued on August 5, 2019 for back billing from Quarter 1, 2019 and Quarter 2, 2019, and requested that it be removed. Staff therefore recommends that the assessment be removed.

Moermond: so delete that one entirely, so recommended. I assume you're good with that Ms. Kang?

Kang: yes.

Referred to the City Council due back on 6/3/2020

13 RLH TA 20-277 Ratifying the Appealed Special Tax Assessment for property at 462 WARWICK STREET. (File No. CG2001B1, Assessment No. 200104)

Sponsors: Tolbert

Reduce assessment from \$510.94 to \$102.44.

No one appeared

Staff report by Clare Pillsbury: this is for \$510.94 for quarter 4, 2019. Resident is appealing because they bought the property in October 2018. Started remodel and had a dumpster for construction debris and trash. After completing repairs and closing open permits called Waste Management to initiate trash service in September 2019. However, Waste Management back charged the trash bill to date of purchase. This property did not qualify for vacant building registration since it was not vacant for a year. It was only unoccupied during the remodel period where a dumpster was on site. They sent in evidence of building permit to confirm remodel. Staff comments are that hauler confirmed that the current account for the property was not set up for the property until the owner called in September 2019. Therefore staff is recommending that the assessment be reduced to the base cost of a 94 gallon cart of \$102.44 for Quarter 4, 2019. Waste Management didn't even back bill them until they called to set up service, that's the issue.

Moermond: what was the date of the purchase? They backbilled to 2018. Was this in the registered vacant building program? Sounds like the owner is saying it wasn't.

Pillsbury: it was not. It wasn't listed as vacant anywhere, our issue was that Waste Management waited to create an account until they set up service, so they didn't even have an account that was having service provided.

Swanson: there was actually a Waste Management dumpster on site.

Pillsbury: the issue is backbilling when they weren't providing service at all.

Moermond: that's an issue. It has been sold since then too, we have a newish TISH dated April 13, 2020. I agree with the reduction, it was inappropriate to the backbilling. The resident is incorrect in stating that it has to be vacant for a year before it

becomes a registered vacant building, but that is beside the point here. So recommend the reduction to \$102.44.

Referred to the City Council due back on 5/27/2020

10:00 a.m. Hearings

- 14 [RLH TA 20-242](#) Ratifying the Appealed Special Tax Assessment for property at 667 SURREY AVENUE. (File No. CG2001D3, Assessment No. 200114)
- Sponsors:** Prince
- Reduce assessment from \$355.63 to \$192.16. Layover to LH April 30 at 9 AM.*
- voicemail 4/23 10:26 AM – will try back in about 20 mins*
- voicemail 4/23 10:49 am – we have looked at both the assessments, for third and fourth quarter, the one under appeal. The third quarter we should delete the late fees since the bill was sent to the wrong address, for the fourth quarter it should be decreased to \$192.16, no late fees. Those are the two changes I'm recommending; we'll email you this information and if you want to talk more, we can discuss it.*
- Laid Over to the Legislative Hearings due back on 4/30/2020**

11:00 a.m. Hearings

- 15 [RLH TA 20-203](#) Ratifying the Appealed Special Tax Assessment for property at 2175 BEECH STREET. (File No. CG2001E2, Assessment No. 200117)
- Sponsors:** Prince
- Layover to LH April 30 at 10 am.*
- Laid Over to the Legislative Hearings due back on 4/30/2020**
- 16 **RLH TA 20-220** Ratifying the Appealed Special Tax Assessment for property at 1145 DALE STREET NORTH. (File No. CG2001C3, Assessment No. 200110)
- Sponsors:** Brendmoen
- Approve the assessment.*
- Moermond left voicemail at 11:01 am 4/23 – will process assessment as written, left Council date of May 27.*
- (Update: April 23 heard back from number we had been calling, and it wasn't correct - JZ)*
- Referred to the City Council due back on 5/27/2020**
- 17 **RLH TA 20-253** Ratifying the Appealed Special Tax Assessment for property at 1217 THOMAS AVENUE. (File No. CG2001E2, Assessment No. 200117)
- Sponsors:** Jalali

No one appeared. Approve the assessment.

Referred to the City Council due back on 6/3/2020

Special Tax Assessments-ROLLS

- 18 RLH AR 20-80** Ratifying the assessment for the City's cost of providing Collection of Delinquent Garbage Bills for services during October to December 2019. (File No. CG2001E3, Assessment No. 200118)

Sponsors: Brendmoen

Referred to the City Council due back on 6/3/2020

- 19 RLH AR 20-81** Ratifying the assessment for the City's cost of providing Collection of Delinquent Garbage Bills for services during October to December 2019. (File No. CG2001E4, Assessment No. 200119)

Sponsors: Brendmoen

Referred to the City Council due back on 6/3/2020