



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final

Legislative Hearings

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Thursday, April 30, 2020

9:00 AM

VIA TELEPHONE

Special Tax Assessments

9:00 a.m. Hearings

- 1 **RLH TA 20-256** Ratifying the Appealed Special Tax Assessment for property at 93 MILTON STREET NORTH. (File No. CG2001A2, Assessment No. 200101)

Sponsors: Thao

Reduce assessment from \$845.89 to \$384.32.

Alisa Lein, owner, appeared by phone

Moermond: I don't think the back bills should have been included in the assessment forwarded to the city, so I'm going to propose the late fees and back bills are deleted from the assessment. The numbers are the same for both of the buildings.

Staff report by Clare Pillsbury: this is for 99 and 93 Milton Street North. Both addresses have a pending assessment of \$845.89, and for both we're recommending reducing \$763.24. Hauler confirmed that the invoice consists of both the base cost for four 94 gallon carts with late fees (\$491.98) as well as a back bill from Quarter 4, 2018 to Quarter 2, 2019 (\$403.91). Resident was short billed for Quarter 4, 2018 (\$154.85), Quarter 1, 2019 (\$139.88), and Quarter 2, 2019 (\$154.85). Staff recommends removing late fees on both the back bill (\$24.09) and the base cost (\$57.66) for a total of \$81.75.

Moermond: you'll be happy to know this has led to some significant policy discussion that I think will be good in the long term. It was worthwhile you pulling together the documents and being so specific.

Lein: thank you so much, this goes to Council with that recommendation when?

Moermond: both are May 27. There's a decent chance the Council will continue the public hearing on the assessment rolls, if you're ok I'd like to have the Council vote and we won't re-notice your assessment, but we'll call you closer to that date and let you know where things are at. We have to give everyone on that roll a chance to show up in person, so the cases where we have talked and we can vote, great, but we'll touch base around May 20 or so.

Lein: I appreciate it, and all your hard work too.

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

- 2 RLH TA 20-255** Ratifying the Appealed Special Tax Assessment for property at 99 MILTON STREET NORTH UNIT 1. (File No. CG2001A2, Assessment No. 200101)

Sponsors: Thao

Reduce assessment from \$845.89 to \$384.32.

Alisa Lein, owner, appeared by phone

Moermond: I don't think the back bills should have been included in the assessment forwarded to the city, so I'm going to propose the late fees and back bills are deleted from the assessment. The numbers are the same for both of the buildings.

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Lein: I appreciate it, and all your hard work too.

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

- 3 RLH TA 20-303** Ratifying the Appealed Special Tax Assessment for property at 546 BLAIR AVENUE. (File No. CG2001E4, Assessment No. 200119)

Sponsors: Thao

Approve the assessment.

No one appeared

Staff report by Clare Pillsbury: this is for \$3.20 for quarter 4, 2019. Resident states

they paid the late fee in December 2019; check #30671 cleared bank January 3, 2020
Staff comments are the hauler confirmed that the check did clear in January 2020 and that the payment of \$3.20 was applied as a credit to the Quarter 1 2020 bill. Therefore, staff recommends approving the assessment.

Moermond: so, it was applied in the credits and was sent forward as an assessment because the timing was so tight. They got their money back already.

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

4 RLH TA 20-301 Ratifying the Appealed Special Tax Assessment for property at 548 BLAIR AVENUE. (File No. CG2001E4, Assessment No. 200119)

Sponsors: Thao

Approve the assessment.

No one appeared

Staff report by Clare Pillsbury: This is for \$4.80 for one late fee for quarter 4, 2019. Resident states they paid in December 2019; check #30673 which cleared January 3, 2020. Staff comments are that the hauler confirmed that the check did clear in January 2020 and that the payment of \$4.80 was applied as a credit to the Quarter 1, 2020 bill. Therefore, staff recommends approving the assessment.

Moermond: so they did pay, same situation as the previous case. They paid beginning of January at the same time as the hauler was responsible for sending City assessments. They have their money. Approve the assessment.

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

5 RLH TA 20-225 Ratifying the Appealed Special Tax Assessment for property at 108 CLEVELAND AVENUE SOUTH, UNIT 4. (File No. CG2001A2, Assessment No. 200101)

Sponsors: Tolbert

Delete the assessment.

No one appeared

Staff report by Clare Pillsbury: this was essentially just a back bill for the amount of \$274.01, the original recommendation was to delete the late fees of \$33.22 and reducing to \$240.79. However, we are going to recommend deleting the assessment due to poor customer service on the part of Republic. They essentially received a back bill that would have been from quarter 4, 2018 to quarter 2, 2019 for short billing practices. Providing them with little notice of a large back bill the resident wasn't expecting.

Moermond: so here we are, they're getting a bill for the last quarter of 2019 and there's this six-month time period of October of 2018 through March of 2019 that the hauler decided they didn't bill enough almost a year later.

Swanson: Republic did not provide enough clarity on the bill to show what the back bill was for.

Moermond: so we are recommending removal. Previously it was a reduction, we did talk with the resident and will he be getting communication?

Pillsbury: I can contact him about it.

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

6 RLH TA 20-302 Ratifying the Appealed Special Tax Assessment for property at 648 KENT STREET. (File No. CG2001E4, Assessment No. 200119)

Sponsors: Thao

Approve the assessment.

No one appeared

Staff report by Clare Pillsbury: this is for \$9.53 for quarter 4, 2019. Resident states they paid in December 2019; check #30672 cleared bank January 3, 2020. Staff comments are that the hauler confirmed that the check did clear in January 2020 and that the payment of \$9.53 was applied as a credit to the Quarter 1 2020 bill. Therefore, staff recommends approving the assessment.

Moermond: same situation, tight timing, they got a credit. Approve the assessment.

Pillsbury: I did speak with the resident and they are in agreement with the recommendation and they agreed to pay the assessment.

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

7 RLH TA 20-290 Ratifying the Appealed Special Tax Assessment for property at 838 EDMUND AVENUE. (File No. CG2001E3, Assessment No. 200118)

Sponsors: Thao

Delete the assessment.

Vivian Kang, owner, appeared via phone

Moermond: calling about 838 and 886 Edmund and 511 Van Buren. I think you know staff is recommending the assessments be removed, but I know you wanted to say something for the record.

Staff report by Clare Pillsbury: this is for 511 Van Buren, 886 Edmund and 838 Edmund, all three are for \$67.02 for Quarter 4, 2019. Resident stated she had been billed \$102.69 for two cans with weekly service and they were paid in full. She stated she had paid 141.81 in quarter 3 for the same service, which they paid in full. They then said they were billed an additional 68.15 in August 2019 by Republic, for back billing, which they did not pay. Essentially, they are saying they shouldn't have to pay that back bill of \$67.02. Staff comments are that the resident was only charged \$102.69 in Quarter 2, 2019 for two 35-gallon carts with every week pick up. Due to poor customer service and incorrect information Republic was giving her, staff recommends removing the assessment.

Moermond: and that applies to all the properties.

Kang: I'm definitely happy with the recommendation, I just wanted to make a comment about what happened. Republic and how they charge for the same service increased over 34% and their pricing for the same service for non-St. Paul residents is the lower price. The second container at the same address they give you lower rates, and that's how they charge across the board, but after the contract with the City they are able to charge more, the price of two separate containers like it is two separate houses. They charge more for St. Paul people only because of the contract.

Moermond: what do you think about that? The contract that the consortium has says each unit must have their own container. There are a couple haulers that have billing practices that would charge you half the amount for the second containers. Not all the haulers did that, and the contract says each unit needs one and it needs to be billed in full. A couple made mistakes when it was rolled out because they were using their normal billing practices, but that got fixed, you were part of that correction. There was a change for you, but it wasn't inaccurate. For most people there wasn't a change.

Kang: I just don't understand how when we learned about this program, the purpose was to be environmentally friendly. As a consumer charging people more for the exact same service, having to pay 34% more, I don't get how the City would do that. I'm fine with requiring two containers for a duplex.

Moermond: I believe I explained the logic of it. I do appreciate you are paying more.

Swanson: we've heard this before. I know the first quarter costs are a little bit more for actual collection, but you get the additional bulky items for no additional charge with that cost. They've billed you about \$70, to get a mattress picked up on the open market is about \$80. Utilizing the bulky item pickups is where we have a Cadillac program for residents.

Moermond: so with two medium containers she has six bulky items a year she can get picked up. That's great for tenant turnover. So, while the second container costs more, there's the bulky item pickup which is usually helpful for most landlords.

Kang: I understand, but is there a different route? We've always just put those items in our truck and taken it away and it was only like \$25. Is there any route for residents to raise our concerns or is it a done deal?

Moermond: are you asking if your second unit can be exempt from having a container?

Kang: that would be one option, or if we can go back to the normal pricing practice that applies to non-St. Paul residents.

Moermond: the answer there is no. Public policy in play on this is that we don't want to encourage the use of containers, we want people to generate less garbage, so discounting for larger containers is subsidizing the second one. That may be ok for the hauler, but as a taxpayer most people don't want to subsidize other's garbage collection. The other things will be looked at when the contract is renegotiated, it is good for the Council to hear.

Kang: I just wanted to share there are some residents that are unhappy, the pickup was a lot cheaper when we were taking care of it ourselves. We're being charged 34% more for the same service.

Moermond: you've made that clear, but I do need to move on, and these assessments are being deleted.

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

- 8 RLH TA 20-291 Ratifying the Appealed Special Tax Assessment for property at 886 EDMUND AVENUE. (File No. CG2001E3, Assessment No. 200118)

Sponsors: Thao

Delete the assessment.

Vivian Kang, owner, appeared via phone

Moermond: calling about 838 and 886 Edmund and 511 Van Buren. I think you know staff is recommending the assessments be removed, but I know you wanted to say something for the record.

Staff report by Clare Pillsbury: this is for 511 Van Buren, 886 Edmund and 838 Edmund, all three are for \$67.02 for Quarter 4, 2019. Resident stated she had been billed \$102.69 for two cans with weekly service and they were paid in full. She stated she had paid 141.81 in quarter 3 for the same service, which they paid in full. They then said they were billed an additional 68.15 in August 2019 by Republic, for back billing, which they did not pay. Essentially, they are saying they shouldn't have to pay that back bill of \$67.02. Staff comments are that the resident was only charged \$102.69 in Quarter 2, 2019 for two 35-gallon carts with every week pick up. Due to poor customer service and incorrect information Republic was giving her, staff recommends removing the assessment.

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Moermond: what do you think about that? The contract that the consortium has says each unit must have their own container. There are a couple haulers that have billing practices that would charge you half the amount for the second containers. Not all the haulers did that, and the contract says each unit needs one and it needs to be billed in full. A couple made mistakes when it was rolled out because they were using their normal billing practices, but that got fixed, you were part of that correction. There was a change for you, but it wasn't inaccurate. For most people there wasn't a change.

Kang: I just don't understand how when we learned about this program, the purpose was to be environmentally friendly. As a consumer charging people more for the exact same service, having to pay 34% more, I don't get how the City would do that. I'm fine with requiring two containers for a duplex.

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market is about \$80. Utilizing the bulky item pickups is where we have a Cadillac program for residents.

Moermond: so with two medium containers she has six bulky items a year she can get picked up. That's great for tenant turnover. So, while the second container costs more, there's the bulky item pickup which is usually helpful for most landlords.

Kang: I understand, but is there a different route? We've always just put those items in our truck and taken it away and it was only like \$25. Is there any route for residents to raise our concerns or is it a done deal?

Moermond: are you asking if your second unit can be exempt from having a container?

Kang: that would be one option, or if we can go back to the normal pricing practice that applies to non-St. Paul residents.

Moermond: the answer there is no. Public policy in play on this is that we don't want to encourage the use of containers, we want people to generate less garbage, so discounting for larger containers is subsidizing the second one. That may be ok for the hauler, but as a taxpayer most people don't want to subsidize other's garbage collection. The other things will be looked at when the contract is renegotiated, it is good for the Council to hear.

Kang: I just wanted to share there are some residents that are unhappy, the pickup was a lot cheaper when we were taking care of it ourselves. We're being charged 34% more for the same service.

Moermond: you've made that clear, but I do need to move on, and these assessments are being deleted.

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

9 RLH TA 20-289 Ratifying the Appealed Special Tax Assessment for property at 511 VAN BUREN AVENUE. (File No. CG2001E4, Assessment No. 200119)

Sponsors: Thao

Delete the assessment.

Vivian Kang, owner, appeared via phone

Moermond: calling about 838 and 886 Edmund and 511 Van Buren. I think you know staff is recommending the assessments be removed, but I know you wanted to say something for the record.

Staff report by Clare Pillsbury: this is for 511 Van Buren, 886 Edmund and 838 Edmund, all three are for \$67.02 for Quarter 4, 2019. Resident stated she had been billed \$102.69 for two cans with weekly service and they were paid in full. She stated she had paid 141.81 in quarter 3 for the same service, which they paid in full. They then said they were billed an additional 68.15 in August 2019 by Republic, for back billing, which they did not pay. Essentially, they are saying they shouldn't have to pay that back bill of \$67.02. Staff comments are that the resident was only charged \$102.69 in Quarter 2, 2019 for two 35-gallon carts with every week pick up. Due to poor customer service and incorrect information Republic was giving her, staff recommends removing the assessment.

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Moermond: what do you think about that? The contract that the consortium has says each unit must have their own container. There are a couple haulers that have billing practices that would charge you half the amount for the second containers. Not all the haulers did that, and the contract says each unit needs one and it needs to be billed in full. A couple made mistakes when it was rolled out because they were using their normal billing practices, but that got fixed, you were part of that correction. There was a change for you, but it wasn't inaccurate. For most people there wasn't a change.

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Moermond: so with two medium containers she has six bulky items a year she can get picked up. That's great for tenant turnover. So, while the second container costs more, there's the bulky item pickup which is usually helpful for most landlords.

Kang: I understand, but is there a different route? We've always just put those items in our truck and taken it away and it was only like \$25. Is there any route for residents to raise our concerns or is it a done deal?

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Kang: that would be one option, or if we can go back to the normal pricing practice that applies to non-St. Paul residents.

Moermond: the answer there is no. Public policy in play on this is that we don't want to encourage the use of containers, we want people to generate less garbage, so discounting for larger containers is subsidizing the second one. That may be ok for the hauler, but as a taxpayer most people don't want to subsidize other's garbage collection. The other things will be looked at when the contract is renegotiated, it is good for the Council to hear.

Kang: I just wanted to share there are some residents that are unhappy, the pickup was a lot cheaper when we were taking care of it ourselves. We're being charged 34%

more for the same service.

Moermond: you've made that clear, but I do need to move on, and these assessments are being deleted.

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

- 10 RLH TA 20-227** Ratifying the Appealed Special Tax Assessment for property at 712 HAGUE AVENUE. (File No. CG2001A1, Assessment No. 200100)

Sponsors: Thao

Delete the assessment.

No one appeared

Moermond: we previously spoke to Becky Austin and were doing some follow up. What did you find?

Clare Pillsbury: the original recommendation, the bill was for a back bill, against from quarter 4, 2018 to quarter 2, 2019 which was broken down in the last hearing. We are recommending removing the assessment due to lack of clarity on Republic's part. The hauler did confirm the property owner should not have been billed for quarters 1 and 2 2019, so the back billing for those two quarters should not have been done in the first place.

Chris Swanson: there was a temporary service hold in place during that period.

Moermond: so this is a recommended deletion and communication back to Ms. Austin, has that occurred?

Pillsbury: I'll follow up with her.

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

- 11 RLH TA 20-296** Ratifying the Appealed Special Tax Assessment for property at 302 GOODHUE STREET. (File No. CG2001A1, Assessment No. 200102)

Sponsors: Noecker

Delete the assessment.

No one appeared

Staff report by Clare Pillsbury: this is for \$96.25 for quarter 4, 2019 for a small cart every other week service with three late fees. Basically, they are appealing that his quarter 4 assessment was previously taken care of, but is still showing as an assessment. He stated he paid Waste Management on October 26, 2019 \$159.29. Staff comments are, we spoke with the hauler and they confirmed there have been two accounts for the property since August of 2019. This is obviously done in error. The first account was set up at the start of the coordinated collection program under Stebbing Properties, LLC. After the current owner purchased the property, they called the hauler in August, 2019 to inform them of the change in ownership. The hauler then erroneously create an account under the current property owner's name and failed to delete the account under Stebbing Properties, LLC. Hauler has now informed staff that they cancelled the account under Stebbing Properties, LLC and requested that we

remove the assessment for Quarter 4, 2019. Therefore staff recommends removing the assessment. The hauler also requested that staff remove the pending assessment for Quarter 1 2020 which has been done and stated that they will provide credits for any additional duplicate payments made.

Moermond: so it has been resolved, we are deleting this one. They had sent an assessment for the first quarter but we are removing that as well as it was also done erroneously.

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

12 RLH TA 20-293

Ratifying the Appealed Special Tax Assessment for property at 426 MARYLAND AVENUE EAST. (File No. CG2001D1, Assessment No. 200112)

Sponsors: Brendmoen

Approve the assessment.

Zhoua Vang, owner, appeared

Staff report by Clare Pillsbury: this is for \$134.54 for quarter 4, 2019. Appealing because the tenant was responsible for the garbage and tenant is responsible under rental agreement for trash. Staff comments are that under citywide garbage service, all residential properties with up to four units, including rental homes and town homes, are required to have a garbage cart and receive 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. The current invoice is for one 64 gallon cart, with five extra bags plus late fees. We recommend approving the assessment.

Moermond: this bill is for October through December 2019, are they still behind on their rent?

Vang: I believe so.

Moermond: have you talked to them about it?

Vang: they haven't paid, I emailed and called them.

Moermond: you understand it is your responsibility to pay for the bill and it is a matter between you and your tenants.

Vang: Yes, but the lease says she agreed to pay it. Due to Covid19 I can't afford to do it.

Moermond: the law says you as a property owner are responsible for providing garbage service for your tenant. Your private contract with the tenant is between you. Are you disputing any part of this bill as inaccurate?

Vang: I don't have a contract with the garbage hauler, so they're sending the bill but how could it be my responsibility when it is the tenant who lives there?

Moermond: because you own the property, and in the City of Saint Paul, the property owner has to have the service. This isn't a matter of individuals living in the property

choosing their own hauler. If you have a different arrangement with your tenant, that's fine for you, but we won't go to the tenant and ask for money, that is your job. You were concerned about Covid19 and your ability to pay right now. If this approved, this goes onto your taxes. It would show up on your 2021 taxes, so no payment is due until your first half payment in 2021. Eleven months from now. Does that help?

Vang: if that's the law that the City of Saint Paul tries to impose on the owner.

Moermond: it is not try, we successfully will.

Vang: it is ridiculous. I never heard of such thing before.

Moermond: so you're not disputing the cart or the size, or they were late in paying?

Vang: I don't know if they have extra bags or anything, it is not for me to know I don't see the bills, I don't know if that's the case I dispute as well because I don't have a way of knowing whether they have extra bags they aren't paying. What do I need to do? Do I need to call the garbage collector?

Moermond: I've asked staff two questions, who is getting the quarterly bill here, and who gets the late notices when it goes unpaid? I'm seeing the tenant gets the bill, but you get late notices, but we'll confirm with staff.

Pillsbury: it says the notices of nonpayment are going to the landlord at 8801 Paul Beauman Highway, Plant City, Florida 55365.

Moermond: so the property owner shows up as a Florida address, and that's where the notices are going that the bill is unpaid. Is that the accurate address for you? In Florida?

Vang: yes, but I just get the late notices.

Moermond: well that's right, you got notice it got paid late. There's not a lot I can do for you except let you know it won't go on your taxes until 2021.

Pillsbury: if the property owner would like we can reach out to Waste Management and ask the bill be sent to you.

Moermond: so you would pay the bill and then add it onto the rent.

Vang: no, I don't want it in my name, it is in the lease agreement they are supposed to pay.

Moermond: It is already going to be in your name when the tax assessment goes forward and it is going to cost you more because of that. I'm recommending approval and you can work with your tenants on responsibility for payment.

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

13 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

Reduce assessment from \$154.73 to \$96.08 (staff to reduce Q1, 2020 to same amount & send vacancy form).

Darlene Ebert, owner, appeared via phone

Ebert: I'm in transitional housing right now because I hurt my foot.

Staff report by Clare Pillsbury: this is for \$154.73 for quarter 4, 2019. Resident is appealing because the property owner stated that one of the residential units has been vacant for years following the death of her son and no one lives upstairs. She currently has two small containers but wants to switch to one medium container only

Moermond: I'd like to decrease your bill, but I have questions. You have a medium cart; do you want medium or a small?

Swanson: she has two small.

Moermond: and you only need one small?

Ebert: one medium

Moermond: one medium is what you're looking for. You said you're in transitional care right now? How long?

Ebert: I have no idea, I just went to the doctor yesterday and he didn't say.

Moermond: I'd like to change that bill from \$154.73 to a medium sized cart, \$96.00, and we'll do the same thing for the first quarter of 2020, \$96.00. You went into the facility yesterday?

Ebert: No, I've been here about a week.

Moermond: will it be as long as month?

Ebert: I don't know.

Moermond: I'm just asking because we can put a service hold because you're out of the house, but I don't know if we know how long to do it for.

Ebert: just leave it there, my son goes daily to let the dog out and he takes care of trash.

Moermond: oh ok, that's great. We'll send you a letter explaining you live in a duplex and use it as a single family home and we'll give you a stamped self-addressed envelope to mail the form back to us, all you need to do is just sign it and mail it back to us.

Ebert: I've not emptied stuff out of there or anything yet, it is just a mess.

Moermond: do you need help with that?

Ebert: my son is helping; he's going to meet with people.

Moermond: and he will help with that?

Ebert: oh yes.

Moermond: so you will get a letter with a form to sign saying it is a single-family home and not a duplex, make sure to sign and return to us.

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

- 14 RLH TA 20-300** Ratifying the Appealed Special Tax Assessment for property at 1399 MINNEHAHA AVENUE WEST. (File No. CG1904D1, Assessment No. 190156)

Sponsors: Jalali

Delete the assessment.

No one appeared

Staff report by Clare Pillsbury: this is for \$73.51 for quarter 3, 2019. Resident is appealing because they say their home was unoccupied beginning February 19, 2019 thru February 29, 2020. As of April 13, 2020, she stated there have been no garbage collected from my home since February 2019. They disputing billing for services provided July thru October 2019. Staff recommends removing the assessment per recommendation of the Legislative Hearing Officer based on review of Quarter 4, 2019 assessment for the same property.

Moermond: this is the second one and we heard the other one, for the same reasoning. Recommend deletion.

Referred to the City Council due back on 6/10/2020

- 15 RLH TA 20-297** Ratifying the Appealed Special Tax Assessment for property at 481 SAINT ANTHONY AVENUE. (File No. CG2001E4, Assessment No. 200119)

Sponsors: Thao

Delete the assessment.

No one appeared

Staff report by Clare Pillsbury: this is for \$117.80 for quarter 4, 2019. Property owner was charged for Quarter 4, 2019 garbage service on their Quarter 1, 2020 invoice. Double billed. Hauler confirmed that they had added the Quarter 4 invoice to the Quarter 1 Invoice. Staff has sent letter to Republic alerting them to this error. Therefore, staff recommends removing the assessment.

Moermond: perfect, recommend deletion.

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

10:00 a.m. Hearings

- 16 RLH TA 20-267** Ratifying the Appealed Special Tax Assessment for property at 876

ARKWRIGHT STREET. (File No. CG2001D2, Assessment No. 200113)

Sponsors: Brendmoen

Delete the assessment.

No one appeared

Moermond: we had a report on the record already, so we're good there.

Clare Pillsbury: we did confirm with the hauler that the payment made by the resident on October 21, 2019 was made to the property owner's old account on 1879 Mechanic Avenue. It does appear that the payment was therefore made to the wrong account, they have moved the payment on October 21 to the correct account and requested we remove the assessment.

Moermond: perfect, who will reach out to Mr. Vang.

Pillsbury: I already reached out and they are aware.

Moermond: perfect, delete.

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

- 17 **RLH TA 20-188** Ratifying the Appealed Special Tax Assessment for property at 143 BAKER STREET WEST. (File No. CG2001A3, Assessment No. 200102)

Sponsors: Noecker

Approve the assessment.

VM left 4/30 10:04 am – will try back in 30 mins

VM 4/30 10:31 am – will try one more time this am

VM 4/30 11:33 am – wrapping up assessment, I'm assuming you have comments to add, similar to your previous appeal, so I'm going to attach the narrative of last time to this appeal, if you have additional information we'll shoot you an email and you can respond and testify more if you'd like.

(Update JZ – email sent to Ms. Botz 5/4/20 at 11:37 am and attached)

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

- 18 **RLH TA 20-239** Ratifying the Appealed Special Tax Assessment for property at 848 BEECH STREET. (File No. CG2001D4, Assessment No. 200115)

Sponsors: Prince

Approve the assessment.

Eng Xiong, son of owner, appeared via phone

Moermond: during the hearing we recommend you go talk to DSI about it being a duplex as all of your records indicate.

Xiong: and I did that, but I haven't heard a response back at all. I sent an email with a layout, I was going to follow up with them this week. How do we go about that now?

Moermond: right now, everything legally says you have a duplex. Is this a rental property?

Xiong: nope. It is a purchased property. It is my parent's house.

Moermond: is your father Fong Xiong?

Xiong: yes, it is in his and my mom's name. Is it possible to give you a call back tomorrow? I'm going to reach out today.

Moermond: I'm in the middle of conducting hearings, this is when we continued your conversation to resolve this. We're looking at the fourth quarter of 2019 and we're well into 2020. I'm going to recommend approval of this bill for the fourth quarter, you keep working on it, and we'll look at changing the bill for the first quarter of 2020. We'll send an email with follow up, you copy our office any correspondence with DSI.

(update: email sent 5/4 12:05 pm and attached to record- JZ)

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

19 RLH TA 20-298 Ratifying the Appealed Special Tax Assessment for property at 704-706 BLAIR AVENUE. (File No. CG1904E3, Assessment No. 190162)

Sponsors: Thao

Delete the assessment.

No one appeared

Staff report by Clare Pillsbury: There are two quarters, I'll start with the third. \$217.02 for service quarter 3, 2019. Resident is appealing stating: I am landlord and the bills are going unpaid by tenant. Say they have never received past due bills. They stated they responded to the garbage company by phone and in writing many times, it is Republic. They requested copies of the bill and never received them, when they spoke to Republic they were promised them. They believe their property is being double charged but they cannot be sure because they can't see the bills. They said it is currently a 2 family dwelling, but quarter 3 was being charged for two for 704 and 706 Blair. 704 Blair was only being charged for a 35 gallon cart and 706 Blair was being charged for a 64 and 96 gallon cart which meant the property was being charged for 3 carts. They finally took the service out of the tenant's name and put in their name as of January 1, 2020 and now believe the current charges to be correct. Staff comments are we were able to confirm with the hauler that they were erroneously billing for two separate accounts for the property starting in May 2019, for 706 Blair for two carts, the other account under 704 for the small cart with every other week service. The property as a whole is listed as a two family dwelling so is only required to have two carts, however they were charged for three. The property owner states they shouldn't have been charged for the 64 gallon cart as it wasn't being used at the time. In the case of payment, not only did the property owner pay the full amount, 102.44, they paid well over, they made two payments for \$188.70 on July 25, 2019 and additional payment of \$387.05 on July 25, 2019. Therefore staff recommends removing the assessment. Staff will reach out to the garbage hauler to request that the \$387.05 be added as a

credit to the account for 706 Blair Avenue, as well as the difference between the original invoice amount of \$188.70 and the \$102.44 that should have been charged which is \$86.26. Staff will also reach out to the hauler to ensure that there is only one account for the property. we did do that and confirmed now that there is only one account.

Moermond: so the service level is here is 35 every week and a 94?

Pillsbury: yes.

Moermond: as of the beginning of January the accounts have been combined, which is great, and the name is in the landlord. There has been significant overpayment on the account between the tenant and landlord, which has turned into a credit on the account. Are you proposing for both third and fourth quarter, are you asking for them both to be removed?

Pillsbury: yes, both removed in full, both those quarters the landlord paid well over the original invoice amount.

Moermond: and the only part that is throwing me is if we have an overpayment and a credit, that credit is for the amount the over and above the assessed amount?

Pillsbury: yes.

Referred to the City Council due back on 6/10/2020

20 RLH TA 20-189 Ratifying the Appealed Special Tax Assessment for property at 704-706 BLAIR AVENUE. (File No. CG2001E3, Assessment No. 200118)

Sponsors: Thao

Delete the assessment.

No one appeared

Staff report by Clare Pillsbury: There are two quarters, I'll start with the third. \$217.02 for service quarter 3, 2019. Resident is appealing stating: I am landlord and the bills are going unpaid by tenant. Say they have never received past due bills. They stated they responded to the garbage company by phone and in writing many times, it is Republic. They requested copies of the bill and never received them, when they spoke to Republic they were promised them. They believe their property is being double charged but they cannot be sure because they can't see the bills. They said it is currently a 2 family dwelling, but quarter 3 was being charged for two for 704 and 706 Blair. 704 Blair was only being charged for a 35 gallon cart and 706 Blair was being charged for a 64 and 96 gallon cart which meant the property was being charged for 3 carts. They finally took the service out of the tenant's name and put in their name as of January 1, 2020 and now believe the current charges to be correct. Staff comments are we were able to confirm with the hauler that they were erroneously billing for two separate accounts for the property starting in May 2019, for 706 Blair for two carts, the other account under 704 for the small cart with every other week service. The property as a whole is listed as a two family dwelling so is only required to have two carts, however they were charged for three. The property owner states they shouldn't have been charged for the 64 gallon cart as it wasn't being used at the time. In the case of payment, not only did the property owner pay the full amount, 102.44, they paid well over, they made two payments for \$188.70 on July 25, 2019 and additional payment of

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Pillsbury: yes, both removed in full, both those quarters the landlord paid well over the original invoice amount.

Moermond: and the only part that is throwing me is if we have an overpayment and a credit, that credit is for the amount the over and above the assessed amount?

Pillsbury: yes.

Referred to the City Council due back on 6/10/2020

- 21 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

Approve the assessment.

VM 10:14 am 4/30 – will try back again in 30 mins.

4/30 11:00 – mailbox full

4/30 11:52 am – mailbox full

No one appeared

Staff report by Clare Pillsbury: this is for \$474.75 for quarter 4, 2019. Property owner stated that they were charged this large sum starting in Quarter 4, 2019. They said they called into Waste Management and was told that this was a mistake and that this bill would be addressed. This has now been assessed. They also said they were charged for 6 extra bags which they didn't have. Staff comments are we confirmed the assessment covers service from July 22, 2019 to Sept 30, 2019, quarter 3 2019 as well as all of quarter 4, 2019 for two 64 gallon containers as well as charges for 17 additional bags. Resident did call to set up service on July 22, 2019 after purchasing the property, which is why her quarter 3 invoice was added to the quarter 4, 2019 invoice, therefore we recommend approving the assessment.

Moermond: so the bill is for 2/3 of third quarter as well as all of fourth, plus extra bags. The reason there's a back bill is because she set up service mid-quarter, which is exactly how that should be processed.

Pillsbury: correct.

Moermond: given that information I will recommend approval of the assessment.

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

22 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 \$121.66.

Greg Oppegard, owner, appeared via phone

Moermond: I have 2 bills sent to assessment that staff are reporting have mistakes in them.

Staff report by Clare Pillsbury: I'll do it for both quarters. This is for \$221.23 for quarter 3, 2019, and \$355.63 for quarter 4, 2019. In both cases, property owner stated that they did not receive invoice for Quarter 4 2019 or any notices of nonpayment due to Republic Services mailing them to the incorrect mailing address. Staff recommends the assessment in both cases be reduced to the base cost of service for 2 64 gallon carts, which would \$192.16.

Moermond: when you say base cost you are meaning eliminate the late fees entirely because he didn't receive proper notice.

Pillsbury: that is true.

Moermond: so you want to see \$221.23 reduced to \$192.16 which cuts the late fees out. Let's talk about the fourth quarter.

Pillsbury: we're recommending the same thing, we did find out that the cost of two 64 gallon carts with late fees was \$221 however there was a back bill added to the assessment amount, which we are also recommending removing, so we're getting down to the same \$192.16, the cost of two carts without late fees or that back bill.

Moermond: this issue of back billing has come up in several cases, in this particular round of hearings, where the haulers have asked to assess for back bill amounts in addition to regular bills. We have carefully reviewed the contract and believe the contract is ambiguous about whether or not they can charge a back bill amount and charge it forward as an assessment. Even though it is ambiguous we think it's the wrong thing to do, so in the case of back bills included in regular quarterly bills sent to assessment, we're going to recommend that portion of the bill is deleted entirely. I know you had talked about the efficacy of back billing with Councilmember Prince, that was eluded to me in the emails I was privy too, did you want to add anything to that Mr. Oppegard?

Oppegard: I think I understand what you've said, and if those two bills are caught up with I assume that would catch me up to date, so that's one conversation. The other

side of it, and I've talked with Councilmember Prince a couple times over the last year, I've owned this place for 27 years. I would be what is naturally occurring affordable housing, I have a single man and a single woman living in each of these places, and I charge them \$750 and \$780 a month for rent and haven't raised it since they moved in, they're great tenants and this has worked out well for us. For years and years I have picked up the trash and put it into my truck and taken it over to the dumpster at my apartment building in South St. Paul, so that's one of the ways I keep the costs down for them. When this whole thing happened I had no idea I even had the opportunity to even get different containers, because I didn't know I think I missed the opportunity to set my schedule for the smallest containers and the bi-weekly pickup. So all of a sudden I have these costs of \$192, when I later found out Republic when I got into the loop early February, that I could have gotten the minimal service which I would have done immediately. I missed the opportunity to save that cost, I brought that up with Jane, this isn't something the City has done, it is all Republic. I have never seen this information, they basically said I'm lying to them. I get everything else, but never anything from them.

Moermond: so you talked with Republic in February about decreasing the cart size, did you do that change?

Oppegard: I did.

Moermond: so now you have the small every other week carts with purple lids.

Oppegard: correct. I also, when you talked about the \$355 bill, the people at Republic said to me that if you make a payment on your credit card of \$121 or whatever, that would go away and we will notify the City. I put it on my credit card right away, so we can clear up one of the issues, now I have another bill that has me owing them \$206 and I don't understand it at all, but every time I try I am talking to someone different who doesn't have any knowledge of past conversations. I told the rep, I want this to start at zero, so when you send me bill all that is on it is the next quarter's bill, that's what I am trying to get to, so I don't have continually battle with why and what this bill is from. Their billing stuff isn't representative of all the conversations we've had.

Moermond: I do understand where you're coming from. As a courtesy to you, I'm going to recommend that the \$192.16 gets decreased to \$121.66 which would be two small every other week pickups, and I'm going to ask Mr. Swanson about what you're first quarter of 2020 bill looks like and how that's been adjusted.

Swanson: you got a switch, moving forward you should be billed \$57.60 per cart per quarter, so that's \$115.20 per quarter. There is no pending assessment for quarter 1, 2020. Also, I would love to take a look at your invoice, I know you sent the City an email, there should be a credit on your quarter 2, 2020 invoice reflecting the cart switch in February, but even the \$200-some dollars you quoted seems like an incorrect amount. If you could scan that and send it to me, I would love to look at it before you call Republic.

Oppegard: I can absolutely do that.

Swanson: I will send an email directly to you after this hearing, requesting that.

Oppegard: I will scan and send it to you, you probably will understand better than I do.

Swanson: it is my job to look at these bills.

Oppegard: you guys have been awesome and really helpful, I'm really satisfied and grateful. My tenants will also be grateful.

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

23 RLH TA 20-299 Ratifying the Appealed Special Tax Assessment for property at 667 SURREY AVENUE. (File No. CG1904D4, Assessment No. 190159)

Sponsors: Prince

Reduce assessment from \$221.23 to \$121.66.

Greg Oppegard, owner, appeared via phone

Moermond: I have 2 bills sent to assessment that staff are reporting have mistakes in them.

Staff report by Clare Pillsbury: I'll do it for both quarters. This is for \$221.23 for quarter 3, 2019, and \$355.63 for quarter 4, 2019. In both cases, property owner stated that they did not receive invoice for Quarter 4 2019 or any notices of nonpayment due to Republic Services mailing them to the incorrect mailing address. Staff recommends the assessment in both cases be reduced to the base cost of service for 2 64 gallon carts, which would \$192.16.

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they're great tenants and this has worked out well for us. For years and years I have picked up the trash and put it into my truck and taken it over to the dumpster at my apartment building in South St. Paul, so that's one of the ways I keep the costs down for them. When this whole thing happened I had no idea I even had the opportunity to even get different containers, because I didn't know I think I missed the opportunity to set my schedule for the smallest containers and the bi-weekly pickup. So all of a sudden I have these costs of \$192, when I later found out Republic when I got into the loop early February, that I could have gotten the minimal service which I would have done immediately. I missed the opportunity to save that cost, I brought that up with Jane, this isn't something the City has done, it is all Republic. I have never seen this information, they basically said I'm lying to them. I get everything else, but never anything from them.

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Swanson: it is my job to look at these bills.

Oppegard: you guys have been awesome and really helpful, I'm really satisfied and grateful. My tenants will also be grateful.

Referred to the City Council due back on 6/10/2020

11:00 a.m. Hearings

- 24 RLH TA 20-203** Ratifying the Appealed Special Tax Assessment for property at 2175 BEECH STREET. (File No. CG2001E2, Assessment No. 200117)

Sponsors: Prince

Delete the assessment.

No one appeared

Moermond: what's the update?

Clare Pillsbury: we're just recommending deleting the assessment. Essentially, we wanted to remove the back bill of \$153.73 as well as late fees, since that amount together is \$182.53 which is essentially the cost of the assessment, we're recommending just deleting the entire assessment.

Moermond: sounds like a good plan for our new policy of not assessing back bills, so recommend the deletion.

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

- 25 RLH TA 20-254** Ratifying the Appealed Special Tax Assessment for property at 1375 THOMAS AVENUE. (File No. CG2001E2, Assessment No. 200117)

Sponsors: Jalali

Approve the assessment.

Tony Strouth, owner, appeared via phone

Moermond: what did staff find out on this?

Clare Pillsbury: the first concern was that the vendor was charging up to 30% of the base price in late fees, this is erroneous. The property did receive two notices of nonpayment as well as a final notice of nonpayment that notified him of the late fees, which was 5% for each month the bill was unpaid. He had also mentioned a 1.5% on the original invoice, we did look at the invoice, it was on the bottom, this was not a line item on the invoice, and wasn't added to his final invoice, therefore we are recommending approving the full assessment. We did follow up with Aspen regarding the invoice which mentions the 1.5% finance charge and they now have a different invoice format. This applies to both 1510 Concordia as well, it is the same issue.

Moermond: we were going to follow up with you about the late notices. I believe I was recommended approval of assessment of the cart but was holding off on late fees. I understand staff has confirmed you got those late notices.

Strouth: yes, I did receive an email from staff.

Moermond: I also had 1510 Concordia, and there was an issue of 1.5% finance charge on the invoice, which was odd. Staff pointed out to the hauler about it, and they said wow, we didn't know we'd been doing that, it was automatically generating. There was no line item in the invoice charging that 1.5%, it was printed on it but not charged at

all, they have since deleted it since you brought it to our attention.

Strouth: supposedly the Minnesota Attorney General Keith Ellison got the same response as you, "oh wow, we didn't know that." I'm surprised they had the same reaction with Council because I issued my complaint with the Attorney General in December 2019 so the fact that they're still playing "surprise, surprise" is kind of confusing for me.

Moermond: I don't know what to tell you about that.

Strouth: it is just something to know. The vendor is telling us we have a 1.5% charge and as far as we know that's the only thing we'll incur, so when we get a letter saying there is a 5% fee from the City of St. Paul it doesn't say the vendor isn't handling it. That's where the discrepancy for me is.

Moermond: to clarify, the 1.5% isn't in play at all as being on your bill. The 5% late fee is true and allowed in the City of St. Paul, that you will see.

Strouth: well they aren't writing it in their invoice.

Moermond: they are sending a late notice to you, it is mailed as its own individual document.

Strouth: I see that, but in the invoice it doesn't say there will be additional late fees to incur. It doesn't state that at all, it says 1.5%, and then we never get a new invoice from the hauler stating the 5%. We just get a letter stating you get a 5% late fee, but it doesn't say if the vendor is responsible for it or if they're charging it.

Moermond: you got the late notice, that is the notification legally. In terms of wanting to see that on a subsequent invoice, I'm going to ask Mr. Chris Swanson to comment.

Swanson: I would say that the notice you did receive from the hauler is them telling you there is a 5% late fee, you received that at the end of the first, second, and third months, stating you haven't paid us you owe us 5% as a late fee.

Strouth: I'm just not getting it in an invoice, so I don't understand 5% of what is being carried over. They can send me an invoice for other things, why can't they do it for this?

Swanson: the notice of non-payment, they sent the periodic notice of nonpayment as required by the contract. The contract does not require them to send updated invoices for every late fee.

Strouth: so how do we know 5% of what is being levied?

Swanson: it is 5% of the original invoice amount. It should state that explicitly on the notice of nonpayment.

Strouth: so if you miss three you are getting a 15% penalty.

Swanson: correct.

Strouth: that's more than my credit card charges for an entire year, isn't that a bit high?

Swanson: it is to incentivize residents to pay their bill on time. If you pay the bill when you get it, then there's no late fee.

Moermond: that's not the way interest accumulates, you wouldn't add the three 5 percents together to get 15%, it is 5% of \$100, \$105, then 5% of \$105.

Swanson: the interest is actually noncompounding in this matter. It is 5% of the original amount, so if you don't pay your original amount then it is 5%, 5%, 5% of your original invoice.

Moermond: so your concern is that is higher than your credit card. It is an incentive to pay in a timely fashion, I can't say there aren't additional service charges attached to this because it is process as an assessment. On that end, there's a benefit.

Strouth: for something that is guaranteed, the hauler gets paid because it is levied on the property, a 15% penalty to the client, it seems high. Credit card companies don't get guaranteed payment, and they don't charge me 5% every month.

Moermond: but they do charge late fees, and those are flat amounts. So you're talking about a percentage as a late fee. I understand your frustration, but at the same time there was written legal notice provided to you. So, I'm struggling to see how I can decrease your bill accordingly, because it is written in accordance with the contract, and you were given legal notification.

Strouth: it is just difficult for me, when firms to all 15%, that's 60% a year of a penalty. I understand there is an incentive to make property owners to pay, but 60% a year is a lot of interest and they are going to get their money no matter what. It is going to be assessed.

Swanson: at most, of your total annual bill, they can charge 15% late fees. It isn't 15%, 15%, 15%, it can be the total plus 15%.

Moermond: do you have anything else you want to put on the record for the Council to consider with respect to your two assessments?

Strouth: I just struggle with not having an updated invoice with each notice. Until I get it in an actual invoice, it doesn't mean I get assessed it. I understand the late notices say that, but it doesn't mean I actually get assessed until I have something showing it was incurred in an invoice. I haven't incurred it as an assessment if it doesn't show up on an invoice.

Moermond: so from my perspective, you're not finding the late notice satisfactory.

Strouth: yes, I need it in an invoice, I need to know the late fee has been incurred. I don't know that until I receive an updated invoice.

Moermond: and the City's contract says that happens by way of mailing you a late notice letter. Your suggest moving forward when there is late fees it be re-invoiced can definitely be considered, but it in terms of providing legal notice, you did receive notice that a late fee would be incurred. I'm stuck with these assessments if that's the only thing we have left is the late fee, I am going to recommend approval. The Council will see your comments. Anything else you want to add?

Strouth: this whole contract is something I didn't get to negotiate directly, and I have

representative that decided to negotiate and then place me in a direct payment situation with the vendor. I can understand if someone is negotiating for me, and I pay them, but when I have a third party negotiate it and match us together that's where we run into conflicts. It has created an undue burden for the City, and the City's resources, and I think they could be spending their money on much more difficult and needing situations.

Moermond: your point is well taken and I couldn't agree with you more, and I think we'll be looking to do it differently in the next contract.

Strouth: instead we have people well above this dealing with it and it is not a good use of the taxpayer money, the employee skill set, the whole thing could have been better done.

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

26 RLH TA 20-295 Ratifying the Appealed Special Tax Assessment for property at 1510 CONCORDIA AVENUE. (File No. CG2001E2, Assessment No. 200117)

Sponsors: Thao

Approve the assessment.

Tony Strouth, owner, appeared via phone

Moermond: what did staff find out on this?

Clare Pillsbury: the first concern was that the vendor was charging up to 30% of the base price in late fees, this is erroneous. The property did receive two notices of nonpayment as well as a final notice of nonpayment that notified him of the late fees, which was 5% for each month the bill was unpaid. He had also mentioned a 1.5% on the original invoice, we did look at the invoice, it was on the bottom, this was not a line item on the invoice, and wasn't added to his final invoice, therefore we are recommending approving the full assessment. We did follow up with Aspen regarding the invoice which mentions the 1.5% finance charge and they now have a different invoice format. This applies to both 1510 Concordia as well, it is the same issue.

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Strouth: supposedly the Minnesota Attorney General Keith Ellison got the same response as you, "oh wow, we didn't know that." I'm surprised they had the same reaction with Council because I issued my complaint with the Attorney General in December 2019 so the fact that they're still playing "surprise, surprise" is kind of confusing for me.

Moermond: I don't know what to tell you about that.

Strouth: it is just something to know. The vendor is telling us we have a 1.5% charge and as far as we know that's the only thing we'll incur, so when we get a letter saying there is a 5% fee from the City of St. Paul it doesn't say the vendor isn't handling it. That's where the discrepancy for me is.

Moermond: to clarify, the 1.5% isn't in play at all as being on your bill. The 5% late fee is true and allowed in the City of St. Paul, that you will see.

Strouth: well they aren't writing it in their invoice.

Moermond: they are sending a late notice to you, it is mailed as its own individual document.

Strouth: I see that, but in the invoice it doesn't say there will be additional late fees to incur. It doesn't state that at all, it says 1.5%, and then we never get a new invoice from the hauler stating the 5%. We just get a letter stating you get a 5% late fee, but it doesn't say if the vendor is responsible for it or if they're charging it.

Moermond: you got the late notice, that is the notification legally. In terms of wanting to see that on a subsequent invoice, I'm going to ask Mr. Chris Swanson to comment.

Swanson: I would say that the notice you did receive from the hauler is them telling you there is a 5% late fee, you received that at the end of the first, second, and third months, stating you haven't paid us you owe us 5% as a late fee.

Strouth: I'm just not getting it in an invoice, so I don't understand 5% of what is being carried over. They can send me an invoice for other things, why can't they do it for this?

Swanson: the notice of non-payment, they sent the periodic notice of nonpayment as required by the contract. The contract does not require them to send updated invoices for every late fee.

Strouth: so how do we know 5% of what is being levied?

Swanson: it is 5% of the original invoice amount. It should state that explicitly on the notice of nonpayment.

Strouth: so if you miss three you are getting a 15% penalty.

Swanson: correct.

Strouth: that's more than my credit card charges for an entire year, isn't that a bit high?

Swanson: it is to incentivize residents to pay their bill on time. If you pay the bill when you get it, then there's no late fee.

Moermond: that's not the way interest accumulates, you wouldn't add the three 5 percents together to get 15%, it is 5% of \$100, \$105, then 5% of \$105.

Swanson: the interest is actually noncompounding in this matter. It is 5% of the original amount, so if you don't pay your original amount then it is 5%, 5%, 5% of you

original invoice.

Moermond: so your concern is that is higher than your credit card. It is an incentive to pay in a timely fashion, I can't say there aren't additional service charges attached to this because it is process as an assessment. On that end, there's a benefit.

Strouth: for something that is guaranteed, the hauler gets paid because it is levied on the property, a 15% penalty to the client, it seems high. Credit card companies don't get guaranteed payment, and they don't charge me 5% every month.

Moermond: but they do charge late fees, and those are flat amounts. So you're talking about a percentage as a late fee. I understand your frustration, but at the same time there was written legal notice provided to you. So, I'm struggling to see how I can decrease your bill accordingly, because it is written in accordance with the contract, and you were given legal notification.

Strouth: it is just difficult for me, when first of all 15%, that's 60% a year of a penalty. I understand there is an incentive to make property owners to pay, but 60% a year is a lot of interest and they are going to get their money no matter what. It is going to be assessed.

Swanson: at most, of your total annual bill, they can charge 15% late fees. It isn't 15%, 15%, 15%, it can be the total plus 15%.

Moermond: do you have anything else you want to put on the record for the Council to consider with respect to your two assessments?

Strouth: I just struggle with not having an updated invoice with each notice. Until I get it in an actual invoice, it doesn't mean I get assessed it. I understand the late notices say that, but it doesn't mean I actually get assessed until I have something showing it was incurred in an invoice. I haven't incurred it as an assessment if it doesn't show up on an invoice.

Moermond: so from my perspective, you're not finding the late notice satisfactory.

Strouth: yes, I need it in an invoice, I need to know the late fee has been incurred. I don't know that until I receive an updated invoice.

Moermond: and the City's contract says that happens by way of mailing you a late notice letter. Your suggest moving forward when there is late fees it be re-invoiced can definitely be considered, but it in terms of providing legal notice, you did receive notice that a late fee would be incurred. I'm stuck with these assessments if that's the only thing we have left is the late fee, I am going to recommend approval. The Council will see your comments. Anything else you want to add?

Strouth: this whole contract is something I didn't get to negotiate directly, and I have representative that decided to negotiate and then place me in a direct payment situation with the vendor. I can understand if someone is negotiating for me, and I pay them, but when I have a third party negotiate it and match us together that's where we run into conflicts. It has created an undue burden for the City, and the City's resources, and I think they could be spending their money on much more difficult and needing situations.

Moermond: your point is well taken and I couldn't agree with you more, and I think we'll

be looking to do it differently in the next contract.

Strouth: instead we have people well above this dealing with it and it is not a good use of the taxpayer money, the employee skill set, the whole thing could have been better done.

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

- 27 RLH TA 20-292** Ratifying the Appealed Special Tax Assessment for property at 1901 CARROLL AVENUE. (File No. CG2001E1, Assessment No. 200116)

Sponsors: Jalali

Delete the assessment.

No one appeared

Staff report by Clare Pillsbury: this is for \$3.52 for a single late fee for a small weekly cart quarter 4, 2019. Appealing because the hauler requested it be removed as a courtesy to the resident, therefore we recommend removing the assessment.

Moermond: so recommended.

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

- 28 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

Staff to reduce Q2, 2019 bill from \$96.08 to \$69.95 as a courtesy to reflect the change in cart size which occurred in Q3, 2019. Staff to reduce assessment for Q1, 2019 to \$69.95 garbage hauling assessment as a courtesy (because of cart size change in Q3, 2019).

Leonard Anderson, owner, appeared via phone

Anderson: Here's the deal right now I have filed a—I'm taking narcotic pain pills, I have side effects makes me sleepy and irritable, and I just took two, so my mind is not 100%-- I put in a letter--- my speech is garbled I am on strong medicine. I filed a data practices request which has not answered, July 24 at Council they were supposed to reduce my can to a smaller can and the bill was supposed to be \$67, and then I sent numerous copies to Swanson.

Moermond: maybe you can let me talk first--

Anderson: I started, let me finish. I never got a current bill, and I never used the service ever once. I sent four letters to my City Councilperson and none were answered, so how can I get justice when the City is at fault and they haven't done the data practices request and never got a correct bill? Without a bill how can I pay something? The City in their wisdom went with this trash thing which is a train wreck and they haven't ever lived up to their responsibilities by sending out a correct bill. People like Swanson doesn't answer his mail. I don't know if there's anyone in the entire City Council who is responsible. End of story.

Moermond: with respect to the data practices request it was answered April 3 by our staff.

Anderson: I never received anything, and I have a mailbox it was supposed to be mailed out in printed form and don't use a computer.

Moermond: you use Carol Berg's computer and you provided an email address. You communicated with us via computer, so we can respond via computer.

Anderson: I don't own a computer and Carol Berg has issues with this too she is sick of dealing with this City crap—crap, crap, crap-- this is a poor time because of my medication, I sent a letter to the City from my doctor, which I have done previously, but no one reads the mail or gives it consideration. I am a disabled army veteran and if it wasn't for veterans we wouldn't have the freedom we have in the USA. I don't have time to deal with this because I'm in a situation and on narcotics and you can talk to my doctor, I sent a letter to the City, I can give you his phone number.

Moermond; it is entirely inappropriate for me to communicate with your physician.

Anderson: GOODBYE! GOODBYE! [hangs up]

Moermond: the City looked at this in July 2019 was the fourth quarter from 2018, the Council considered the amount and decreased it to the level of service for an every other week small cart, that was on the strength of MR. Anderson agreeing to change out the container from the default medium container. That exchange happened in July 2019. The bills we are talking about today are the second quarter of 2019 and the third quarter of 2019. He did not appeal the first quarter 2019. The first quarter of 2019 was processed as an assessment for a medium sized cart, un-appealed and already on 2020 property taxes. With respect to the second quarter bill, Mr. Anderson had not come to an arrangement with the city prior to the issuance of this bill, the second quarter is April 1 to end of June, and Council did not decrease his bill nor did he exchange his cart until after this second quarter, so the bill being for a medium cart was actually accurate, however, as a courtesy to Mr. Anderson I will ask the Council to decrease this proposed assessment to the level of a small every other week cart, plus late fees, so that will be \$69.95. Then we have the third quarter bill, which was also issued for medium cart plus late fees, the exchange fees happened in the month of July, technically the bill should have been prorated, however let's do another courtesy so the bill goes from \$110.48 to \$69.95 for the third quarter 2019. Those assessment will go to Council May 20. If there is a change in the way the Council accepts testimony due to Covid we will communicate that to Mr. Anderson.

Swanson: there is a quarter 4, 2019 assessment of \$109.64, I think that should be reduced to the small every other week cart price as well.

Moermond: so he did not appeal that, but we will process it as an appeal as a courtesy to him, and moving forward to quarter 1, 2020, has the hauler corrected this?

Swanson: yes, quarter 1, 2020 is correct.

Moermond: so quarter 4, 2019 will be decreased due to hauler error, though no appeal.

Referred to the City Council due back on 5/20/2020

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

Reduce assessment from Q3 2019 from \$110.48 to \$69.95, as cart sized changed beginning July 2019. Staff to reduce pending non-appealed Q4 2019 from \$109.64 to \$69.95 to reflect change in cart size July 2019.

Leonard Anderson, owner, appeared via phone

Anderson: Here's the deal right now I have filed a—I'm taking narcotic pain pills, I have side effects makes me sleepy and irritable, and I just took two, so my mind is not 100%-- I put in a letter--- my speech is garbled I am on strong medicine. I filed a data practices request which has not answered, July 24 at Council they were supposed to reduce my can to a smaller can and the bill was supposed to be \$67, and then I sent numerous copies to Swanson.

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Moermond: so he did not appeal that, but we will process it as an appeal as a courtesy to him, and moving forward to quarter 1, 2020, has the hauler corrected this?

Swanson: yes, quarter 1, 2020 is correct.

Moermond: so quarter 4, 2019 will be decreased due to hauler error, though no appeal.

Referred to the City Council due back on 5/20/2020

30 RLH TA 20-253 Ratifying the Appealed Special Tax Assessment for property at 1217 THOMAS AVENUE. (File No. CG2001E2, Assessment No. 200117)

Sponsors: Jalali

Reduce assessment from \$82.34 to \$62.98.

No one appeared

Voicemail 11:29 AM 4/30 – left voicemail saying to call Clare Pillsbury, looks like you spoke with staff and you can follow up with Ms. Pillsbury if you have questions.

Moermond: can you read this as a staff report into the record since you said you did talk to them?

Staff report by Clare Pillsbury: this is for \$82.34 for quarter 4, 2019. Property owner stated that they made a payment of \$385.26 on October 7, 2019 for the Quarter 4, 2019 invoice. It was deposited by Aspen Waste on October 19, 2019. Property owner sent documentation confirming that they paid the full amount on the invoice. Staff comments are the hauler confirmed that original assessment charge of \$85.63 was from the balance unpaid during Quarter 3, 2019 by the previous owner, which was billed by the hauler on July 5, 2019. The current charges were \$294.60 but because the previous owner had a credit on the account, the balance due was \$153.64. Aspen assessed 2 late fees of \$7.68 which brought the balance to \$169. The current owner purchased the property on September 6, 2019 and the hauler received notice of the sale and issued a credit to the previous owner's account for unused service, which left the previous owner with a balance of \$78.34 for services for July and August and 5

days in September. They never received payment for that amount so it was turned over to the City on January 3, 2020 as a total balance of 82.34. We recommend removing the late fee of \$4 as well as the two initial late fees of \$7.68 reducing the assessment to \$62.98.

Moermond: ok, and you spoke with the property owner and they are ok with this recommendation?

Pillsbury: yes.

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