



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final

Legislative Hearings

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Thursday, April 8, 2021

9:00 AM

Remote Hearing

Special Tax Assessments

9:00 a.m. Hearings

- 1 [RLH TA 21-200](#) Ratifying the Appealed Special Tax Assessment for property at 1282 HAGUE AVENUE. (File No. CG2101A1, Assessment No. 210100)

Sponsors: Thao

Layover to LH April 22, 2021 at 9 am for further discussion and update from staff on previous communication.

Nneka Constantino, owner, appeared via phone

Staff report by Clare Pillsbury: this is a pending tax assessment for quarter 4, 2020 for a total of \$102.37. They are appealing because the property owner believes the process to be fraud, no trash was picked up as it was a vacant property and there should be a process for vacant properties so they don't continue to have trash picked up. The Solid Waste program policy currently dictates that an Unoccupied Dwelling Registration Form needs to be submitted and approved by Solid Waste program staff in order for service to be stopped at the property. Therefore staff recommends approving the assessment in full. The property owner has had ample notification that they were being billed for garbage as all invoices, notices of nonpayment, and assessment notices from the city were being sent to the property owner. Staff has not received an UDRF from the property owner.

Constantino: the trash wasn't picked up. The building was vacant. I called the City and the trash company. The trash company said if it was vacant there would be process and I have to contact the city. So I did that. Trash was not picked up and I shouldn't be assessed charges. It had a vacant building registration on it. It is clear it was vacant, and you all should have a process when there's a vacant building so individuals and businesses aren't assessed for trash when it isn't picked up. You shouldn't call the city, Mr. Swanson, and constantly appeal in a circular process when the trash company won't talk to you. It's a "pandora's box" as a whole. Trash wasn't being picked up period. The City said the building was vacant. when it is you shouldn't continuously assess charges. Not only is fraud, when you call Mr. Swanson they don't mail you a form, they tell you that you have to appeal. I am appealing this and have filed a lawsuit for the rest of it.

Moermond: what is the rest of it?

Constantino: every trash bill assessed while the building was vacant. That's not included in the lawsuit that was filed.

Moermond: thanks for the clarification. Mr. Swanson, it sounds like you've talked to Ms. Constantino. What was said from your perspective?

Swanson: we talked in 2019, I don't have exact records. I walked through the Unoccupied Dwelling Registration Form process that is required for any property that is vacant, explaining what we needed. Filling out the one page and returning it to the City. We have never received that form. She has received numerous invoices and delinquent notices and additional assessments on the property. Last Wednesday at 3:31 we reached out again and gave her a UDRF form, and we still don't have one for this property.

Constantino: excuse me Chris, I want to object. I talked to him in 2019. And again in 2020. He said again he sent the form. He only sent me a copy of this form once on March 31 of 2021. That is the first time I received any form from him.

Moermond: I heard him a bit differently, I want clarification. Mr. Swanson, I heard you say you told her where the form was, not that you sent it previously. Is it your practice to refer people to the webpage, or send it electronically?

Swanson: normally I send it electronically. I don't have email records back that far, usually I would send it or send a link to the page. We didn't have a fillable form at that time. We've updated the form since then. I don't have my exact email from back then, but I do think, we did talk about this form and its existence. The fact it wasn't filled out and sent back, there's some culpability.

Constantino: I never received that form. I was told I had to appeal through the City, and I had done that and didn't show up to the hearing on a previous occasion. That's what I did. My conversation around the process is that if you have a vacant building and the city is already assessing \$2,000 for it being vacant, you already know it is vacant. You told me, Chris Swanson, when it is vacant you get a notification from the City. That's what you told me in 2019. The trash company said the same thing, when a building is vacant they get a notification from the City. That's what I was told by both parties. I sent email from Nneka.constantino@gmail.com and nneckamorgan@ml.com. This isn't the first time the City Council has received emails about the trash process being fraudulent. What I received back from the City Council is the appeal process, and that only. Possibly, because I've been talking about the fraud and my feelings about the trash collection process, maybe they responded to that, instead of attaching a form. Never has anyone given me a form to fill out indicating the property was vacant until March 31, 2021. Everything else was about the appeals process.

Moermond: and for clarity's sake on our side, we have a number of appeals for 1282 Hague, but only one is for garbage collection, the one today. I have one other tax assessment appeal heard on this property and that was heard by Council January 8, 2020, so the Legislative Hearing would have been 2019, for a property cleanup. That's the only tax assessment I have.

Constantino: it wasn't a tax assessment; it was just the appeal for trash. I never appealed the tax assessment. I appealed—you had a different process at some point around trash. It hadn't been assessed on the taxes; I was just complaining through Mai

about the process in general for this house. There was a different process around trash in 2019. It hadn't been assessed yet, so it wasn't a property tax appeal per se, it was about the collection.

Moermond: procedurally we handle these separate from other assessments. They are their own category, but I want to pull up some records to make sure we are on the same page.

Constantino: there was a hearing scheduled about trash in the past. I'm searching my email. Previously when this first started, you were just told to contact the trash company and then were told to contact Chris, then there was some other reconciliation process before. It was something else in the past. You didn't get a complaint from me in 2018. It was 2019.

Moermond: the first quarter that had bills with a possible assessment was oct to December in 2018.

Constantino: I was still paying the trash company I had hired. The first time Chris received a complaint from me was at the end of 2019. Because before that the property wasn't vacant. I called him once trash was not being picked up at the property at the end of 2019. You got contact from me December 13, 2019, a message on December 27 and the first time we had a conversation was in December of 2019 and January of 2020.

Moermond: I know you're aware of this, but there are four assessments that appear on your 2021 tax statement. I see one that appeared on your 2020 property tax statement.

Constantino: I'm only here on what I can appeal.

Moermond: I understand. I was just looking at the history, bringing it up in that context. I know the appeal I am looking at is just this particular quarter. I'm wondering, if this has been a problem for the previous year, why weren't those assessments appealed?

Constantino: I can only deal with what I can appeal today. I believe you're the same person I've been dealing with this about this property. Mai and I had communication about the trash. She set a date for me in the past about trash. There have been so many other issues with the property, this wasn't the first on the list, but still very important. So it has been discussed, but they didn't get the form from me. I only got it on the 31st. I have gotten invoices.

Moermond: I know it's a pain to talk again, Ms. Vang is on bereavement leave today—

Constantino: I don't need her. My emails are archived for 7 years. I don't need to talk to her. I can pull my phone records for 7 years.

Moermond: I understand, but there is no tax assessment appeal previously.

Constantino: no it wasn't a tax assessment appeal because it wasn't required at the time. It wasn't a tax assessment, that wasn't the process in 2019.

Moermond: it actually was. It is the same as it is today.

Constantino: that's not how I understand it. I sent a bunch of emails about why it was vacant. I had one date scheduled previously that I didn't attend and all of the other

emails have been complaints about trash.

Moermond: I'm still going to continue it and I don't have Ms. Vang here today to clarify her actions and I want to make sure the right information is out there for me to make a recommendation. Today is April 8, I'm going to give it 2 weeks and let's close the book April 22, unless April 15 works better.

Constantino: April 15 is fine. I think you remember but I wasn't just me complaining about trash, it was me and my husband on another property. I was with him in the room when he was complaining about trash at 410 Virginia in the hearing room, in probably 2020. If you haven't been picking up trash I don't understand why this is a debate anyways.

Moermond: I don't mean to engage in a debate.

Constantino: where is the equity? What if people can't read? Your excuse is that you're just going to send someone an invoice when the City knows darn well the property is vacant. The trash company doesn't send a vacant building form. They say they will be notified if a property is vacant

Moermond: I hear what you're saying. I hear a counterpoint from Public Works staff.

Constantino: and the Public Work's staff, for the record, should be more equitable. They should be thinking about, not for me, for others---there's a pandemic. Not me, I'm fine collecting trash now, it is not vacant. But if a building vacant they shouldn't be ok with continuing to assess charges to anyone in the City who pays taxes and use the excuse "well, they have bills." This is America. There are a lot of people who don't pay their bills. So just sending an invoice that a person doesn't think is fair and saying "well, it your responsibly to fill out a form that we don't send you." SHAME ON YOU. You created this environment where the trash company doesn't want to talk to you and they redirect you back to the City. SHAME ON YOU for being ok with assessing trash collection that has not been collected to anybody's property in the middle of pandemic when people have other financial things going on. Covid 19 aside, the answer shouldn't be "too bad." That is unacceptable for anyone, not just for me. I am not only advocating something is done about this trash collection, that you look at the process in general. I have no personal qualms with Chris Swanson. Everyone is doing their job. I'm asking you to look at the process. They already have fees of over \$2,000 and they sit before the same people. You shouldn't be sending them extra charges and assessing their taxes when you aren't picking up trash and the company isn't doing their job. This is the only place I have been told you can look at that process. It is unfair and unequitable.

Moermond: this is one of several kinds of comments we have been receiving. The trash hauling contract is 5 years. These kinds of comments are going to be considered when requesting the new contract.

Constantino: I just want you to consider it!

Moermond: I'm hearing you; the Council is hearing you, and right now the contract is in place. What you are saying can be considered moving forward.

Constantino: the only email I got, I got one from garbage@ci.stpaul.mn.us I don't know what this other group email is. I got one email from Chris If you can't clean up your records behind the scene on that particular property--

Moermond: you're revisiting this, the counter point is because it was registered vacant building, the question I'm looking at whether it is reasonable to expect it is generating garbage. I hear you saying because it was vacant it wasn't generating garbage. Water is also a utility—

Constantino: water was cut off.

Moermond: I see there's also a delinquent water bill. That is something that is also assessed--

Constantino: that was a valid bill—

Moermond: sure, but that utility question is in play as well.

Constantino: no, it isn't, because water was used.

Moermond: and how it is determined whether water service or garbage service is used is a little different but it is a utility. I'm going to continue this case to when Ms. Vang returns on May 22.

Moermond: I'm going to continue this case to April 22, 2021.

Constantino: that's fine with me.

Moermond: thanks for being flexible.

Constantino: for the record I spoke to Water there is reason water wasn't cut off. When you cut off water and heat in the winter it becomes a Vacant Building and DSI is notified. They work together. That wasn't the case. In this case there was a pipe that had something wrong and the water department came in. Water isn't being disputed; I just didn't get that bill.

Moermond: I was trying to draw an analogy about utility use and it being vacant.

Constantino: you have the ability to go into the basement and turn on the lever. They don't give you the run around like the trash department does. When you call them, they don't say you have to call the City and they will be notified by the City. You can handle the utility as the owner of the property. In all fairness it is absolutely not the same. If utilities are running to the property, it is still running through the pipes. That was not the case in this particular house and when you call the trash company they redirect you to the City. They don't have you the website. It is not on the invoice. As you know, because we've been dealing with issues on this property before, the address wasn't even correct. But that's a whole other issue. That's why I'm only disputing that which can be disputed. People should be welcomed to dispute when it is vacant or there is no trash collection. The question is why is there is no trash? Is it vacant? Because then a vacant building needs to be assessed. Are they burning trash? Because that isn't allowed. But if someone calls and says "hey, this building is vacant, this building is in foreclosure" then whatever the situation is from an equity standpoint the City of St Paul and trash collection department should be more willing to figure out a way to make sure that people aren't assessed charges erroneously that aren't being used at a property. Power still runs to a house that is vacant if it hasn't been shut off. Trash doesn't continue to be collected, that is not put on the curb, where it isn't accumulating.

Moermond: thank you for your comments. That's helpful. We'll talk again in 2 weeks.

Laid Over to the Legislative Hearings due back on 4/22/2021

- 2 RLH TA 21-188** Ratifying the Appealed Special Tax Assessment for property at 571 HALL AVENUE. (File No. CG2101A1, Assessment No. 210100)

Sponsors: Noecker

Delete the assessment.

No one appeared

Staff report by Clare Pillsbury: the property owner stated she paid Republic Services on October 22, 2020 for quarter 4. We did confirm this should have been applied to 575 Hall, not this property, so we recommend removing the assessment.

Moermond: so recommended.

Referred to the City Council due back on 5/26/2021

- 3 RLH TA 21-198** Ratifying the Appealed Special Tax Assessment for property at 1247 JESSIE STREET. (File No. CG2101A2, Assessment No. 210101)

Sponsors: Brendmoen

Reduce assessment from \$109.37 to \$99.43.

No one appeared

Staff report by Clare Pillsbury: this is for \$109.37 for quarter 4, 2020. The property owner is appealing because they purchased the property the end of May 2020 and called Waste Management the first week of June to notify them. She also called them after getting the quarter 4 2020 invoice and was told by a Customer Support Representative the bills were going to a previous property. Records show the property owner did call May 18, 2020 however there is no record the name and mailing address be updated. They also called March 30, 2021 about why she hasn't been receiving them. Staff records show the City did send the hauler a request to update the name and address on the account in the August 2020 hauler update. Therefore, staff is requesting the total late fee of \$9.94 be removed and that the assessment be reduced to \$99.43.

Moermond: so recommended.

Referred to the City Council due back on 5/26/2021

10:00 a.m. Hearings

- 4 RLH TA 21-202** Ratifying the Appealed Special Tax Assessment for property at 1231 BARCLAY STREET. (File No. CG2101A3, Assessment No. 210102)

Sponsors: Yang

Layover to LH April 15, 2021 at 10 am (PO unable to be reached).

Voicemail at 10:07: trying to reach Charnelle May, calling about a tax assessment for 1231 Barclay, we'll try back before 11 am.

Voicemail 10:39: calling about your TA at 1231 Barclay, we have not been able to get a hold of you this am, I'm going to continue this to next Thursday, April 15 between 10 and 11 am.

Laid Over to the Legislative Hearings due back on 4/15/2021

- 5 RLH TA 21-57** Ratifying the Appealed Special Tax Assessment for property at 1252 EARL STREET. (File No. CG2004A3, Assessment No. 200165) (Amend to File No. CG2004A3-1, Assessment No. 200170)

Sponsors: Yang

Approve the assessment.

Mary Konsela, owner, appeared via phone

Moermond: I do have a copy of the letter you sent to Council, which I have looked at in advance.

Konsela: can you tell me your name once again?

Moermond: Marcia Moermond [spelled it out].

Staff report by Clare Pillsbury: this is a pending assessment for \$2.88 for quarter 3, 2020. Hauler is Advanced Disposal. The property owner states they do not feel it is fair that they were charged for \$2.88 as a late fee—

Konsela: I have a hearing problem; I can't keep up when you talk that fast.

Moermond: Ms. Pillsbury can you please raise your voice.

Konsela: don't raise your voice, just speak clearly and slowly. As I am speaking now, not higher.

Pillsbury: the property owner states they don't feel it is fair they were charged the \$2.88 as a late fee. We confirmed that the Quarter 3 payment was made July 31, 2020 which is the same day the late fee was added to the account. We recommend a one-time removal of the assessment. Currently the property owner has the lowest level of service available through the program. Staff have also noted her complaints regarding the program.

Moermond: Ms. Pillsbury, you indicated this was a one-time removal. The City already did a one-time removal of an assessment for this property. Do you have record of that? I do.

Pillsbury: not in front of me.

Moermond: per staff request we did one after it was issued last year. The payment was made July 31, the same day \$2.88 was added. Is the due date July 25, not July 31?

Swanson: that is correct.

Moermond: you also didn't read the second sentence about the appeal. You indicated she said she was low income and paying too much for the amount of garbage she generates. Ms. Konsela, why are you appealing?

Konsela: I appeal this whole process. I think I am charged way unproportioned to the amount of garbage I make. I make a strong and successful effort to make zero garbage. That is what I do out of value for the Earth. I am allocated to pay \$60 every 3 months, that is way out of proportion. I have a 30 gallon can, I make it in one pint of garbage, or less. I don't buy Styrofoam; I don't eat meat. I don't have that kind of garbage. Let me think. I had something else in mind to say. Oh, I know. I am charged \$60 for 30 gallons; I could crawl in that thing. Even my recycling isn't that much, but I do recycle. Now what I'm saying is extremely important. This is not fair for a number of reasons. One is that when I look around my neighborhood, I see that almost everyone I know, except for one person, has more than 1 person in the house and 2 incomes. My neighborhood has husbands and wives and lots of them are older, but some are young. Still, they are together and they make 2 incomes. They make probably twice the garbage, or more, than I do. Some people make a lot, they just buy everything and throw it out. I hardly buy anything because I am tightening up. I don't buy stuff. Here they come with 2 incomes, one household, and I have one. I explained in there why I have a small income now. I never made a lot of money. Not because I didn't want too, but the business I was in didn't pay at that time. Now they pay more. There is more consciousness about that. They do pay a bit more. Anyways. That is one of the big reasons why it isn't fair. This isn't something I'd buy for myself or I need to clean up. It isn't fair to charge a household when some make more garbage and make more money. There are other things I'm not thinking of but I don't want to take up your time. I want to make sure you are listening. Are you there?

Moermond: I have been listening the entire time. I hear your statements about your income, the amount of garbage, and others may have two incomes.

Konsela: my household—you're not being fair. Now listen, I have to pay taxes for this house and insurance and other people, next door, both sides and all around, they have two incomes. It is easier for them; all their expenses are split. We all know as far as food and heat that can serve two people cheaper than one. I pay all the taxes and for everything, and so are my neighbors, they pay the same taxes. But they pay out of two incomes. I have one meager one. I want that understood. We seem to gloss over that.

Moermond: can you speak to why you didn't pay your late fee and pay your bill on time?

Konsela: probably because when I get this bill, it just is so upsetting because I'm not using the service. It is hard for me to be paying that amount of money for something I don't need. So, it is painful. It is extremely painful. I suppose I, like anything else, paying bills that are distasteful—but I do have a credit rating of 800, I do pay my bills—I don't owe major credit card stuff like other people, I don't buy it. I don't get my hair done. I don't do this and that. I probably just tried to wish it away. I don't know. I put it aside and putting it aside is out of mind until it comes back to me, and then I have to pay it. I am telling you it is extremely unfair. It is extremely painful to look at and realize. That's why. It hurts a lot. When is the City ever going to pay this back to me? I'm not using the service. When is that money coming back to me?

Moermond: can you re-state that?

Konsela: I think I am one household. I get charged by the household, everyone else

has 2 or more income, yet I have the same taxes as they have. The same whatever else and other fees as they have. I suppose I paid late because of the same reason many people do, they overlook it, or can't face it or something. It's a common thing.

Moermond: so you were emotionally charged about the original bill and that doesn't tell me why you didn't pay the late fee of \$2.88. There would have been 2 additional months to pay that before it goes to assessment.

Konsela: because it isn't the bill, and I think it is punitive and shows how punitive things are. That's all it is. I don't think I need that.

Moermond: thanks for your comments. I understand you would prefer to have a program based on the volume of garbage produced. You'd like a program that is income based. Right now it is based on the container size and number used. You have the minimal level of service available under the contract. You in your letter talked about this process as being onerous and involving too many city staff. You talked about this in your letter. I would note for you that this morning's hearings are more or less a cattle call and we are considering assessments on 2,118 properties. Yours is one of six appeals out of 2,000 properties. This is a relatively efficiently processes. You have been forgiven a fee in the past. This fee is quite minor. The point seems to be you want to object to the program. I get that, you have created a record. I am not inclined this is deleted again since it has been done in the past. I am recommending approval of that assessment.

Konsela: how much is it?

Moermond: \$2.88.

Konsela: I hope you know how ridiculous that is.

Moermond: ma'am I have to treat everyone equitably. Everyone is treated the same.

Konsela: I hope you don't think this process is fair. One of the things my letter says, when people squeak out a complaint once they don't say anything anymore. Don't think they've changed their minds. They give up. It is painful every time they pay their bill. Just because of that statistic you quoted, doesn't mean everyone is happy.

Moermond: I understand you object.

Konsela: Marcia—

Moermond: It is Ms. Moermond here, Ms. Konsela.

Konsela: Marcia, when you say let me finish and I don't know what it all was that you have said. That isn't how you treat someone who doesn't hear properly. Because, I lose so much if I miss a specific word or concept. If I can't stop you it is lost.

Moermond: I'm doing my best to be clear. To summarize, you want to have no bill or a smaller bill based on your one-person household and low use. The contract is based on number of times your garbage is picked up, size of container, and all single-family homes are treated in the same manner. There is no provision in law or contract to make allowances for your income. That would be a subsidy to a private household. I understand it is a small amount, but I need to treat your case the same as someone with a larger bill. You already got a bill on a previous late fee; I don't want to create the

expectation you will continue to pay your bill late and not be accountable. This is why I'm recommending approval. I do wish you a good day, we have your letter on the record and I appreciate your comments. They will go in front of Council and can be considered for future contracts by the City. I wish you a good day.

Referred to the City Council due back on 4/28/2021

6 [SR 21-44](#)

Review Request for Ratifying the Appealed Special Tax Assessment for property at 1223 FARRINGTON STREET (File No. CG2004A3, Assessment No. 200165) adopted by Council on March 10, 2021 under File No. RLH AR 21-12.

Sponsors: Brendmoen

Approve the assessment (PO unable to be reached).

Tried calling at 10:11 – picked up but no one could be heard.

Voicemail left at 10:36 a.m. x4622: this is Marcia Moermond at Saint Paul City Council. This is the second call we've made with no answer. I'm going to recommend approval of this assessment. I wish you a good day.

Received and Filed

7 **RLH TA 21-170**

Ratifying the Appealed Special Tax Assessment for property at 1360 POINT DOUGLAS ROAD SOUTH. (File No. CG2101A3, Assessment No. 210102)

Sponsors: Prince

Reduce assessment from \$109.37 to \$99.43.

No one appeared

Staff report by Clare Pillsbury: this is a proposed assessment of \$109.37 for quarter 4, 2020. Hauler is Waste Management. The property owner previously submitted a complaint regarding the account set up. Waste Management responded the account was only partially set up in their system in November of 2020 so no invoice was generated. Staff confirmed with the hauler that the customer service representative spoke who spoke with the property owner on November 19, 2021 never finished setting up the account. However, the account for the previous owner was still set up so service was being provided. Staff recommends removing the late fees and reducing the assessment to \$99.43 since the property owner never received an invoice or notice of nonpayment. We also confirmed with the hauler that the account has now been set up in the current owner's name.

Chris Swanson: we are also removing late fees from future payments to hauler.

Moermond: so recommended for the reduction.

Referred to the City Council due back on 5/26/2021

Special Tax Assessments-ROLLS

- 8 RLH AR 21-37** Ratifying the assessment for the City's cost of providing Collection of Delinquent Garbage Bills for services during October to December 2020. (File No. CG2101A1, Assessment No. 210100)
- Sponsors:** Brendmoen
- Referred to the City Council due back on 5/26/2021**
- 9 RLH AR 21-38** Ratifying the assessment for the City's cost of providing Collection of Delinquent Garbage Bills for services during October to December 2020. (File No. CG2101A2, Assessment No. 210101)
- Sponsors:** Brendmoen
- Referred to the City Council due back on 5/26/2021**
- 10 RLH AR 21-39** Ratifying the assessment for the City's cost of providing Collection of Delinquent Garbage Bills for services during October to December 2020. (File No. CG2101A3, Assessment No. 210102)
- Sponsors:** Brendmoen
- Referred to the City Council due back on 5/26/2021**