



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final

Legislative Hearings

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

Thursday, January 6, 2022

9:00 AM

Remote Hearing

9:00 a.m. Hearings

Special Tax Assessments

- 1 **RLH TA 22-15** Ratifying the Appealed Special Tax Assessment for property at 143 BAKER STREET WEST. (File No. CG2104A1, Assessment No. 210115)

Sponsors: Noecker

Approve the assessment.

Anna Botz, owner, appeared via phone

[Moermond give background of appeals process]

Staff report by Supervisor Sarah Haas: the resident is contesting the assessment. Hauler records show that garbage service was provided by Republic Services during Quarter 3, 2021. Therefore staff recommends approving the assessment

Botz: we've never had service. That isn't correct.

Moermond: define "providing service," Ms. Haas?

Haas: they are sending a truck to lift the cart. Staff would like to note that the invoice for Quarter 3, 2021 included a charge for service from April 7, 2021 to September 30, 2021 for \$414.28 for 35 gallon every other week service, as well as a credit for the time period in Quarter 1 2021 when there was a service hold in place from January 4, 2021 to April 7, 2021 of \$55.70. These amounts combined lead to a total invoice of \$58.58, with late fees of \$8.79. That total assessment amounts to \$67.37. Hauler records state that there were no additional interactions with the property owner following the request for the service hold on January 5, 2021.

Moermond: if I remember correctly, you and your family are zero wasters. What are you looking for today?

Botz: this is a firmly held believe. We believe in science and we do zero waste. That means Christmas look different and just because people in the City may not understand that doesn't mean we don't do it. Let me give you a brief education on that.

One of the people who inspired this is Bea Johnson, the mother of zero waste movement. We actually make consumer choices that make it so we don't create waste. I am appalled the City is making us create waste and making us pay for it. I know we've been through this, one thing that is important to me when I was listening to a lady from Oregon State University in December about Boyd's glacier and it is basically destabilized and it is the size of the state of Florida. It was about climate change. It all ties in together. My takeaway was that she said that local individuals can make change more than federal and international. You can keep punishing me but you aren't going to force me to create garbage and pay for it – I guess you can force me to pay for it—but I will be on the right side of history on this. I hope someday you figure it out. It is up to the individuals, not the City or federal government. Individuals and how we act. I am going to continue to fight to do zero waste. I hope you will honor that and will make a recommendation for me to allow us to do that.

Moermond: you omitted corporations in terms of responsibility.

Botz: they are considered individuals.

Moermond: we've talked previously about this being a 5 year contract with no allowance for zero waste in it. It has been clear in City's feedback that there should be consideration for people such as yourself. There is actually an advisory committee tonight. Your voice is being heard about how we move forward. I'm stuck with the current contract, the 5 year contract, in which all people with 1 through 4 unit dwellings are charged to provide service in a similar way. We know we can get you on six month service hold or unoccupied dwelling. That will decrease the amount too.

Botz: we were actually out of the country last winter, doing distance learning. That was legit, but I'm not going to be dishonest and say we're out of the country.

Haas: we ask that the form is submitted through the hauler.

Botz: I did have to agree and they were serious about verifying we were out of town. It was actually asking us to sign and verify. I'm not going to do something dishonest.

Haas: it does require what you are stating is accurate. We can't put a hold if a resident is living in the home.

Moermond: if you are living there you are correct, you can't have a service hold. I'm left with that minimal level of service and I know you disagree. Continuing to voice your concerns is the best thing at this level.

Hass: the current contract expires October 2023.

Moermond: so a year and a half left. Continuing to voice like you are is the best thing you can do.

Botz: we aren't going to live like consumer pigs and if you are going to force me to pay and to go through the channels. I'll come and go do a presentation again. Hopefully I'm educating and not wasting my breath.

Moermond: March 23 is your opportunity to speak to the Council.

Botz: sign me up. How much time will I get?

Moermond: normally 2 minutes, but you can submit information ahead of time if you'd like them to see and consider ahead of time.

Botz: what time?

Moermond: 3:30. You may testify one of four ways, in person, virtually, written statement or voicemail transcription. I wish you a good rest of the day.

Referred to the City Council due back on 3/23/2022

2 RLH TA 22-14 Ratifying the Appealed Special Tax Assessment for property at 133 JENKS AVENUE. (File No. CG2104A3 Assessment No. 210117)

Sponsors: Brendmoen

Delete the assessment.

No one appeared.

Staff Report by Supervisor Sarah Haas: this is for \$101.13 for quarter 3, 2021. The account was set up for the wrong property (113 Jenks) and this is a request from the hauler to delete.

Moermond: perfect, let's do that.

Referred to the City Council due back on 3/23/2022

3 RLH TA 22-18 Ratifying the Appealed Special Tax Assessment for property at 593 HUMBOLDT AVENUE. (File No. CG2104A1, Assessment No. 210115)

Sponsors: Noecker

Approve the assessment.

Bradley Lara, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Sarah Haas: the property owner believes they paid the invoice when they purchased the property. Hauler records show no payment for Quarter 3, 2021 and the current property owner is responsible for any pending assessments. Staff recommends approving the assessment.

Lara: we moved in late October 2021. We reached out to the hauler to get it set up, we ended up squaring everything away and letting them know the previous owner passed away and were here from X to Z dates. We squared the bill in terms of what they thought we were responsible for. After doing that and setting up our regular service we started receiving these letters about owing this money for services that were against the home. We received advice to reach out to our title company and hauler. It turns out the person who flipped the property didn't know or pick up that there was this service. So it was overlooked at closing. We are in touch with our title company to reach out to the sellers to pay what they overlooked. That should have been taken care of when we purchased. That's where we stand now.

Moermond: that sounds like exactly what you should be doing.

Lara: the previous owner is now aware and agreed to pay for it and we've looking online to see if they have paid. They still haven't. We let them know mid-December it needs to be paid and we have this hearing on the sixth so we don't have to have this conversation. But it hasn't happened yet

Moermond: anything we can do to assist in giving them information? Or do you have what you need to be effective in your argument?

Lara: they agreed it is just a matter of them getting around to it. Anything to put some pressure on them would be helpful but other than that I think we're ok.

Moermond: I don't know there's anything we can do. We usually give people documentation to present to the title company, but if they are listening but slow to process then we can't really help. This won't accrue any interest until after the Council votes in March. It will remain this amount until then.

Lara: I assume this isn't uncommon?

Moermond: it does happen from time to time. Sellers don't disclose bills or pending assessments. Both should come up but it does happen they don't.

Lara: what documents do you send? Is there a number I can call to get those?

Moermond: I would say the bills sent by the hauler would be the best argument. Do you have that?

Lara: no, because when we reached out to the hauler they said we were squared away.

Moermond: I'm guessing they said that because they already sent this to the City for assessment and cleared their books. They said there was nothing because they'd cleared it from their books. We can ask the hauler for copies of their invoices and email them to you.

Referred to the City Council due back on 3/23/2022

4 [RLH TA 22-29](#)

Ratifying the Appealed Special Tax Assessment for property at 566 ORLEANS STREET. (File No. CG2104A1 Assessment No. 210115)

Sponsors: Noecker

Appeal is withdrawn and owner no longer contesting.

Daniel Witucki, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Sarah Haas: they feel they were being overbilled for overfill charges on their bill. They feel they shouldn't have to pay the assessment. Staff needs more time to discuss this with Republic.

Witucki: I looked into this and I confused two properties. This one I can solve easily, I had added service to it and part of the problem is this one they don't ACH, I have a check form my bank to autopay. This one is completely my fault and I'll pay it.

Moermond: so what is the property?

Witucki: I don't have it in front of me. That was one where I had neighbors piling things next to mine. I kept having a problem with Waste Management. They're a nightmare to deal with. That was my mistake.

Moermond: so it is a problem or you'll share an address?

Witucki: I want to look into it more before I do.

Moermond: we'll consider this withdrawn and close it. This is a pending assessment you can pay online or mail it in.

Witucki: the invoice is dated December 5 and still says to pay Republic.

Moermond: Ms. Haas will call you later about making sure you have good payment information on where to send it

Witucki: I appreciate it. My apologies again.

Withdrawn

10:00 a.m. Hearings

Special Tax Assessments

- 5** **RLH TA 22-23** Ratifying the Appealed Special Tax Assessment for property at 1223 FARRINGTON STREET. (File No. CG2104A2 Assessment No. 210116)

Sponsors: Brendmoen

Approve the assessment.

Voicemail left at 10:22: this is Marcia Moermond calling from ST Paul City Council to discuss an appealed assessment for garbage hauling services. We'll call back in 10 minutes to see if you are available.

Voicemail left at 10:33 am: this is Marcia Moermond calling again from St. Paul City Council to discuss the appealed tax assessment at 1223 Farrington. You haven't picked up the phone so I'm reviewing the paper record and recommend approval of that assessment. You should have information on the public hearing should you wish to contest.

Referred to the City Council due back on 3/23/2022

- 6** [RLH TA 22-21](#) Ratifying the Appealed Special Tax Assessment for property at 325 TOPPING STREET. (File No. CG2104A2 Assessment No. 210116)

Sponsors: Thao

Layover to LH January 20, 2022 at 10 am for further discussion. Staff to confirm with hauler that PO was not double billed and only one quarter 4, 2021 payment was made.

Mike Evans, owner, appeared via phone

[Moermond gives background of appeals process]

Evans: this whole thing is funny because it has been paid.

Staff report by Supervisor Sarah Haas: the resident states they already paid their bill for \$116.38. Hauler records show no payments Quarter 3, 2021. There was a payment of \$101.20 on October 4, 2021 but this was applied to quarter 4 2021. Staff recommends approving the assessment.

Moermond: so they got your check but had already turned it over to the City. So they got your check but applied it to quarter 4.

Haas: so they got it and assumed it was a quarter 4 payment.

Moermond: what's going on from your end Mr. Evans?

Evans: I paid the bill late, called them up, made a payment. I thought it went away.

Moermond: it sounds like they just didn't apply it to the third quarter. Did you pay a 4th quarter?

Evans: I'm not even sure anymore. I thought I made the payments.

Moermond: I'm thinking that's where the trip up happened. You thought you were paying 3rd quarter and they accepted it as a 4th quarter payment because they'd already sent the third quarter to the City for collection. I just don't want you to be double billed. Have you check with the hauler, Ms. Haas?

Haas: we did send a clarifying email yesterday but don't have an answer yet.

Moermond: we can call you and let you know what we find out. You thought you paid it on time but they'd already closed the books on it and sent it for collection. We'll check for any other payments on the 4th quarter and get back to you. January 20th we'll give you a call back and make sure we have everything squared away.

Laid Over to the Legislative Hearings due back on 1/20/2022

7 RLH TA 22-22

Ratifying the Appealed Special Tax Assessment for property at 314 TORONTO STREET. (File No. CG2104A2 Assessment No. 210116)

Sponsors: Noecker

Reduce assessment from \$104.32 to \$94.84.

No one appeared

Staff report by Supervisor Sarah Haas: the property owner received a declined card notice in April 2021 from Waste Management. They stated they updated the account online prior to July. Waste Management billing system inadvertently reverted to the old account information to pay the Quarter 3, 2021 invoice and payment was declined. The property owner called the hauler and made a payment for Quarters 3 and 4 on October 6 and 7, 2021. They would like the assessment removed. According to Waste Management the payment the property owner made on April 25, 2021 was declined due to expired expiration date. Another payment was made May 20, 2021 for \$94.84, however since this was a one-time payment the billing information for the auto pay was

not updated. Therefore the next payment on July 26, 2021 was declined again because of an expired card. The property owner did make two payment in October, the first was October 7 for \$94.84 and the second was through auto pay on October 25 for \$94.84 with updated billing information. The first payment on October 7 was supposed to be applied to the Quarter 3, 2021 invoice, but it was applied to Quarter 4 because the prior quarter had already been sent to the City to be assessed on October 5. The second payment was added as a credit to the account. Since the property owner had reason to believe the updated billing information for the updated one time payment would be applied to the auto pay, staff recommends removing the late fees and reducing the assessment to \$94.84.

Moermond: and this has been communicated to the property owner?

Haas: yes.

Moermond: reduce to \$94.84.

Referred to the City Council due back on 3/23/2022

- 8 RLH TA 22-17** Ratifying the Appealed Special Tax Assessment for property at 1050 VIRGINIA STREET. (File No. CG2104A2, Assessment No. 210116)

Sponsors: Brendmoen

Delete the assessment.

No one appeared

Staff report by Supervisor Sarah Haas: property owner stated they sent a service hold request to the hauler in July of 2021 for the time period of July 17, 2021 through December 5, 2021. However they still received a bill for Quarter 3, 2021 for \$48.50. The hauler requested staff remove the assessment.

Moermond: delete the assessment.

Referred to the City Council due back on 3/23/2022

Special Tax Assessments-ROLLS

- 9 RLH AR 22-9** Ratifying the assessment for the City's cost of providing Collection of Delinquent Garbage Bills for services during July to September 2021. (File No. CG2104A1, Assessment No. 210115)

Sponsors: Brendmoen

Referred to the City Council due back on 3/23/2022

- 10 RLH AR 22-10** Ratifying the assessment for the City's cost of providing Collection of Delinquent Garbage Bills for services during July to September 2021. (File No. CG2104A2, Assessment No. 210116)

Sponsors: Brendmoen

Referred to the City Council due back on 3/23/2022

- 11 RLH AR 22-11** Ratifying the assessment for the City's cost of providing Collection of Delinquent Garbage Bills for services during July to September 2021. (File No. CG2104A3, Assessment No. 210117)

Sponsors: Brendmoen

Referred to the City Council due back on 3/23/2022

- 12 RLH AR 22-12** Ratifying the assessment for the City's cost of providing Collection of Delinquent Garbage Bills for services during July to September 2021. (File No. CG2104A4, Assessment No. 210118)

Sponsors: Brendmoen

Referred to the City Council due back on 3/23/2022