From: Penprase, Asha B. on behalf of MPL.LSS Team 1

To: *CI-StPaul Contact-Council; CouncilHearing (CI-StPaul); *CI-StPaul CityClerk

Cc: <u>Eastburn, Benjamin</u>

Subject: Cossetta's Letter Objecting to Hearing and Proposed Enlargement of Saint Paul Downtown Special Services

District

Date: Tuesday, July 18, 2023 10:26:20 AM

Attachments: 2023 07 18 Letter Opposing SSD With Attachments.pdf

On behalf of Ben Eastburn, please see the attached.

Regards,

Asha Penprase

Asha B. Penprase

Legal Administrative Assistant Pronouns: They/Them

STINSON LLP

50 South Sixth Street, Suite 2600 Minneapolis, MN 55402 Direct: 612.335.1867

STINSON.COM

This communication (including any attachments) is from a law firm and may contain confidential and/or privileged information. If it has been sent to you in error, please contact the sender for instructions concerning return or destruction, and do not use or disclose the contents to others.



Benjamin Eastburn **PARTNER**

DIRECT: 612.335.1582 OFFICE: 612.335.1500

benjamin.eastburn@stinson.com

July 18, 2023

Via Hand Delivery and Email

Saint Paul City Council 15 Kellogg Blvd. West 310 City Hall Saint Paul, MN 55102 Contact-Council@ci.stpaul.mn.us CouncilHearing@ci.stpaul.mn.us

Saint Paul City Clerk Attn: Shari Moore 15 Kellogg Blvd. West 310 City Hall Saint Paul, MN 55102 cityclerk@ci.stpaul.mn.us

Opposition to Hearing And Prospective Ordinance to Enlarge Saint Paul Re: **Downtown Special Service District**

Dear Ladies and Gentlemen:

This firm represents Cossetta's, Inc., and its associated entities (including Bocce, LLC) (collectively, "Cossetta's") with respect to real property owned by Cossetta's at 207, 211 Seventh St. W.; and 212 Smith Ave. N., Saint Paul, Minnesota 55102.

It is Cossetta's understanding that some property owners have filed petitions under Minnesota Statutes Chapter 428A, to enlarge the current Downtown Special Service District ("SSD"). Cossetta's properties listed above are located within the proposed enlargement of the SSD. Cossetta's further understands that the Saint Paul City Council intends to hold a public hearing on the proposed enlargement on Wednesday, July 19, 2023, at 3:30 pm.

Cossetta's objects to the City Council holding a public hearing on this matter, because the statutory prerequisites for doing so have not been met. Under Minn. Stat. § 428A.02, subd. 2,1 "[n]ot less than ten days before the hearing, notice must also be mailed to the owner of each parcel within the area proposed to be included in the district." Cossetta's did not receive the requisite notice until July 12, 2023, which is only a week before the scheduled hearing. Thus,

50 South Sixth Street, Suite 2600, Minneapolis, MN 55402



 $^{^{1}}$ Before an SSD can be enlarged, under Minn. Stat. \S 428A.04, the notice requirements of Minn. Stat. \S 428A.02, subd. 2, must be applied "in the original district and in the area proposed to be added to the district."

Cossetta's believes that the statutory notice requirements have not been met. The City Council should not hold a hearing under such circumstances. Indeed, the primary purpose of notice requirements is to allow an interested party to conduct an inquiry into how the proposed action will affect that party's rights, and thus be prepared to fully voice its opposition (or support) at a hearing. Holding a hearing on such short notice will deprive Cossetta's of that opportunity here.

In addition, and more fundamentally, the notice that Cossetta's has received—and, presumably, that other property owners have received—does not provide sufficient information for a property owner in the affected area to ascertain the basis for the proposed service charges, and the services that are purportedly going to be offered. The City Council cannot possibly expect property owners to respond to this proposal with such scant information. Indeed, one of the items that a notice must contain is "the nature and character of special services to be rendered in the district during the calendar year in which the service charge is to be collected." Minn. Stat. § 428A.03, subd. 1(3). The notice that Cossetta's received, however, is incredibly vague, listing only the following items: "Enhanced Safe Programs, Enhanced Clean and Upkeep Programs, Communication/Public Space Activation Programs, and Management, Oversight, and Administrative Services." There is no way for a recipient of the notice to understand with any degree of specificity what these items mean and how (or whether) they will benefit the proposed enlargement area.

Further, the notice sets out a "proposed not-to-exceed service charge rate" for year 2024 based on a rate per building square footage and front footage. But there is no indication of how those rates were derived. Moreover, there is no mention of "the estimated cost of operating and maintain the improvements... upon completion of the improvements," or "the annual cost of operating and maintaining the improvements." Minn. Stat. § 428A.03, subd. 1(2). Without the foregoing information, no property owner can reasonably respond to the proposal to enlarge the SSD. Consequently, Cossetta's objects to the form and substance of notice that it has received from the City.

Finally, under Minn. Stat. § 428A.08,

[n]o action may be taken under section 428A.02 or 428A.03, unless owners of 25 percent or more of the land area of property that would be subject to service charges in the proposed special service district and either: (1) owners of 25 percent or more of the net tax capacity of property that would be subject to a proposed service charge, based on net tax capacity; or (2) owners, individuals, and business organizations subject to 25 percent or more of a proposed service charge based on other than net tax capacity file a petition requesting a public hearing on the proposed action with the city clerk.

In the case of a proposed enlargement to an existing SSD, this petition requirement applies only to the "owners, individuals, and business organizations in the area proposed to be added to the district." Minn. Stat. § 428A.04.

Based on the information Cossetta's has received, it appears that property owners representing 27.88% of the proposed service charges of the enlarged SSD have submitted petitions. But it has come to Cossetta's attention that at least two of those owners are withdrawing their petitions that they originally filed in support of the enlargement. Those owners can certainly speak for themselves, but for ease of reference I am attaching their declaration of withdrawal. *See* Attachments 1 & 2. By my calculation, based on the petitions that were submitted, the owners who are withdrawing their petitions represent approximately 7.3% of the proposed service charges of the enlarged SSD. Accordingly, it is no longer the case that property owners representing 25% or more of the proposed service charges of the enlarged SSD have submitted petitions. Therefore, under Minn. Stat. § 428A.08, the City Council can take no action and must not hold a hearing on or adopt an ordinance enlarging the current SSD. Further, Cossetta's has learned that another property owner fundamentally opposes the enlargement, and would like to submit a Declaration of Opposition to the proposal. *See* Attachment 3. In the face of such opposition, it would be imprudent for the City Council to push this matter through without further discussion and opportunity to investigate the proposal at length.

Moreover, Cossetta's has learned that the current proposed SSD enlargement area is different than what has been proposed previously. We believe that an earlier version of the proposed SSD enlargement area included the properties along Exchange Street South between Chestnut Street and Eagle Street. That area has been conspicuously excised from the current proposed SSD enlargement area, and the rationale seems obvious: that area contains several more properties owned by Cossetta's. Including them would have given Cossetta's significant influence—and perhaps veto power—over the proposed SSD enlargement area. That is a dubious tactic that the City Council should not countenance. And in the event the City Council intends to consider these areas for inclusion in the proposed SSD enlargement area, Cossetta's objects and opposes such an effort. *See* Attachment 4.

Although the above objections conclusively establish that the City Council should not and must not hold a hearing on or adopt an ordinance enlarging the current SSD, nevertheless, under Minn. Stat. § 428A.02, subd. 4, Cossetta's also objects to its property being including in the proposed enlarged SSD because, based on the limited information it has to date, its property would not receive services that are not already provided throughout the City to the same degree. Additionally, based on the limited information it has to date, neither Cossetta's properties nor their use will be benefited from the proposed enlarged SSD.

Cossetta's respectfully requests that this agenda item be laid over. Indeed, based on the information set forth above, it would be improper for the City Council to hold a hearing on this matter. Cossetta's is continuing to investigate the potential ramifications of this proposed enlarged SSD on its rights and interests, and thus reserves the right to modify its objections as

July 18, 2023 Page 4

more information becomes available. Please direct any future notices and correspondence to Cossetta's and to me. Thank you.

Sincerely,

STINSON LLP

Benjamin Eastburn

Attachments (as noted above)

ATTACHMENT 1

DECLARATION RE: NOTICE OF WITHDRAWAL OF PETITION

STATE OF MINNESOTA)

COUNTY OF RAMSEY) ss:	
1. My name is	Soemer, and I have personal knowledge of the
2. I am authorized to conduct bus owner(s) and corresponding property.	siness and make decisions on behalf of the following property/ies:
Property Owner Name	Property Address
Pat Boeme	225 W 7th St
Par Boem	er 239 w 7th St
Mar Boe,	men 241 w 7th St
petition or petitions for the St. Paul C the Downtown St. Paul Special Servi	foregoing property owner(s) and property/ies, I submitted a ity Council to hold a hearing to adopt an ordinance enlarging ce District, to which the above-listed property(ies) would be tion or petitions is attached to this Declaration.
4. I hereby WITHDRAW the per no longer desire for the St. Paul City the Downtown St. Paul Special Service	etition(s) that are attached to this Declaration, and state that I Council to hold a hearing or to adopt an ordinance enlarging ce District.
I declare under penalty of perjury that knowledge.	t the foregoing is true and accurate to the best of my
Property(ies) Owner Signature:	Al Doemu
Name (Please Print or Type):	MATRICK BOEMER
Title (If Applicable):	Owner
Date:	7/16/23

PETITION TO ENLARGE THE DOWNTOWN SAINT PAUL SPECIAL SERVICE DISTRICT Intended To Be Filed with The Saint Paul City Clerk Pursuant To Minnesota Statutes Chapter 428A

ASSESSMENT AMOUNT

(proposed service charge)

PERCENTAGE

LEGAL OWNER: D AND B PROPERTIES LLC

SITE ADDRESS

APN NUMBER

Title (If Applicable):

Date:

062822230175	225 7TH ST W	\$7,008.72	3.90%
TOTALS		\$7,008.72	3.90%
hold a public enlarging the	of the above-listed property(ie hearing pursuant to Minnesota Special Service District in Down provement District, which the	Statutes Section 428A.02 to a town Saint Paul, legal known	dopt an ordinance as the Saint Paul
roperty Owner of Re	cord: _225 4) THE ST	
	v, I, nws of the State of Minnesota t ssessment amounts) on the pro	hat I am legally authorized to	declare under penalty accept the levy of
roperty Owner Signa	ture:	Svemu	
lame (Please Print or Typ	pe): Addykick	Boemer	
		10	

Please Return To:
Saint Paul Downtown Improvement District
428 IVlinnesota St., 5th Floor
Saint Paul, MN 55101
email: emma.burns@stpdowntownalliance.org

ATTACHMENT 2

DECLARATION RE: NOTICE OF WITHDRAWAL OF PETITION

STATE OF MINNESOTA)	
COUNTY OF RAMSEY)	
1. My name is Acres 1284 matters set forth herein.	omis Rein, and I have personal knowledge of the
2. I am authorized to conduct businewrer(s) and corresponding property/	iness and make decisions on behalf of the following property ies:
Property Owner Name	Property Address
R.K. UENHURES AKA TOM BEIN'S HOCK	258 WEGT 77 C-
RIK UENTURES AKA TOM REID'S HOCKEY CIT	280 WEST TEKST. ST BT. PAU MN 5510L
RIL VENTURES AKA TOM REIDS HICKEY CITY	POB ST PAUL MN 55102
petition or petitions for the St. Paul Cit the Downtown St. Paul Special Service	oregoing property owner(s) and property/ies, I submitted a ty Council to hold a hearing to adopt an ordinance enlarging to District, to which the above-listed property(ies) would be ion or petitions is attached to this Declaration.
4. I hereby WITHDRAW the per no longer desire for the St. Paul City C the Downtown St. Paul Special Service	tition(s) that are attached to this Declaration, and state that I Council to hold a hearing or to adopt an ordinance enlarging to District.
I declare under penalty of perjury that knowledge.	the foregoing is true and accurate to the best of my
Property(ies) Owner Signature:	allow Shorm Rive
Name (Please Print or Type):	ALLAN THOMAS REIN
Title (If Applicable):	PARTNER/OWNER
Date:	7/16/2023

PETITION TO ENLARGE THE DOWNTOWN SAINT PAUL SPECIAL SERVICE DISTRICT Intended To Be Filed with The Saint Paul City Clerk Pursuant To Minnesota Statutes Chapter 428A

LEGAL OWNER: RK VENTURES LLC

APN NUMBER	SITE ADDRESS	ASSESSMENT AMOUNT (proposed service charge)	PERCENTAGE
062822230167	258 7TH ST W	\$3,116.59	1.74%
TOTALS		\$3,116.59	1.74%

hold a public hearing pu enlarging the Special Se	ove-listed property(ies), I hereby petition that the Saint Paul City Council Irsuant to Minnesota Statutes Section 428A.02 to adopt an ordinance Prvice District in Downtown Saint Paul, legal known as the Saint Paul
Downtown Improvement	nt District, which the above-listed property(ies) would be subject to.
Property Owner of Record:	256 LIEST 7th St.
of perjury under the laws of the	, hereby certify and declare under penalty State of Minnesota that I am legally authorized to accept the levy of t amounts) on the property(ies) listed above.
Property Owner Signature:	Don Smit
Name (Please Print or Type):	Tor Roin
Title (If Applicable):	O when PARTHER
Date:	*

Please Return To:
Saint Paul Downtown Improvement District
428 Minnesota St., 5th Floor
Saint Paul, MN 55101
email: emma.burns@stpdowntownalliance.org

DECLARATION RE: NOTICE OF WITHDRAWAL OF PETITION

STATE OF MINNESOTA)	
COUNTY OF RAMSEY) ss:	
1. My name is And 127 matters set forth herein.	and I have personal knowledge of the
2. I am authorized to conduct bus owner(s) and corresponding property.	siness and make decisions on behalf of the following property/ies:
Property Owner Name	Property Address
AKA TOM REIDS HOCKEY C	258 WEST 75657. STPAU MN 55102
RK VENTURES AKA TOM REINS HOCKEY C.T.	280 WEST 7th ST. ST PAUL MN 55102
RK VENTLES AKA TOM REIN HOULE	258 WEST 7th ST. Bry Pon ST PAUL MA SILUZ
petition or petitions for the St. Paul Cithe Downtown St. Paul Special Service subject. An accurate copy of that petition. I hereby WITHDRAW the petitions of the petition of the petition of the petition.	foregoing property owner(s) and property/ies, I submitted a ity Council to hold a hearing to adopt an ordinance enlarging ce District, to which the above-listed property(ies) would be tion or petitions is attached to this Declaration. etition(s) that are attached to this Declaration, and state that I Council to hold a hearing or to adopt an ordinance enlarging ce District.
I declare under penalty of perjury that knowledge.	t the foregoing is true and accurate to the best of my
Property(ies) Owner Signature:	allow Shomes Red
Name (Please Print or Type):	PARTNER JOUNER 7/16/2023
Title (If Applicable):	PARTNER JOUNER
Date:	7/16/2023

PETITION TO ENLARGE THE DOWNTOWN SAINT PAUL SPECIAL SERVICE DISTRICT Intended To Be Filed with The Saint Paul City Clerk Pursuant To Minnesota Statutes Chapter 428A

LEGAL OWNER: 286 REAL ESTATE HOLDINGS LLC

APN NUMBER	SITE ADDRESS	ASSESSMENT AMOUNT (proposed service charge)	PERCENTAGE
062822230048	286 7TH ST W	\$999.02	0.56%
062822230144	286 7TH ST W	\$330.30	0.18%
TOTALS		\$1,329.32	0.74%

YES, as owner of the above-listed property(ies), I hereby petition that the Saint Paul City Council

	ursuant to Minnesota Statutes Section 428A.02 to adopt an ordinance ervice District in Downtown Saint Paul, legal known as the Saint Paul
Downtown Improveme	ent District, which the above-listed property(ies) would be subject to.
Property Owner of Record:	255 WAST 7th ST. PARTHER
By my signature below, I,	Tom Roun hereby certify and declare under penalty
of perjury under the laws of th	e State of Minnesota that I am legally authorized to accept the levy of
liens (service charge assessmer	nt amounts) on the property(ies) listed above.
Property Owner Signature:	- Sanda
Name (Please Print or Type):	Ton Raw
Title (If Applicable):	OWNER PANTAGE
Date:	4/3/23

Please Return To:
Saint Paul Downtown Improvement District
428 Minnesota St., 5th Floor
Saint Paul, MN 55101
email: emma.burns@stpdowntownalliance.org

DECLARATION RE: NOTICE OF WITHDRAWAL OF PETITION

ELECTRICAL WATER OF WITHDRAWAE OF TEITHON		
STATE OF MINNESOTA)		
COUNTY OF RAMSEY)		
1. My name is Accord Titamas Resonal knowledge of the matters set forth herein.		
2. I am authorized to conduct business and mowner(s) and corresponding property/ies:	nake decisions on behalf of the following property	
Property Owner Name	Property Address	
R.K. VENTURES	258 W. 7th ST	
AKA TOMREID'S HOCKEN CITY PUB	ST PAUL, MN 55/02	
R.K. VENTURES	280 W. 7H ST	
AKA TOM REIDS HOCKEY CITY PUB	ST PAUL, MN 55102	
RK VENTURES	286 W. 746ST	
AKA TOM REIDS HOCKEY CITY PUB	ST PAUL, MN 55102	
,		

- 3. Previously, on behalf of the foregoing property owner(s) and property/ies, I submitted a petition or petitions for the St. Paul City Council to hold a hearing to adopt an ordinance enlarging the Downtown St. Paul Special Service District, to which the above-listed property(ies) would be subject. An accurate copy of that petition or petitions is attached to this Declaration.
- 4. I hereby **WITHDRAW** the petition(s) that are attached to this Declaration, and state that I no longer desire for the St. Paul City Council to hold a hearing or to adopt an ordinance enlarging the Downtown St. Paul Special Service District.

I declare under penalty of perjury that the foregoing is true and accurate to the best of my knowledge.

allow Thomas Deel
ALLAW THOMAS REIN
PARTNER DUNKER
7/14/2023

PETITION TO ENLARGE THE DOWNTOWN SAINT PAUL SPECIAL SERVICE DISTRICT Intended To Be Filed with The Saint Paul City Clerk Pursuant To Minnesota Statutes Chapter 428A

LEGAL OWNER: 280 REAL ESTATE HOLDINGS LLC

APN NUMBER	SITE ADDRESS	ASSESSMENT AMOUNT (proposed service charge)	PERCENTAGE
062822230047	280 7TH ST W	\$1,666.47	0.93%
TOTALS		\$1,666.47	0.93%

hold a public hearing p enlarging the Special S	ursuant to Minnesota Statu ervice District in Downtowr	nereby petition that the Saint Paul City Council utes Section 428A.02 to adopt an ordinance n Saint Paul, legal known as the Saint Paul e-listed property(ies) would be subject to.
	258 WAGE 7	th V-
Property Owner of Record:		
By my signature below, I,	75m Raw	, hereby certify and declare under penalty
	e State of Minnesota that I	am legally authorized to accept the levy of
liens (service charge assessmer	it amounts) on the propert	y(ies) listed above.
Property Owner Signature:	- Some	
Name (Please Print or Type):	Tom Raid	
Title (If Applicable):	owner) a	110000
Date:	4/3/23	

Please Return To:
Saint Paul Downtown Improvement District
428 Minnesota St., 5th Floor
Saint Paul, MN 55101
email: emma.burns@stpdowntownalliance.org

ATTACHMENT 3

$\frac{\textbf{DECLARATION RE: OPPOSITION TO ENLARGEMENT OF SPECIAL SERVICES}}{\textbf{DISTRICT}}$

STATE OF MINNESOTA)		
COUNTY OF RAMSEY)		
1. My name is	and I have personal knowledge of the	
2. I am authorized to conduct business and make decisions on behalf of the following property owner(s) and corresponding property/ies:		
Property Owner Name	Property Address	
253 W. 7TN 5t.	Moe Shavil	
242 W. Th St.	shar.	
230 w. 7Th 5t.	moe Shar! E	
3/2 wal nut 5+	nor shar!	
3. I hereby OPPOSE and OBJECT T adopting an ordinance enlarging the Downto	O the St. Paul City Council holding a hearing on or wn St. Paul Special Service District.	
I declare under penalty of perjury that the for knowledge.	regoing is true and accurate to the best of my	
Property(ies) Owner Signature:	er, My C	
Name (Please Print or Type):	Moe Shar.	
Title (If Applicable):	OWNE	
Date:	7/15/23	

ATTACHMENT 4

$\frac{\textbf{DECLARATION RE: OPPOSITION TO ENLARGEMENT OF SPECIAL SERVICES}}{\underline{\textbf{DISTRICT}}}$

STATE OF MINNESOTA)	
COUNTY OF RAMSEY) ss:	
1. My name is David Ces matters set forth herein.	, and I have personal knowledge of the
2. I am authorized to conduct b owner(s) and corresponding proper	ousiness and make decisions on behalf of the following property ty/ies:
Property Owner Nam	e Property Address
Boxce LLC	212 Smith Aue 06-28-22-23-0127
Boece LLC	211 7th St W 06-28-22-23-0129
Boece LLC	211 7th St W 06-28-22-23-0130
Bacoella	209 7th SHU 06-28-22-23-0131
3. I hereby OPPOSE and OE adopting an ordinance enlarging the	BJECT TO the St. Paul City Council holding a hearing on or e Downtown St. Paul Special Service District.
I declare under penalty of perjury the knowledge.	hat the foregoing is true and accurate to the best of my
Property(ies) Owner Signature:	Cal Mill
Name (Please Print or Type):	David Tose to
Title (If Applicable):	- Kresidant
Date:	7/18/23

$\frac{\textbf{DECLARATION RE: OPPOSITION TO ENLARGEMENT OF SPECIAL SERVICES}}{\underline{\textbf{DISTRICT}}}$

, and I have personal knowledge of the
make decisions on behalf of the following property
Property Address
195 Excharge StS 06-28-22-23-0016
195 Exchange St. S. 06-28-22-23-CO15
221 Exchange St. S. 06-28-22-23-00/4
he St. Paul City Council holding a hearing on or St. Paul Special Service District. Ding is true and accurate to the best of my LO COSSEHA So Dawł (8 23

$\frac{\textbf{DECLARATION RE: OPPOSITION TO ENLARGEMENT OF SPECIAL SERVICES}}{\textbf{DISTRICT}}$

STATE OF MINNESOTA)	
COUNTY OF RAMSEY) ss:	
1. My name is	essette, and I have personal knowledge of the
2. I am authorized to conduct b owner(s) and corresponding propert	business and make decisions on behalf of the following property ty/ies:
Property Owner Nam	e Property Address
PZAIL LLC	O Eagle St.
	06-28-22-23-018)
adopting an ordinance enlarging the	BJECT TO the St. Paul City Council holding a hearing on or a Downtown St. Paul Special Service District. That the foregoing is true and accurate to the best of my
Property(ies) Owner Signature:	Can have
Name (Please Print or Type):	David Cossett n
Title (If Applicable):	Prasi dant
Date:	7/18/23

From: <u>Jonathan Empie</u>

*CI-StPaul Contact-Council; CouncilHearing (CI-StPaul)

Subject: Declaration of Opposition to Enlargement of Special Services District

Date: Tuesday, July 18, 2023 12:22:04 PM

Attachments: Opposition to Enlargement of Special Services District.pdf

Hello,

In addition to the letters and exhibits sent earlier today from Ben Eastburn at Stinson, please fid the attached declarations regarding opposition to enlargement of the special services district for which a hearing is being held tomorrow, July 19.

These are on behalf of the following property owners:

- DJ Property & Devel | 270 7th St W
- Hope Breakfast Bar | 1 Leech Street
- Apostle Supper Club | 253 Kellog

Thank You, Jonathan Empie

$\frac{\textbf{DECLARATION RE: OPPOSITION TO ENLARGEMENT OF SPECIAL SERVICES}}{\textbf{DISTRICT}}$

STATE OF MINNESOTA)	
COUNTY OF RAMSEY)	
1. My name isAVID / matters set forth herein.	A. BERG, and I have personal knowledge of the
2. I am authorized to conduct businesses owner(s) and corresponding property/	iness and make decisions on behalf of the following property ies:
Property Owner Name	Property Address
DI'S PROPERTY JELVA	EL 270 W7th STREET
3. I hereby OPPOSE and OBJE adopting an ordinance enlarging the D	ECT TO the St. Paul City Council holding a hearing on or owntown St. Paul Special Service District.
I declare under penalty of perjury that knowledge.	the foregoing is true and accurate to the best of my
Property(ies) Owner Signature:	Dauda, Berg for DJ's
Name (Please Print or Type):	DAVID A. BERG
Title (If Applicable):	PARTNER
Date:	07-18-2023

<u>DECLARATION RE: OPPOSITION TO ENLARGEMENT OF SPECIAL SERVICES</u> <u>DISTRICT</u>

STATE OF MINNESOTA)
COUNTY OF RAMSEY) ss:
1. My name is Briand For Man, and I have personal knowledge of the matters set forth herein.
2. I am authorized to conduct business and make decisions on behalf of the following property owner(s) and corresponding property/ies:
Property Owner Name Property Address Hope Breakfast 1 Leech Street Apostle Supper Mb. 253 Kellogg Struct PAL
3. I hereby OPPOSE and OBJECT TO the St. Paul City Council holding a hearing on or adopting an ordinance enlarging the Downtown St. Paul Special Service District.
I declare under penalty of perjury that the foregoing is true and accurate to the best of my knowledge.
Property(ies) Owner Signature:
Name (Please Print or Type): Robert B. Tayran
Title (If Applicable):
Date: 7/19/2023.

From: <u>Jonathan Empie</u>

*CI-StPaul Contact-Council; CouncilHearing (CI-StPaul)

Subject: RE: Declaration of Opposition to Enlargement of Special Services District

Date: Tuesday, July 18, 2023 12:26:59 PM

Attachments: Opposition 175 Fort LLC.pdf

Hello,

In addition to the letters and exhibits sent earlier today from Ben Eastburn at Stinson, please find the attached declaration regarding opposition to enlargement of the special services district for which a hearing is being held tomorrow, July 19.

Thise is on behalf of the following property owner:

• 175 Fort LLC DBA, Holiday Inn St. Paul Downtown | 175 West 7th Street

Thank You, Jonathan Empie

DECLARATION RE: OPPOSITION TO ENLARGEMENT OF SPECIAL SERVICES DISTRICT

STATE OF MINNESOTA)

COUNTY OF RAMSEY)	
1. My name is STEVE PACACECE matters set forth herein.	, and I have personal knowledge of the
2. I am authorized to conduct business and owner(s) and corresponding property/ies:	make decisions on behalf of the following property
Property Owner Name	Property Address
175 FORT UL	175 WEST 70 STREET
DBA, HOLDAY INN ST. PAUL DOINTON	U ST PAUL MN 85102
adopting an ordinance enlarging the Downtown	-
I declare under penalty of perjury that the foregknowledge.	going is true and accurate to the best of my
Property(ies) Owner Signature:	TAME
Name (Please Print or Type):	FRACE MANAGER
Title (If Applicable):	ERAC MANAGER
Date:	7/18/2023

From: Penprase, Asha B. on behalf of MPL.LSS Team 1

To: *CI-StPaul Contact-Council; CouncilHearing (CI-StPaul); *CI-StPaul CityClerk

Cc: <u>Eastburn, Benjamin</u>

Subject: RE: Cossetta"s Letter Objecting to Hearing and Proposed Enlargement of Saint Paul Downtown Special Services

District

Date: Wednesday, July 19, 2023 11:40:59 AM

Attachments: Kawaljit Bhatia Revocation.pdf

Good morning:

Attached please find a supplemental attachment to yesterday's letter, including an additional declaration from a property owner who has withdrawn his petition for enlargement of the special services district.

Thank you,

Asha Penprase
On behalf of Ben Eastburn

Asha B. Penprase

Legal Administrative Assistant Pronouns: They/Them

STINSON LLP

50 South Sixth Street, Suite 2600 Minneapolis, MN 55402 Direct: 612.335.1867

STINSON.COM

This communication (including any attachments) is from a law firm and may contain confidential and/or privileged information. If it has been sent to you in error, please contact the sender for instructions concerning return or destruction, and do not use or disclose the contents to others.

From: Penprase, Asha B. On Behalf Of MPL.LSS Team 1

Sent: Tuesday, July 18, 2023 10:24 AM

To: 'Contact-Council@ci.stpaul.mn.us' <Contact-Council@ci.stpaul.mn.us>;

'CouncilHearing@ci.stpaul.mn.us' <CouncilHearing@ci.stpaul.mn.us>; 'cityclerk@ci.stpaul.mn.us' <cityclerk@ci.stpaul.mn.us>

Cc: Eastburn, Benjamin <benjamin.eastburn@stinson.com>

Subject: Cossetta's Letter Objecting to Hearing and Proposed Enlargement of Saint Paul Downtown Special Services District

On behalf of Ben Eastburn, please see the attached.

Regards,

Asha Penprase

DECLARATION RE: NOTICE OF WITHDRAWAL OF PETITION

STATE OF MINNESOTA) ss:	
COUNTY OF RAMSEY)	
1. My name is matters set forth herein.	, and I have personal knowledge of the
2. I am authorized to conduct business and nowner(s) and corresponding property/ies:	nake decisions on behalf of the following property
Property Owner Name	Property Address
062827230132	205748 W.
0628222301	201748+W
petition or petitions for the St. Paul City Council	property owner(s) and property/ies, I submitted a l to hold a hearing to adopt an ordinance enlarging to which the above-listed property(ies) would be itions is attached to this Declaration.
	hat are attached to this Declaration, and state that I hold a hearing or to adopt an ordinance enlarging
I declare under penalty of perjury that the foreging knowledge.	oingris true and accurate to the best of my
Property(ies) Owner Signature:	
Name (Please Print or Type):	k.S. Bhatia-
Title (If Applicable):	
Date:	

PETITION TO ENLARGE THE DOWNTOWN SAINT PAUL SPECIAL SERVICE DISTRICT Intended To Be Filed with The Saint Paul City Clerk Pursuant To Minnesota Statutes Chapter 428A

LEGAL OWNER: BHATIA KAWALJIT S C/O MAHARAJAS

APN NUMBER	SITE ADDRESS	ASSESSMENT AMOUNT (proposed service charge)	PERCENTAGE
062822230132	205 7TH ST W	\$1,281.48	0.71%
062822230133	201 7TH ST W	\$672.32	0.37%
TOTALS		\$1,953.80	1.09%

YES, as owner of the above-listed property(ies), I hereby petition that the Saint Paul City Council hold a public hearing pursuant to Minnesota Statutes Section 428A.02 to adopt an ordinance

	Service District in Downtown Saint Paul, legal known as the Saint Paul
Downtown Improven	nent District, which the above-listed property(ies) would be subject to.
Property Owner of Record:	KAWALTIT BHATIA
By my signature below, I,	, hereby certify and declare under penalty
of perjury under the laws of tl	he State of Minnesota that I am legally authorized to accept the levy of
liens (service charge assessme	ent amounts) on the property(ies) listed above.
Property Owner Signature:	$ \frac{1}{1}$
Name (Please Print or Type):	- Kally light
Title (If Applicable):	- OWNER
Date:	3/15/23

Please Return To:
Saint Paul Downtown Improvement District
428 Minnesota St., 5th Floor
Saint Paul, MN 55101
email: emma.burns@stpdowntownalliance.org

From: Penprase, Asha B. on behalf of MPL.LSS Team 1

To: *CI-StPaul Contact-Council; CouncilHearing (CI-StPaul); *CI-StPaul CityClerk

Cc: <u>Eastburn, Benjamin</u>

Subject: Cossetta"s Supplemental Letter Objecting to Hearing and Proposed Enlargement of Saint Paul Downtown Special

Service District

Date: Friday, July 21, 2023 1:50:32 PM

Attachments: 2023 07 21 Cossetta"s Supplemental Letter Regarding SSD.pdf

Good afternoon:

On behalf of Ben Eastburn, attached please find Cossetta's Supplemental Letter Objecting to Hearing and Proposed Enlargement of Saint Paul Downtown Special Service District.

Regards, Asha

Asha B. Penprase

Legal Administrative Assistant Pronouns: They/Them

STINSON LLP

50 South Sixth Street, Suite 2600 Minneapolis, MN 55402 Direct: 612.335.1867

STINSON.COM

This communication (including any attachments) is from a law firm and may contain confidential and/or privileged information. If it has been sent to you in error, please contact the sender for instructions concerning return or destruction, and do not use or disclose the contents to others.

From: Penprase, Asha B. On Behalf Of MPL.LSS Team 1

Sent: Wednesday, July 19, 2023 11:26 AM

To: 'Contact-Council@ci.stpaul.mn.us' <Contact-Council@ci.stpaul.mn.us>;

'CouncilHearing@ci.stpaul.mn.us' <CouncilHearing@ci.stpaul.mn.us>; 'cityclerk@ci.stpaul.mn.us' <cityclerk@ci.stpaul.mn.us>

Cc: Eastburn, Benjamin <benjamin.eastburn@stinson.com>

Subject: RE: Cossetta's Letter Objecting to Hearing and Proposed Enlargement of Saint Paul Downtown Special Services District

Good morning:

Attached please find a supplemental attachment to yesterday's letter, including an additional declaration from a property owner who has withdrawn his petition for enlargement of the special services district.

Thank you,

Asha Penprase

On behalf of Ben Eastburn

From: Penprase, Asha B. On Behalf Of MPL.LSS Team 1

Sent: Tuesday, July 18, 2023 10:24 AM

To: 'Contact-Council@ci.stpaul.mn.us' < contact-Council@ci.stpaul.mn.us;

 $\label{lem:councilHearing@ci.stpaul.mn.us} $$ 'CouncilHearing@ci.stpaul.mn.us' < \underbrace{CouncilHearing@ci.stpaul.mn.us}; 'cityclerk@ci.stpaul.mn.us' < \underbrace{CouncilHear$

Cc: Eastburn, Benjamin < benjamin.eastburn@stinson.com >

Subject: Cossetta's Letter Objecting to Hearing and Proposed Enlargement of Saint Paul Downtown Special Services District

On behalf of Ben Eastburn, please see the attached.

Regards,

Asha Penprase



Benjamin Eastburn **PARTNER**

DIRECT: 612.335.1582 OFFICE: 612.335.1500

benjamin.eastburn@stinson.com

July 21, 2023

Via Hand Delivery and Email

Saint Paul City Council 15 Kellogg Blvd. West 310 City Hall Saint Paul, MN 55102 Contact-Council@ci.stpaul.mn.us CouncilHearing@ci.stpaul.mn.us

Saint Paul City Clerk Attn: Shari Moore 15 Kellogg Blvd. West 310 City Hall Saint Paul, MN 55102 cityclerk@ci.stpaul.mn.us

Supplemental Opposition to Hearing And Prospective Ordinance to Enlarge Re: **Saint Paul Downtown Special Service District**

Dear Ladies and Gentlemen:

I write to supplement my letter dated July 18, 2023, which was delivered to you by email and courier on that same date. Again, this firm represents Cossetta's, Inc., and its associated entities (including Bocce, LLC) (collectively, "Cossetta's") with respect to real property owned by Cossetta's at 207, 211 Seventh St. W.; and 212 Smith Ave. N., Saint Paul, Minnesota 55102.

The City Council has laid over the agenda item related to the proposed enlargement to the Saint Paul Downtown Special Service District ("SSD") until its meeting on July 26, 2023. Cossetta's has serious concerns about a one-week delay. First, none of the defects in the City's notice to property owners have been cured. Those defects are outlined in detail in my July 18 letter, so you are well aware of them. Until those defects are remedied, there should be no hearing and certainly no vote on the enlargement of the SSD.

Second, the entire process is still quite opaque. Importantly, the governing statute lays out two possible ways for the City Council to calculate the 25% threshold for property-owner approval. But Cossetta's (and presumably the other affected property owners within the SSD) have not been told by which method the 25% threshold is being calculated in this instance. That is important information, because the property owners should know how much each owner's vote counts. And, as Mr. Cossetta stated in his oral remarks to the City Council on July 18, it is also

50 South Sixth Street, Suite 2600, Minneapolis, MN 55402



critical in understanding how the three property owners who have withdrawn their petitions of support affect the calculation of the 25% threshold.

Further, it is not clear whether the property owners that will be exempt from paying the service charge associated with the proposed enlarged SSD are included in the 25% threshold calculation. This is a particularly important question in this instance because it seems that the largest property owner in the proposed enlargement area is a nonprofit entity. If that entity (and any others that are exempt from paying the proposed service charge) are indeed included in the calculation of the 25% threshold, that is fraught and, we believe, violates the governing statute. It cannot be the case that those who will receive only the purported benefit but will bear none of the cost have a say in whether their neighboring property owners must foot the bill for an enlarged SSD.

Until the foregoing concerns are addressed, and the notice's deficiencies are corrected, the City Council should not take up this matter at a hearing. At the July 18 hearing, Mr. Cossetta asked that this issue be laid over until at least September so that the affected property owners will have time to investigate further—and so that the City can provide the requisite information to do such an investigation. Cossetta's respectfully reiterates that request here. Further, Cossetta's restates all the objections included in its July 18 letter, and reserves the right to modify its objections as more information becomes available. As I requested previously, please direct any future notices and correspondence to Cossetta's and to me. Thank you.

Sincerely,

STINSON LLP

Benjamin Eastburn