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Members of the St. Paul City Council  
Room 319 City Hall and Courthouse  
15 Kellogg Blvd.  
St. Paul, MN 55102

Madame President and Council Members:

I write on behalf of numerous property owners who intend to challenge in court, once again, the fees and assessments you will levy under your 2018/19 Street Maintenance Service Program ("SMSP").

We object that your action is in clear violation of the Minnesota Supreme Court ruling in the *First Baptist Church* case. Judge Millenacker has also found so in our appeal of last year's SMSP charges for street cleaning and street lighting. We assume that the City Attorney has informed you of that ruling.

This year's exaction of fees and assessments for mill and overlay costs along arterial streets suffers from the same problem – you must, but you are unable to, present a professional appraiser's opinion that your work causes the special benefit required by Minnesota law.

In light of the rulings by both the Supreme Court and the District Court, you have no legal basis for your proposed fees and assessments. Unless you ask for and obtain a supporting legal opinion by either the City Attorney or the Attorney General, you as council members are legally and politically naked.

The City's traditional attitude of "Sue me if you don't like it" is no longer defensible. Assurances by the City Attorney that that office will defend you and your actions is no longer enough. You need to demand of your lawyers a written opinion that you are proceeding legally and that the city will be able to prevail against our appeals.

Without such professional assurances, you are in danger of being found to be acting in bad faith in these cases. Because we have successfully sued so often since 2011 to obtain refunds of your charges, you can no longer claim ignorance. We intend to ask for attorneys' fees under federal law from each of you as the public officials who have violated our 5<sup>th</sup> and 14<sup>th</sup> Amendment rights. We believe that the history of these cases provides the basis for such a claim. This, however, is not the way for friends to relate. We urge you to avoid this unpleasantness by reconsidering your entire 2018/2019 SMSP.

Yours very truly,



John G. Hoeschler