

Shari Moore, MMC, Saint Paul City Clerk
15 W. Kellogg Blvd. 310 City Hall
St. Paul, MN 55102

April 7, 2021

RE: RES PH 21-58, Ratifying the assessment for the 2019 Street Maintenance Service Program-Sealcoating. (File No. 195600, Assessment No. 195600)
\$771.28 Assessment for 10 W Delos St (PIN 08-28-22-22-0001)

Dear Ms. Moore,

We object to the assessment for the reasons listed below.

As background, our lot was platted in 1855 as a reverse frontage interior lot, meaning the lot has street frontage that is at right angles to the general pattern in the area. The lots in our area are generally 50' wide (street frontage) x 125' deep. Our lot is in the reverse, 125' wide x 50' deep.

The reason for this unusual plat is because of the curved bluff line running to the southeast that prevents a normal 50' wide x 125' deep dimension.

The lot has an area of 5,689 sq. ft. which is smaller in area than a normal rectangular lot with similar dimensions.

City ROW assessments for years' 2011-2016 were adjusted to 50' of assessable street frontage in recognizing the reverse frontage of the lot, pursuant to RES 11-1098 policy.

RES PH 17-84 contained a draft policy that excluded treatment of irregular lot assessment methods for 2017, but the draft was not approved by City Council.

RES 18-566 restated these Council directed irregular lot provisions but City staff has not followed this resolution when preparing SMSP assessment rolls, including the subject assessment.

1. It is unfair and unreasonable to assess using a subsidy method that discounts multi-frontage properties by 50% when this same discount method is not used to assess our irregular reverse-frontage interior parcel

2. The assessment is based upon a method that produces entirely disproportionate results when compared with the neighboring parcels (please see the attached *Exhibit 1 and 2*, showing our assessment at 54% of the total fees invoiced on our block, comprising of eight (8) single and multi-family households.)

3. It is also unreasonable to use the applied assessment method when a different method could be used that would easily remedy this grossly disproportionate result (e.g., City Storm Sewer Policy that charges on an equal per parcel basis for small lots).

4. On April 19, 2019 Ramsey County District Court Judge Jennifer Frisch set aside the City's 2018 unfair and unreasonable \$124 SMSP assessment against our property by ordering a lawful assessment of \$50. (please see the attached *Exhibit 3*).

5. On November 6, 2019 Councilmember Noecker amended, and City Council adopted RES PH 19-352 (2019 SMSP Sweeping and Lighting), which ratified a fair and reasonable re-assessment for 10 W Delos St based upon 50' of frontage, and we thank the Councilmember and the St Paul City Council for their action at that public hearing.

6. This project is a general improvement to the city-wide street system and not a special benefit to the assessed property. Less than two years after the sealcoating was performed, the surface looks just like it did prior to the sealcoating, with sluffing of the granite chips.

The neighboring city of Shoreview suspended sealcoating in 2017 for the same reason, "due to issues with spalling of the seal coat layer and the seal coat rock not adhering to the emulsion." (Please see *Exhibit 4*).

7. While we have written to City Staff requesting adjustment to our assessment, we have not received the courtesy of a reply. (please see *Exhibit 5 and 6*).

For these reasons we request that the City Council re-assess 10 W Delos St by setting a fair and reasonable amount of \$311. (50' x \$6.22).

Understanding that the Public Hearing is electronic, we welcome any questions Councilmembers might have prior to the hearing.

Respectfully submitted by property owners,

John Purdy Mary Purdy
John Purdy Mary Purdy
10 W Delos St
St Paul, MN 55107

Exhibits 1 through 6 are attached to transmittal e-mail.

2019 W Delos St Sealcoating Fees--Aerial view Hall Lane to Bluff



This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.
THIS MAP IS NOT TO BE USED FOR NAVIGATION

Legend



- City Halls
- Schools
- Hospitals
- Fire Stations
- Police Stations
- Recreational Centers
- Parcel Points
- Parcel Boundaries
- Personal Properties
- Primary Owner
- Streets (<=16K)**
 - Other Local Road
 - Interstate
 - US or MN Highway
 - Ramp
 - County Road
 - Local Street
 - Local Park Road
 - Frontage Road
 - Privately Maintained Public Road
 - Transit Way
 - Alleyway

Notes

\$1439.96 Total Delos St fees issued to private owners

Re: Sealcoating of City of Shoreview city roadways and streets

1 message

Tom Wesolowski <twesolowski@shoreviewmn.gov>
To: John Purdy <jpmn0101@gmail.com>

Mon, Jan 6, 2020 at 2:01 PM

John,

The city suspended seal coating in 2017 due to issues with spalling of the seal coat layer and the seal coat rock not adhering to the emulsion. We did bid the project, but decided not to award. A copy of the bid tab is attached. City crews complete the crack filling, so do not have a cost for that item.

For the 2017 project, the total length of streets equaled 13.7-miles (72,340-lf) with an average width of 29-feet. Low bid was \$250,104.50, so cost per running foot was \$3.46.

Thank you, Tom

Tom Wesolowski, P.E. | City Engineer

4600 Victoria Street North, Shoreview, MN 55126

651-490-4652 | twesolowski@shoreviewmn.gov

On Mon, Jan 6, 2020 at 1:22 PM John Purdy <jpmn0101@gmail.com> wrote:

Tom Wesolowski, City Engineer

City of Shoreview, MN

4600 Victoria Street North
Shoreview, MN 55126

Dear Mr. Wesolowski,

Mr. Jerry Auge with Ramsey County suggested that I might contact you in regard to costs of sealcoating or chip-sealing of city streets.

Can you advise if the City of Shoreview performs this surfacing to its roadways, and if so, can you provide a recent example of where this project may have been performed, along with associated specifications and costs?

We had a project that was done in St Paul which consisted of:

- 1) blowing the cracks and ruts with a leaf blower, and the manual application of hot tar into existing surface cracks and ruts from a tar can,
- 2) then followed four days later by a manual application of asphalt hot mix into the cracks and ruts, with immediate rolling of the asphalt into the cracks,
- 3) then followed days later by a tanker truck spray bar application of asphalt emulsion,
- 4) followed by truck spreader application of aggregate or small chips, and finally followed up later with sweeping of the excess chips.

Unfortunately the estimated cost per foot went from \$9.72 per running foot of street distance up \$12.44 per running foot as installed, and so I am trying to get a semblance of cost comparison with a project that you might have done recently.

The St Paul project was the entire West Side of Saint Paul, one that kept the crews on duty for a few months last summer. The streets are 30' wide including the gutters, so the actual bituminous surface would be 27' wide.

Can you advise?

Thank you,

John Purdy

10 W Delos St

St Paul, MN 55107

651-292-9651

Fwd: Question on the 2019 Public Works Department City Budget

1 message

John Purdy <jpmn0101@gmail.com>
To: John Purdy <jpmn0101@gmail.com>

Tue, Sep 8, 2020 at 6:46 PM

----- Forwarded message -----

From: **John Purdy** <jpmn0101@gmail.com>

Date: Fri, Oct 11, 2019 at 10:12 AM

Subject: Re: Question on the 2019 Public Works Department City Budget

To: McCarthy, John (CI-StPaul) <john.mccarthy@ci.stpaul.mn.us>

Cc: Engelbrekt, Bruce (CI-StPaul) <bruce.engelbrekt@ci.stpaul.mn.us>, Noecker, Rebecca (CI-StPaul) <rebecca.noecker@ci.stpaul.mn.us>, <Jaime.Tincher@ci.stpaul.mn.us>, Hafner, Megan (CI-StPaul) <Megan.Hafner@ci.stpaul.mn.us>, Moser, Lynn (CI-StPaul) <lynn.moser@ci.stpaul.mn.us>

Dear Mr. McCarthy,

We are writing to follow up with you regarding our September 6, 2019 request to discuss our 2019 SMSP assessments. We are anticipating that the public hearing for these assessments will be scheduled soon, and ask that you reply with your ability to meet to resolve our SMSP assessment.

We think it is important to resolve this because the City Council and the District Court have difficult schedules, and should not need to be troubled with another appeal, given that the District Court has already ruled in our favor. (copy attached).

Can you meet with us to discuss with us prior to the SMSP public hearing?

Thank you,

John and Mary Purdy
10 W Delos St
St Paul, MN 55107
651-292-9651

On Fri, Sep 6, 2019 at 2:02 PM John Purdy <jpmn0101@gmail.com> wrote:

Dear Mr. McCarthy,

Thank you for answering our question, and we were able to find the account that you reference, (acct. number 10017550).

As a further request of you, my wife Mary and I held a meeting approximately one year ago with Mr. Hurley, attempting to resolve our SMSP assessment dispute. Although we were not able to resolve the dispute without filing an assessment appeal, we are requesting a meeting with you to hear our reason as to why the 2019 SMSP fee is unreasonable when considering the District Court Order in settling our 2018 appeal. (copy attached).

We have requested that our 2019 invoice reflect the Court's order but have not yet received a reply from Real Estate and we would like to discuss this with you prior to the Public Hearing on the matter.

Sincerely,
John and Mary Purdy
10 W Delos St .
St. Paul, MN 55107

On Tue, Sep 3, 2019 at 10:00 PM McCarthy, John (CI-StPaul) <john.mccarthy@ci.stpaul.mn.us> wrote:

Mr. Purdy,

The costs for sweeping and lighting for city park frontages (and other city-owned frontages) are billed to the general fund and paid out of the non-department "Exempt Property Assessments" accounting unit. They are not booked as transfers, but rather as service expenses and revenues.

Thanks,

John

John McCarthy

Interim Director

Pronouns: he/him/his
Office of Financial Services
Saint Paul, MN 55102
P: 651-266-8554

 Click Me

C: 612-220-5434
john.mccarthy@ci.stpaul.mn.us

 Click
Me

 Click
Me

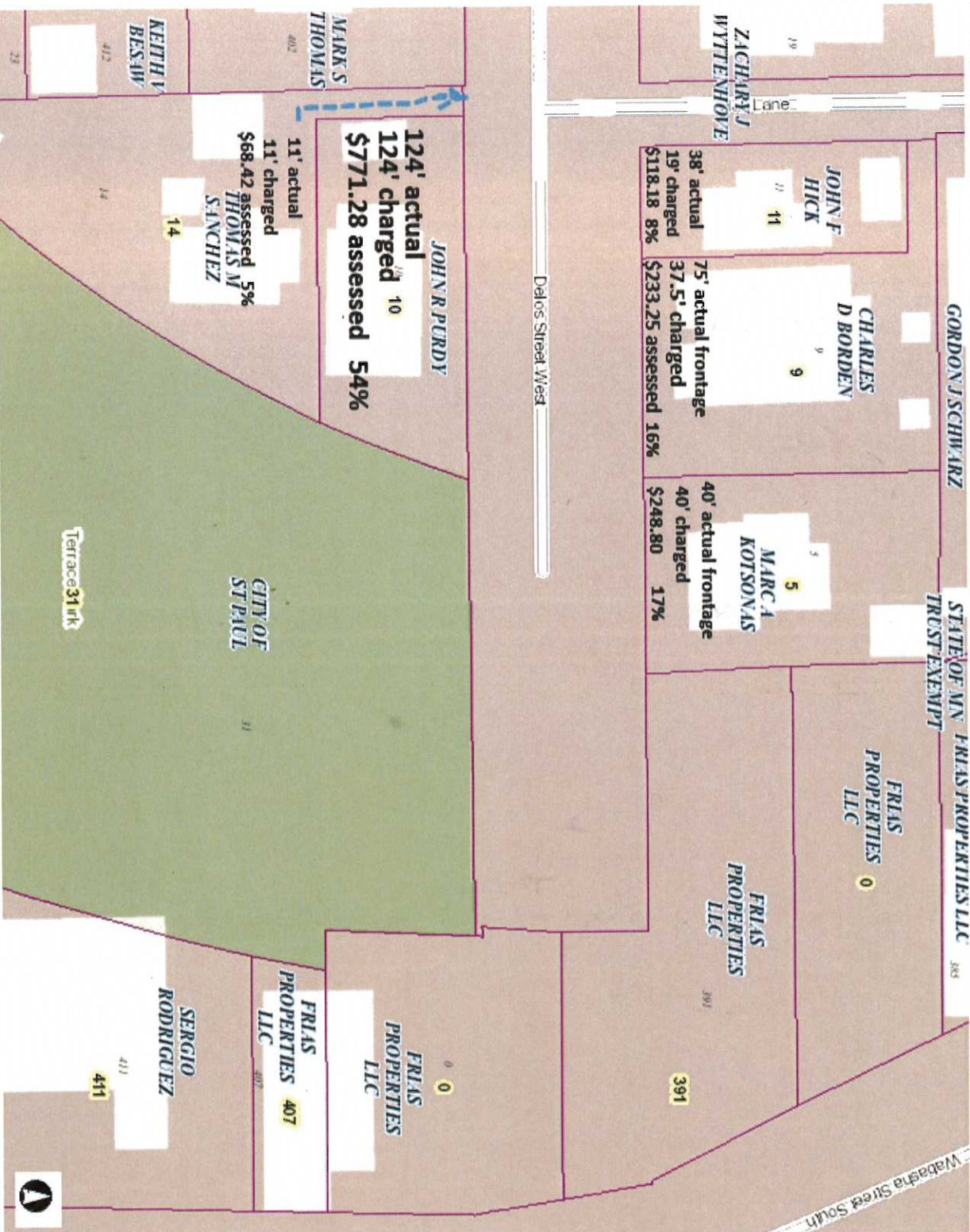
 Click
Me

Making Saint Paul the Most Livable City in America

From: John Purdy [mailto:jpmn0101@gmail.com]
Sent: Sunday, September 01, 2019 10:51 AM
To: McCarthy, John (CI-StPaul) <john.mccarthy@ci.stpaul.mn.us>
Cc: Noecker, Rebecca (CI-StPaul) <Rebecca.Noecker@ci.stpaul.mn.us>
Subject: Fwd: Question on the 2019 Public Works Department City Budget

Think Before You Click: This email originated **outside** our organization.

2019 W Delos St Sealcoating Fees--Hall Lane to Bluff



NAD_1983_HARN_Adl_MN_Ramsey_Feet
© Ramsey County Enterprise GIS Division



This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Legend



- City Halls
- Schools
- Hospitals
- Fire Stations
- Police Stations
- Recreational Centers
- Parcel Points
- Parcel Boundaries
- Personal Properties
- Primary Owner
- Streets (<=16k)**
- Other Local Road
- Interstate
- US or MN Highway
- Ramp
- County Road
- Local Street
- Local Park Road
- Frontage Road
- Privately Maintained Public Road
- Transit Way
- Alleyway

Notes

\$1439.96 Total Delos St fees issued to private owners

STATE OF MINNESOTA
COUNTY OF RAMSEY

DISTRICT COURT
SECOND JUDICIAL DISTRICT

John and Mary Agnes Purdy,

Court File No. 62-CV-18-7828

Appellants,

v.

ORDER

City of Saint Paul,

Respondent.

On April 19, 2019, the parties in the above entitled matter appeared before the Honorable Jennifer L. Frisch, Judge of District Court. Appellants appeared pro se. Megan Hafner, Esq., appeared on behalf of Respondent. Based upon the submissions and agreement of the parties on the record, IT IS HEREBY ORDERED ADJUDGED AND DECREED:

1. This court has jurisdiction over the subject matter of this action and over the parties pursuant to St. Paul, Minn. Legislative Charter and Code § 14 and § 62.
2. The lawful amount of the charges assessed against Appellants' property for the Street Maintenance Service Program performed in 2018 is hereby set at \$50.
3. Respondent will reimburse Appellants for court costs in the amount of \$380.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: April 19, 2019

BY THE COURT:



Frisch, Jennifer (Judge)
Apr 19 2019 8:35 AM

Jennifer L. Frisch
Ramsey County District Court Judge

10 Delos St Frontage

John Purdy <jpmn0101@gmail.com>

Tue, Aug 27, 2019 at 8:12 PM

To: "Engelbrekt, Bruce (CI-StPaul)" <bruce.engelbrekt@ci.stpaul.mn.us>

Cc: "Hafner, Megan (CI-StPaul)" <Megan.Hafner@ci.stpaul.mn.us>, "Moser, Lynn (CI-StPaul)" <lynn.moser@ci.stpaul.mn.us>, "Noecker, Rebecca (CI-StPaul)" <rebecca.noecker@ci.stpaul.mn.us>

Mr. Bruce Engelbrekt

Real Estate Manager

Office of Financial Services-Real Estate

City of St. Paul

1000 City Hall Annex

25 West 4th St.

St Paul, MN 55102-1660

Dear Mr. Engelbrekt,

City Public Works is starting on the Delos St. seal-coating this week.

Has City Attorney Megan Hafner informed the Real Estate Department of the Order from Judge Frisch in regard to our challenged 2018 SMSP assessment?

For your convenience we have attached Judge Frisch's Order which determined that 50' is the lawful assessment. We would appreciate your use of the same 50' to our seal-coating assessment.

Sincerely,

John and Mary Purdy

10 W. Delos St.

St. Paul, MN 55107

651-292-9651



62CV187828 Purdy Order for Judgment (1).pdf

102K