

**FERDINAND F. PETERS, ESQ. LAW FIRM**  
842 Raymond Avenue  
St. Paul, Minnesota 55114  
Phone: (651) 647-6250 Fax: (651) 251-1183  
[ferdpeters@ferdlaw.com](mailto:ferdpeters@ferdlaw.com)

---

May 5, 2021

Mayor Melvin Carter  
390 City Hall and Court House  
15 West Kellogg Blvd.  
St. Paul, MN 55102

St. Paul City Council  
Ms. Shari Moore, City Clerk  
15 Kellogg Blvd. West  
310 City Hall  
St. Paul, MN 55102  
Fax: 651-266-8574  
[Shari.moore@ci.stpaul.mn.us](mailto:Shari.moore@ci.stpaul.mn.us)  
**VIA Email @**  
**Contact-Council@ci.stpaul.mn.us**

**Subject: Objection to 2019 and 2020 Street Maintenance Service Program-  
Sealcoating Street and/or Alley by Multiple Property Owners,  
including all property owners in the City of Saint Paul who own  
properties within each project area unless exempt  
RES PH 21-58, File No. 195600, Assessment No. 195600  
RES PH 21-59, File No. 205600, Assessment No. 205600  
RES PH 20-60, File No. 195600, Assessment No. 195600**

Dear Mayor Carter and Ms. Moore:

I represent all of the following property owners with real estate at all of the Saint Paul addresses listed, and all other similarly situated properties within each project area. All property owners are objecting to the 2019 and 2020 Street Maintenance Service Program-Sealcoating Street and/or Alley (Sealcoating Assessment) imposed by the City of Saint Paul, and for any such fees paid for the 2019/2020 Street Maintenance Service Program:

**Property Owners  
All Addresses are in Saint Paul, Minnesota  
Property Owners Objecting to  
The 2020 Proposed Street Maintenance Service Program Assessment**

<u>Owner</u>	<u>Address</u>	<u>PID</u>
--------------	----------------	------------

---

To wit up to 2,493 owners of parcels for project 195600 (RES PH 20-60);  
To wit up to 2,024 owners of parcels for project 205600 (RES PH 21-59); and  
To wit up to 2,493 owners of parcels for project 195600 (RES PH 20-58).

The list of objections:

**1. The Assessment includes costs that are not authorized under law.**

The Sealcoating Assessment includes charges for “sealcoating street and alleyways”. These are general government functions that should be funded out of general tax revenues. Neither Section 14.01.2 of the City Charter, nor Chapter 62 of the St. Paul Administrative Code authorizes that these types of charges be assessed as part of a street maintenance assessment, nor does state law permit it.

**2. The Assessment is not authorized under law.**

The Sealcoating Assessment is for annual operating costs of the city that are part of a general operating budget, and is not properly imposed as assessments. The assessment violates the Minnesota Supreme Court case of **First Baptist Church of St. Paul, et al., vs. City of St. Paul (A15-0015)**, and it also violates the powers of the City of Saint Paul pursuant to its own charter. Furthermore, the assessment violates the Minnesota Constitution, the U.S. Constitution, and Minnesota Statute section 429.051 and other related statutes.

**3. The amount of the Assessment exceeds the benefit to any property, since routine street maintenance provides no special benefit for any individual property.**

Both State law and the City Charter specify that a special assessment cannot exceed the benefits to the property. The limited street maintenance services provided to properties by this tax, camouflaged as an assessment, does not result in any increase in property values. The proposed Sealcoating assessment amount exceeds any possible benefit conferred, and it is also objected to since absolutely no benefit is conferred.

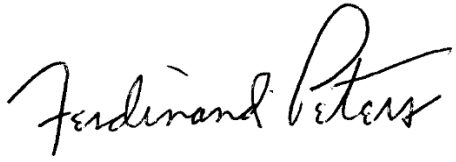
Sealcoating the streets is analogous to mowing the grass or taking out the trash. Failure to do such regular chores may reduce the value of any property and create a nuisance. However, every time a property owner performs regular chores, it only maintains the current value of that owner’s property; it doesn’t increase it. If that wasn’t the case, and the value of a property increased each time the lawn was mowed, a property owner could do this twice a day for the entire summer, and cash out at the end of the year at a significant profit.

**4. Street Maintenance is a core function of the city and real estate taxes are designed to cover these costs.**

Sealcoating is a part of street maintenance and should be covered under real estate taxes. Maintaining city streets is a core function of the city. Real estate taxes in St. Paul are already demonstrably higher than almost every other city and county in Minnesota.

Respectfully submitted,

St. Paul City Council  
May 5, 2021  
Page 3

A handwritten signature in black ink that reads "Ferdinand Peters". The signature is written in a cursive style with a large, looped initial 'F' and a long, sweeping underline.

Ferdinand F. Peters  
Attorney at Law