

PUBLIC HEARING

Wednesday April 3, 2019 at 5:30PM

SAINT PAUL CITY COUNCIL

City Council Chambers, 3rd Floor
City Hall-Court House

Christina R. Anderson
Simon Taghioff
859 Osceola Ave.
St. Paul MN 55105-3329

Assessment #185505
Property Address 859 Osceola Ave
Property ID Number 022823430118

**WRITTEN OBJECTION TO THE ‘MILL AND OVERLAY: VICTORIA STREET’
TAX ASSESSMENT PURSUANT TO MINN. STAT. § 429.061**

We object to the tax assessment because:

- The Assessment violates procedural due process, by failing to follow the necessary notice and hearing requirements of Minn. Stat. § 429.061 or Saint Paul City Charter Sec. 14.01.1.
- The maintenance for a public road, major thoroughfare, does not confer any ‘special benefit’ to adjacent properties. Further, the Assessment amount imposed (\$4,894.50) greatly exceeds any special benefit conferred on the assessed property.
- The Assessment is not uniform upon the same class of property.

We own property located at 859 Osceola Ave., St. Paul, MN 55060, property ID number 022823430118. The proposed assessment (#185505) for our parcel is in the amount of \$4,894.50. The assessment amount represents 150 linear feet of our property that runs along Victoria Street, multiplied by \$32.63 per linear foot. Our property is located at the corner of Osceola Avenue and Victoria Street, therefore Victoria Street runs the entire depth of our property, with a shorter frontage of 60 linear feet facing Osceola Avenue. Seal coating work is scheduled for Osceola Avenue in 2020, the cost of which is estimated to be \$4.71 per linear foot, i.e. \$282.60, of which we’ll pay half as a corner property. Victoria Street is a ‘major collector’ road, a plow route, and an

emergency vehicle route. Its heavy traffic use is the reason it requires the expensive mill and overlay work, instead of seal coating.

The Assessment Fails the Notice Requirements of Minn. Stat. § 429.061 and Saint Paul City Charter Sec. 14.01.1.

In correspondence postmarked December 31, 2018, the City of Saint Paul (hereinafter “the City”) circulated a document entitled “City of St. Paul INVOICE”. This Invoice is attached hereto as Exhibit A. In correspondence postmarked March 5, 2019, the City circulated a document entitled “Saint Paul City Council Public Hearing Notice Ratification of Assessment”. This Notice is attached hereto as Exhibit B.

Initially, the Invoice gave the impression that the charges are uncontestable. The Invoice repeatedly called the charge a “fee”, and emphasized the near-immediate addition of interest. It inaccurately stated “[y]ou may pay the full amount of the fee or a portion of it by 2/1/2019 without interest”. This is not true; the City cannot begin charging interest on a Tax Assessment before a hearing on such assessment has taken place and approved. The later Notice does not attempt to correct these inaccuracies, but instead states “[i]f the City Council approves the assessment you will have 30 days from the date listed above [ie. May 3, 2019] to pay without interest.” Altogether the takeaway for property owners was a pressure to pay instead of informing them of their rights to a public hearing.

Later, the Notice did nothing to inform the public that they have a right to challenge the assessment, an egregious violation of procedural due process. Most alarmingly, in speaking with our neighbors, we have heard that those who paid the initial Invoice never received a public hearing notice.

In response, we circulated information to our neighbors and other property owners affected by the ‘mill and overlay’ assessments. We researched this matter, built a website www.victoriastreetassessment.com, contacted Councilmember Rebecca Noecker and the assessment department. On foot, with our toddler in tow, we distributed flyers on Victoria Street on March 24nd. Upon learning that this is a much broader issue than our own street, we also distributed flyers on Stryker, Forest, Western, and Third Streets on March 31st. We have received more than 45 responses, 27 of which are from Victoria Street. This is an unequivocally forceful condemnation, especially given that we did not even reach four of the nine projects or any owners of rental properties.

The Notice states that it is authorized to collect unpaid fees by special assessment “by the procedure outlined in Min Stat. Chap. 429”. As the City is procedurally operating under chapter 429, it fails the requirements of Minn. Stat. § 429.061 in the following ways:

- (1) Does not state that in order to appeal the amount of the tax assessment, a written objection must be filed by with municipal clerk prior to the assessment hearing or presented to the presiding officer at the hearing.
- (2) Does not state, ‘in clear language’ that adoption of the proposed assessment may be taken at the hearing by the council.
- (3) Does not state that written or oral objections by any property owner will be considered.
- (4) Does not inform that seniors, disabled, or military persons could receive a deferral in accordance with sections 435.19 to 435.195.
- (5) Does not state the appeal procedure accurately.
- (6) Does not state that a copy of the proposed assessment roll is on the file with the clerk.

The Notice further fails the requirements of the Saint Paul City Charter Sec. 14.01.1 by failing to inform property owners of the provisions of sections 435.193 to 435.195 and the existence of any deferment procedure established pursuant thereto in the municipality. Critically, this omission leaves those on fixed incomes, the elderly and disabled entirely unaware that they can defer payment due to hardship. For example, such would be the case for Say Vang, the property owner at 940 Lawson Avenue E.. She received an assessment in the amount of \$5,117.50 but is low-income and disabled; she has voiced her concerns in her written objection.

The Notice specifically states that it can collect unpaid fees by special assessment under the authority of Minn. Stat. § 443.29. That section is titled “Rates Charged Against Premises” and is entirely concerned with rubbish disposal. What does ‘Mill and Overlay’ road paving have to do with rubbish disposal? As the Notice does not accurately indicate the authority it is acting under, property owners have not had sufficient notice of how to respond and participate in this process.

Limitations on the City’s Taxing Power

The ‘Mill and Overlay’ is a tax, not a fee. This is well established in existing case law, and specifically discussed in the Minnesota Supreme Court’s opinion in *First Baptist Church of St. Paul*.

[M]any of the services funded through the ROW assessment benefit the general public in precisely the same manner as they benefit the properties assessed. See 84 C.J.S. *Taxation* § 3 (2010); 71 Am. Jur. 2d *State and Local Taxation* § 12 (2012) (stating that a true fee “benefits the party paying the fee in a manner not shared by other members of society”); *Nat’l Cable Television Ass’n v. U.S.*, 415 U.S. 336, 340–41, 94 S.Ct. 1146, 39 L.Ed.2d 370 (1974) (explaining that, by their nature, fees are charged in exchange for services that benefit the payer in a manner “not shared by other members of society”). Fixing potholes, chip-sealing deteriorating streets, maintaining traffic signs and pavement markings, and plowing and controlling snow and ice make it easier and safer for all Saint Paul residents, commuters, and visitors, not just property owners, to use the rights-of-way.

In this case, the common benefit of the right-of-way services to all who use the city streets was recognized by a longtime Saint Paul City Engineer, who the City provided as an expert for the Churches to depose about the ROW assessment program. When questioned about whether the assessed properties obtain a special benefit from right-of-way maintenance services, the engineer stated that “everyone benefits by having streets plowed, by having streets swept” and that everyone, including those who do not own property in Saint Paul, “benefit [s] by being able to navigate on a well-maintained transportation network.” The engineer's testimony is consistent with *Country Joe*, in which we recognized that “improvements to public roads benefit the public in general, not only the bordering property owners.” 560 N.W.2d at 686 (quoting *Wielepski v. Harford Cty.*, 98 Md.App. 721, 635 A.2d 43, 47 (1994), vacated on other grounds by *Harford County v. Wielepski*, 336 Md. 281, 648 A.2d 192 (1994)). Cf. *Aldrich v. City of Minneapolis*, 52 Minn. 164, 168, 53 N.W. 1072, 1073 (1893) (recognizing that obstructions in the public right-of-way do “no special or peculiar damage” to abutting property owners, but “merely ... interfere[] with [the owner's] right to use a public highway, a right which [the owner has] in common with the rest of the public”). In other words, the ROW assessment “benefit[s] the public in general” in a manner characteristic of a tax. *Country Joe*, 560 N.W.2d at 686.

Finally, our conclusion that the ROW assessment is an exercise of the taxing power—a tax—rather than the police power—a fee—is consistent with the way other jurisdictions have addressed very similar questions.

First Baptist Church of St. Paul v. City of St. Paul, 884 N.W.2d 355, 362 (Minn. 2016).

As an exercise of the taxing power, a special assessment is subject to constitutional restrictions. *First Baptist Church of St. Paul*, 884 N.W.2d 355 (Minn. 2016). As a limitation on a municipality’s power, special assessments are only valid:

- If the assessed property receives a “special benefit” from the improvement.
Id.
- If the special assessment imposed does not exceed the “special benefit” conferred on the assessed property by the improvement. *Id.* The amount of the special benefit is determined by the increase in the market value of the property attributable to the improvement. *Id.*
- If the special assessment is uniform upon the same class of property.

Id.; *Brisbee v. City of Fairmont*, 593 N.W.2d 714, 718 (Minn. App. 1999); *Tri-State Land Co. v. City of Shoreview*, 290 N.W.2d 775, 777 (Minn. 1980); *Lunderberg v. City of St. Peter*, 398 N.W.2d 579, 583 (Minn.App. 1986).

Of note, again the Notice, perhaps in error, indicates its authority to levy this tax by reference to the rubbish disposal statute, Minn. Stat. § 443.29. Under Minn. Stat. § 429.021 subdivision (1), subsection (1) the City has authority to make improvements, including paving to the roads. However the City’s authority to make improvements does not include an express authority to make tax assessments. Subsections (20) and (21) are the only areas of the subdivision that expressly include a power of the City ‘to assess affected property owners’, and those improvements are limited to those concerning utilities or a voluntary energy improvement.

The Mill and Overlay Work Does Not Benefit the Assessed Properties

First Baptist reiterated the court’s recognition in *Country Joe* that “improvements to public roads benefit the public in general, not only the bordering property owners.” 560 N.W.2d at 686. “Fixing potholes, chip-sealing deteriorating streets, maintaining traffic signs and pavement markings, and plowing and controlling snow and ice make it easier and safer for all Saint Paul residents, commuters, and visitors, not just property owners, to use the rights-of-way.” *First*

Baptist Church of St. Paul v. City of St. Paul, 884 N.W.2d 355, 362 (Minn. 2016). “The Minnesota legislature has not conferred on municipalities the power to tax some individuals for improvements that will benefit the public at large. The courts of Minnesota cannot supply what the legislature has not.” *Country Joe, Inc. v. City of Eagan*, 548 N.W.2d 281, 286 (Minn. App. 1996), *aff’d* 560 N.W.2d 681 (Minn. 1997).

The Mill and Overlay Does Not Improve the Market Value of My Home

Under Minnesota law, the amount of the special benefit is determined by the increase in the market value of the property attributable to the improvement. *Supra*.

Pursuant to St. Paul Charter Sec. 14.01.1(3), 14.01.4(2). Minn. Stat. § 429.051, the defining characteristic of the assessments is that it be tied to the benefit conferred onto the property. St. Paul Charter Section 14.01 specifically states that “[t]he city shall have the power to levy assessments to pay all or any part of the cost of improvements as are of a local character, but in no case shall the amounts assessed exceed the benefits to the property.”

Here, the assessment was calculated by multiplying the linear frontage of each non-exempt property along Victoria Street by half the cost per linear foot of the work. Linear frontage has virtually no relation to any projected increase in value deriving from the improvement. As such, the \$4,894.50 is arbitrary. The City has not conducted any investigation into property valuation.

Instead, it is more likely that if our property is expected to be burdened with this type of tax bill every 10 years (when Mill and Overlay should be required) that the value of my home would decrease due to the higher tax burden. Linear frontage is a very poor source to use when computing benefit of a commuter road. If my lot were the same size, but with the front 60 linear feet facing Victoria instead of facing Osceola, I would have the exact same benefit as from the mill and overlay work, but my tax assessment would be \$2,936.70 less.

As indicated in *Country Joe* and *First Baptist Church*, public roads are enjoyed by everyone, not just the properties along Victoria Street. Of the many daily travelers along Victoria, the property owners along the street represent a very small fraction of the use. It is those same travelers, including the residents of adjacent streets, who are reaping the benefit of the mill and overlay work.

We Are Being Charged Much More Than Our Neighbors For Street Maintenance

Victoria Street is a ‘major collector’ road, a plow route, and an emergency vehicle route. Its heavy traffic use is the reason it requires the expensive mill and overlay work, instead of seal coating. My next door neighbor on Osceola, can expect to pay merely \$4.71 per linear foot for seal coating work, versus the \$32.63 being assessed against my property. For a 60 feet of linear frontage that is merely \$282.60. Corner lots like ours are hit especially hard by this type of assessment because lots are deeper than they are wide. And as a corner lot, we will be asked to pay again toward street maintenance when Osceola Avenue receives its seal coating work.

APPLICABLE STATUTES

1. St. Paul Charter Sec. 14.01 – Power to Levy assessments. “The city shall have the power to levy assessments to pay all or any part of the cost of improvements as are of a local character, but in no case shall the amounts assessed exceed the benefits to the property.”
2. St. Paul Charter Sec. 14.01.1 subsection (3). “In estimating the benefits to any particular lot, piece or parcel of land, the property city officers shall consider the owner’s interest therein, the form and position of the several parcels of land, the qualified rights of the owners, and any other circumstances rendering the improvement beneficial to him or them.”

3. St. Paul Charter Sec. 14.01.4 – Appeal. Subsection (2). “The defense to an assessment shall be that the assessment is fraudulent, or that it is made upon a demonstrable mistake of fact or law, or that the assessment is in an amount in excess of the actual benefits to the property.”
4. Minn. Stat. § 429.051 – Apportionment of Cost. “The cost of any improvement, or any part thereof, may be assessed upon property benefitted by the improvement, based upon the benefits received.”
5. Minn. Stat. § 443.29 – Rates Charged Against Premises. “The rates for rubbish disposal shall be a charge against the premises from which rubbish is collected...”
6. Minn. Stat. § 429.021 – Local Improvements, Council Powers.

The counsel of a municipality shall have power to make the following improvements:


(1) To acquire, open, and widen any street, and to improve the same by construction, reconstruction, and maintaining sidewalks, pavement gutters, curbs, and vehicle parking strips....

(20) To access affected property owners for all or a portion of the costs agreed to with an electric utility. Telecommunications carrier, or cable system operator to bury or alter a new or existing distribution system within the public right of way that exceeds the utility’s design and construction standards, or those set by law, tariff, or franchise, but only upon petition under section 429.031, subdivision 3.

(21) To access affected property owners for repayment of voluntary energy improvement financings under section 216C.436, subdivision 7, or 216C.437, subdivision 28.

For the reasons stated above, and those articulated on our website www.victoriastreetassessment.com which we herein incorporate by reference and attached relevant portions thereof as Exhibit C, we oppose this tax assessment.

Dated: April 2, 2019

By: 
Christina Anderson

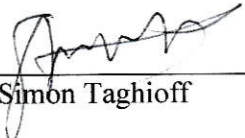
By: 
Simon Taghioff

Exhibit A



City of Saint Paul INVOICE

OWNER OR TAXPAYER

Christina R Anderson
Simon Taghioff
859 Osceola Ave
St Paul MN 55105-3329

Property Address: 859 OSCEOLA AVE
Property ID Number: 02-28-23-43-0118
Project Number: 185505
AMOUNT DUE: \$ 4,894.50

PROPERTY TAX DESCRIPTION

SUMMIT PARK ADDITION TO ST. PAUL IN RAMSEY COUNTY, MINNESOTA LOT 15 BLK 14

FEE FOR WORK PERFORMED Mill and Overlay: Victoria Street from Summit to Saint Clair (2018)

ASSESSMENT CALCULATION Mill and Overlay - Residential Street 150.00 X \$32.63 / foot = \$4,894.50

FEE AUTHORIZATION The City of Saint Paul is authorized under Chapter 429 of the Minnesota State Statutes and Chapters 62 and 64 of the Saint Paul Administrative Code to charge fees to property owners for various services provided through its Street Maintenance Service Program. Those services include Mill and Overlay and Sealcoating projects.

PAYMENT INFORMATION You may pay the full amount of your fee or a portion of it by **2/1/2019** without interest. Please enclose the lower portion of this invoice with your payment.

If you do not pay the fee by **2/1/2019**, the amount due will become an assessment on your property. Each year an installment will be sent to Ramsey County for collection with your property taxes. Any unpaid amount will be charged interest at **2.50%** per year, plus an annual **\$1.30** flat fee per city ordinance to cover administrative costs related to the assessment.

Per city ordinance you will be allowed **10** years to pay the assessment. If you wish to shorten the term of the assessment, the City will accept additional payments each year until **NOVEMBER 15th**.

Returned checks are subject to a \$30.00 returned item fee.
(Continued on reverse side.)

(Return this portion with your payment)

OWNER OR TAXPAYER

Christina R Anderson
Simon Taghioff
859 Osceola Ave
St Paul MN 55105-3329

Property Address: 859 OSCEOLA AVE
Property ID Number: 02-28-23-43-0118
Project Number: 185505
AMOUNT DUE: \$ 4,894.50

Make checks payable to the **CITY OF SAINT PAUL** and mail to:

Office of Financial Services - Assessments
700 City Hall
15 West Kellogg Boulevard
Saint Paul MN 55102 - 1658

- PAYMENT** 1. Detach the bottom portion of this invoice and mail it with your payment to the address below.
- OPTIONS** 2. Pay online from your checking/savings account at www.stpaul.gov/assessments. No additional fee.
3. Pay online using a credit/debit card at www.stpaul.gov/assessments. Bank fee of 2.49%
4. Pay in person with the City of Saint Paul Assessment Section at 700 City Hall, 15 W. Kellogg Blvd.

QUESTIONS If you have questions about your fee, call **651-266-8858**. City staff are also available to answer your questions in person. We are located on the 7th floor of the City Hall / Courthouse, 15 W. Kellogg Blvd., St. Paul.

Tenemos a su disposición servicios de intérpretes gratuitos 651-266-8858. Adeegyada tarjumaada oo lacag la'aan ah ayaad helaysaa 651-266-8858. Yog koj xav tau tus neeg pab txhais lus dawb 651-266-8858.

THIS SECTION APPLIES ONLY IF THE FEE IS NOT PAID BY THE DUE DATE AND IS LATER APPROVED AS AN ASSESSMENT

DEFERRED PAYMENTS Persons 65 and older or permanently disabled may qualify for deferred payment of the assessment. If it would be a hardship and you homestead the property, you may apply for deferred payment.

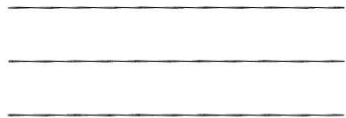
This is not a forgiveness of payment. It is a deferred payment plan in which interest continues to accrue. Payment may not be deferred longer than the term of the special assessment.

For more information on deferments, please call **651-266-8858**.

APPEAL City Council approval of assessments are subject to appeal in the Ramsey County District Court. You must file a notice stating the grounds for the appeal with the City Clerk within 20 days after the order adopting the assessment. You must file the same notice with the Clerk of District Court within 10 days after filing with the City Clerk.

NOTE: Failure to file the required notices within the times specified shall forever prohibit an appeal of the assessment.

Section 64.06 of the Saint Paul Administrative Code requires regular assessment payments to be made even if an assessment is under appeal. If the appeal is successful, the payments including interest will be refunded.



PLACE
STAMP
HERE

OFFICE OF FINANCIAL SERVICES – ASSESSMENTS
700 CITY HALL
15 WEST KELLOGG BOULEVARD
SAINT PAUL, MN 55102-1658



CITY OF SAINT PAUL
OFFICE OF FINANCIAL SERVICES – ASSESSMENTS

*700 City Hall
15 West Kellogg Boulevard
Saint Paul, MN 55102-1658*

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12/31/2018
US POSTAGE \$000.47[®]



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Return Service Requested

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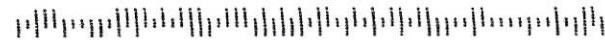


Exhibit B



Saint Paul City Council Public Hearing Notice Ratification of Assessment

OWNER OR TAXPAYER

Christina R Anderson
Simon Taghioff
859 Osceola Ave
St Paul MN 55105-3329

ASSESSMENT #185505
PROPERTY ADDRESS
859 OSCEOLA AVE
PROPERTY ID NUMBER
02-28-23-43-0118

THE PUBLIC HEARING TIME: Wednesday, April 03, 2019 at 5:30 PM
PLACE: City Council Chambers, 3rd Floor City Hall-Court House
Written or oral statements by any owner will be considered by the Council at this hearing.

PURPOSE To consider approval of the assessment for:
Mill and Overlay: Victoria Street from Summit to Saint Clair (2018)

ASSESSMENT CALCULATION Mill and Overlay - Residential Street: 150.00 feet X \$32.63 / foot = \$ 4,894.50

ASSESSMENT AUTHORIZATION The City of Saint Paul is authorized by ordinance to charge property owners for unpaid street maintenance charges. Unpaid fees are collected by special assessment under the authority of Minn. Stat. Chap. 443.29 and the Saint Paul City Charter by the procedure outlined in Minn. Stat. Chap. 429.

ASSESSMENT INFORMATION The proposed assessment for the above property is **\$4,894.50**. The proposed assessment may be less than the assessment calculation if you made any payments before receiving this notice. If the City Council approves the assessment you will have 30 days from the date listed above to pay without interest. Any unpaid balance will be collected with your property taxes over 10 year(s) at 2.50% interest, plus an annual \$1.30 flat fee per city ordinance to cover administrative costs related to the assessment.

THIS IS NOT A BILL. An invoice for this fee was previously mailed to you. Since the fee was not paid by the due date, it is now being processed as an assessment on your property. If you have misplaced your invoice and would like to pay during the 30-day period referenced above, please call 651-266-8858 for another invoice or simply mail payment to the address on the back and be sure to include your name and property address.

QUESTIONS If you have questions about your assessment prior to the public hearing, call **651-266-8858**.

INTERPRETERS Tenemos a su disposición servicios de intérpretes gratuitos 651-266-8858. Adeegyada tarjumaada oo lacag la'aan ah ayaad helaysaa 651-266-8858. Yog koj xav tau tus neeg pab txhais lus dawb 651-266-8858.

**PAYMENT
OPTIONS**

1. Pay online from your checking/savings account at www.stpaul.gov/assessments. No additional fee.
2. Pay online using a credit/debit card at www.stpaul.gov/assessments. Bank fee of 2.49%.
3. Pay in person with the City of Saint Paul Assessment Section at 700 City Hall, 15 W. Kellogg Blvd., St. Paul.
4. Mail payment to the address below and include your name and property address.

APPEAL City Council decisions are subject to appeal in the Ramsey County District Court. You must file a notice stating the grounds for the appeal with the City Clerk within 20 days after the order adopting the assessment. You must file the same notice with the Clerk of District Court within 10 days after filing with the City Clerk.

NOTE: Failure to file the required notices within the times specified shall forever prohibit an appeal from the assessment.

Section 64.06 of the Saint Paul Administrative Code requires regular assessment payments to be made even if an assessment is under appeal. If the appeal is successful, the payments including interest will be refunded.

**NOTICE SENT BY
OFFICE OF FINANCIAL SERVICES - ASSESSMENTS
700 CITY HALL
15 WEST KELLOGG BOULEVARD
SAINT PAUL, MN 55102-1658**



CITY OF SAINT PAUL

OFFICE OF FINANCIAL SERVICES – ASSESSMENTS

700 City Hall
15 West Kellogg Boulevard
Saint Paul, MN 55102-1658

neopost[®]

03/05/2019

US POSTAGE \$000.50⁰



ZIP 55101
041M12251058

Return Service Requested

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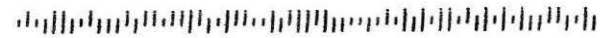


Exhibit C

We should all share the cost of our street network.

Why It's Unfair

The Model is Flawed

In 2017, St. Paul adopted a novel plan to pay for Street Maintenance. Instead of charging properties a fixed Right Of Way (ROW) fee, it would invoice every property owner directly for maintenance work done to their street.

There's an obvious problem with this: **people don't just use their own street**. Whether we're driving to work or school, meeting friends, jogging or walking the dog, we benefit from *all* the streets we use along the way. We use our neighbors' streets and they use ours.

Actually, that's not quite the whole picture.

- Not every street gets used equally. Major thoroughfares like Victoria Street and the others named on this website get *a lot more usage* than regular residential streets. Naturally, they cost a *lot* more to maintain.
- Assessing properties based on linear frontage doesn't make sense. It doesn't reflect lot size, home value, or anything else that matters. Each resident along a street, and in every adjacent street, and in the wider community, gets the same benefit from a commuter road.

And instead of getting an inexpensive seal coat like the surrounding streets, these streets get mill & overlay, a vastly more expensive process. Because the city charges 50% of the cost of this work to property owners along these streets, they end up paying **7x-25x what their next door neighbor pays** to maintain our street network.

Comparing Costs

Property owners along mill & overlay streets are being assessed between 7x and 25x the amount their next door neighbor pays.

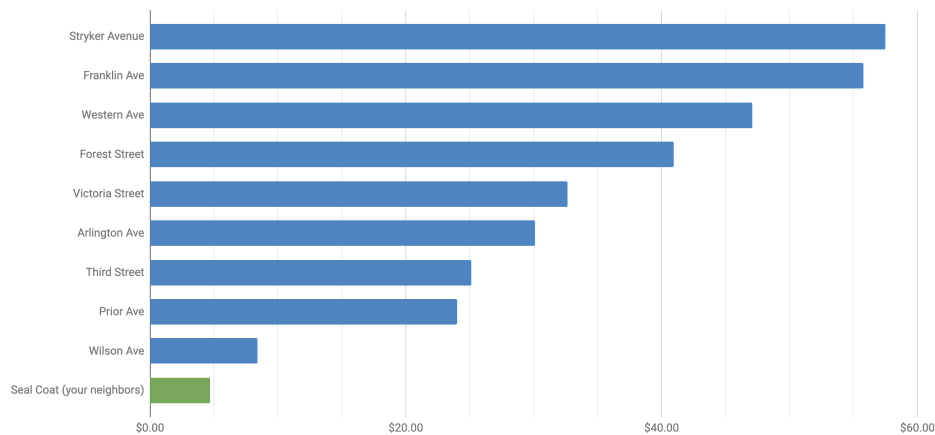
The city's formula allocates the cost of street maintenance as follows (per their [website](#)):

- Fees are based on multiplying your property's street frontage by a rate per foot.
- The rate set for each service is intended to recover the actual cost of providing that service, with two exceptions:

1. For mill and overlay projects, the fee to property owners is reduced to recover only 50% of the actual cost. The City pays the remaining 50%.
2. For residential properties 1-4 dwelling units with multiple street or alley frontages (such as corner properties), the fee to property owners is reduced to recover only 50% of the actual cost of all street and alley maintenance services.

Seal coating costs **\$4.71 per linear foot**, whereas the estimated rate per linear foot for mill & overlay varies per project. In 2018, the average for a project was **\$71.44 per linear foot** with the most expensive rate at **\$115.00 per linear foot** (50% assessed to property owners). Here's all the assessed rates for 2018:

St. Paul Mill & Overlay 2018 Assessed Cost Per Linear Foot

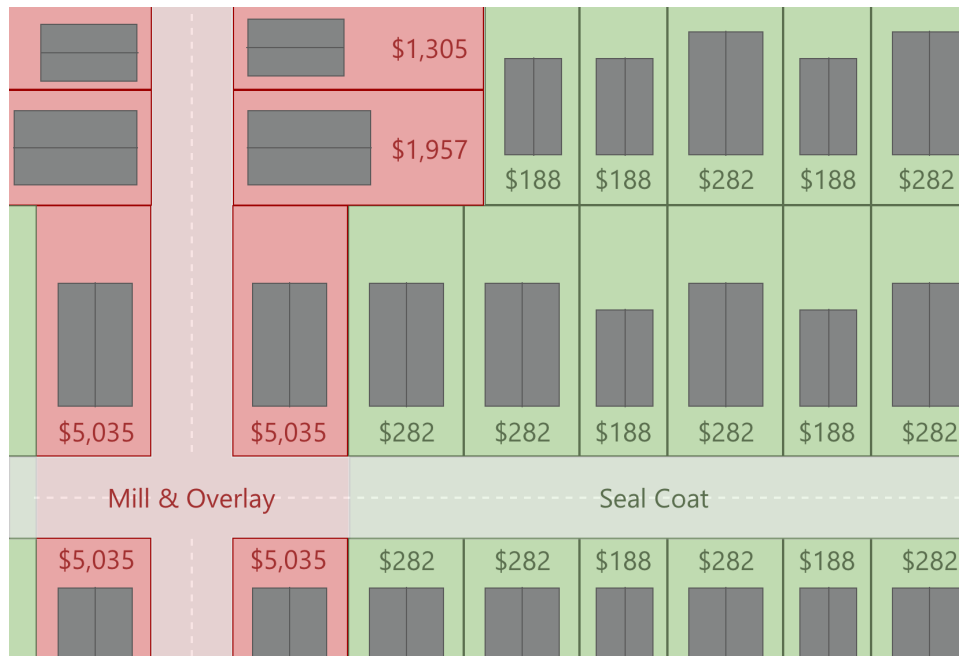


How does this translate into actual costs to property owners?

- The average city lot is 40-60ft wide but 150ft long.
- Property owners on regular (seal coat) streets pay \$4.71 x 40-60ft, i.e. between \$188-\$282.
- Property owners on Victoria street have been invoiced \$32.63 x 40-60ft, or between \$1,305-\$1,957. Some rates are as high as \$57.50 per linear foot, i.e. \$2,300-\$3,450.

- Corner property owners on regular streets would be charged 50% when each of their corner streets received a seal coat – \$447.45-\$494.55.
- Corner property owners on Victoria Street will be charged 50% of the cost of mill & overlay work on the long side of the lot (\$32.63 x 150 i.e. \$4,894.50) AND 50% of the seal coat cost of their corner street (\$4.71 x 50% x 40-60ft i.e. \$94.20-\$141.30) for a total of up to \$5,035.
- Corner Property owners on two thoroughfares (e.g. Victoria and St. Clair) will be hit AGAIN for Mill & Overlay work when their cross street is resurfaced, so can expect to be assessed around \$7,000 in total.

Here's an example of how this plays out, showing a mix of properties on adjacent streets:



A Community Benefit

The additional cost of Mill & Overlay work is necessary in the first place **only because** these streets benefit the entire community:

- Mill & Overlay streets are routinely used by fire trucks, police cars, ambulances, commercial vehicles, garbage trucks and delivery vans, for the benefit of the entire neighborhood.
- Mill & Overlay streets are generally night plow routes – often the only routes usable by everyone in a neighborhood after heavy snow.
- Mill & Overlay streets are used by all kinds of private vehicles for journeys within neighborhoods, beyond them, or for vehicles passing through.

Property owners along these streets use them too, but not especially more than their neighbors. Because they live on these streets, they are subject to greater traffic, noise, competition for on-street parking, and are disturbed by night snow plowing.

These streets cost so much to maintain *because* everyone uses them. So why should only a handful of people subsidize everyone else's usage?

A Fairer Outcome

The City has discretion to vary or disregard the proposed assessments. This time, we're asking the city to assess Mill & Overlay work in the same way it would assess Seal Coating on the same street – each property owner would pay \$4.71 per linear foot of frontage, with corner property owners paying 50%. The remainder would be met by the City.

This would put all property owners in the neighborhood on an equal footing – we'd all pay \$4.71 per linear foot towards resurfacing work on our own street, and would share the additional cost of mill & overlay with our neighbors through property taxes and other general City funding.

Ultimately, 273 properties shouldn't have to fund over \$850,000 of regular street maintenance work on their own. Let's change that.

CONTACT US

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