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**Subject:** 7/26/2023 3:30 council meeting remarks  
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My name is Caleb Moxley, and I am a resident living on Fairview Avenue. I am here today to express my concerns about this project and urge the council not to authorize this road construction.

Specifically, I do not support the project as its funding is uncertain and unfair. Currently, the city is assessing for this project using a tax-powers mechanism under the Street Maintenance and Service Program. This program was ruled in May 2023 to require a showing of special benefit to *specific property* owners. The city has only commissioned a high-level study encompassing all mill-and-overlay projects in 2023. This study, conducted by Hosch Appraisal & Consulting provides **NO** methodology and is aggregated at a level which does not provide *specific property* owners with details of their special benefit. Moreover, the study is being used to cap charges at a what the study calls a *maximum supportable special benefit*, providing greater question to the legality of the assessment. Because the April 2023 ruling requires showing special benefit at the specific-property level and because the study provides no methodology and seeks to provide *maximum* supportable special benefit rates, the city is pursuing collection of funds in a way that appears illegal and at a rate that appears most legally questionable.

Additionally, whether you look at the previous ROW program or at recent mill and overlay projects, the rates charged are *much higher than* historical charges. A similar project on Fairview a few miles north in 2022 charged at a rate *one half* (\$39.65) of what is being charged for the 2023 project (\$77.65), and the annualized ROW charge vs the 2023 mill and overlay charge is 70% higher for the 2023 project when comparing in 2023 dollars. *And the ROW program included 11 other services in addition to overlay.* The ROW program previously collected funds from all residents, but since the 2023 ruling, only adjacent properties can be billed. This will shift all cost sharing for major arterial roads (which are more expensive and which benefit all St Paul residents) to only residents of those roads. So not only do the charges appear to be legally indefensible, they clearly over-burden Fairview residents to pay for arterial streets which benefits all residents.