

Moermond, Marcia (CI-StPaul)

From: Moermond, Marcia (CI-StPaul)
Sent: Monday, October 24, 2016 12:12 PM
To: 'Jack Hoeschler'; 'John G Hoeschler'
Cc: Moser, Lynn (CI-StPaul); Veith, Lisa (CI-StPaul); Vang, Nhia (CI-StPaul); Sisk, Cheri (CI-StPaul); ferdpeters@ferdlaw.com; Wildfang, K. Craig
Subject: RE: Specific Requests for Corrections of Factual Problems re ROW assessments

Dear Mr. Hoeschler,

The link provided (stpaul.legistar.com/Calendar.aspx) is on the Council's page on the City's website. It's labeled "Council Agendas, Minutes & Videos"

Marcia Moermond

From: Jack Hoeschler [mailto:JGHoeschler@comcast.net]
Sent: Monday, October 24, 2016 11:19 AM
To: Moermond, Marcia (CI-StPaul); 'John G Hoeschler'
Cc: Moser, Lynn (CI-StPaul); Veith, Lisa (CI-StPaul); Vang, Nhia (CI-StPaul); Sisk, Cheri (CI-StPaul); ferdpeters@ferdlaw.com; Wildfang, K. Craig
Subject: RE: Specific Requests for Corrections of Factual Problems re ROW assessments

Dear Ms. Moermond,

You are correct, the handout I gave to you and the document I sent to the Council are substantially the same.

I look forward to seeing what, if anything, is changed as a result of the hearings. Thank you for your assistance. By the way, is there any meaningful difference between the legistar URL and the city's URL since most people look at the latter to find answers to our questions? I assume that a search from the city's website will lead to legistar. Is that correct?

Jack Hoeschler

John G. Hoeschler, PA
800 Lone Oak Road
Eagan, MN 55121
jghoeschler@comcast.net
651-324-1694

From: Moermond, Marcia (CI-StPaul) [mailto:marcia.moermond@ci.stpaul.mn.us]
Sent: Monday, October 24, 2016 10:41 AM
To: John G Hoeschler; jghoeschler@comcast.net
Cc: Moser, Lynn (CI-StPaul); Veith, Lisa (CI-StPaul); Vang, Nhia (CI-StPaul); Sisk, Cheri (CI-StPaul)
Subject: RE: Specific Requests for Corrections of Factual Problems re ROW assessments

Mr. Hoeschler,

The attachment you forwarded appears to be identical to the one you provided in the October 14, 2016 hearing. Is this the case?

With respect to the timing of our determinations and recommendations, there has been no change since we spoke on the matter in the hearing and provided a handout with the language below. I hope your time away is enjoyable.

Sincerely, Marcia Moermond

2016 Right-of-Way Maintenance Program and 2016 Above-Standard Lighting Operation and Maintenance Program

Factual determination regarding your non-constitutional objections will be available by noon of October 28th for the **November 2, 2016 City Council Meeting agenda**. For details, visit stpaul.legistar.com/Calendar.aspx.

If you disagree with the determination of the facts or would like to address the Council, you may appear, in person, or be represented by an authorized individual, before the City Council.

Hearing time **Wednesday, November 2, 2016 at 5:30 PM**
and location: **Council Chambers, 3rd Floor, City Hall**
15 Kellogg Boulevard West, Saint Paul, MN 55102

You may appeal an assessment to district court pursuant to Minn. Stat. Sec. 429.081 by serving a notice of the appeal upon the mayor or city clerk within 30 days after the adoption of the assessment and filing such notice with the district court within ten days after service upon the mayor or clerk.

From: John G Hoeschler [<mailto:jghoeschler@gmail.com>]
Sent: Friday, October 21, 2016 7:23 PM
To: Moermond, Marcia (CI-StPaul); Moser, Lynn (CI-StPaul); Veith, Lisa (CI-StPaul)
Cc: jghoeschler@comcast.net
Subject: FW: Specific Requests for Corrections of Factual Problems re ROW assessments

October 21, 2016

Ladies,

Since I will be leaving for London for two weeks next Friday, I am concerned that I be able to review and respond to your decisions regarding the factual objections I raised in my email after the hearing last Friday. Can you let me know your decision or where I can find it on the city's website and when it will be posted. As you likely know, I have sent an expanded version of my Summary of Objections to the Mayor and Council since I will not be able to make the objections in person at the Council meeting. I hope that we can have an intelligent exchange of views and arguments before I leave so that the Council will have some meat to chew on before and at their meeting.

Thank you for your consideration and cooperation.

John G. Hoeschler

jghoeschler@gmail.com (*personal*)
jghoeschler@comcast.net (*business*)
651-324-1694 (cell)

From: John G Hoeschler [<mailto:jghoeschler@gmail.com>]
Sent: Sunday, October 16, 2016 11:17 AM
To: 'Lynn.moser@ci.stpaul.mn.us' <Lynn.moser@ci.stpaul.mn.us>; 'lisa.veith@ci.stpaul.mn.us' <lisa.veith@ci.stpaul.mn.us>; 'marcia.moermond@ci.stpaul.mn.us' <marcia.moermond@ci.stpaul.mn.us>

Cc: 'jghoeschler@comcast.net' <jghoeschler@comcast.net>; 'Engelbrekt, Bruce (CI-StPaul)' <bruce.engelbrekt@ci.stpaul.mn.us>

Subject: Specific Requests for Corrections of Factual Problems re ROW assessments

October 16, 2016

Everyone,

In response to Ms. Moermond's request, I am sending to Ms. Moser with copies to Ms. Moermond and Ms. Veith my summary of the specific properties with problems that I pointed out at the hearing on Friday as needing more attention. For convenience, these are broken down into several categories. In addition, I am attaching an electronic copy of the summary of arguments that I presented at the hearing on Friday afternoon. I hope that Ms. Moermond will find the electronic version of this document helpful as she prepares her report to the council. In addition, I repeat my request that when Ms. Moser and Mr. Spah provide written answers for the record, that Ms. Moermond either forward to me a copy or tell me where and when I can find copies on the city's website.

1. Incorrect assessment for adjacency to streets that cannot be accessed due to grade or legal constraints:

McCann/Update: Raymond	29.29.23.13.0060 \$2,355.28	970 Raymond	CI 2 Commercial vs.
Bolander: Wabasha	05.28.22.33.0046 \$3,832.33	Starkey offices	CI 2 commercial vs.
Br.	\$2,704.58	.0062 Starkey Yard	CI 2 Commercial vs. Robert
Town & Country Club: Blvd	32.29.323.34.0018 \$2,904.18	Swimming Pool off Otis	CI 2 Commercial vs. Miss R
Blvd	\$8,138.60	.0013 Clubhouse off Otis	CI 2 commercial vs. Miss R
Le Auto: Alley	36.29.23.31.0033 \$ 92.82	480 Univ. Ave Garage	CI 2 commercial vs

We ask that these wrongful assessments be changed before the November 2 council meeting and resolution. The McCann/Update parcel has already been corrected re a traditional capital cost assessment and all of these should similarly be corrected for this operating cost assessment.

2. Inconsistent and Incorrect Treatment of Mn. Commercial Ry and MPR:

Minnesota Commercial Railway:

exempt	\$ 407.00	20.29.23.23.0004	CI 2 residential
commercial	\$ 349.20	32.0004	CI 2
exempt	\$ -0-	.0005	CI 3 Residential
\$ -0-		.0006	" " " "
\$ -0-		.0011	" " " "

		.0030	" " " "
\$ -0-			
Exempt	\$ 32.56	.0032	CI 2 Residential
		33.0006	" " " "
\$ 610.50			
Commercial	\$ 628.74	.0016	CI 2
Commercial	28.29.23.33.0006		CI 2
Exempt	\$ 169.66	.32.0015	CI 2 Residential
Exempt	\$3,622.30		
Commercial	\$ 179.64	.0018	CI 2
Exempt	29.29.23.13.0014		CI 3 Residential
Exempt	\$ -0-	.0015	CI 2 Residential
Exempt	\$1,804.15	.14.0008	CI 2 residential
Exempt	\$ -0-	.21.0019	CI 3 Residential
exempt	\$ -0-	.22.0003	CI 3 Residential
exempt	\$ -0-	.0005	CI 3 Residential
Exempt	\$ 142.45	32.29.23.14.0018	CI 2 commercial
exempt	\$ -0- with residential ASL	33.24.23.22.0027	CI 2 commercial
Commercial	\$ 389.22	.0035	CI 2
exempt	\$ 337.81	.23.0010	CI 2 commercial
exempt	\$ -0- with residential ASL	33.29..33..22.0027	C; 2 commercial

Minnesota Public Radio

bisecting	\$6,451.68	31.29.22.43.0506	Main bldg. with 9th
Residential	\$ 152.00	32.29.23.23.0028	CI 3
Commercial	\$1,247.50	.0030	CI 2
commercial	\$1,174.40	.0030	CI 3
commercial	\$ 293.60	.0031	CI 3
Commercial	\$ 293.60	.0032	CI 3

	.0033	CI 3
Commercial	\$ 293.60	
	.0034	CI 3
commercial	\$ 293.60	
	.0035	CI 3
Commercial	\$ 293.60	
	.0036	CI 3
commercial	\$ 293.60	
	.0045	CI 2
commercial	\$1,297.40	
	.0045	CI 3
Commercial	\$3,325.02	

Both of these organizations are tax exempt and should be treated, according to the staff's unwritten policy, as residential regarding their properties outside of downtown. Clearly the city has both faulty data and also gives inconsistent treatment of that data as well. It is not sufficient for the city to rely on county data that may be incorrect or guided by rules and standards that are inconsistent with city rules. We request that these mistakes be immediately corrected as part of the hearing process before the November 2 resolution is passed.

3. Inconsistent and inappropriate street designations as shown on city map:

The fact that the staff cannot find (and claims the non-existence of) a crucial map showing the designation of street and district types when that map was previously supplied to counsel by the city engineer is indicative of the haphazard manner in which the system is run and the difficulties that staffers as well as mere citizens have in getting correct and consistent data. Further searching will no doubt allow staff to provide the electronic version of the map in readable form consistent with the order of the hearing officer. At the same time, we renew our request that Public Works provide a copy of any standards, definitions or other rules that pertain to the designation of various streets as commercial (2,3,4, etc.) and residential (2,3,4, etc.). We look forward to Mr. Spah's report.

When the map is found, the attention of the hearing officer and the public works department personnel to the following inconsistent and inappropriate designations is requested:

- a. Eaton Street changes from a CI 2 commercial designation to a residential designation east of Lafayette freeway to a lower designation east of that in the industrial park. It is inconceivable that the snow plow makes such distinctions in its rounds. The street should clearly be a CI 3 commercial street.
- b. River Park Plaza and Alabama Street between Filmore and the river are shown as class 3 residential when there are no residential uses anywhere in the area. This is an office park and industrial area. These streets should be afforded class 3 commercial service and designation.
- c. Montreal Avenue and Way east of Elway is wrongly designated as residential even though it serves an industrial park and should be provided with class 3 commercial designation since that clearly is the service it receives.
- d. The Class 2 commercially designated streets in the backwater industrial area East of Raymond and north of University Avenue should also be similarly designated as Class 3 commercial since it is inconceivable that this area and University Avenue get the same service. If they do, University Avenue is being underserved given its much greater traffic and special LRT R/W requirements.
- e. Comparable or somewhat superior streets in Energy Park such as Bandana Blvd W and Energy Lane and Norris Circle are all designated as Residential 3. Instead, they should be commercial 3 similar to a corrected designation for the area east of Raymond (Capp Road, Wycliff) and Myrtle south of University adjacent to and W of the Cole Sewell protesting parcels. The designation of industrial streets is especially inconsistent throughout the city and should be

corrected. But the corrections should not be a simple default to Commercial 2--clearly Grand, University and Rice streets deserve markedly better and superior service to these industrial streets. If the city wishes to designate all industrial streets as residential 3, we would, of course not object.

Finally, I would also like to ask why the Mayor's 2017 budget shows only \$825,395 coming from tax exempt properties in 2015 actuals on page 30 of the Financing by Company and Department page for the Public Works Department ROW Maintenance Fund. If that is the right figure for income from the tax exempts, it should be compared with the figure for income foregone by failure to assess more than the ground floor of highrise buildings. No wonder our streets are in such bad shape and the city has no money to fix them. No wonder BOMA is so pleased with the current program. It seems to me that if your factual report to the council would point out these two numbers, a lot of eyes would be opened. I leave this to you.

I want to thank you all for your patience in going through the properties with me. As I indicated, we could have saved a lot of time had I been allowed to meet separately with Ms. Moser or someone else in PW accounting to flush out the real properties of interest and difficulty. Those parcels that merely have constitutional issues could have been more easily and quickly set aside.

I realize this problem has been dumped on you and that you have limited ability to solve it. Nevertheless, I think that someone on the staff side needs to stand up and tell the council that the system has serious problems that need to be fixed or else the entire system should be scrapped. For too long, in my humble view, the council has been lulled into believing that they merely need to come up with a politically feasible way to allocate public works assessments. That, as the Supreme Court has said, is not the test. But even the existing system must be fairer, more consistent and transparent. The disappointment express by Mr. Skally is indicative of the problem that must be addressed before the city digs itself deeper into a hole.

Thank you for your help and efforts to understand that the devil is in the details when it comes to municipal finance.

Jack Hoeschler

John G. Hoeschler

jghoeschler@gmail.com (personal)

jghoeschler@comcast.net (business)

651-324-1694 (cell)