

From: [Penprase, Asha B.](#) on behalf of [MPL.LSS Team 1](#)
To: [*CI-StPaul_Contact-Council](#); [CouncilHearing \(CI-StPaul\)](#); [*CI-StPaul_CityClerk](#)
Cc: [Eastburn, Benjamin](#)
Subject: Cossetta's Letter Objecting to Hearing and Proposed Enlargement of Saint Paul Downtown Special Services District
Date: Tuesday, July 18, 2023 10:26:20 AM
Attachments: [2023 07 18 Letter Opposing SSD With Attachments.pdf](#)

On behalf of Ben Eastburn, please see the attached.

Regards,

Asha Penprase

Asha B. Penprase

Legal Administrative Assistant

Pronouns: They/Them

STINSON LLP

50 South Sixth Street, Suite 2600

Minneapolis, MN 55402

Direct: 612.335.1867

[STINSON.COM](#)

This communication (including any attachments) is from a law firm and may contain confidential and/or privileged information. If it has been sent to you in error, please contact the sender for instructions concerning return or destruction, and do not use or disclose the contents to others.

July 18, 2023

Via Hand Delivery and Email

Saint Paul City Council
15 Kellogg Blvd. West
310 City Hall
Saint Paul, MN 55102
Contact-Council@ci.stpaul.mn.us
CouncilHearing@ci.stpaul.mn.us

Saint Paul City Clerk
Attn: Shari Moore
15 Kellogg Blvd. West
310 City Hall
Saint Paul, MN 55102
cityclerk@ci.stpaul.mn.us

**Re: Opposition to Hearing And Prospective Ordinance to Enlarge Saint Paul
Downtown Special Service District**

Dear Ladies and Gentlemen:

This firm represents Cossetta's, Inc., and its associated entities (including Bocce, LLC) (collectively, "Cossetta's") with respect to real property owned by Cossetta's at 207, 211 Seventh St. W.; and 212 Smith Ave. N., Saint Paul, Minnesota 55102.

It is Cossetta's understanding that some property owners have filed petitions under Minnesota Statutes Chapter 428A, to enlarge the current Downtown Special Service District ("SSD"). Cossetta's properties listed above are located within the proposed enlargement of the SSD. Cossetta's further understands that the Saint Paul City Council intends to hold a public hearing on the proposed enlargement on Wednesday, July 19, 2023, at 3:30 pm.

Cossetta's objects to the City Council holding a public hearing on this matter, because the statutory prerequisites for doing so have not been met. Under Minn. Stat. § 428A.02, subd. 2,¹ "[n]ot less than ten days before the hearing, notice must also be mailed to the owner of each parcel within the area proposed to be included in the district." Cossetta's did not receive the requisite notice until July 12, 2023, which is only a week before the scheduled hearing. Thus,

¹ Before an SSD can be enlarged, under Minn. Stat. § 428A.04, the notice requirements of Minn. Stat. § 428A.02, subd. 2, must be applied "in the original district and in the area proposed to be added to the district."

Cossetta's believes that the statutory notice requirements have not been met. The City Council should not hold a hearing under such circumstances. Indeed, the primary purpose of notice requirements is to allow an interested party to conduct an inquiry into how the proposed action will affect that party's rights, and thus be prepared to fully voice its opposition (or support) at a hearing. Holding a hearing on such short notice will deprive Cossetta's of that opportunity here.

In addition, and more fundamentally, the notice that Cossetta's has received—and, presumably, that other property owners have received—does not provide sufficient information for a property owner in the affected area to ascertain the basis for the proposed service charges, and the services that are purportedly going to be offered. The City Council cannot possibly expect property owners to respond to this proposal with such scant information. Indeed, one of the items that a notice must contain is “the nature and character of special services to be rendered in the district during the calendar year in which the service charge is to be collected.” Minn. Stat. § 428A.03, subd. 1(3). The notice that Cossetta's received, however, is incredibly vague, listing only the following items: “Enhanced Safe Programs, Enhanced Clean and Upkeep Programs, Communication/Public Space Activation Programs, and Management, Oversight, and Administrative Services.” There is no way for a recipient of the notice to understand with any degree of specificity what these items mean and how (or whether) they will benefit the proposed enlargement area.

Further, the notice sets out a “proposed not-to-exceed service charge rate” for year 2024 based on a rate per building square footage and front footage. But there is no indication of how those rates were derived. Moreover, there is no mention of “the estimated cost of operating and maintain the improvements . . . upon completion of the improvements,” or “the annual cost of operating and maintaining the improvements.” Minn. Stat. § 428A.03, subd. 1(2). Without the foregoing information, no property owner can reasonably respond to the proposal to enlarge the SSD. Consequently, Cossetta's objects to the form and substance of notice that it has received from the City.

Finally, under Minn. Stat. § 428A.08,

[n]o action may be taken under section 428A.02 or 428A.03, unless owners of 25 percent or more of the land area of property that would be subject to service charges in the proposed special service district and either: (1) owners of 25 percent or more of the net tax capacity of property that would be subject to a proposed service charge, based on net tax capacity; or (2) owners, individuals, and business organizations subject to 25 percent or more of a proposed service charge based on other than net tax capacity file a petition requesting a public hearing on the proposed action with the city clerk.

In the case of a proposed enlargement to an existing SSD, this petition requirement applies only to the “owners, individuals, and business organizations in the area proposed to be added to the district.” Minn. Stat. § 428A.04.

Based on the information Cossetta's has received, it appears that property owners representing 27.88% of the proposed service charges of the enlarged SSD have submitted petitions. But it has come to Cossetta's attention that at least two of those owners are withdrawing their petitions that they originally filed in support of the enlargement. Those owners can certainly speak for themselves, but for ease of reference I am attaching their declaration of withdrawal. *See Attachments 1 & 2.* By my calculation, based on the petitions that were submitted, the owners who are withdrawing their petitions represent approximately 7.3% of the proposed service charges of the enlarged SSD. Accordingly, it is no longer the case that property owners representing 25% or more of the proposed service charges of the enlarged SSD have submitted petitions. Therefore, under Minn. Stat. § 428A.08, the City Council can take no action and must not hold a hearing on or adopt an ordinance enlarging the current SSD. Further, Cossetta's has learned that another property owner fundamentally opposes the enlargement, and would like to submit a Declaration of Opposition to the proposal. *See Attachment 3.* In the face of such opposition, it would be imprudent for the City Council to push this matter through without further discussion and opportunity to investigate the proposal at length.

Moreover, Cossetta's has learned that the current proposed SSD enlargement area is different than what has been proposed previously. We believe that an earlier version of the proposed SSD enlargement area included the properties along Exchange Street South between Chestnut Street and Eagle Street. That area has been conspicuously excised from the current proposed SSD enlargement area, and the rationale seems obvious: that area contains several more properties owned by Cossetta's. Including them would have given Cossetta's significant influence—and perhaps veto power—over the proposed SSD enlargement area. That is a dubious tactic that the City Council should not countenance. And in the event the City Council intends to consider these areas for inclusion in the proposed SSD enlargement area, Cossetta's objects and opposes such an effort. *See Attachment 4.*

Although the above objections conclusively establish that the City Council should not and must not hold a hearing on or adopt an ordinance enlarging the current SSD, nevertheless, under Minn. Stat. § 428A.02, subd. 4, Cossetta's also objects to its property being included in the proposed enlarged SSD because, based on the limited information it has to date, its property would not receive services that are not already provided throughout the City to the same degree. Additionally, based on the limited information it has to date, neither Cossetta's properties nor their use will be benefited from the proposed enlarged SSD.

Cossetta's respectfully requests that this agenda item be laid over. Indeed, based on the information set forth above, it would be improper for the City Council to hold a hearing on this matter. Cossetta's is continuing to investigate the potential ramifications of this proposed enlarged SSD on its rights and interests, and thus reserves the right to modify its objections as

July 18, 2023

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more information becomes available. Please direct any future notices and correspondence to Cossetta's and to me. Thank you.

Sincerely,

STINSON LLP



Benjamin Eastburn

Attachments (as noted above)

ATTACHMENT 1

PETITION TO ENLARGE THE DOWNTOWN SAINT PAUL SPECIAL SERVICE DISTRICT
Intended To Be Filed with The Saint Paul City Clerk
Pursuant To Minnesota Statutes Chapter 428A

LEGAL OWNER: D AND B PROPERTIES LLC

APN NUMBER	SITE ADDRESS	ASSESSMENT AMOUNT (proposed service charge)	PERCENTAGE
062822230175	225 7TH ST W	\$7,008.72	3.90%
TOTALS		\$7,008.72	3.90%

YES, as owner of the above-listed property(ies), I hereby petition that the Saint Paul City Council hold a public hearing pursuant to Minnesota Statutes Section 428A.02 to adopt an ordinance enlarging the Special Service District in Downtown Saint Paul, legal known as the Saint Paul Downtown Improvement District, which the above-listed property(ies) would be subject to.

Property Owner of Record:

225 W 7th St

By my signature below, I, _____, hereby certify and declare under penalty of perjury under the laws of the State of Minnesota that I am legally authorized to accept the levy of liens (service charge assessment amounts) on the property(ies) listed above.

Property Owner Signature:

Patrick Boemer

Name (Please Print or Type):

Patrick Boemer

Title (If Applicable):

OWNER

Date:

2/14/23

Please Return To:
Saint Paul Downtown Improvement District
 428 Minnesota St., 5th Floor
 Saint Paul, MN 55101
 email: emma.burns@stpdowntownalliance.org

ATTACHMENT 2

PETITION TO ENLARGE THE DOWNTOWN SAINT PAUL SPECIAL SERVICE DISTRICT
Intended To Be Filed with The Saint Paul City Clerk
Pursuant To Minnesota Statutes Chapter 428A

LEGAL OWNER: RK VENTURES LLC

APN NUMBER	SITE ADDRESS	ASSESSMENT AMOUNT (proposed service charge)	PERCENTAGE
062822230167	258 7TH ST W	\$3,116.59	1.74%
TOTALS		\$3,116.59	1.74%

YES, as owner of the above-listed property(ies), I hereby petition that the Saint Paul City Council hold a public hearing pursuant to Minnesota Statutes Section 428A.02 to adopt an ordinance enlarging the Special Service District in Downtown Saint Paul, legal known as the Saint Paul Downtown Improvement District, which the above-listed property(ies) would be subject to.

Property Owner of Record: 258 WEST 7TH ST.

By my signature below, I, TOM RAIN, hereby certify and declare under penalty of perjury under the laws of the State of Minnesota that I am legally authorized to accept the levy of liens (service charge assessment amounts) on the property(ies) listed above.

Property Owner Signature: 

Name (Please Print or Type): TOM RAIN

Title (If Applicable): OWNER / PARTNER

Date: _____

Please Return To:
 Saint Paul Downtown Improvement District
 428 Minnesota St., 5th Floor
 Saint Paul, MN 55101
 email: emma.burns@stpdowntownalliance.org

PETITION TO ENLARGE THE DOWNTOWN SAINT PAUL SPECIAL SERVICE DISTRICT
Intended To Be Filed with The Saint Paul City Clerk
Pursuant To Minnesota Statutes Chapter 428A

LEGAL OWNER: 286 REAL ESTATE HOLDINGS LLC

APN NUMBER	SITE ADDRESS	ASSESSMENT AMOUNT (proposed service charge)	PERCENTAGE
062822230048	286 7TH ST W	\$999.02	0.56%
062822230144	286 7TH ST W	\$330.30	0.18%
TOTALS		\$1,329.32	0.74%

YES, as owner of the above-listed property(ies), I hereby petition that the Saint Paul City Council hold a public hearing pursuant to Minnesota Statutes Section 428A.02 to adopt an ordinance enlarging the Special Service District in Downtown Saint Paul, legal known as the Saint Paul Downtown Improvement District, which the above-listed property(ies) would be subject to.

Property Owner of Record: 253 WEST 7TH ST. PARTNER

By my signature below, I, Tom Rain, hereby certify and declare under penalty of perjury under the laws of the State of Minnesota that I am legally authorized to accept the levy of liens (service charge assessment amounts) on the property(ies) listed above.

Property Owner Signature: 

Name (Please Print or Type): Tom Rain

Title (If Applicable): OWNER / PARTNER

Date: 4/3/23

Please Return To:
 Saint Paul Downtown Improvement District
 428 Minnesota St., 5th Floor
 Saint Paul, MN 55101
 email: emma.burns@stpdowntownalliance.org

PETITION TO ENLARGE THE DOWNTOWN SAINT PAUL SPECIAL SERVICE DISTRICT
Intended To Be Filed with The Saint Paul City Clerk
Pursuant To Minnesota Statutes Chapter 428A

LEGAL OWNER: 280 REAL ESTATE HOLDINGS LLC

APN NUMBER	SITE ADDRESS	ASSESSMENT AMOUNT (proposed service charge)	PERCENTAGE
062822230047	280 7TH ST W	\$1,666.47	0.93%
TOTALS		\$1,666.47	0.93%

YES, as owner of the above-listed property(ies), I hereby petition that the Saint Paul City Council hold a public hearing pursuant to Minnesota Statutes Section 428A.02 to adopt an ordinance enlarging the Special Service District in Downtown Saint Paul, legal known as the Saint Paul Downtown Improvement District, which the above-listed property(ies) would be subject to.

Property Owner of Record: 258 West 7th St

By my signature below, I, Tom Reio, hereby certify and declare under penalty of perjury under the laws of the State of Minnesota that I am legally authorized to accept the levy of liens (service charge assessment amounts) on the property(ies) listed above.

Property Owner Signature: 

Name (Please Print or Type): Tom Reio

Title (If Applicable): OWNER/PARTNER

Date: 4/3/23

Please Return To:
 Saint Paul Downtown Improvement District
 428 Minnesota St., 5th Floor
 Saint Paul, MN 55101
 email: emma.burns@stpdowntownalliance.org

ATTACHMENT 3

DECLARATION RE: OPPOSITION TO ENLARGEMENT OF SPECIAL SERVICES DISTRICT

STATE OF MINNESOTA)
) ss:
 COUNTY OF RAMSEY)

1. My name is Moe Sharif, and I have personal knowledge of the matters set forth herein.
2. I am authorized to conduct business and make decisions on behalf of the following property owner(s) and corresponding property/ies:

Property Owner Name	Property Address
253 W. 7TH ST.	Moe Sharif
242 W. 7TH ST.	Moe Sharif
230 W. 7TH ST.	Moe Sharif
312 Walnut St	Moe Sharif

3. I hereby **OPPOSE and OBJECT TO** the St. Paul City Council holding a hearing on or adopting an ordinance enlarging the Downtown St. Paul Special Service District.

I declare under penalty of perjury that the foregoing is true and accurate to the best of my knowledge.

Property(ies) Owner Signature:

Moe Sharif

Name (Please Print or Type):

Moe Sharif

Title (If Applicable):

owner

Date:

7/15/23

ATTACHMENT 4

DECLARATION RE: OPPOSITION TO ENLARGEMENT OF SPECIAL SERVICES DISTRICT

STATE OF MINNESOTA)

) ss:

COUNTY OF RAMSEY)

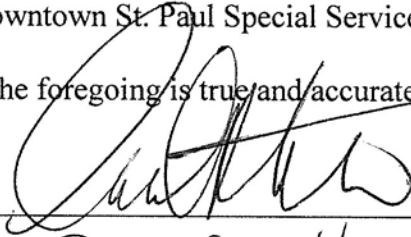
1. My name is David Cessette, and I have personal knowledge of the matters set forth herein.
2. I am authorized to conduct business and make decisions on behalf of the following property owner(s) and corresponding property/ies:

Property Owner Name	Property Address
P2A II LLC	0 Eagle St. 06-28-22-23-0181

3. I hereby **OPPOSE and OBJECT TO** the St. Paul City Council holding a hearing on or adopting an ordinance enlarging the Downtown St. Paul Special Service District.

I declare under penalty of perjury that the foregoing is true and accurate to the best of my knowledge.

Property(ies) Owner Signature:



Name (Please Print or Type):

David Cessette

Title (If Applicable):

President

Date:

7/18/23

From: [Jonathan Empie](#)
To: [*CI-StPaul Contact-Council](#); [CouncilHearing \(CI-StPaul\)](#)
Subject: Declaration of Opposition to Enlargement of Special Services District
Date: Tuesday, July 18, 2023 12:22:04 PM
Attachments: [Opposition to Enlargement of Special Services District.pdf](#)

Hello,

In addition to the letters and exhibits sent earlier today from Ben Eastburn at Stinson, please find the attached declarations regarding opposition to enlargement of the special services district for which a hearing is being held tomorrow, July 19.

These are on behalf of the following property owners:

- DJ Property & Devel | 270 7th St W
- Hope Breakfast Bar | 1 Leech Street
- Apostle Supper Club | 253 Kellog

Thank You,
Jonathan Empie

From: [Jonathan Empie](#)
To: [*CI-StPaul_Contact-Council](#); [CouncilHearing \(CI-StPaul\)](#)
Subject: RE: Declaration of Opposition to Enlargement of Special Services District
Date: Tuesday, July 18, 2023 12:26:59 PM
Attachments: [Opposition 175 Fort LLC.pdf](#)

Hello,

In addition to the letters and exhibits sent earlier today from Ben Eastburn at Stinson, please find the attached declaration regarding opposition to enlargement of the special services district for which a hearing is being held tomorrow, July 19.

This is on behalf of the following property owner:

- 175 Fort LLC DBA, Holiday Inn St. Paul Downtown | 175 West 7th Street

Thank You,
Jonathan Empie

From: [Penprase, Asha B.](#) on behalf of [MPL.LSS Team 1](#)
To: [*CI-StPaul_Contact-Council](#); [CouncilHearing \(CI-StPaul\)](#); [*CI-StPaul_CityClerk](#)
Cc: [Eastburn, Benjamin](#)
Subject: RE: Cossetta's Letter Objecting to Hearing and Proposed Enlargement of Saint Paul Downtown Special Services District
Date: Wednesday, July 19, 2023 11:40:59 AM
Attachments: [Kawaliit Bhatia Revocation.pdf](#)

Good morning:

Attached please find a supplemental attachment to yesterday's letter, including an additional declaration from a property owner who has withdrawn his petition for enlargement of the special services district.

Thank you,

Asha Penprase
On behalf of Ben Eastburn

Asha B. Penprase

Legal Administrative Assistant
Pronouns: They/Them

STINSON LLP

50 South Sixth Street, Suite 2600
Minneapolis, MN 55402
Direct: 612.335.1867

STINSON.COM

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From: Penprase, Asha B. **On Behalf Of** MPL.LSS Team 1
Sent: Tuesday, July 18, 2023 10:24 AM
To: 'Contact-Council@ci.stpaul.mn.us' <Contact-Council@ci.stpaul.mn.us>; 'CouncilHearing@ci.stpaul.mn.us' <CouncilHearing@ci.stpaul.mn.us>; 'cityclerk@ci.stpaul.mn.us' <cityclerk@ci.stpaul.mn.us>
Cc: Eastburn, Benjamin <benjamin.eastburn@stinson.com>
Subject: Cossetta's Letter Objecting to Hearing and Proposed Enlargement of Saint Paul Downtown Special Services District

On behalf of Ben Eastburn, please see the attached.

Regards,

Asha Penprase

PETITION TO ENLARGE THE DOWNTOWN SAINT PAUL SPECIAL SERVICE DISTRICT
Intended To Be Filed with The Saint Paul City Clerk
Pursuant To Minnesota Statutes Chapter 428A

LEGAL OWNER: BHATIA KAWALJIT S C/O MAHARAJAS

APN NUMBER	SITE ADDRESS	ASSESSMENT AMOUNT (proposed service charge)	PERCENTAGE
062822230132	205 7TH ST W	\$1,281.48	0.71%
062822230133	201 7TH ST W	\$672.32	0.37%
TOTALS		\$1,953.80	1.09%

YES, as owner of the above-listed property(ies), I hereby petition that the Saint Paul City Council hold a public hearing pursuant to Minnesota Statutes Section 428A.02 to adopt an ordinance enlarging the Special Service District in Downtown Saint Paul, legal known as the Saint Paul Downtown Improvement District, which the above-listed property(ies) would be subject to.

Property Owner of Record: KAWALJIT BHATIA

By my signature below, I, _____, hereby certify and declare under penalty of perjury under the laws of the State of Minnesota that I am legally authorized to accept the levy of liens (service charge assessment amounts) on the property(ies) listed above.

Property Owner Signature: _____

Name (Please Print or Type): KAWALJIT BHATIA

Title (If Applicable): OWNER

Date: 3/15/23

Please Return To:
Saint Paul Downtown Improvement District
 428 Minnesota St., 5th Floor
 Saint Paul, MN 55101
 email: emma.burns@stpdowntownalliance.org

From: [Penprase, Asha B.](#) on behalf of [MPL.LSS Team 1](#)
To: [*CI-StPaul_Contact-Council](#); [CouncilHearing \(CI-StPaul\)](#); [*CI-StPaul_CityClerk](#)
Cc: [Eastburn, Benjamin](#)
Subject: Cossetta's Supplemental Letter Objecting to Hearing and Proposed Enlargement of Saint Paul Downtown Special Service District
Date: Friday, July 21, 2023 1:50:32 PM
Attachments: [2023 07 21 Cossetta's Supplemental Letter Regarding SSD.pdf](#)

Good afternoon:

On behalf of Ben Eastburn, attached please find Cossetta's Supplemental Letter Objecting to Hearing and Proposed Enlargement of Saint Paul Downtown Special Service District.

Regards,
Asha

Asha B. Penprase

Legal Administrative Assistant
Pronouns: They/Them

STINSON LLP

50 South Sixth Street, Suite 2600
Minneapolis, MN 55402
Direct: 612.335.1867

STINSON.COM

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From: Penprase, Asha B. **On Behalf Of** MPL.LSS Team 1
Sent: Wednesday, July 19, 2023 11:26 AM
To: 'Contact-Council@ci.stpaul.mn.us' <Contact-Council@ci.stpaul.mn.us>; 'CouncilHearing@ci.stpaul.mn.us' <CouncilHearing@ci.stpaul.mn.us>; 'cityclerk@ci.stpaul.mn.us' <cityclerk@ci.stpaul.mn.us>
Cc: Eastburn, Benjamin <benjamin.eastburn@stinson.com>
Subject: RE: Cossetta's Letter Objecting to Hearing and Proposed Enlargement of Saint Paul Downtown Special Services District

Good morning:

Attached please find a supplemental attachment to yesterday's letter, including an additional declaration from a property owner who has withdrawn his petition for enlargement of the special services district.

Thank you,

Asha Penprase

On behalf of Ben Eastburn

From: Penprase, Asha B. **On Behalf Of** MPL.LSS Team 1

Sent: Tuesday, July 18, 2023 10:24 AM

To: 'Contact-Council@ci.stpaul.mn.us' <Contact-Council@ci.stpaul.mn.us>;

'CouncilHearing@ci.stpaul.mn.us' <CouncilHearing@ci.stpaul.mn.us>; 'cityclerk@ci.stpaul.mn.us' <cityclerk@ci.stpaul.mn.us>

Cc: Eastburn, Benjamin <benjamin.eastburn@stinson.com>

Subject: Cossetta's Letter Objecting to Hearing and Proposed Enlargement of Saint Paul Downtown Special Services District

On behalf of Ben Eastburn, please see the attached.

Regards,

Asha Penprase

July 21, 2023

Via Hand Delivery and Email

Saint Paul City Council
15 Kellogg Blvd. West
310 City Hall
Saint Paul, MN 55102
Contact-Council@ci.stpaul.mn.us
CouncilHearing@ci.stpaul.mn.us

Saint Paul City Clerk
Attn: Shari Moore
15 Kellogg Blvd. West
310 City Hall
Saint Paul, MN 55102
cityclerk@ci.stpaul.mn.us

Re: Supplemental Opposition to Hearing And Prospective Ordinance to Enlarge Saint Paul Downtown Special Service District

Dear Ladies and Gentlemen:

I write to supplement my letter dated July 18, 2023, which was delivered to you by email and courier on that same date. Again, this firm represents Cossetta's, Inc., and its associated entities (including Bocce, LLC) (collectively, "Cossetta's") with respect to real property owned by Cossetta's at 207, 211 Seventh St. W.; and 212 Smith Ave. N., Saint Paul, Minnesota 55102.

The City Council has laid over the agenda item related to the proposed enlargement to the Saint Paul Downtown Special Service District ("SSD") until its meeting on July 26, 2023. Cossetta's has serious concerns about a one-week delay. First, none of the defects in the City's notice to property owners have been cured. Those defects are outlined in detail in my July 18 letter, so you are well aware of them. Until those defects are remedied, there should be no hearing and certainly no vote on the enlargement of the SSD.

Second, the entire process is still quite opaque. Importantly, the governing statute lays out two possible ways for the City Council to calculate the 25% threshold for property-owner approval. But Cossetta's (and presumably the other affected property owners within the SSD) have not been told by which method the 25% threshold is being calculated in this instance. That is important information, because the property owners should know how much each owner's vote counts. And, as Mr. Cossetta stated in his oral remarks to the City Council on July 18, it is also

50 South Sixth Street, Suite 2600, Minneapolis, MN 55402

July 21, 2023

Page 2

critical in understanding how the three property owners who have withdrawn their petitions of support affect the calculation of the 25% threshold.

Further, it is not clear whether the property owners that will be exempt from paying the service charge associated with the proposed enlarged SSD are included in the 25% threshold calculation. This is a particularly important question in this instance because it seems that the largest property owner in the proposed enlargement area is a nonprofit entity. If that entity (and any others that are exempt from paying the proposed service charge) are indeed included in the calculation of the 25% threshold, that is fraught and, we believe, violates the governing statute. It cannot be the case that those who will receive only the purported benefit but will bear none of the cost have a say in whether their neighboring property owners must foot the bill for an enlarged SSD.

Until the foregoing concerns are addressed, and the notice's deficiencies are corrected, the City Council should not take up this matter at a hearing. At the July 18 hearing, Mr. Cossetta asked that this issue be laid over until at least September so that the affected property owners will have time to investigate further—and so that the City can provide the requisite information to do such an investigation. Cossetta's respectfully reiterates that request here. Further, Cossetta's restates all the objections included in its July 18 letter, and reserves the right to modify its objections as more information becomes available. As I requested previously, please direct any future notices and correspondence to Cossetta's and to me. Thank you.

Sincerely,

STINSON LLP



Benjamin Eastburn