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November 28, 2006

To: City Clerk of the City of Minneapolis

From: John Zimmerschied of Zimmerschied, Inc.

RE: Appeal of transfering Stormwater Tax to Property Tax

Please provide a copy of this Appeal to Mayor Rybak, and if possible also to Council Members Barbara Johnson and Betsy Hodges.

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ZIMMERSCHIED, INC. 4400 Lyndale Avenue North, Minneapolis, MN 55412
612-522-3331
November 28, 2006

Mayor R.T.Rybak
Minneapolis City Hall, Room 331
Minneapolis, MN 55415

Dear Mayor Rybak;

I have received a notice from the Minneapolis Utility Billing Office saying that they would be assessing some overdue stormwater tax payments to my business property taxes. This letter is a Notice of Appeal to this action. It appears to be necessary to go to District Court to dispute this action. Therefore a copy of this Notice will also go to the District Court and to the City Council Members in the business and home locations.

The Account Number in question is 801-1460.300 and the Service Address is 4430 Lyndale Avenue North. There is an accumulated amount of $2772.27 that the Billing Office considers overdue, possibly including late payment penalties and this is the amount they are attempting to assess to my property taxes. This transfer needs to be stopped so that further negotiations can take place.

I have been disputing what I consider to be extremely unfair stormwater tax rates on business property since the Ordinance went into effect in 2004. I filed an appeal with the Utility Billing Office as soon as the first tax notices came out in 2004 and these first notices did not even correctly identify the properties. The Billing Office applied a partial, automatic relief at that time, but it was not adequate, and I have been trying to fight this unfair tax ever since. The taxes are overdue because I do not want to pay a tax that is not justified and I have withheld my payments in an attempt to get some attention from your office and the City Council on this issue. In addition, the property does not have adequate income to cover the tax.

The Ordinance in question needs to be corrected. In this particular case there is very little runoff because the entire property slopes toward a low area on the property and therefore there should be minimal stormwater tax. In fact, when Lyndale Avenue overflows its curbs, water from the street flows *onto* our property rather than from our property to the street. Yet our stormwater tax rate increased by 7000% even after the first automatic adjustment. There is no way this sort of increase can be justified. If we had million-dollar monthly revenue like the Hirshfield's Paint factory next door, or the MacDonald's across the street, there would be less concern, but the ordinance does not take into account the revenue or income of the property and unfairly penalizes small businesses.

Yours truly,
John Zimmerschied
John Zimmerschied

CC: Hennepin County District Court
Council Member Barbara Johnson
Council Member Betsy Hodges

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