

**City of West St. Paul
City Council Meeting Minutes
April 11, 2016 at 6:30 p.m.**

1. Call to Order

Mayor David Meisinger called the meeting to order at 6:00 p.m.

2. Roll Call

Mayor David Meisinger and Councilmembers Ed Iago, Pat Armon, Jenny Halverson, John Bellows, Dave Napier and Dick Vitelli.

Others: City Manager Matt Fulton, Assistant City Manager and HR Director Sherrie Le, Attorney Korine Land, Finance Director Joan Carlson, Community Development Director Jim Hartshorn, Police Chief Manila Shaver, Public Works and Parks Director Ross Beckwith and City Clerk Chantal Doriott.

3. Pledge of Allegiance

4. Adopt the Agenda

Motion was made by Clpn. Napier and seconded by Clpn. Iago to adopt the agenda with the following change:

- Add under new business: independent muck audit tied to Robert Street project and SRF.
- All members present voted aye. Motion carried.

5. OCWS Briefing

Mayor Meisinger gave an update. The Council discussed the following during the work session held prior to this meeting:

- Closed session was held to discuss Robert Street easement acquisitions.
- Lengthy discussion regarding the I/I program and subsequent changes. This will be further discussed at the April 25 meeting and a public hearing held on May 9.

6. Robert Street Review

Public Works Director Beckwith gave an update:

- Closure of two southbound lanes.
- Thompson north – 2 contractors working and doing best on this work and trading off on work duties and lane switches. Be aware of the changes in this area.
- Northbound lanes open.
- Detour on Oakdale and Livingston is seeing a lot of traffic. Livingston and Wentworth – staff is meeting onsite to see if approvals can be made in this area. Having some delays is unexpected.

- Clpn. Napier asked if many accidents due to rerouting of traffic were seen. Chief Shaver said a couple but not like last year. Director Beckwith has made good suggestions but motorists need to be thoughtful and slow down and be aware of the signs.
- Intersection of Oakdale and Marie is also being addressed.
- Remember, fines double – they are \$300 in a construction zone. Drive carefully and be safe.

7. Citizen Comments

No one present wished to speak on an item not on the agenda.

8. Council Comments

Clpn. Vitelli said that Robert St. is a healthy Robert St. and this is healthy to West St. Paul. We are reinvesting millions of dollars on this project and he is confident our reinvestment will be rewarded in the future.

Clpn. Napier mentioned Arbor Day – the Environmental Committee and city have sponsored an event at Garlough on Friday May 18 at 5:30 p.m. Come and help plant a couple of trees in the park. It's a fun educational event. He also encourages people to take advantage of the space at Harmon Park.

Clpn. Iago said he has seen cross county teams warming up and they are running the streets of West St. Paul so please watch out for them.

Clpn. Armon reminded everyone that on April 23 it's clean-up day. Volunteers will meet at the west part of the Target parking lot by Panera from 9am to 11am. Wear gloves and be ready to collect garbage. There will be appetizers afterward. The Sunday paper had a story about more rental housing available downtown. There are people moving to housing 3 to 4 miles from businesses in West St Paul. This is a market that's new and our existing businesses can tap into. If you need assistance from Clpn. Armon – just ask and let him know what you think. This is the closest retail corridor to this new housing located downtown.

Clpn. Halverson said there are more people out running and walking and kids out on the streets. Please be careful.

Clpn. Bellows was surprised with a recent Robert St. article and a little dismayed that it stated that the Council and staff were not working as hard as they could on the Robert Street project. Be assured that the Council and staff are working as hard as we can on access issues and businesses communication. Secondly in the Sunday paper, the "bulletin board" had a nice article which he read out loud about a West St. Paul woman had made a withdrawal using the bank drive through window. Unfortunately, her money blew out of the container. Due to the good work of West St. Paul police, most of the money was recovered.

Mayor Meisinger gave the following updates:

- April 23 is our annual Shred It event at city hall in the parking lot from 9am to 12 noon. Bring all your shredable paper and shred for free.
- May 2 is the annual curbside appliance recycling event. Call JR's Advanced Recyclers for pickup of your old appliances at 651-454-9215
- Public event at Heritage Magnet School – open house for the marine team with hundreds of fresh and salt water creatures including a pair of bamboo spotted sharks. There are raffles and lots to see and do. This is also a nonperishable food drive.
- In the April Minneapolis / St. Paul magazine it listed city attorney Korine Land as one of the top female lawyers of the year – congratulations!
- Emerald ash borer – we have cataloged over 1300 trees and found 3 boulevard trees that will be treated for this progressive disease. Please contact Park Director Dave Schletty if you have questions or need additional information. dschletty@wspmn.gov

9. Proclamations, Presentations and Recognitions

There were no items to present.

10. Consent Agenda

- A. City Council Meeting Minutes
- B. List of Claims April 11, 2016
- C. Council Report - City Licensing
- D. Police Equipment Grant, MN Department of Public Safety – Resolution No. 16-34

Motion was made by Clpn. Halverson and seconded by Clpn. Iago to approve the consent agenda items as outlined above. All members present voted aye. Motion carried.

11. Public Hearing

There were no public hearings scheduled for this meeting.

12. New Business

A. Call for Sale of Bonds

Finance Director Joan Carlson gave an overview.

Motion was made by Clpn. Napier and seconded by Clpn. Iago to adopt Resolution No. 16-25 a resolution providing for the sale of \$5,110,000 General Obligation Utility Revenue Bonds, Series 2016A. All members present voted aye. Motion carried.

Motion was made by Clpn. Halverson and seconded by Clpn. Armon to adopt Resolution No. 16-35 a resolution authorizing the City to enter into a Credit Enhancement Program agreement with the Minnesota Public Facilities Authority. All members present voted aye. Motion carried.

B. Robert Street Muck Removal

Councilmember Iago gave an overview of a soils condition on Robert Street. There is muck being hauled out adding huge costs to the project. He has a complete lack of confidence and does not trust their ability (consultant). He would like to hire an independent person to audit the tickets and make sure we are getting our true dollars' worth and then present the audit results to our city attorney to see if there should be a claim made on the errors and omissions insurance of SRF. Mayor Meisinger asked attorney Land if this work was necessary. Attorney Land said this is one piece of evidence we could consider in a potential claim with SRF's insurance. Clpn. Bellows said he would second and amend the inquiry to include knowing how much sand was brought in to replace the muck removed and also what the cost of the sand is. Clpn. Vitelli added he would consider the motion with a cap up to \$5,000 maximum on the cost for the audit review. Clpn. Armon wants to make sure the person hired is reputable and that the findings will be acceptable in a court of law, if it comes to that. This audit will confirm the \$600,000 we have spent on muck.

Motion was made by Clpn. Iago and seconded by Clpn. Bellows to hire an engineering and/or consulting firm in an amount not to exceed \$5,000.00 to review and audit the tickets related to muck removal and sand replacement for the Robert Street project. All members present voted aye. Motion carried.

13. Old Business

A. Rental License Hearing for 966/976 Robert St. (Blew Holdings LLC/101 Condos LLC/401 Condos LLC)

Community Development Director Jim Hartshorn gave an overview.

Attorney Land said as you know this is a revocation hearing for 966/976 Robert Street and she submits evidence into the record which includes claims, and notice to revoke all 29 rental unit licenses. There are three separate legal entities. Question was brought up that what if we delay for sixty days due to the building sale. Attorney Land said we could delay until after the next Council meeting if there is a new owner; rental licenses are per building. The tenants would most likely need to vacate, if necessary, around the end of June.

Eldon Marier, 4660 Barbado Court said #101 condo unit is wholly owned by his son; #401 is owned by his spouse. Blew Holdings is held by him and a partner. They are hoping to close on this property May 2. They would like 60 days to have a smooth transition. Clpn. Vitelli asked if the new prospective owner was going to purchase other units because they would want to consider that – consider a vacation. Also, do you (Marier) have any relationship with the buyer – no, only as the seller said Mr. Marier.

Motion was made by Clpn. Vitelli and seconded by Clpn. Armon to adopt Resolution No. 16-37 to revoke all 29 rental licenses under the ownership of Blew Holdings LLC, 101 Condos LLC, 401 Condos LLC and to allow the tenants be notified and given notice to vacate by June 30, 2016, as well as social service resources to seek alternate living arrangements. All members presented voted aye. Motion carried.

14. Adjourn

Motion was made by Clpn. Bellows and seconded by Clpn. Armon to adjourn the meeting at 7:13 p.m. All members present voted aye. Motion carried.



David Meisinger
Mayor
City of West St. Paul

On Motion of Clpn. *Halverson*

Seconded by Clpn. *Iago*

RESOLUTION NO. *16-34*

RESOLUTION ACCEPTING A GRANT
FROM THE MINNESOTA DEPARTMENT OF PUBLIC SAFETY

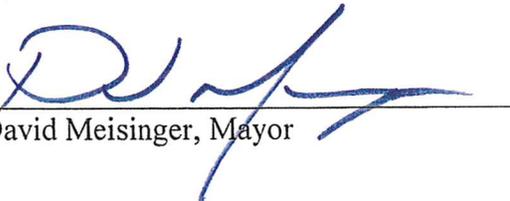
WHEREAS, the Minnesota Department of Public Safety has offered a grant to the City for \$2,447.20 ; and

WHEREAS, Minnesota Statutes 465.03 requires that all grants be accepted by the City Council via the adoption of an appropriate resolution,

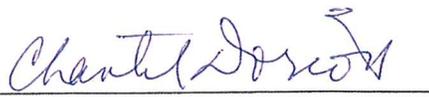
NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council accepts the grant of \$2,447.20 on behalf of the City of West St. Paul.

Adopted by the City Council of the City of West St. Paul this 11th day of April, 2016 .

Ayes: Nays:



David Meisinger, Mayor

Attest: 

Chantal Doriott, City Clerk



Minnesota Department of Public Safety (“State”) Office of Traffic Safety 445 Minnesota Street, Suite 150 Saint Paul, MN 55101-5150	Grant Program: 2016 In-Squad Computers Project No.: 16-05-08 Grant Agreement No.: A-CMPTR16-2016-WSTPAUCI-00126
Grantee: West Saint Paul Police Department 1616 Humboldt Ave. West Saint Paul, MN 55118-3972	Grant Agreement Term: Effective Date: Oct. 1, 2015 Expiration Date: Sept. 30, 2016
Grantee’s Authorized Representative: Manila Shaver, Chief of Police West Saint Paul Police Department 1616 Humboldt Ave. West Saint Paul, MN 55118-3972 (651) 552-4201 bshaver@wspmn.gov	Grant Agreement Amount: Original Agreement \$2,477.20 Matching Requirement \$2,477.20
State’s Authorized Representative: Hal Campbell 445 Minnesota Street, Suite 150 Saint Paul, MN 55101-5150 Phone: (651) 201-7078 Email: hal.campbell@state.mn.us	Federal Funding: CFDA 20.616 State Funding: None Special Conditions: None

Under Minn. Stat. § 299A.01, Subd 2 (4) the State is empowered to enter into this grant agreement.

Term: Effective date is the date shown above or the date the State obtains all required signatures under Minn. Stat. § 16B.98, subd. 7, whichever is later. Once this grant agreement is fully executed, the Grantee may claim reimbursement for expenditures incurred pursuant to the Payment clause of this grant agreement. Reimbursements will only be made for those expenditures made according to the terms of this grant agreement. Expiration date is the date shown above or until all obligations have been satisfactorily fulfilled, whichever occurs first.

The Grantee, who is not a state employee will:
Perform and accomplish such purposes and activities as specified herein and in the Grantee’s approved 2016 In-Squad Computers Application (“Application”) which is incorporated by reference into this grant agreement and on file with the State at 445 Minnesota Street, Suite 150, Saint Paul, MN 55101-5150. The Grantee shall also comply with all requirements referenced in the 2016 In-Squad Computers Guidelines and Application which includes the Terms and Conditions and Grant Program Guidelines (<https://app.dps.mn.gov/EGrants>), which are incorporated by reference into this grant agreement.

Budget Revisions: The breakdown of costs of the Grantee’s Budget is contained in Exhibit A, which is attached and incorporated into this grant agreement. As stated in the Grantee’s Application and Grant Program Guidelines, the Grantee will submit a written change request for any substitution of budget items or any deviation and in accordance with the Grant Program Guidelines. Requests must be approved prior to any expenditure by the Grantee.

Matching Requirements: (If applicable.) As stated in the Grantee’s Application, the Grantee certifies that the matching requirement will be met by the Grantee.

Payment: As stated in the Grantee’s Application and Grant Program Guidance, the State will promptly pay the Grantee after the Grantee presents an invoice for the services actually performed and the State's Authorized



Representative accepts the invoiced services and in accordance with the Grant Program Guidelines. Payment will not be made if the Grantee has not satisfied reporting requirements.

Certification Regarding Lobbying: (If applicable.) Grantees receiving federal funds over \$100,000.00 must complete and return the Certification Regarding Lobbying form provided by the State to the Grantee.

1. ENCUMBRANCE VERIFICATION

Individual certifies that funds have been encumbered as required by Minn. Stat. §§ 16A.15 and 16C.05.

Signed: Jean Carlson
Date: 3/15/16

3. STATE AGENCY

By: _____
(with delegated authority)
Title: _____
Date: _____

Grant Agreement No. A-CMPTR16-2016-WSTPAUCI-00126
PO No. 3-39675

2. GRANTEE

The Grantee certifies that the appropriate person(s) have executed the grant agreement on behalf of the Grantee as required by applicable articles, bylaws, resolutions, or ordinances.

By: [Signature]
Title: Mayor
Date: 4.7.16

By: [Signature]
Title: City Manager
Date: 4/8/2016

Distribution: DPS/FAS
Grantee
State's Authorized Representative

2016 In-Squad Computers

Organization: West St Paul Police Department

Budget Summary

Budget	State Reimbursement	Local Match
Budget Category		
Equipment		
Docking station and mounting hardware	\$392.62	\$392.62
Laptop Computers	\$1,467.15	\$1,467.15
None	\$0.00	\$0.00
PocketJet 6 Printers	\$279.43	\$279.43
Ruggedized Keyboards	\$338.00	\$338.00
Total	\$2,477.20	\$2,477.20
Total	\$2,477.20	\$2,477.20

CERTIFICATION REGARDING LOBBYING
(For State of Minnesota Contracts and Grants over \$100,000)

The undersigned certifies, to the best of his or her knowledge and belief that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, A Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure of Lobbying Activities", in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, sub-grants, and contracts under grants, loans and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31 U.S.Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

City of West St Paul

Organization Name

David Meisinger, Mayor

Name and Title of Official Signing for Organization

By: _____

Signature of Official

4.7.16

Date

City of West St. Paul
Dakota County, Minnesota

Resolution No. 16- 35

Council Member Halverson introduced the following resolution and moved its adoption:

Resolution Authorizing the City to Enter into a Credit Enhancement Program Agreement with the Minnesota Public Facilities Authority:

- A. WHEREAS, the City Council of the City of West St. Paul, Minnesota (the "City") proposes to issue its General Obligation Bonds (the "Bonds"), the proceeds of which will be used to finance the costs of construction, improvement or rehabilitation of sanitary sewer and storm sewer facilities; and
- B. WHEREAS, the City Council hereby determines it is in the best interests of the City to apply to the Minnesota Public Facilities Authority (the "Authority") for credit enhancement of the Bonds;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of West St. Paul, Minnesota, as follows:

1. Approval of the Authority's Credit Enhancement Program Agreement. The Authority's Credit Enhancement Program Agreement (the "Agreement") is hereby approved, the same being before the City Council and made a part of this resolution by reference.
2. Authorization to Sign Agreement and Related Forms. The Mayor and the City Manager are authorized to sign the Agreement on the City's behalf and to execute any other related forms prescribed by the Authority with respect to the Agreement.
3. Agreement to Comply with Minnesota Statutes, Section 446A.086. The City is entering into the Agreement with the Authority pursuant to Minnesota Statutes, Section 446A.086 (the "Act") and the City hereby agrees to comply with and be bound by the provisions of the Act.
4. Submission of the Agreement. The Mayor and City Manager are hereby authorized to submit, on the City's behalf, the Agreement to the Authority, together with the nonrefundable application fee in the amount of \$500.

The motion for the adoption of the foregoing resolution was duly seconded by Council Member Aarmon and, after full discussion thereof and upon a vote being taken thereon, the following Council Members voted in favor thereof:

and the following voted against the same:

Whereupon said resolution was declared duly passed and adopted by the City Council of the City of West St. Paul on April 11, 2016.



David Meisinger, Mayor


City Clerk

**MINNESOTA PUBLIC FACILITIES AUTHORITY
CREDIT ENHANCEMENT PROGRAM AGREEMENT**

This Credit Enhancement Program Agreement, dated as of April 11, 2016, ("the Agreement"), is made between the Minnesota Public Facilities Authority (the "Authority") and the City of West St. Paul, Minnesota (the "Governmental Unit"), in order to comply with the requirements of Minnesota Statutes, Section 446A.086 (the "Act"). The Governmental Unit has passed a resolution dated April 11, 2016, (the "Resolution") authorizing the issuance of its \$5,300,000 General Obligation Utility Revenue Bonds, Series 2016A (the "Bonds"), the proceeds of which will be used to provide funds for sewer and storm sewer improvements. The Governmental Unit represents that the Resolution authorizes the Governmental Unit to enter into this Agreement and obligates the Governmental Unit to be bound by the provisions of the Act. The Governmental Unit and the Authority agree as follows:

Section 1. The Governmental Unit will deposit with Bond Trust Services Corporation (and any subsequent paying agent) (the "Paying Agent") three business days before the date on which each payment is due on the Bonds an amount sufficient to make that payment.

Section 2. The Governmental Unit will notify the Authority not less than 15 business days prior to the date a payment is due on the Bonds if the Governmental Unit will be unable to make all or a portion of the payment. Notification shall be provided by faxing and mailing a completed and executed Notification of Potential Default form to the Authority.

Section 3. The Governmental Unit will include a provision in its agreement with the Paying Agent for the Bonds that requires the Paying Agent to immediately inform the Minnesota Commissioner of Management and Budget, with a copy to the Authority, if the Paying Agent becomes aware of a default or potential default in the payment of principal or interest on the Bonds or if, on the day two business days before the date a payment is due on the Bonds, there are insufficient funds on deposit with the Paying Agent to make the payment. For purposes of this paragraph and the Act, funds invested in a refunding escrow account established under Minnesota Statutes, Section. 475.67 that are to become available to the Paying Agent on a principal or interest payment date are deemed to be on deposit with the Paying Agent three business days before the payment date.

Section 4. The provisions of this Agreement are binding with respect to the Bonds as long as the Bonds remain outstanding.

Section 5. According to its terms, the Act is a contract with bondholders and may not be amended or repealed for the covered bonds so long as the covered bonds are outstanding.

Section 6. The Governmental Unit agrees to provide the Authority with a copy of the final debt service schedule for the Bonds within 30 days of the closing date and an estimate of the interest savings that will be achieved by participation in the program.

Section 7. The Authority has reviewed the application of the Governmental Unit dated May 2, 2016, and, based solely upon the application, the opinion of bond counsel and the provisions of this Agreement, verifies that the Bonds are participating in the Credit Enhancement Program established pursuant to the Act, and that if the Governmental Unit is unable to make any portion of the payment on the Bonds on or before the date due, the State of Minnesota, acting through the Authority, shall make such payment in its place pursuant to the Act, providing that funds are available in the State General Fund. **The obligation to make a payment under the Act is not a general obligation of the State of Minnesota. The Act does not obligate the legislature to provide for the availability of funds in the General Fund for this purpose.**

Section 8. The Authority will provide to the Governmental Unit upon request, or to its duly authorized agent, any information which the State of Minnesota files with the Nationally Recognized Municipal Securities Information Repositories pursuant to the State's obligations under rule 15c2-12.

Section 9. The Governmental Unit agrees to notify the Authority if the Paying Agent is replaced by a subsequent paying agent and to provide to the Authority a certification by the subsequent paying agent in the form set forth for the original paying agent below.

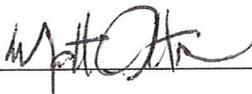
IN WITNESS WHEREOF, the Authority and the Governmental Unit acknowledge their assent to this Agreement and agree to be bound by its terms and the terms of the Act through their signatures entered below.

**1. CITY OF WEST ST. PAUL,
MINNESOTA:**

By: 

Title: Mayor

Date: April 11, 2016

By: 

Title: City Manager

Date: 4/12/16

2. PUBLIC FACILITIES AUTHORITY:

By (auth. signature): _____

Title: _____

Date: _____

3. COMMISSIONER OF ADMINISTRATION:

As delegated to _____

By (auth. signature): _____

Date: _____

PAYING AGENT CERTIFICATION

The undersigned Paying Agent for the bonds of the City of West St. Paul, Minnesota in the original principal amount of \$5,300,000 referred to in the Agreement to which this certification is attached acknowledges, understands, and agrees to be bound by the procedures contained in Minnesota Statutes, Section 446A.086 and the Agreement which, in part, requires that the Paying Agent notify the Minnesota Commissioner of Management and Budget, with a copy to the Minnesota Public Facilities Authority if it becomes aware of a default or a potential default in the payment of principal or interest on those debt obligations, or if, on the day two business days prior to the date a payment is due on those debt obligations, there are insufficient funds to make the payment on deposit with the Paying Agent. Notification shall be provided by faxing and mailing a completed and executed Paying Agent Notification of Potential Default form to the Commissioner of Management and Budget and the Authority.

I, Debra Peterson, do hereby certify that I am a Paying Agent Administrator duly appointed and acting as such, of the Paying Agent, and am authorized to execute this Certificate on behalf of the Paying Agent.

By: _____
Signature - Paying Agent Authorized Representative

Date: _____

TO BE COMPLETED BY THE PAYING AGENT			
Name of Paying Agent Bond Trust Services Corporation			
Address 3060 Centre Pointe Dr., Suite 110		City Roseville	State MN
Zip 55113		Telephone Number (651) 209-1010	Fax Number (651) 209-1059
Paying Agent Contact Person Debra Peterson	Title Paying Agent Administrator	Telephone Number (651) 209-1010	Fax Number (651) 209-1059
Paying Agent's Name of Bank Wells Fargo Bank		Paying Agent's Bank Account Name	
Bank Association Number ABA#121000248		Paying Agent Bank Account Number 4126695238	
Paying Agent Federal Tax ID 90-0133126		State Tax ID	

Dakota County, Minnesota
City of West St. Paul

Resolution No. 16-36

Council Member Napier introduced the following resolution and moved its adoption:

Resolution Providing for the Sale of
\$5,110,000 General Obligation Utility Revenue Bonds, Series 2016A

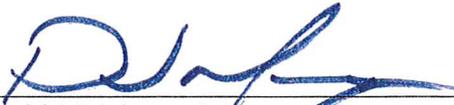
- A. WHEREAS, the City Council of the City of West St. Paul, Minnesota has heretofore determined that it is necessary and expedient to issue the City's \$5,110,000 General Obligation Utility Revenue Bonds, Series 2016A (the "Bonds"), to finance the 2016 storm sewer and sewer improvements in the City; and
- B. WHEREAS, the City has retained Ehlers & Associates, Inc., in Roseville, Minnesota ("Ehlers"), as its independent municipal advisor for the Bonds in accordance with Minnesota Statutes, Section 475.60, Subdivision 2(9);

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of West St. Paul, Minnesota, as follows:

1. Authorization; Findings. The City Council hereby authorizes Ehlers to assist the City for the sale of the Bonds.
2. Meeting; Proposal Opening. The City Council shall meet at 6:30 p.m. on May 23, 2016, for the purpose of considering proposals for and awarding the sale of the Bonds.
3. Official Statement. In connection with said sale, the officers or employees of the City are hereby authorized to cooperate with Ehlers and participate in the preparation of an official statement for the Bonds and to execute and deliver it on behalf of the City upon its completion.

The motion for the adoption of the foregoing resolution was duly seconded by City Council Member Vitelli and, after full discussion thereof and upon a vote being taken thereon, the following City Council Members voted in favor thereof: Napier, Vitelli, Halverson, Armon, Bellows and Iago. and the following voted against the same: None

Whereupon said resolution was declared duly passed and adopted by the City Council of the City of West St. Paul on this 11th day of April, 2016.



David Meisinger, Mayor



Chantel Dorsett
City Clerk

On Motion of Vitelli

Seconded by Armon

**CITY OF WEST ST. PAUL
DAKOTA COUNTY, MINNESOTA**

RESOLUTION NO. 16-37

**RESOLUTION REVOKING RENTAL LICENSES AT 966-976 ROBERT ST. (966 UNITS:
102, 103, 105, 106, 107, 201, 205, 206, 207, 302, 303, 304, 305, 306 &
976 UNITS: 102, 104, 106, 107, 201, 206, 207, 208, 301, 302, 303, 304, 305, 307, 308),
WEST ST. PAUL FOR BLEW HOLDINGS, LLC, 101 CONDOS LLC AND
401 CONDOS LLC**

WHEREAS, Blew Holdings, LLC, 101 Condos LLC and 401 Condos LLC (the “Owner”) is the owner of thirty-one (31) condominium units located at 966 and 976 Robert Street, West St. Paul (the “Property” or “Properties”); and

WHEREAS, on December 15, 2014, the West St. Paul City Council (“Council”) approved rental dwelling licenses for twenty-nine (29) of the condominium units; and

WHEREAS, due to excessive police calls and nuisance activity associated with tenants who are occupying Owner’s rental units, on September 28, 2015, the Council held a hearing and converted the twenty-nine (29) rental dwelling licenses to Provisional Licenses with a mitigation plan; and

WHEREAS, on October 6, 2015, Owner submitted license applications for two new units at the Property, specifically units 101 and 202 at 966 Robert Street; and

WHEREAS, on December 15, 2015, the Council reviewed the two new applications and received evidence and testimony that since the mitigation plan was adopted on September 28, 2015, there has been continued serious criminal activity by Owner’s tenants involving assaults with a deadly weapon, trespassing by tenants who had been evicted or were supposed to be evicted, and burglary by one of the tenants; and

WHEREAS, based on ongoing police issues at the Owner’s Property, the Council denied the two new rental license applications submitted by Blew Holdings LLC for units 101 and 202 at 966 Robert St.;

WHEREAS, the Council held a review hearing on March 14, 2016 to review the issues at the twenty-nine (29) licensed rental units and at that hearing, based on continued issues at the Property, directed Staff to schedule a revocation hearing for April 11, 2016; and

WHEREAS, at the April 11, 2016 West St. Paul City Council meeting, a hearing was held, during which the City presented its evidence and the Owner's representative was given an opportunity to be heard; and

WHEREAS, following the testimony and evidence presented, the Council moved to REVOKE the licenses for the twenty-nine (29) rental units mentioned above located at 966 and 976 Robert St. South, West St. Paul all owned by Blew Holdings LLC, 401 Condos LLC, 101 Condos LLC, which passed on a vote of 6-0; and

WHEREAS, the Council hereby makes the following Findings of Fact to support its motion to revoke the license:

FINDINGS OF FACT

1. The Council hereby incorporates the memo from the Assistant Community Development Director Ben Boike and the supporting documentation into these findings of fact.
2. The City's Code Enforcement Officer and the Building Department have created numerous cases regarding violations against the Property ranging from excess litter, junk, inoperable vehicles, and exterior and interior property maintenance. The most recent building code issues were health and safety issues for the tenants.
3. The tenants have filed multiple complaints with Staff regarding the Property and the Owner about the living conditions and expressing safety concerns.
4. In the past 12 months, the Police Department responded to 26 valid police calls to the Property for disturbing the peace, verbal assaults, loud parties, assault with weapons, intoxicated persons and drug offenses.
5. At the April 11, 2016 hearing, the Owner was present and submitted testimony, documentation and evidence for the Owner's position.
6. Following a hearing, any license may be denied for one or more of the reasons enumerated in City Code Section 110.12(B).
7. Based on the evidence presented by City Staff and the Owner, the Council hereby makes the following:

REASONS FOR REVOCATION

1. The use does not comply with health, building, maintenance or other provisions of the city code or state law, pursuant to City Code Section 110.12(B)(2).

2. The Owner has been conducting the licensed activity in such as manner as to constitute a breach of the peace, a menace to the health, safety and welfare of the public and a disturbance of the peace or comfort to the residents of the City, which is a valid reason for revocation, pursuant to City Code Section 110.12(B)(6).
3. The Owner has violated regulation or provisions of the city code related to property maintenance applicable to the rental license activity, which is a valid reason for revocation, pursuant to City Code Section 110.12(B)(13).
4. The Owner has violated a condition of its provisional license by failing to comply with Property Maintenance Standards, specifically with Building Code violations, International Property Maintenance Code and Public Nuisances, which is a valid reason for revocation, pursuant to City Code Section 110.12(B)(17);
5. This Property is a burden on City Staff and its limited resources, which is a valid reason for revocation, pursuant to City Code Section 110.12(B)(19).

NOW, THEREFORE, BE IT RESOLVED by the West St. Paul City Council that this Resolution memorializes the Findings of Fact and Reasons for Revocation to support the Motion to Revoke. Such Resolution shall take effect upon adoption. Unless a new rental license is granted for these rental units, tenants shall be notified by the City that they must vacate the premises by June 30, 2016.

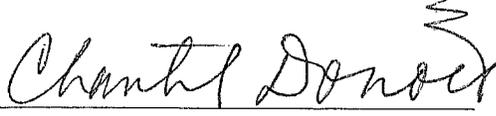
Passed this 11th of April, 2016.

Ayes: 6 Nays: 0



David Meisinger, Mayor

Attest:



Chantal Doriott, City Clerk