

**WEST ST. PAUL CITY COUNCIL MEETING**  
**July 25, 2016 at 6:30 p.m.**  
**MUNICIPAL CENTER COUNCIL CHAMBERS**

**1. Call to Order**

Mayor David Meisinger called the meeting to order at 6:30 p.m.

**2. Roll Call**

Present: Mayor David Meisinger and Councilmembers Ed Iago, John Bellows, Dave Napier, Jenny Halverson and Dick Vitelli. Clpn. Pat Armon had an excused absence.

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

**3. Pledge of Allegiance**

**4. Adopt the Agenda**

- 10b add check payment to Dairy Queen part of the Robert Street project
- Move 13a to 12e.1
- Add 13 Art on the Avenue Reschedule Discussion

Motion was made by Clpn. Halverson and seconded by Clpn. Iago to approve the agenda with the revisions stated above. All members present voted aye. Motion carried.

**5. OCWS Briefing**

The City Council held a work session prior to this meeting to discuss the following:

Robert Street median and landscape design;  
False alarm data;  
Harmon Park grass and tree issues; and  
Robert Street sign and light installations

**6. Robert Street Review**

Director Beckwith gave an overview. Traffic has changed and is mostly one lane along the corridor. You are able to see progress now. The east side of Thompson will have a closure on Wednesday depending on weather and water (rain). There will be a closure on Crawford early next week; Wentworth will also have a closure next week. Please give yourself and the workers a little extra time and space. There has been a lot of standing water in the roadway from rain and this is not normal now. There are a lot of potholes and erosion issues.

Muck is a hot topic so how are we doing? Director Beckwith said we are just getting back into it and there are some contaminated soils to deal with as well as muck issues.

## **7. Citizen Comments**

John Howe, 2345 South Oak Drive, Red Wing: he is the former mayor of Red Wing and is running for 2<sup>nd</sup> Congressional District office. He is community driven and the only running candidate with their home phone number in the phone book. He asked for support and reminded all to work in the Primary on August 9.

Walter McFarland, 2017 Charlton, has two items: 1) the West St. Paul 11 year old traveling team won 2 state tournaments in one week. It would be great to recognize those kids and their three coaches: Shepard, Yenez and Ball. 2) There are many new families on Charlton and in this area. Unfortunately there is a lot of night truck traffic; heavy, noisy truck traffic. There are also vehicle races on Charlton taking place and he is concerned about safety in this area and also the noise and subsequent street repairs that will be needed. He appreciates anything staff and Council can do to help with the noise and traffic issues.

## **8. City Council Comments**

Clpn. Vitelli said absentee voting is taking place at Dakota County offices including the Northern Service Center at 1 Mendota Road. As you enter the Northern Service Center go to the service window on the left and that is where you obtain an application and ballot. There is no absentee voting at city hall this year. Also, congratulations to the youth for the tournament wins. Lastly, condolences to Senator Metzen and his family. The senator did a tremendous job for many years for many people and was a long serving individual.

Clpn. Napier acknowledged the passing of Senator Jim Metzen - he will be deeply missed by our community. A Special Happy Birthday to Tom Holden who served on our City Council for 8 years and also served as City Manager. It was fun to celebrate his 90<sup>th</sup> birthday.

Clpn. Iago said Chick-Fil-A is scheduled to open in August. Activity will increase in Town Center 2 area by Lothenbach. We are trying to keep West St. Paul alive and we know it's difficult to get along Robert Street. It's important to patronize our businesses at this time.

Clpn. Halverson expressed condolences in the passing of Senator Metzen; it was a pleasure working with him. Also, the rain forced the postponement of Art on the Avenue so staff is busy on rescheduling some aspects of the event.

Clpn. Bellows would like to pay his respect to Senator Metzen for his 40 years of service in the house and senate. He will be sorely missed. Also, August 2 is Nite to Unite and we hope to see you out at one of the many neighborhood parties. Plus, you can't make a left turn going north from Marie onto Robert. You can't rely on habit at this time when driving. The street is coming along and soon Robert Street will be done. Businesses are doing some different things such as plantings, to brighten up this street.

## **9. Proclamations, Presentations and Recognitions**

Mayor Meisinger explained that items A, B, D, and F were donations made to the City for the annual Art on the Avenue event. This event was postponed due to weather but parts of it will be rescheduled.

### **A. Acceptance of a Donation from Mayor David Meisinger**

Motion was made by Clpn. Bellows and seconded by Clpn. Halverson to adopt Resolution No. 16-61 graciously accepting the \$250.00 donation from Mayor Meisinger as presented. All members present voted aye. Motion carried.

### **B. Acceptance of a Donation from d. t. meisinger development Inc.**

Motion was made by Clpn. and seconded by Clpn. to adopt Resolution No. 16- 62 graciously accepting the \$250.00 donation from d. t. meisinger development, Inc. as presented. All members present voted aye. Motion carried.

### **C. Acceptance of a Donation from the Halverson Family**

Motion was made by Clpn. Napier and Clpn. Vitelli to adopt Resolution No. 16-63 graciously accepting the \$250.00 donation from the Halverson Family as presented. All members present voted aye. Motion carried.

### **D. Acceptance of a K-9 Donation from Ken Neustel**

Police Chief Manila Shaver gave an overview.

Motion was made by Clpn. Bellows and seconded by Clpn. Iago to graciously accept the \$200.00 donation from Ken Neustel as presented. All members present voted aye. Motion carried.

### **E. Acceptance of a Youth Education Grant from Super America**

Motion was made by Clpn. Bellows nad seconded by Clpn. Napier to adopt Resolution No. 16-64 graciously accepting the Youth Education Grant from Super America. All members present voted aye. Motion carried.

### **F. Acceptance of a Donation from the South Robert Street Business Association**

Motion was made by Clpn. Napier and seconded by Clpn. Halverson to adopt Resolution No. 16-65 graciously accepting the SRSBA donation for Art on the Avenue in the amount of \$300.00. All members present voted aye. Motion carried.

## **10. Consent Agenda**

- A. City Meeting Minutes: June 13 regular meeting, July 11 regular meeting and July 11 work session

- B. List of Claims with the Dairy Queen payment for Robert St. Project Addition
- C. June 2016 Bank Reconciliation
- D. June 2016 Investment Report
- E. June 2016 General Fund Budget Report
- F. Council Report - Declare Six Vehicles as Surplus
- G. Council Report - City Licensing
- H. Rental Licensing
- I. Vacating the D/U Easements in the Riley Addition Plat - Resolution 16-67 cd
- J. Legal Services JPA for Controlled Substance Forfeitures - Resolution No. 16-70 + 16-66

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

Welcome to the new owners of Tappers and please maintain the landscaping which is beautiful.

## 11. Public Hearing

### A. Application for a Conditional Use Permit to allow for the expansion of an Essential Service Structure (building expansion) at 1365 Bidwell St. - St. Paul Regional Water Services

The public hearing opened at 6:58 p.m.

A representative (Ben Feldman) from St. Paul Regional Water is available to speak and/or answer questions.

The public hearing closed at 6:58 p.m.

Clpn. Iago said job well done by the Planning Commission as well as Assistant Director Ben Boike who worked with many. Thanks to the representative from St. Paul Regional Water for being cooperative and working with us and the residents.

Clpn. Halverson said thanks to the Planning Commission for adding conditions 7 and 8.

Clpn. Vitelli to Mr. Ben Feldman asked about pumping station water from the West Side in St. Paul and not just feeding the tower. The water on Imperial provides pressure for the West Side. If something happened - the tower has several pumps to provide water that is needed. Clpn. Vitelli would like to explore the idea of another tower down the road. Mr. Feldman said power issues were the main cause of concern. The generators and pumping stations have been helping with the issues and will continue to help quite a bit.

Motion was made by Clpn. Bellows and seconded by Clpn. Vitelli to approve the conditional use permit (Resolution No. 16-72) to allow the expansion of an essential service structure at 1365 Bidwell Street in conjunction with St. Paul Regional Water Services as presented. All members present voted aye. Motion carried.

## **12. New Business**

### **A. Canvass the Primary Election Results**

Assistant Manager Le will send Council an email to secure a special meeting date to canvass the Primary Election results. The agenda will be published in accordance with the law.

### **B. Approve Consultant Contract for Construction Administration of Safe Routes To School Project 14-6**

Director Beckwith gave an overview of the Safe Routes to School project on Wentworth and Bellows which was granted funds for construction engineering. By law we are not obligated to take the lowest bid.

Motion was made by Clpn. Vitelli and seconded by Clpn. Napier to accept the bids as presented and award the contract to Kimley-Horn for the construction administration of the Wentworth Avenue and Bellows Street Safe Routes to School Project 14-6 in the amount of \$33,900.00. All members present voted aye. Motion carried.

### **C. Approve Supplemental Agreement 9 for Robert Street Project 11-3**

Director Beckwith gave an overview of the negotiations for temporary and permanent easements along Robert Street.

Clpn. Vitelli asked about a sidewalk from Chick-Fil-A into the Target property and a stairway that appears not to be wheelchair accessible. Director Beckwith said he would have to defer it to the building dept. inspector, Dennis Schilling. It does appear to be the Chick-Fil-A project design.

Motion was made by Clpn. Napier and seconded by Clpn. Vitelli to approve the Supplemental Agreement #9 for the Robert Street Project 11-3 in an estimated amount of \$43,455.40 for the construction of a right-turn lane into Target as presented. All members present voted aye. Motion carried.

### **D. 2017 Fee Schedule**

Finance Director Joan Carlson gave an overview. The City Council was able to review next year's fee schedule during a previous work session. There are new fees: dangerous animals, general police services, and permit parking signs and sticker fee. The fees will be available on the city website.

Gilbert Gustafson, 994 Livingston, asked to comment on the permit parking and fees. Is the one-time fee for the sign at \$200 covering the cost of sign, inspection and installation? How will this be tracked to be a one-time fee? The parking issue is due in part to previously approved variance to allow the project not to comply with code and they are not providing the correct amount of parking. Now residents are affected by a decision you, as a Council, made. We are glad you are

addressing this but the mediation falls on us. Is there any way to not implement the fee but allow the sign and permit?

- Mayor Meisinger said the applications will be reviewed individually and acted upon as such. Clpn.
- Clpn. Vitelli asked if Emerson Hills got a variance for parking. Are we not meeting our own zoning? Staff will bring the answer back to a future meeting. Can this variance be part of the consideration and waiving the fee? Attorney Land said the resident would have to pay the fee with the application and then ask Council to reimburse said fee with approval of the application.

Motion was made by Clpn. Halverson and seconded by Clpn. Vitelli to adopt the 2017 Fee Schedule as presented which will be posted on the city website. All members present voted aye. Motion carried.

### **E. Approval of Emerald Ash Borer Treatment Contractor**

Director Beckwith gave an overview of the Emerald Ash Borer (EAB) beetle issue that was discovered in West St. Paul earlier this spring. Director Beckwith outlined a treatment plan

- Mayor said the amount of \$30,000 has been budgeted.
- Clpn. Halverson asked if the fees require the company to state if there would be a group rate for residents on their property. One company did submit this in their proposal as a side bid but it was not a requirement of the request for quote.
- Clpn. Iago asked if any type of warranty comes with the injections or treatments. What is the track record? Director Beckwith was not sure with numbers. If the city of St. Paul is willing to spend a lot of money in the last two years with this company, he is sure they looked at that. As far as a warranty he not sure there would be a warranty, but will check.
- Director Beckwith further explained the three options – removal, deforestation and injection of treatment.

Motion was made by Clpn. Napier and seconded by Clpn. Vitelli to accept the bids and approve the contract with YTS Companies, LLC for the price per inch amount of \$3.65 and a total not to exceed the contract amount of \$30,000.00 for injection treatment of the City's public ash trees. All members present voted aye. Motion carried.

#### **E.1. Special Assessment for 882 Stryker (deferred from May 9)**

Finance Director Joan Carlson gave an overview of an abatement that was postponed and deferred for action from the May 9<sup>th</sup> meeting.

Motion was made by Clpn. Vitelli and seconded by Clpn. Bellows to adopt the assessment as presented for 882 Stryker. All members present voted aye. Motion carried.

### **F. Rental License Hearing for 218 Annapolis St. W. & 966/976 Robert Street - 1234 Properties, LLC**

Attorney Land gave an overview. At the January 25, 2016 meeting, the City Council converted all licensed rentals under the ownership of 1234 Properties LLC at 218 Annapolis (5 units) and 966/976 Robert (3 units) to a provisional license. The provisional license included a mitigation plan outlining eleven (11) conditions with the intent to improve conditions at both properties. Staff has been monitoring the status of the mitigation plan. Based on numerous violations and inconsistent communications with the property owner and license holder, staff scheduled a rental license hearing for tonight's meeting to consider revoking the licenses.

1234 Properties, LLC is owned and operated by Christine Nsajja, according to the Secretary of State records (see Exhibit C). She also owns and operates One Life Health Services, a for-profit company that is registered with the State of Minnesota to provide group residential housing (GRH) (see Exhibit D). In addition, One Life Health Services is licensed by the State to provide Independent Living Services to people with disabilities living in community-based settings (see Exhibit E). In other words, Nsajja owns a building (rental property), provides housing for vulnerable adults (as a GRH provider) and provides the types of services that they require (Independent Living Services). However, Nsajja is not the contact person for the City for the rental license or for One Life Health. All contact has been through David Brooks, Nysha Cornelius (One Life Health's attorney), or Marquis Fanniel, the former caretaker at 218 Annapolis who does not have a lease with 1234 Properties LLC.

Council reviewed the mitigation plan and received an update on each condition. This will be included with the minutes as part of the city's record as are other documents that Attorney Land reviewed and asked for inclusion in the record. Attorney Land also reviewed a letter she received from their legal counsel late last Friday (7-22-16). Attorney Land added that One Life Health Services may be licensed by the state to provide independent living services but they are not licensed as a property management company. Attorney Land concluded her comments and deferred rebuttal until after the licensee was heard.

Mr. Kenneth Ubong Udoibok and Ms. Nysha Cornelius represent One Life Health Services and Christine and David Brooks. He received the file on Friday and he thought he should present the forms to the city attorney. He is concerned that the Council is not aware of some of the actions of the city that would rise to the level of federal and state anti-discrimination laws. He would like to respond to the bullets (points) if Council has the time. Mayor Meisinger said the Council has time to hear all Mr. Udoibok has to say. Mr. Udoibok continued - the bulk of this case is an account of the tenants making what the city attorney or city considers nuisance calls. The city has used a 2015 ordinance and events that occurred in 2016 to adjudicate decisions or events that happened in 2016, without consideration of the mental state of the tenants of 1234 Properties. The Council cannot make a proper decision. The reason for some of the calls is because the tenants have disabilities and one cannot properly investigate the case without taking under consideration these people are qualified under ADA and MN Statute. Mr. Udoibok also believes the scrutiny of similar cases is not the same. There is no specific wrongdoing that our tenants have committed that would rise to the level of his clients losing their rental license. If the city had separated the calls for the ones that are emergency and legitimate it would present a better picture. What troubles him is the demand that the city has made to his client. One is to have an on-site manager – someone that would be there for 24 hours. He doesn't know that the city can

demand this including that this on-site manager be paid for work in this small apartment building. He added further comments including the owner could exchange free rent for services. He is concerned about the tenants and his clients. He hopes it's not because of the mental health issues of the tenants for making the calls. He thinks a little patience and understanding would have corrected some of these issues.

My client does not necessarily have to have a management license. You can own an apartment and provide qualified services. He read some of the police reports and you can see the conflation of issues; the health care issues and the property issues.

Clpn. Vitelli is concerned that HIPPA and patient confidentiality areas may be breached. He is not sure these issues should be heard at the Council-level. Attorney Land said we are not naming people or violating HIPPA. These are vulnerable adults; that is a fact and in the record. We are solely concerned with the management of the apartments. Mr. Udoibok believes the city has gone into HIPPA due to the demands (mitigation plan). For his client to fully respond to your demands I have to have my client provide a release to the tenants on why they are living there and what is the reason why they can't call the police if someone is in the attic. All you need to do is read some of the police reports.

You will see our concern that we are not evicting anyone. Why would we want to compound such weight on one that is vulnerable? These are vulnerable people and we need to find a suitable place for them to live. It seems that looking at the police report – it looks like his client is doing something wrong and they are just accommodating and assisting and providing services to vulnerable adults. It looks like officers in West St. Paul are trying to transfer this level of scrutiny of his client to South St. Paul where we are not subjected to the same.

Another thing is the mitigation plan – when you go up against the city and the city says you need to take this plan or you lose your license – you take the plan and try to accommodate. What he believes, based on the evidence we are going to show, it doesn't matter what his client does in West St. Paul; the city does not want his client to provide the services. Below is a list of items review by Mr. Udoibok

1. Reduce or eliminate police calls – which he feels is sort of vague. We have completed a plan to reduce police calls. There were 63 calls but in 2016 the related calls were about ... 13 calls. You notice the numbers are mostly from 2015. The calls don't necessarily show what was a nuisance call versus an emergency call. If the question is – you have this property with vulnerable adults, the city's concern that we might not be able to answer all these calls – this is an issue of providing services. If these people are vulnerable adults and they need the services, they are entitled to said services. His client should not be punished because people have issues. Attorney Land said the city concedes that there has been a reduction in calls. This is not an issue this evening and this was not mentioned in the report. We will admit in the mitigation report the number of calls was identified as 9 qualified calls. Attorney Land added additional comments about calls and the city tiered-fee system. Related to the revocation hearing, this is not an issue and the city acknowledges the calls have decreased.

2. Regarding the onsite housing manager – why would you demand that? There is no reason for that and no authority for that. Clpn. Vitelli asked is it fair for the citizens of West St. Paul to use their tax payer dollars to take care of your vulnerable adults? Is that proper? An on-site manager who is qualified and trained to take care of these people, as we requested, could take care of the noise in the attic. The vulnerable adult could be told or taught that they go to the manager if they hear noises or have a problem. You don't call a West St. Paul policeman to fix your problems. We are not here to provide services to your residents. That is your job and responsibly to care for them and provide housing and services. This is the reason for the requirement. Taking care of his clients – demanding an on-site manager – what you are demanding is outside the function he offers. The issue is to reduce the number of nuisance calls. Mr. Udoibok thinks this condition is heavy handed. Clpn. Bellows said this was a provision that Mr. Brooks agreed to in the mitigation plan and while you allude that he is small business owner with perhaps not have a lot of experience, that is the total opposite of what he (Mr. Brooks) presented himself to this body. What we have required as part of this mitigation plan is no different than what we have done with other landlords where there have been problems. The issue is whether that landlord is operating the property within the confines of our city ordinance and whether they are agreeing to the agreed provisions in their rental license. Mr. Udoibok agrees that his client needs to comply with the rental license ordinance. We are here for an interpretation of the city ordinance. These demands are a reflection and subtle in a way for him to run his business properly and to meet the demands. Clpn. Bellows said has your client complied with the mitigation plan? Mr. Udoibok said the plan itself is unfair. Clpn. Bellows said if your client complied with the plan there is no discussion. Mr. Udoibok does not want to get into a debate. He said this is an unfair demand on his client. Mayor Meisinger said this Council put into place some provisions, which your client (Mr. Brooks) agreed to follow. Let's review the parts of the plan that you find incorrect or did not meet standards that you agreed to. Clpn. Vitelli added that rules have been imposed on other landlords and they complied. Mr. Udoibok said they had a manager who was purportedly called a security guard but he was a manager.
3. All people must sign a lease and the addendum was given to us by the city. Ms. Cornelius stated that everyone had a lease on the property except Marcus Fanniel because he had a verbal agreement with us with his employment contract that he could live there. Mayor said so you are telling me that all adults living at the facility units must sign a lease and that didn't happen. Marcus Fanniel did not have a lease.
4. Crime free lease addendum – that is what we have. Ms. Cornelius said she provided copies of the addendums to Laura Vaughn.
5. Tenants back ground checks to the police dept. – this was done. We do need to be concerned about confidential data. To the extent we can provide the police information, we did comply.
6. Copy of current lease – done and ongoing.
7. Unresolved code violations – resolved and no longer an issue.
8. Owner shall enforce lease agreements and tenant has resolved lease agreement issues including trespassing. We do that and it doesn't prescribe a specific conduct like conviction. They have terminated all problem tenant leases within a reasonable amount of time. You need to be fair and reasonable and comply with the law.

9. Owner shall not relocate nuisance tenants or other tenants to another property or rental property in West St. Paul. That is not an issue and they have never relocated anyone to another place in West St. Paul.
10. Rental license ordinance – they have no knowledge of any violations. Clpn. Bellows asked about the provision of relocation of tenants in West St. Paul which you say did not happen. Have you relocated anyone from South St. Paul to West St. Paul? Ms. Cornelius said she is not under the impression that they have.
11. We have complied with whatever code that the city has. This item was speaking specifically about the egress window and they have moved that tenant out. It took a while to find out if a permit had been pulled for that unit according the inspector request. No permit had been pulled for a renovation. They moved the tenant out and they are no longer using this as an apartment but rather as an office.
12. Noxious matter, weeds, long grass, rubbish, junk, snow and ice – keeping walks clear. Those letters were sent to the old address (1234 Properties previous address). The city expressed it's the address listed on the rental license. Ms. Cornelius said they have communicated to the city the correct address. 1234 Properties LLC is no longer in Eden Prairie. Ms. Cornelius said she thought the city had the updated address. Ms. Cornelius said the new address is 2854 Columbus Avenue and is 1234 Properties, LLC business address. She thought the address had been updated but has no tangible proof.
13. The owner will operate the property to not have repeat service call fees. Mr. Udoibok said they have made every effort to do that but they are human too.
14. The owner will cooperatively meet with staff about issues. They have complied. They can never be at fault with this process. Ms. Cornelius said she has worked very hard to work with and communicate with the staff but sometimes that hasn't worked well because of all the various employees with different duties at the city.
15. One Life health Services was instructed not to call the police dept. Of course, we are trying to comply with the mitigation plan.
16. Security video system meets the police dept. criteria.
17. Mr. Udoibok believes the main points have been addressed. Overall you want to take this into perspective. His client is trying to live here and provide services and do a good job. His clients happen to need reinforcement to live independently. He is trying his best. Forcing him out of West St. Paul will be a significant burden to people who otherwise he is doing well by.

Clpn. Bellows said to Mr. Udoibok - what we are trying to do is ask 1234 Properties to comply with the rental aspects of our ordinances. This has been asked of other landlords. Any landlord would be responsible for their tenants and the undue influence it impacts our city and city services. He appreciates the situation you are dealing with in respect to our tenants. That is a decision made by the landlord and not the city. We are asking 1234 Properties to comply with rules that we have asked of others. You made comments about selective enforcement or possible discrimination. This has nothing to do with race but rather a landlord and city. There was nothing you submitted in your documents that there was some sort of racial or ethnic factor in this. What we are talking about is a landlord/tenant complying with the law and impact on the city.

Clpn. Iago you mentioned one thing that maybe the city does not want this type of tenant in this city. We have a dozen group homes in our community. Every one of them house vulnerable

adults. Some of the rentals have tougher restrictions placed on them. It is far from inferring that we don't want this type of tenant. We don't know who the tenants are. We don't know what minority lives there. That is far from the truth. The rentals need to comply with the law. Mr. Udoibok said you realize a group home and independent living is quite different and there is no control. Clpn. Iago said he has spoken with Mr. Brooks and he knows what he is doing. He understands these items and he is smart person. Clpn. Iago said he is surprised Mr. Brooks wasn't in attendance at this hearing.

Mr. Udoibok said he didn't imply discrimination in his letter. Some of the demands would cause his client to violate the state and federal law. They are trying to accommodate and serve these adults. A little understanding of the people they are serving would be good. They are required to accommodate them and wish and the city would too.

What happens to tenants and relocation if the city revokes the license? The county understands this issue and the hearing and that license revocation may be an outcome of the hearing. They have informed their case workers that they may need to assist with housing. We also informed the State Dept. of Health and Services and they are aware these tenants may need to be relocated. Adoption of the resolution will allow time for the agencies to assist the tenants in finding alternative living arrangements.

Mayor Meisinger added that this hearing came about because the property owner was not meeting expectations by the city. Issues with 1234 Properties LLC was brought to the Council's attention on January 25. At that meeting Mr. Brooks (1234 Properties, LLC) agreed to fix 25 items on or related to his property. We gave him six months to take care of these issues and to date he has taken care of two or three items. A majority of them have not been taken care of. This is not an issue about the tenants; this is an issue about a property owner who is being treated as any other property owner. We welcome everyone into West St. Paul. This is about the property owner and is not about the tenants. This is unfortunate.

Clpn. Bellows said the actions of the city imposing a mitigation plan did nothing to preclude Mr. Brooks from providing any additional assistance to tenants. We appreciate the challenges he may have, but we look at this as a rental property issue.

Clpn. Halverson said we take this very seriously and we are concerned about the tenants but she supports the license revocation.

Mayor Meisinger added comments about selling the property. There is plenty of time for the property owner to consider his options.

Clpn. Napier added that having a full time person on-site could have resolved a lot of issues.

Derek Lynch, 218 Annapolis, said when he moved in he was told there would be someone on-site 24 hours and this did not happen. When dealing with the cops he has heard a lot of calls being made and there would have been fewer calls with the on-site person. The people actually had to call cops because the manager would not respond quickly enough. A lot of the issues were supposed to be dealt with and nothing has changed. Mayor Meisinger added that the county and

state have been notified so there should be resources available to the tenants. The city is also willing to assist you.

Motion was made by Clpn. Bellows and seconded by Clpn. Vitelli to adopt Resolution No. 16-68 revoking the rental licenses of 1234 Properties, LLC at 218 Annapolis Street West, 966 South Robert Street Unit #208 and 976 South Robert Street Units #103 and #105. All members present voted aye. Motion carried.

Agenda Item Added: Art on the Avenue

Art on the Avenue has been postponed from Saturday due to weather. Staff has been working with the DJ, color dash and other entertainment and putting these components into another event. Council would like to reschedule to Saturday, August 27 and have everything included that we can. Council would like final details sent to the public. Council thanked the donors and those who worked on this event.

### 13. Old Business

A. Special Assessment for 882 Stryker moved to 12.E.1.

### 14. Adjourn

Motion was made by Clpn. Halverson and seconded by Clpn. Bellows to adjourn the meeting at 8:39 p.m. All members present voted aye. Motion carried.



David Meisinger  
Mayor  
City of West St. Paul

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

**RESOLUTION NO. 16-61**

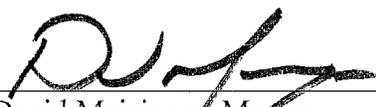
**RESOLUTION ACCEPTING A DONATION FROM  
MAYOR DAVID MEISINGER**

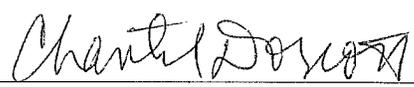
WHEREAS, Mayor David Meisinger has donated \$250.00 to the City of West St. Paul to be used towards the July 23<sup>rd</sup> annual Art on the Avenue Color Dash event;

WHEREAS, the West St. Paul City Council acknowledges Mayor Meisinger's generosity and commitment to family-oriented community events and extends their appreciation for this donation;

NOW, THEREFORE, BE IT RESOLVED, that the West St. Paul City Council accepts Mayor Meisinger's donation in the amount of \$250.00 on behalf of the City of West St. Paul and authorizes the funds to be used for the Art on the Avenue Color Dash event held on July 23, 2016.

Adopted by the City Council of the City of West St. Paul this 25<sup>th</sup> day of July, 2016.

  
\_\_\_\_\_  
David Meisinger, Mayor

Attest:   
\_\_\_\_\_  
Chantal Doriott, City Clerk

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

**RESOLUTION NO. 16-62**

**RESOLUTION ACCEPTING A DONATION FROM  
d. t. meisinger development, Inc.**

WHEREAS, d. t. meisinger has donated \$250.00 to the City of West St. Paul to sponsor Joey McCollum of MN Events who will provide music and entertainment at the July 23<sup>rd</sup> annual Art on the Avenue event;

WHEREAS, the West St. Paul City Council acknowledges d. t. meisinger development, Inc.'s generosity and commitment to family-oriented community events and extends their appreciation for this donation;

NOW, THEREFORE, BE IT RESOLVED, that the West St. Paul City Council accepts d. t. meisinger development, Inc.'s sponsorship donation in the amount of \$250.00 on behalf of the City of West St. Paul and authorizes the funds to be used for music and entertainment by MN Events at the Art on the Avenue event held on July 23, 2016.

Adopted by the City Council of the City of West St. Paul this 25<sup>th</sup> day of July, 2016.

  
\_\_\_\_\_  
David Meisinger, Mayor

Attest:   
\_\_\_\_\_  
Chantal Doriott, City Clerk

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

**RESOLUTION NO. 16-63**

**RESOLUTION ACCEPTING DONATION FROM  
THE HALVERSON FAMILY**

WHEREAS, the Halverson Family has donated \$250.00 to the City of West St. Paul to use towards the July 23<sup>rd</sup> annual Art on the Avenue Color Dash event;

WHEREAS, the Mayor and City Council acknowledges the Halverson Family's generosity and commitment to family-friendly community events and extends their appreciation to the family for this donation;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council accepts the Halverson Family donation in the amount of \$250.00 on behalf of the City of West St. Paul and authorizes the funds to be used for the Art on the Avenue Color Dash event held on July 23, 2016.

Adopted by the City Council of the City of West St. Paul this 25<sup>th</sup> day of July, 2016.

  
\_\_\_\_\_  
David Meisinger, Mayor

Attest:   
\_\_\_\_\_  
Chantal Doriott, City Clerk

DAKOTA COUNTY, MINNESOTA  
CITY OF WEST ST. PAUL

RESOLUTION NO. 16-64

RESOLUTION ACCEPTING DONATION  
FROM NORTHERN TIER ENERGY (DBA SUPER AMARICA)

WHEREAS, Northern Tier Energy, which operates Super America gas and convenience stores in our community, donated \$3,000 towards police community youth safety program efforts;

WHEREAS, the Mayor and City Council acknowledges Northern Tier Energy's generosity and extends their appreciation to Northern Tier Energy for this donation;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council accepts the Northern Tier Energy donation in the amount of \$3,000 to the City of West St. Paul and authorizes the police department to expend these funds in the area of youth safety.

Adopted by the City Council of the City of West St. Paul this 25<sup>th</sup> day of July, 2016.

cd  
Ayes: 5 Nays: 0

  
\_\_\_\_\_  
David Meisinger, Mayor

Attest:   
\_\_\_\_\_  
Chantal Doriott, City Clerk

CITY OF WEST ST. PAUL  
DAKOTA COUNTY, MINNESOTA

RESOLUTION NO. 16-65

RESOLUTION ACCEPTING DONATION FROM THE  
SOUTH ROBERT STREET BUSINESS ASSOCIATION

WHEREAS, the South Robert Street Business Association has donated \$300.00 to the City of West St. Paul to use towards the July 23<sup>rd</sup> annual Art on the Avenue event;

WHEREAS, the Mayor and City Council acknowledges the South Robert Street Business Association's generosity and commitment to family-friendly, community events and extends their appreciation to the Association for this donation;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council accepts the South Robert Street Business Association donation in the amount of \$300.00 on behalf of the City of West St. Paul and authorizes the funds to be used for the Art on the Avenue event held on July 23, 2016.

Adopted by the City Council of the City of West St. Paul this 25<sup>th</sup> day of July, 2016.

  
\_\_\_\_\_  
David Meisinger, Mayor

Attest:   
\_\_\_\_\_  
Chantal Doriott, City Clerk

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

**RESOLUTION NO. 16-67**

**RESOLUTION PROVIDING FOR THE VACATION OF CERTAIN DRAINAGE AND  
UTILITY EASEMENTS**

**WHEREAS**, the City Council may vacate any drainage and utility easement or part thereof within the City by Resolution; and

**WHEREAS**, the City of West St. Paul wishes to vacate the following described drainage and utility easement situated in the City of West St. Paul, County of Dakota, State of Minnesota, legally described on the attached Exhibit A; and

**WHEREAS**, the City Council of West St. Paul has determined that the vacation would be in the public interest.

**NOW, THEREFORE, BE IT RESOLVED** by the West St. Paul City Council that City of West St. Paul hereby vacates the drainage and utility easements dedicated in the recorded plat of Robert Street Sonic Addition, County of Dakota, State of Minnesota; and

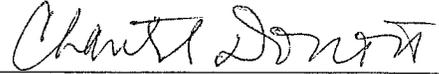
Further, that said vacation has no relationship to the City's Comprehensive Plan and therefore the West St. Paul City Council has dispensed with the requirements of Minnesota Statutes § 462.356, Subd. 2, that may require the West St. Paul Planning Commission to perform a Comprehensive Plan compliance review of said vacation that may constitute a disposal of real property pursuant to § 462.356, Subd. 2.

Adopted by the City Council of the City of West St. Paul this 25<sup>th</sup> day of July 2016.

Ayes: 5      Nays: 0

Attest:

  
\_\_\_\_\_  
David Meisinger, Mayor

  
\_\_\_\_\_  
Chantal Doriott, City Clerk

On Motion of Clpn. *Vitelli*

Seconded by Clpn. *Halverson*

RESOLUTION NO. 16-70

RESOLUTION APPROVING A JOINT POWERS AGREEMENT WITH  
DAKOTA COUNTY FOR LEGAL SERVICES FOR MISDEMEANOR  
DRUG OFFENSES AND FORFEITURES

WHEREAS, Minn. Stat. § 471.59 authorizes governmental units in the State of Minnesota to enter into agreements by resolution with any other governmental unit to perform on behalf of that unit any service or function which that unit would be authorized to provide for itself, and

WHEREAS, the Dakota County Drug Task Force ("DCDTF") was created through a Joint Powers Agreement entered into by the cities of Apple Valley, Burnsville, Eagan, Farmington, Hastings, Inver Grove Heights, Lakeville, Mendota Heights, Rosemount, Savage, South Saint Paul, West Saint Paul and the County of Dakota for the purpose of establishing an organization to coordinate efforts to investigate illegal drug activity and assist in the prosecution of drug offenders and to pursue civil asset forfeiture as provided in Minnesota statutes; and

WHEREAS, to improve efficiencies the City of West St. Paul desires the Dakota County Attorney office to provide legal services related to administrative asset forfeitures controlled substance offenses investigated by the DCDTF provided for in Minn. Stat. § 609.5314, and

WHEREAS, the Dakota County Attorney's office agrees to provide legal services related to administrative asset forfeitures investigated by the DCDTF; and

NOW, THEREFORE BE IT RESOLVED, that the Mayor for the City of West St. Paul and the City Clerk, are authorized to sign the Dakota County Joint Powers Agreement for misdemeanor drug legal services as outline in the JPA. A copy of the Joint Powers Agreement is attached to this Resolution and made a part of it

Passed and Adopted by the Council on this 25<sup>th</sup> day of July, 2016.

Ayes: 5      Nays: 0

  
\_\_\_\_\_  
David Meisinger, Mayor

Attest:   
\_\_\_\_\_  
Chantal Doriott, City Clerk

**JOINT POWERS AGREEMENT BETWEEN THE COUNTY OF DAKOTA  
AND THE CITY OF WEST SAINT PAUL  
FOR LEGAL SERVICES**

**THIS JOINT POWERS AGREEMENT ("Agreement")** is made and entered into by and between the City of West Saint Paul, (hereinafter "Municipality") and the County of Dakota, Minnesota ("County") a political subdivision of the State of Minnesota to provide legal services related to administrative asset forfeitures associated pursuant to Minn. Stat. § 609.5314.

**WHEREAS**, Minn. Stat. § 471.59 authorizes governmental units in the State of Minnesota to enter into agreements by resolution with any other governmental unit to perform on behalf of that unit any service or function which that unit would be authorized to provide for itself, and

**WHEREAS**, the Dakota County Drug Task Force ("DCDTF") was created through a Joint Powers Agreement entered into by the cities of Apple Valley, Burnsville, Eagan, Farmington, Hastings, Inver Grove Heights, Lakeville, Mendota Heights, Rosemount, Savage, South Saint Paul, West Saint Paul and the County of Dakota for the purpose of establishing an organization to coordinate efforts to investigate illegal drug activity and assist in the prosecution of drug offenders and to pursue civil asset forfeiture as provided in Minnesota statutes; and

**WHEREAS**, to improve efficiencies the Municipality desires the Dakota County Attorney to provide legal services related to administrative asset forfeitures controlled substance offenses investigated by the DCDTF provided for in Minn. Stat. § 609.5314, and

**WHEREAS**, the Dakota County Attorney agrees to provide legal services related to administrative asset forfeitures investigated by the DCDTF; and

**NOW, THEREFORE**, in consideration of the mutual covenants and agreements contained herein, it is hereby agreed by and between the County of Dakota, the Municipality, and the Dakota County Attorney that:

1. **PURPOSE.** This Agreement has been executed by the parties for the sole purpose of designating the Dakota County Attorney as the prosecuting authority for administrative asset forfeiture pursuant to Minn. Stat § 609.5314.
2. **PARTIES.** The parties to this Agreement are the County of Dakota, the Dakota County Attorney and the Municipality.
3. **SERVICES.** The Dakota County Attorney's Office shall provide legal services related to the asset forfeitures conducted under Minn. Stat. § 609.5314 associated with controlled substances offenses investigated by the DCDTF. The Dakota County Attorney's Office retains its professional discretion, including discretion to cease providing services due to a conflict of interest or any other reason.
4. **TERM.** This Agreement shall be in effect from the date of the signature of the Parties and shall continue from year to year, unless terminated in accordance with the provisions herein.
5. **PAYMENT.** In consideration for legal services provided, the County Attorney shall receive disbursements pursuant to Minn. Stat. § 609.5315.
6. **AUTHORIZED REPRESENTATIVES.** The following named persons are designated the Authorized Representatives of the parties for the purposes of this Agreement. These persons have authority to bind the party they represent and to consent to modifications, except that the authorized representatives shall have only the authority specifically or generally granted by their respective governing boards. Notice required to be provided pursuant to this Agreement shall be provided to the following named persons and addresses unless otherwise stated in this Agreement, or in a modification to this Agreement.

TO THE COUNTY: Nancy Schouweiler, Chair or successor

TO THE COUNTY ATTORNEY: James C. Backstrom, County Attorney or successor

TO THE Municipality: David Meisinger, Mayor, or successor

7. **LIAISONS.** To assist the parties in the day-to-day performance of this Agreement and to ensure compliance and provide ongoing consultation, a liaison shall be designated by each party to the Agreement. The parties shall continually provide written updates of any change in the designated liaison. At the time of execution of this Agreement, the following persons are the designated liaisons:
- County Attorney: Helen Brosnahan, Assistant County Attorney  
Telephone: 651-438-4404  
Email: [helen.brosnahan@co.dakota.mn.us](mailto:helen.brosnahan@co.dakota.mn.us)
- Municipality Liaison: Phil Windschitl, Agent Assigned to the DCDTF, or successor  
Telephone: 651-994-6224  
Email: [pwindschitl@cityofwsp.org](mailto:pwindschitl@cityofwsp.org)
8. **DATA.** All data collected, created, received, maintained or disseminated in any form for any purposes by the activities of this Agreement is governed by the Minnesota Data Practices Act, Minnesota Statute, Chapter 13, and its implementing rules, and shall only be shared pursuant to laws governing that particular data.
9. **AUDIT.** Pursuant to Minnesota Statute Section 16C.05 subd. 5, the parties agree that the State Auditor or any duly authorized representative at that time during normal business hours and as often as they may reasonably deem necessary, shall have access to and the right to examine, audit, excerpt, and transcribe any books, documents, papers, or records which are pertinent to the accounting practices and procedures related to this Agreement. All such records shall be maintained for a period of six (6) years from the date of termination of this Agreement.
10. **INDEMNIFICATION.** Each party shall be liable for its own acts to the extent provided by law and hereby agrees to indemnify, hold harmless and defend the other, its officers and employees against any and all liability, loss, costs, damages, expenses, claim or actions, including attorney's fees which the other, its officers and employees may sustain, incur, or be required to pay, arising out of or by reason of any act or omission of the party, its agents, servants, or employees, in the execution or performance of its obligations pursuant to this Agreement. The provisions of the Municipal Tort Claims Act, Minnesota Statute, Chapter 466 and other applicable law govern liability of the parties to this Agreement.
11. **TERMINATION.** Any party may terminate this Agreement for cause by giving seven days' written notice or without cause by giving 30 days written notice, of its intent to terminate, to the other party. Such notice to terminate for cause shall specify the circumstances warranting termination of the Agreement. Cause shall mean a material breach of this Agreement and any amendments thereto. Notice of Termination shall be made by certified mail or personal delivery to the authorized representative of the other parties. Termination of this Agreement shall not discharge any liability, responsibility or right of any party, which arises from the performance of or failure to adequately perform the terms of this Agreement prior to the effective date of termination.
12. **MODIFICATIONS/AMENDMENTS.** Any alteration, variations, modifications, or waivers of the provisions of this Agreement shall only be valid when they have been reduced to writing, approved by the parties' respective Boards, and signed by the Authorized Representatives of the parties.
13. **MERGER.** This Agreement is the final expression of the Agreement of the parties and the complete and exclusive statement of the terms agreed upon and shall supersede all prior negotiations, understandings, or agreements.
14. **SEVERABILITY.** The provision of this Agreement shall be deemed severable. If any part of this Agreement is rendered void, invalid, or unenforceable, such rendering shall not affect the validity and enforceability of the remainder of this Agreement unless the part or parts that are void, invalid or

otherwise unenforceable shall substantially impair the value of the entire Agreement with respect to either party.

15. **COMPLIANCE WITH LAWS AND STANDARDS.** The parties agree to abide by all Federal, State or local laws, statutes, ordinances, rules and regulations now in effect or hereafter adopted pertaining to this Agreement or to the programs and staff for which the parties are responsible.

16. **MINNESOTA LAW TO GOVERN.** This Agreement shall be governed by and construed in accordance with the substantive and procedural laws of the State of Minnesota, without giving effect to the principles of conflict of laws. All proceedings related to this Agreement shall be venued in the State of Minnesota, County of Dakota.

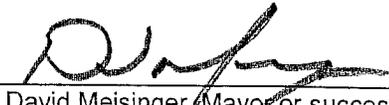
17. **FINAL AGREEMENT.** This Agreement is the final expression of the agreement of the parties and the complete and exclusive statement of the terms agreed upon, and shall supersede all prior negotiations, understandings or agreements. There are no representations, warranties, or stipulations, either oral or written, not herein contained.

IN WITNESS WHEREOF, the parties have executed this Agreement on the dates indicated below.

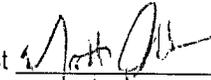
COUNTY OF DAKOTA

CITY OF WEST ST. PAUL

By: \_\_\_\_\_  
Title: Nancy Schouweiler, Chair of Board  
Date \_\_\_\_\_

By:   
Title: David Meisinger, Mayor or successor  
Date 8/11/16

Attest \_\_\_\_\_  
Jennifer Reynolds  
Administrative Services Coordinator  
Date \_\_\_\_\_

Attest   
Matthew Olson  
City Manager  
Date 8/11/16

Approved as to Form

/s/Helen R. Brosnahan July 8, 2016  
Assistant County Attorney Date

County Attorney File No. KS-16-95  
County Board Resolution No. 16-295  
Contract No. \_\_\_\_\_

DAKOTA COUNTY, MINNESOTA  
CITY OF WEST ST. PAUL

RESOLUTION NO. 16-66

RESOLUTION APPROVING A JOINT POWERS AGREEMENT WITH  
DAKOTA COUNTY FOR LEGAL SERVICES FOR MISDERMEANANT  
DRUG OFFENSES AND FORFIETURES

WHEREAS, Minn. Stat. § 471.59 authorizes governmental units in the State of Minnesota to enter into agreements by resolution with any other governmental unit to perform on behalf of that unit any service or function which that unit would be authorized to provide for itself, and

WHEREAS, the Dakota County Drug Task Force (“DCDTF”) was created through a Joint Powers Agreement entered into by the cities of Apple Valley, Burnsville, Eagan, Farmington, Hastings, Inver Grove Heights, Lakeville, Mendota Heights, Rosemount, Savage, South Saint Paul, West Saint Paul and the County of Dakota for the purpose of establishing an organization to coordinate efforts to investigate illegal drug activity and assist in the prosecution of drug offenders and to pursue civil asset forfeiture as provided in Minnesota statutes; and

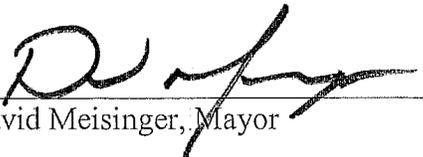
WHEREAS, to improve efficiencies the City of West St. Paul desires the Dakota County Attorney office to provide legal services related to administrative asset forfeitures controlled substance offenses investigated by the DCDTF provided for in Minn. Stat. § 609.5314, and

WHEREAS, the Dakota County Attorney’s office agrees to provide legal services related to administrative asset forfeitures investigated by the DCDTF; and

NOW, THEREFORE BE IT RESOLVED, that the Mayor for the City of West St. Paul and the City Clerk, are authorized to sign the Dakota County Joint Powers Agreement for misdemeanor drug legal services as outline in the JPA. A copy of the Joint Powers Agreement is attached to this Resolution and made a part of it

Passed and Adopted by the Council on this 25<sup>th</sup> day of July, 2016.

Ayes: 5      Nays: 0      \_\_\_

  
\_\_\_\_\_  
David Meisinger, Mayor

Attest:   
\_\_\_\_\_  
Chantal Doriott, City Clerk

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

**RESOLUTION NO. 16-72**

**A RESOLUTION APPROVING A CONDITIONAL  
USE PERMIT TO ALLOW FOR THE EXPANSION  
OF AN EXISTING ESSENTIAL SERVICE STRUCTURE  
IN AN R1 DISTRICT AT 1365 BIDWELL ST.  
ST. PAUL REGIONAL WATER SERVICES**

WHEREAS, a Conditional Use Permit application has been submitted to the City for property legally described as:

LOT 1, BLOCK 1 EMERSON ESTATES

WHEREAS, a public hearing concerning the Conditional Use Permit was held before the West St. Paul Planning Commission on July 19, 2016; and

WHEREAS, the West St. Paul Planning Commission has recommended that the City Council of West St. Paul approve the Conditional Use Permit.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF WEST ST. PAUL that the Conditional Use Permit for 1365 Bidwell St. requested by St. Paul Regional Water Services is hereby approved subject to the following conditions:

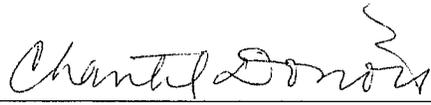
1. The Variance is contingent upon approval of the corresponding Conditional Use Permit Application.
2. The applicant shall apply for applicable building permits. The proposed addition shall be constructed according to the submitted plans.
3. Testing of the proposed generator shall be conducted during daylight hours.
4. Should noise levels resulting from the proposed generator create a public nuisance as determined by the Zoning Administrator, the applicant shall work with Staff to mitigate the noise issues.
5. The applicant shall replace the existing 4-foot chain link fence with a new black vinyl coated 4-foot chain link fence from the southwest corner of the proposed addition west to the west property line and then extending north along the west property line to the northwest corner of the property.
6. The applicant shall work with the neighboring property owner to the west in removing overgrown vegetation and planting new landscaping. Said landscape improvements shall be approved by the Zoning Administrator.
7. The application shall include new landscaping in the front yard to improve the aesthetics of the property.
8. The applicant shall maintain the yard to the standards outlined in City Code.

Passed by the City Council of the City of West St. Paul this 25<sup>th</sup> day of July, 2016.

Ayes: 5      Nays: 0

Attest:

  
\_\_\_\_\_  
David Meisinger, Mayor

  
\_\_\_\_\_  
Chantal Doriott, City Clerk

On Motion of *Bellows*

Seconded by *Vitelli*

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

**RESOLUTION NO. 16-68**

**RESOLUTION REVOKING RENTAL LICENSES OF 1234 PROPERTIES L.L.C. AT  
218 ANNAPOLIS St. W., 966 S. ROBERT ST. UNIT #208 AND  
976 S. ROBERT ST. UNITS #103 AND #105**

**WHEREAS**, 1234 Properties L.L.C. (the “Owner”) owns a licensed 5-unit rental apartment located at 218 Annapolis St. W. (purchased on 9/19/14) and three licensed condominium units located at:

- 976 South Robert Street Unit 105 (purchased on 5/12/15)
- 976 South Robert Street Unit 103 (purchased on 5/13/15)
- 966 South Robert Street Unit 208 (purchased on 8/19/15)

(collectively the “Property” or “Properties”); and

**WHEREAS**, it was discovered on or about August 26, 2015 that the Owner had purchased the three units at 966/976 Robert St. and that he was renting all three units without rental licenses; and

**WHEREAS**, on August 28, 2015, the City issued an Administrative Citation for renting the Properties without rental licenses and required the Owner to apply for and obtain rental licenses; and

**WHEREAS**, on January 25, 2016, the City Council held a hearing and considered the licenses under the ownership of 1234 Properties L.L.C., during which the City presented its evidence and the Owner was given an opportunity to be heard; and

**WHEREAS**, following the hearing, after considering all evidence presented, the Council converted the license at 218 Annapolis St. W. to a Provisional License and approved the three applications for units at 966/976 Robert St. as Provisional Licenses and adopted an appropriate mitigation plan contained in Resolution 16-14; and

**WHEREAS**, the Council is concerned about the Owner’s ability to own, operate and manage its rental properties based on the volume of calls for service in the short period of time for which it has owned the Properties, the lack of training and level of expertise of the on-site manager and other on-call staff, record-keeping issues with leases and all occupants being listed on leases, evictions being performed correctly, claims that tenants do not call police for fear of being evicted, relocating tenants between its West St. Paul and South St. Paul facilities, allowing occupancy of an

illegal unit at 218 Annapolis St. W., and other issues that affect the health, safety and welfare of the public; and

**WHEREAS**, on July 1, 2016, the Owner was notified that a hearing would be held before the West St. Paul City Council on July 25, 2016 to discuss all of its rental licenses, at which time the Council may revoke or suspend the licenses; and

**WHEREAS**, at the July 25, 2016 West St. Paul City Council meeting, a hearing was held, during which the City presented its evidence and the Owner and Owner's representative were given an opportunity to be heard; and

**WHEREAS**, following the testimony and evidence presented, the Council moved to REVOKE the licenses for the rental units mentioned above located at 218 Annapolis St. W. and 966 and 976 S. Robert St., West St. Paul all owned by 1234 Properties L.L.C.; 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 City Attorney Kori Land and the supporting documentation into these findings of fact.
2. The Owner has violated the mitigation plan by not providing an on-site housing manager who is not a client receiving services. The Owner hired an existing tenant to act as a caretaker or security guard. The caretaker admitted he was not trained to address issues related to dealing with vulnerable adults. (Exhibit Y) Within a few months of the mitigation plan being adopted, the caretaker was fired for an alleged violation of his lease. (Exhibit F) The on-call counselor is not responsive to the tenants or to the caretaker. (Exhibit Y) In addition, the counselor was involved in a fifth-degree assault with a former tenant, who is a vulnerable adult. Even though the report was not substantiated, the former tenant exhibited signs of an assault, including a split lip and the on-call counselor admitted that there was an altercation. (Exhibits Y and AA)
3. The Owner has violated the mitigation plan by not obtaining signed leases from all of the occupants. The caretaker admits that he did not sign a lease with the Owner. (Exhibit Y) The Owner admits that the caretaker does not have a signed lease with the Owner and has never had a signed lease. (Exhibit G) The Owner was unaware that there was another occupant in the caretaker's unit. (Exhibit F) The Owner was unable to provide a signed lease for the occupants of the unit at 966 S. Robert. The Owner denied the existence of any other occupants at one of the units at 976 S. Robert, in spite of two police reports documenting their existence. (Exhibit I)

4. The Owner has performed deficient background checks on at least one tenant, who has numerous felony convictions for burglary, terroristic threats and drug possession. (Exhibits J and K)
5. The Owner has violated the mitigation plan by failing to follow-through with eviction notices in a timely manner, resulting in additional police calls. (Exhibits L, O, P and R) It is suspected that on at least two occasions the Owner has illegally evicted tenants by changing the locks and claiming the tenant has abandoned the unit. (Exhibits N and Z) On one of those occasions the Owner re-rented the unit with the previous tenant's belongings still inside the unit. (Exhibit Z)
6. The owner has violated the mitigation plan by relocating tenants from other rental properties owned by Owner. There is evidence to support that the Owner has moved problem tenants from its South St. Paul facilities to its units in West St. Paul and vice versa. (Exhibit Y)
7. The Owner has violated the mitigation plan by failing to maintain the building at 218 Annapolis St. W. up to the standards in the Building Code. (Exhibits S and T) Upon inspection, it was discovered that the basement unit did not have a legal egress window, yet the unit was being occupied by a vulnerable adult. To date, this window has not been corrected.
8. The Owner has violated the mitigation plan by receiving a compliance letter for the unsheltered storage of junk and for failing to maintain a fence. (Exhibit U)
9. The Owner has violated the mitigation plan by receiving a Repeat Nuisance Service Call Fee. (Exhibit V)
10. The Owner has violated the mitigation plan by not cooperatively working with City Staff on addressing issues surrounding allegations of drug use at 218 Annapolis St. W. (Exhibit X), by interfering with police department in the performance of its duties on at least one occasion (Exhibit W), and by telling its tenants not to call the police, even when the reports involve an assault, theft, drugs and criminal damage to property. (Exhibits G, O, P, Q and R)
11. The Owner allowed its business registration with the Secretary of State to lapse during the licensed period. (Exhibit C)
12. The Dakota County Crisis Intervention Unit has filed three Vulnerable Adult Complaint Reports with the State of Minnesota against its license, triggering an investigation.
13. The water has been turned off at 218 Annapolis St. W. on three occasions in the previous 18-month period for non-payment.
14. At the July 25, 2016 hearing, the Owner and/or the Owner's representative were present and were afforded an opportunity to submit testimony, documentation and evidence for the Owner's position.

15. Following a hearing, any license may be denied for one or more of the reasons enumerated in City Code Section 110.12(B).
16. 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 a 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 several conditions of its provisional license as stated in the findings of fact, 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. Staff is directed to notify tenants that the licenses have been revoked and be given a reasonable time to vacate the Property.

Ayes: 5      Nays: 0

Passed this 25<sup>th</sup> of July, 2016.

  
\_\_\_\_\_  
David Meisinger, Mayor

Attest:

  
\_\_\_\_\_  
Chantal Doriott, City Clerk

# ONE LIFE HEALTH SERVICES

"a better way to live"

---

2854 COLUMBUS AVE S  
MINNEAPOLIS, MN 55407

VIA E-MAIL

APRIL 12, 2016

West Saint Paul Police Department  
1616 Humboldt Ave.  
West St. Paul, MN 55118

Dear Chief Shaver:

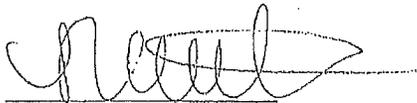
Thank you for your prompt response to this matter. One Life Health Services has been working diligently with the city of West Saint Paul, and The West Saint Paul Police Department. Our company takes these matters very seriously and appreciate that we are able to have an open dialogue with your office.

I have reviewed the incident report you have provided my office, which has brought to light a better understanding of the incident of April 5, 2016. Mr. Wheeler informed One Life Health that he felt he was being intimidated and victimized in this incident, which lead our company to investigate this matter further. It was never brought to our attention, until now, that Mr. Wheeler stated to an officer "He would kick [their] ass". My request for information was merely procedural and no ill will was intended.

However, I would like to point out that neither One Life Health Services nor 1234 Properties employs a female in West Saint Paul. All employees in West Saint Paul, including our 24-hour emergency staff are Male. We are under the impression that the female referred to in the incident report is a close friend of Mr. Wheeler. This female misrepresented herself to officer's onsite and for this I apologize. Our staff has the upmost respect for Police Officers and City Officials.

Mr. Brooks informed me that he spoke with you, and after my mandatory compliance investigation, I am satisfied with the accounts you have provided my office. Thank you again for your cooperation.

Respectfully Submitted,



Nysha Cornelius  
Attorney at Law

West St. Paul  
Disposition: Active/Pending

# SUPPLEMENT

Case Number: 16900045  
Title: Neglect

16900045

Needs Follow-up: Yes Incident Type: Neglect/Maltreatment of Vulnerable Adult Citation Issued: No

Investigation Needed: Yes CAD #: 16012856

Admin Review Needed: Yes

Drug Related: No Gang Related: No Domestic Related: No

## OFFICER INFORMATION

Name	Agency	Badge	Type
Jesse Mettner	West St. Paul	2645	Primary

## EVENT DATES

Reported	On Scene	Cleared
2016-07-15 09:12	2016-07-15 09:12	2016-07-15 09:12

## INCIDENT DETAILS

Address: 966 Robert Street S APT [REDACTED], West St. Paul, MN 55118; Dakota US

Location Type: APARTMENT

Location Description:

Start Date: 2016-07-15 12:00 End Date: 2016-07-15 09:21

## Parties Involved

### PERSON 1

Role(s): Mentioned

Last: [REDACTED] First: [REDACTED] Middle: [REDACTED] Suffix:

Date of Birth: [REDACTED] Age: [REDACTED] Is Juvenile: No

Residence: 966 Robert Street S APT [REDACTED]; West St. Paul, MN 55118; Dakota US

Residence Type: APARTMENT

Cell Phone: [REDACTED] Description:

Sex: [REDACTED] Height: [REDACTED] Weight: [REDACTED] Hair: [REDACTED] Eyes: [REDACTED]

Race: [REDACTED] Ethnicity: [REDACTED] Build: Medium Complexion: [REDACTED]

## EMPLOYMENT INFORMATION

Occupation: [REDACTED] Shift:

### PERSON 2

Role(s): Mentioned

Last: [REDACTED] First: [REDACTED] Middle: [REDACTED] Suffix:

Date of Birth: [REDACTED] Age: [REDACTED] Is Juvenile: No

Residence: 966 Robert Street S APT [REDACTED], West St. Paul, MN 55118; Dakota US

Residence Type: APARTMENT

Cell Phone: [REDACTED] Description:

Sex: [REDACTED] Height: [REDACTED] Weight: [REDACTED] Hair: [REDACTED] Eyes: [REDACTED]

Race: [REDACTED] Ethnicity: [REDACTED] Build: Complexion: [REDACTED]

West St. Paul  
Disposition: Active/Pending

# SUPPLEMENT

Case Number: 16900045  
Title: Neglect

16900045

## PERSON 3

Role(s): Mentioned

Last: Heater                      First: Robert                      Middle: Donald                      Suffix:  
Date of Birth: 1978-04-21              Age: 38                      Is Juvenile: No  
Residence: 550 Minnesota Avenue; Big Lake, MN 55309; Stearns US  
Sex: Male              Height: 506 -506                      Weight: 150 -150 lbs              Hair: Black              Eyes: Hazel  
Race: White              Ethnicity: Not Hispanic/Latino              Build: Slender                      Complexion: Fair

## SYNOPSIS

Property management company and Health Services provider purchased several properties in the City of West St Paul over the course of a year. Residents receiving state and county benefits were placed in those properties and received Independent Living Services from the Health Services provider over the course of nearly two years. Officers have responded to those properties for various types of public nuisance and drug related calls extensively over that time period and the company was placed on a provisional rental license by the City of West St. Paul. Officer became involved in the investigation into the conduct of the companies in June of 2016 to assist the City's investigation and through an interview with a former tenant and on site property manager and reviewing numerous reports discovered allegations of possible neglect, exploitation, and misconduct involving the care of multiple vulnerable adults under the care of the Health Services provider responsible for the tenants of the properties. Investigation is ongoing.

## STATEMENT

On 07-22-2016 I was requested by Officer Elam to assist with a warrant arrest at 966 Robert St S. Upon arrival Elam advised that he had been notified that a male, identified as Robert Donald Heater DOB/1978-04-21, was in apartment [REDACTED] and had an outstanding felony warrant for his arrest for failing to register as a sex offender and was known to assault and flee police.

Officers Baumeister and Sewald and Sgt. Gubash were also there to assist. Baumeister, Sewald, and I went to the front of the building while Elam and Gubash went around the back of the building with Elam's canine partner Mike. Sewald and I were attempting to gain entry to the building to knock on the door of apartment [REDACTED] which I know to be an apartment that is owned and operated by 1234 Properties and One Life Health Services, and make contact.

We then heard Elam advise on the radio that he and Gubash had Heater in custody.(Ref CN 16002530)

While Gubash was escorting Heater to a squad car he asked me if I would bring his cell phone to his girlfriend in apartment [REDACTED]

I knocked on the door of apartment [REDACTED] and it was answered by the tenants, identified as [REDACTED] DOB/[REDACTED] and [REDACTED] DOB/[REDACTED]. I advised them that Heater was under arrest for an outstanding warrant and he would be going to Dakota County Jail. The first thing that both tenants said was "is Dave Brooks going to find out, because we can't have police here at all or we will get immediately evicted". They advised that Heater had been staying with them in apartment [REDACTED] for a brief period but would not be more specific about how long he had been there.

Supplement Report

I asked them a few times about how long Heater had been there and if Brooks was aware that Heater had been staying there. [REDACTED] stated that "Lamont" knew, who had been mentioned in the interview I conducted with Marquis Fanniel as an ILS worker for One Life Health. [REDACTED] and [REDACTED] asked me multiple times if David Brooks was going to find out that police were at the apartment and appeared to be extremely nervous that he would find out. They stated several times that if David Brooks found out police were at the apartment they would be immediately evicted. It appeared to me that they were very fearful of any police contact associated to the apartment for fear of being evicted.

I cleared the scene after briefly speaking with [REDACTED] and [REDACTED] and returning Heater's cell phone.

I have forwarded this supplement to City Attorney Korine Land, Crime Prevention Specialist Laura Vaughn, The MN Attorney General's Office, Dakota County Crisis, and The MN Department of Human Services.

Nothing Further

Documentation Only At This Time

RELATED REPORTS

Agency	CaseNumber	Type	Description
West St. Paul	16002530	Incident-Reference	

**TO:** Mayor and City Council  
**THROUGH:** Matt Fulton, City Manager  
**FROM:** Manila Shaver, Chief of Police  
**DATE:** September 14, 2015  
**SUBJECT:** Rental License Review, Living Solutions,  
1425, 1435 and 1445 Bidwell



City of West St. Paul

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**BACKGROUND INFORMATION:**

Supportive Living Solutions (SLS) applied for and obtained a rental license for the properties of 1425, 1435 and 1445 Bidwell (herein referred to as the Bidwell properties) on January 12, 2015. The company and person listed on the application are Ebullient Investments, LLC and Mr. William Arrigoni, respectfully. SLS is a specialized private rental property management company in that their website announces: *"We provide services and housing to individuals living with chemical dependency, long-term homelessness and serious or persistent mental illness."* SLS is a St. Paul based organization founded by William Arrigoni and Victoria Frahm in 2001. Additional information about SLS and their services can be found by clicking [HERE](#).

At the time of their application the Council was rightfully concerned about the potential impact to the relatively quiet Bidwell neighborhood, but legally there were few options open to the Council to more strictly regulate this type of activity. SLS attempted to ease the Council's concerns by stating they have several facilities in the metro area and they all have assimilated into their perspective neighborhoods with little or no issues.

Shortly after SLS started accepting clients problems began. However, from the police department's view the problems were relatively minor in nature and were consistent with what had been occurring at this location. Neighbors started reporting to the police department more and more about suspicious activity and questionable characters on and around the Bidwell properties. Then in July the problems exploded causing an elevated level of concern from the police department and by the residents from the elderly complex across the street. In fact Councilperson Ed Iago, Crime Prevention Specialist Laura Vaughan and I visited this elderly complex to hear what the residents had to say. In general, most concerns centered on residents feeling less safe. Other stated concerns included:

<i>Frequent Police Calls</i>	<i>Lack of Supervision</i>	<i>Neighbor Disrespect</i>
<i>Late Night Activity</i>	<i>Noise, Yelling, Obscenities</i>	<i>Alcohol and Drug Abuse</i>
<i>Trash</i>	<i>Increased Vandalism</i>	<i>Suspicious Activity</i>

In reading the elderly residents comments (see attached) I was surprised by the number of residents who understood the need for this type of service, with only a few saying they wished it was gone. Most saw the need for better oversight and management at the Bidwell properties as a solution to the neighborhood concerns.

The two current SLS property managers are Melissa Schinas and Tyler Bevers. They have been working closely with City Staff and the Crime Prevention Specialist Laura Vaughan. They have attended ROMA meetings, met one-on one with City staff, followed through on suggestions, participated in problem solving discussions, responded quickly to issues, and promptly evicted trouble making and disruptive residents. So what went wrong?

In reviewing the recent issues and concerns occurring at the Bidwell properties with Tyler Bevers it is believed SLS did not have the appropriate staff in place when they first started accepting clients. Mr. Bevers estimated twelve hours or less per week of onsite staff at the Bidwell properties. This most likely led to a lack of appropriate supervision and control. The buildings and surrounding grounds security system was not installed, thus trouble making residents felt some level of anonymity. Alcohol use was not controlled or prohibited and was the common denominator in almost all police calls. Certain individuals, usually friends of friends, were not promptly trespassed when they caused problems. And most importantly, SLS started accepting clients from community corrections, clients they have not normally managed. In fact, Mr. Bevers remarked that five of the six recent evictions were individuals from community corrections.

As a business, SLS may serve whomever they wish to and the City should not attempt to regulate types of clients a business wants to serve. However, the City may and should deal with the disruption and nuisance problems created by a licensed activity, ill-regardless of the types of individuals a business owner chooses to serve.

The Council will soon be establishing a benchmark of 0.5 City Service calls per unit per license. Those licenses exceeding the 0.5 rating would be considered having activities disproportionately consuming City services and/or being disruptive to community and neighborhood values. The goal of a licensee would be to achieve a rating under the 0.5 calls per unit by year's end. In the short time frame SLS has been operating they have achieved the following ratings based on their calls for service:

June 2015	0.19
July 2015	0.57
<u>August 2015</u>	<u>0.29</u>
Average Running Rate	0.35

The excessive rate growth from June to July would have continued if not for the intervention of City staff and a willingness from Mr. Bevers to act promptly. While the issues were temporarily mitigated, the City has no guarantee or assurances from SLS that the conditions which caused the rate increase will resume.

As stated above, SLS is periodically consuming City Services at an excessive rate and the activity in and around the Bidwell properties has heightened the concerns of nearby neighbors and in general, made residents feel less safe. While City staff will continue to work with license holders, excessive issues, problems and community concerns caused by a licensed activity needs to be addressed by the Council. According to City Code 1005.25 Subd 4a the Council has five basic options when dealing with a licensee. Those are:

1. Take no action;
2. Allow the business activity to continue, but add reasonable conditions to the license;
3. Convert the license to a Provisional License and approve a mitigation plan;
4. Suspend the license; or
5. Revoke the license.

The police department is recommending the Council convert SLS's current rental license to a Provisional License (see City Code 1005.25 Subd 1c). The term of the Provisional License will be for the remainder of SLS's current rental license term or twelve months, whichever is longer. I am recommending this length of time as it will be important to see how well the mitigation plan will work during another summer, the time period when most neighborhood problems occur.

The mitigation plan will consist mainly of regular interaction between SLS staff and City staff to ensure all of the below listed mitigation steps are being followed. In general, proposed mitigation steps would include, but are not limited to, conducting proper screening of clients, enforcement of rental leases and addendums, making sure the residents of the Bidwell properties are conforming to neighborhood norms, and ensuring SLS staff are holding their residents and their visitors accountable.

Short-term mitigation strategies will center on reducing neighborhood disruption. SLS will be requested to increase their onsite staff and to establish after hours security services. These personnel will focus on making sure the Bidwell residents are conducting themselves and interacting with neighbors in an appropriate way. This should also reduce the number of police calls to handle minor nuisance complaints such as cutting across a neighbor's property to get to a bus stop, yelling at passing vehicles and neighborhood solicitation (begging).

It is estimated City staff will spend two to three hours per month working with SLS staff on this mitigation plan. At \$25/hour the anticipated cost is approximately \$50/month. The total anticipated City cost of implementing this mitigation plan for the twelve month period would be \$600. The police department is recommending a provisional license fee of \$600 for the twelve month period.

**FISCAL IMPACT:**

Action	Fund	Department	Account	Amount
Other License Fee	101	30000	32199	\$600
Total:				\$600

**STAFF RECOMMENDATION:**

To assure the problems associated with the Bidwell properties do not resume, the police department is recommending a Provisional License with the following mitigation conditions:

- a) The Owner will apply for future Rental License renewals in a timely manner;

- b) Upon request, the Owner will provide the City with a current copy of any lease used for the Bidwell properties;
- c) Upon request, the Owner will provide the results of any rental criminal background check of a Bidwell tenant to the police department;
- d) All adult persons living at the Bidwell residence must sign a lease and any required addendum;
- e) The Owner will utilize and enforce a Crime-Free Lease addendum. All residents must sign this addendum including an acknowledgment that a substantial violation of this addendum is grounds for eviction;
- f) The Owner will work with City staff to create a 'respect for your neighbor' addendum. All residents must sign this addendum including an acknowledgment that a substantial violation of this addendum is grounds for eviction;
- g) The Owner will continue to aggressively enforce their lease and subsequent addendum requirements, using trespass notices and evictions as tools for significant and/or persistent violators;
- h) The Owner ensures that tenants, visitors, guests or other individuals do not unduly disrupt neighbors by loud and boisterous noises, swearing, yelling, and loitering;
- i) The Owner ensures that tenants, visitors, guests and other individuals do not create excessive or disruptive vehicular traffic, conditions that block residential driveways or individuals using the driveways and properties of others without their permission;
- j) The Owner will ensure that tenants, visitors, guests and other individuals that are associated with or known to be involved in criminal activities are not allowed on the premises and if they return a trespass notice will be filed with the police department and enforced by the Owner;
- k) The Owner, Supportive Living Solutions staff, their agents or contractors shall not discourage residents, visitors or neighbors from calling the police, emergency responders or other City services;
- l) The Owner will maintain a STAR Level II participation level and the Owner or Supportive Living Solution staff will attend 50% of scheduled ROMA meetings. The police chief requests authority to waive this requirement should the police department establish special meetings for those organizations such as SLS serving special needs clients in the City. SLS would be required to have regular attendance at the specialized meetings;
- m) The Owner and/or managers of the Bidwell properties will complete phase one of the Crime Free Rental-Housing Training within six months;
- n) The Owner will increase their on-site staff at the Bidwell properties to a 40 hour level (1 FTE);

- o) A security video system, meeting the police department's requirements for security and monitoring, will be installed at 1425, 1435 and 1445 Bidwell, and remain functional as long as the Owner operates under a City-issued rental license at this location. In addition, upon reasonable request, the police department will be provided access to inspect the security system and receive security recordings of specifically requested time periods and locations in a timely manner;
- p) The Owner will provide onsite security services for those hours when Supportive Living Solutions staff is not onsite. This requirement will be in effect for 60 days starting eight business days from the date of this resolution. After 30 days of security services the Owner may request the Council to rescind this requirement should problems and issues at the Bidwell properties be significantly reduced. Prior to security services being deployed, the Owner, City staff and the security firm will meet and agree on security services focus areas;
- q) The Owner will create, post and maintain building and individual door stickers stating who is managing the property and what 24x7 telephone number can be called for emergencies. The door stickers must be 1½ inches by 3 inches or larger and lobby signs must be at least 3 inches by 5 inches, both must be posted in a conspicuous place. Individual door stickers are not required should the entire complex be managed by one licensee. Afterhours staff must promptly answer telephone calls and, if need be, respond in a timely manner;
- r) The buildings and surrounding grounds of 1425, 1435 and 1445 Bidwell will be alcohol free. No persons on the properties will consume alcohol or remain in public areas while intoxicated. The Owner will post the appropriate signage and take reasonable steps to enforce this requirement;
- s) The Owner will maintain the property to the following Maintenance Standards:
- Building Code
  - Housing Code
  - Animal Ordinance
  - Fire Prevention Code
  - Repeat Nuisance Service Calls
  - Parked or Stored Motor Vehicles
  - Public Nuisance Ordinance
  - International Property Maintenance Code
- t) In addition to the above, the Owner will maintain the property as not to receive compliance letters for noxious matter, long grass and weeds, garbage, rubbish or junk, and sidewalks not kept clear of snow and ice;
- u) The Owner will operate the facility as not to receive any Repeat Nuisance Service Call Fees;

- v) In addition to the regular license fee, the Owner will pay an additional \$600 for cover the cost of this mitigation plan. The \$600 fee will be invoiced and payable 60 days from the date of this resolution; and
- w) The Owner will cooperatively work and meet with City staff in resolving any unidentified issue or concern that may be disruptive to the peace and harmony of the neighborhood.

## ATTACHMENTS

- Draft Resolution
- CAD Count of service calls to the Bidwell properties for January-May, 2015 - *(This shows the number and types of police calls when SLS first obtained their rental license on January 12<sup>th</sup> until about June when SLS started having more clients living at Bidwell. When SLS first acquired the Bidwell property there was a period of time before the "market rate" renters left and clients moved in. There are 21 units, today there are 9 market rate renters and 12 clients. It is SLS' intention to have a maximum of 14 clients.)*
- CAD Count of service calls to the Bidwell properties for June-September 9<sup>th</sup>, 2015 – *(This shows the change in type and quantity of police calls as additional clients move into the Bidwell properties.)*
- Detail listing of service calls June, July August, 2015 – *(This shows the details of each police call during the last 90 days.)*
- A letter from SLS' attorney (James Baldwin) to the City Attorney
- 14 pages of comments from the concerned elderly neighbors – *(The names have been redacted as the elderly residents feared retaliation.)*

On Motion of

Seconded by

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

**RESOLUTION NO. 15-**

**RESOLUTION IMPOSING CONDITIONS ON A  
RENTAL DWELLING LICENSE  
FOR 1425, 1435 AND 1445 BIDWELL AVENUE, WEST ST. PAUL**

WHEREAS, William Arrigoni (Supportive Living Solutions), (the "Owner") is the owner of certain real property located at 1425, 1435 and 1445 Bidwell Avenue, West St. Paul (the "Property"); and

WHEREAS, on January 12, 2015, the City received a completed rental dwelling application for the Property so that the Owner could begin renting the Property; and

WHEREAS, on September 14, 2015, the City Council considered the Rental Dwelling Application of the Property due to the excessive police calls and nuisance activity on and about the Property, during which the City presented its evidence and the Owner was given an opportunity to be heard; and

WHEREAS, following the testimony, due to previous nuisance activity at the Property, the Council desires to add reasonable conditions to the approval of the license.

NOW THEREFORE, BE IT RESOLVED, that the City Council approves the rental dwelling license application for 1425, 1435 and 1445 Bidwell Avenue to William Arrigoni (Supportive Living Solutions), with the following conditions (aka: a Provisional License):

- a) The Owner will apply for future Rental License renewals in a timely manner;
- b) Upon request, the Owner will provide the City with a current copy of any lease used for the Bidwell properties;
- c) Upon request, the Owner will provide the results of any rental criminal background check of a Bidwell tenant to the police department;
- d) All adult persons living at the Bidwell residence must sign a lease and any required addendum;
- e) The Owner will utilize and enforce a Crime-Free Lease addendum. All residents must sign this addendum including an acknowledgment that a substantial violation of this addendum is grounds for eviction;
- f) The Owner will work with City staff to create a 'respect for your neighbor' addendum. All residents must sign this addendum including an acknowledgment that a substantial violation of this addendum is grounds for eviction;

- g) The Owner will continue to aggressively enforce their lease and subsequent addendum requirements, using trespass notices and evictions as tools for significant and/or persistent violators;
- h) The Owner ensures that tenants, visitors, guests or other individuals do not unduly disrupt neighbors by loud and boisterous noises, swearing, yelling, and loitering;
- i) The Owner ensures that tenants, visitors, guests and other individuals do not create excessive or disruptive vehicular traffic, conditions that block residential driveways or individuals using the driveways and properties of others without their permission;
- j) The Owner will ensure that tenants, visitors, guests and other individuals that are associated with or known to be involved in criminal activities are not allowed on the premises and if they return a trespass notice will be filed with the police department and enforced by the Owner;
- k) The Owner, Supportive Living Solutions staff, their agents or contractors shall not discourage residents, visitors or neighbors from calling the police, emergency responders or other City services;
- l) The Owner will maintain a STAR Level II participation level and the Owner or Supportive Living Solution staff will attend 50% of scheduled ROMA meetings. The police chief requests authority to waive this requirement should the police department establish special meetings for those organizations such as SLS serving special needs clients in the City. SLS would be required to have regular attendance at the specialized meetings;
- m) The Owner and/or managers of the Bidwell properties will complete phase one of the Crime Free Rental-Housing Training within six months;
- n) The Owner will increase their on-site staff at the Bidwell properties to a 40 hour level (1 FTE);
- o) A security video system, meeting the police department's requirements for security and monitoring, will be installed at 1425, 1435 and 1445 Bidwell, and remain functional as long as the Owner operates under a City-issued rental license at this location. In addition, upon reasonable request, the police department will be provided access to inspect the security system and receive security recordings of specifically requested time periods and locations in a timely manner;
- p) The Owner will provide onsite security services for those hours when Supportive Living Solutions staff is not onsite. This requirement will be in effect for 60 days starting eight business days from the date of this resolution. After 30 days of security services the Owner may request the Council to rescind this requirement should problems and issues at the Bidwell properties be significantly reduced. Prior to security services being deployed, the Owner, City staff and the security firm will meet and agree on security services focus areas;
- q) The Owner will create, post and maintain building and individual door stickers stating who is managing the property and what 24x7 telephone number can be called for emergencies. The

door stickers must be 1 ½ inches by 3 inches or larger and lobby signs must be at least 3 inches by 5 inches, both must be posted in a conspicuous place. Individual door stickers are not required should the entire complex be managed by one licensee. Afterhours staff must promptly answer telephone calls and, if need be, respond in a timely manner;

- r) The buildings and surrounding grounds of 1425, 1435 and 1445 Bidwell will be alcohol free. No persons on the properties will consume alcohol or remain in public areas while intoxicated. The Owner will post the appropriate signage and take reasonable steps to enforce this requirement;
- s) The Owner will maintain the property to the following Maintenance Standards:
- Building Code
  - Housing Code
  - Animal Ordinance
  - Fire Prevention Code
  - Repeat Nuisance Service Calls
  - Parked or Stored Motor Vehicles
  - Public Nuisance Ordinance
  - International Property Maintenance Code
- t) In addition to the above, the Owner will maintain the property as not to receive compliance letters for noxious matter, long grass and weeds, garbage, rubbish or junk, and sidewalks not kept clear of snow and ice;
- u) The Owner will operate the facility as not to receive any Repeat Nuisance Service Call Fees;
- v) In addition to the regular license fee, the Owner will pay an additional \$600 for cover the cost of this mitigation plan. The \$600 fee will be invoiced and payable 60 days from the date of this resolution; and
- w) The Owner will cooperatively work and meet with City staff in resolving any unidentified issue or concern that may be disruptive to the peace and harmony of the neighborhood.

Adopted by the City Council of the City of West St. Paul this 14th day of September, 2015.

Ayes:            Nays:

Attest:

David Meisinger, Mayor

Chantal Doriott, City Clerk

West St Paul Police Dept - Count of CAD Incidents

Between: 1/1/2015 12:00:00 AM  
And: 5/31/2015 11:59:59 PM

Total: 32

Address: 1425 Bidwell, 1435 Bidwell, 1445 Bidwell

L/CHECK WELFARE	3
L/DISTURBING PEACE/D	5
L/DOMESTIC FAMILY/NE	1
L/DRUG ACTIVITY	2
L/FOLLOW-UP	4
L/JUVENILE COMPLAINT	2
L/MEDICAL	2
L/MISSING PERSON/RUN	3
L/MUTUAL AID/ASSIST	1
L/PROBATION CHECK/CO	3
L/SUSPICIOUS PERSON/	5
L/THEFT	1

Total: 32

End of Report

JAN - MAY  
(5 months)

West St Paul Police Dept - Count of CAD Incidents

Between: 6/1/2015 12:00:00 AM  
And: 9/9/2015 11:59:59 PM

Total: 46

Address: 1425 Bidwell, 1435 Bidwell, 1445 Bidwell

L/ANIMAL CALL	1
L/BURGLARY/ALL TYPES	1
L/CHECK WELFARE	2
L/CIVIL/ASSIST	2
L/DISTURBING PEACE/D	8
L/DOMESTIC FAMILY/NE	4
L/DRUG ACTIVITY	1
L/DRUNKENNESS	1
L/FIRE CALL	1
L/FOLLOW-UP	5
L/PROBATION CHECK/CO	3
L/SUSPICIOUS PERSON/	7
L/THEFT	4
L/TRAFFIC STOP	1
L/TRESPASSING	2
L/WARRANT SERVICE	2
L/WEAPONS	1

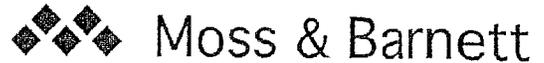
Total: 46  
End of Report

June - Sept 9th  
(3+ months)

**Calls for Service - 1425, 1435 and 1445 Bidwell**

DATE	TYPE CALL <small>Equals a nuisance call</small>	BUILDING	APARTMENT	NAMED	SYNOPSIS
5/28/2015	Medical	1445	5	Medical	Methadone patient, transported to the hospital
5/29/2015	Verbal Dispute	1425	17	Steven Redman	Father-daughter dispute
6/2/2015	Verbal Dispute	1425	17	Steven Redman	Dispute over daughter's failed drug test
6/6/2015	Drunkness	1435	16	Jorge Sandoval	Intoxicated boyfriend breaking bottles outside
6/11/2015	Suspicious Person	1425	17	Steven Redman	Overhead some kind of meeting
6/18/2015	Medical	1435	12		Psych hold, juvenile female threatening suicide
6/19/2015	Drug Activity	1425	NA		Odor of marijuana, Unable to locate
6/21/2015	Female Screaming	1425	21		Unable to locate, Reported couple just moved in
6/28/2015	Weapons	1445	NA	Dwight Lewis Shawnee Bullock	One party reporting a gun the other alleging a knife
7/3/2015	Trespassing	1425		Raymond Crawford	Raymond was trespassed by management, found on property
7/5/2015	Disturbance	1435	NA	Asad Mohamed Brandon Bassatt Cass Smith	Asad reported Brandon threatened to shoot him as Brandon thought Asad broke in this vehicle
7/5/2015	Theft	1435	10	Joe McLanahan Alicia Kult	Theft from vehicle, victim uncooperative with police
7/7/2015	Disturbance	1435	12		Female in apartment #12 was assaulted by an unknown person
7/11/2015	Suspicious Person	1435			Someone switched victims license plates
7/13/2015	Disturbance	1435	10	Cass Smith Asad Mohamed	These two individuals were arguing
7/14/2015	Suspicious Person	1435	15	Amy Hanson Carlos Rojas	Carlos violating an Order for Protection
7/14/2015	Disturbance	1425	17	Megan Johnson	Verbal argument, boyfriend-girlfriend
7/14/2015	Civil	1435	15		Vehicle taken w/o permission
7/16/2015	Disturbance	1425	24	Davis Mackenzie	Verbal argument, boyfriend-girlfriend
7/18/2015	Disturbance	1445	3	Tesha Epting Tommy Gilmore Tanisha Stringer	Verbal argument, boyfriend-girlfriends
7/20/2015	Burglary	1435	15	Asad Mohamed	Sent to County Attorney for charging
7/21/2015	Theft	1435	9		Theft of pills, stolen from 1435, found in the street, victim didn't report the loss of the pills to the police
7/22/2015	Civil	1435	10		Male looking to have access to an apartment
7/22/2015	2nd degree Assault	1445	2		Female reporting boyfriend threatened her with a knife
7/24/2015	Disturbance	1435	15	Carlos Rojas Annee Hanson	Female with a medical issue, trespassed male found and cited
7/28/2015	Drug Activity	1425			Observed possible drug transaction
7/28/2015	Theft	1435			Theft of a cellular telephone

DATE	TYPE CALL Equals a nuisance call	BUILDING	APARMENT	NAMED	SYNOPSIS
8/10/2015	Trespassing	1425			A female who does not live at the complex was cited for trespassing
8/13/2015	Child neglect	1425	17	Bradley Peterson	Mendota heights PD reported possible child neglect, unfounded
8/16/2015	Suspicious Persons	1425		Bradley Peterson	Officer observed and checked on Bradley who was sitting in his vehicle with the engine running at 3:23 am
8/17/2015	Warrant Arrest	1435	13	Brandon Bassatt	Arrested for a warrant for meth use, might have a gun
8/18/2015	Disturbance	1435	15	James Nevins Annee Hanson	Verbal argument, boyfriend-girlfriend
8/27/2015	Warrant Arrest	1435	15	Anne Hanson	Theft and contempt of court warrants, Ramsey County
8/27/2015	Disturbance	1425	12	Juvenile Diana Rodriguez	Mom-daughter dispute
8/28/2015	Theft	1445	4B	Nicolae Groskreutz Tim Mularie	Theft of two payroll checks
8/28/2015	Suspicious Person	1435	12	Tyler Watters Juvenile female Dianna Rodriguez	At 5:12 am two adult males were observed standing outside of the apartment complex with juvenile female, upon the officer's arrival they quickly entered the building, they provided conflicting stories



Moss & Barnett

September 8, 2015

***VIA E-MAIL AND U.S. MAIL***

Ms. Korine Land  
LeVander, Gillen & Miller, P.A.  
633 South Concord Street, Suite 400  
South Saint Paul, MN 55075

Re: Apartment buildings at 1425, 1435 and 1445 Bidwell Street, West St. Paul,  
Minnesota  
September 14, 2015, City Council meeting

Dear Ms. Land:

As you know, our office represents Ebullient, LLC, the owner of the properties and Supportive Living Solutions, LLC ("SLS"), the company leasing and operating the apartments at 1425, 1435 and 1445 Bidwell Street.

I want to take this opportunity to thank you for the discussion we had this morning regarding the proposed license hearing scheduled before the City Council on September 14, 2015. I understand that there are other matters of business before this Council that evening but am hopeful our matter will be fully heard. Since this is a matter of great importance to my client, please share this brief history and statement with the Council and place it in the public record.

SLS enjoys a respected reputation with Hennepin and Ramsey Counties. SLS has been serving the communities in Ramsey and Hennepin counties for over 43 years. SLS provides housing and services to Recovering Chemically Dependent, Mentally Ill, and Long Term Homeless people. In each of these neighborhoods, SLS has had good working relationships with its neighbors. SLS' staff encourages neighbors at our various locations to inform SLS of any issues the neighbors may have with SLS' tenants so that SLS can remedy the issue quickly. SLS has served and operated in the upscale neighborhood of Summit Avenue in St Paul for 35 years, and has experienced a wonderful sense of community with its neighbors. The neighbors often call SLS' tenants for help with yard work and other chores, and they have taken an interest in the lives of tenants residing at SLS facilities.

Ms. Korine Land  
September 8, 2015  
Page 2 of 6

Because of SLS's strong reputation and operations, Counties have repeatedly asked SLS to expand its reach. During this process, SLS has encountered the "not in my back yard" mindset, but SLS has always overcome this with its openness to the community and its good reputation and commendations from other neighborhoods SLS serves.

SLS is not bringing people in from outside your community; SLS serves the City's residents who may suffer from Mental Illness, Chemical Dependence, or Homelessness. SLS believes it is incumbent upon every community to take responsibility for their own residents who are attempting to put their lives back together. These people could be your brother, child, parent, friend or spouse. Would you want your loved ones pushed out? The right thing to do is to accept the fact that every city and every neighborhood has people who need help, and we all should take care of our own by at least allowing them to continue to live in the community.

SLS' staff cares greatly about the people it serves. Further, SLS takes pride in its facilities and strives to make communities in which its residents live a better place. That doesn't happen by shutting people out, it happens by including them and helping them change their lives. SLS believes this is what community is all about. SLS asks your help with the redemptive work of changing lives and to stop efforts to shut this program down.

As SLS searched for properties in West Saint Paul, SLS felt that the Bidwell property was ideal because it was close to bus lines and surrounded by a great deal of commerce for the tenants of the facility. The population mix which SLS serves are in need of public transportation, close health services, and gainful employment opportunities.

SLS received a notice from the Police Chief that the police have twice been called to its West St. Paul facility to address loud noise issues by one tenant. This particular tenant is not disabled and was a tenant at the time SLS purchased the facility. This is an unfortunate circumstance for other tenants and SLS' neighbors and SLS does not tolerate such behavior. The tenant has received notice its lease is terminated and to vacate the apartment at the end of this month.

SLS reviews the tenants it places in the facility to try and eliminate these issues. SLS' lease provides restrictions on tenant behavior. Even with the best controls in place, SLS cannot completely control its tenant's behavior any more than a parent can completely control the behavior of a teenage child. However, these controls do give SLS the ability to react to misbehavior, and in instances when there have been behavior issues, SLS

Ms. Korine Land  
September 8, 2015  
Page 3 of 6



has reacted quickly to remove the tenants causing problems or to place further restrictions on them. Further, SLS has further limited its criteria for acceptable tenants in an effort to limit future tenant problems. This should help ensure the safety of the rest of the tenants and the neighborhood.

I have attached an August 21, 2015, letter that our client received from Manila Shaver, Chief of Police, related to service calls at the apartments and a September 14, 2015, City Council meeting to discuss the apartments. As with this letter, the attached letter constitutes a partial response to the request made by the City Council and Police Chief. ***Please include this letter and the attached letter in the City Council packet for the meeting and make it part of the public record.***

You have assured me that the license hearing on September 14<sup>th</sup> before the Council will only address conditions for a provisional license for SLS. Since there is no limitation imposed on the City Council by the August 21 letter, and the license hearing could involve a ruling on a possible suspension, revocation or conditioning of the rental licenses for the apartments, our client objects to the hearing for the following reasons.

#### Inadequate Notice

In order for SLS to be afforded adequate time to investigate the charges and prepare its defense, SLS must receive notice of the charges upon which a possible adverse license decision will be based. *See Trumbull Div., Owens-Corning Fiberglass Corp. v. City of Minneapolis*, 445 F. Supp. 911, 916-17 (D. Minn. 1978) (stating that the licensee rarely knew in advance what particular charges it would have to meet and could not tell precisely what more it had to do in order to qualify for a license). In addition, at the hearing, SLS must have the opportunity to respond to the charges and present evidence on its behalf and SLS must have the chance to present evidence through witnesses who are under oath and to confront and cross-examine opposing witnesses under oath. *Id.* Although the Court stated it had due regard for the exigencies of city management and the importance of flexibility and administrative discretion, a licensing process subject to so many irregularities is fundamentally unfair. *Id.*

The City's August 21, 2015, letter does not meet the standards for due process and a fair hearing because it fails to notify our client of the charges upon which a possible adverse license decision will be based. The letter does not allege that any code violations have occurred, only that the Police Chief is concerned about the volume and nature of service calls. In addition, the letter does not state what sanction or adverse

Ms. Korine Land  
September 8, 2015  
Page 4 of 6

action will be considered, as required by the law. Therefore, the City has not provided proper notice under both State and Federal law.

Also, please confirm, as we discussed, that the following individuals will be at the hearing for testimony under oath:

- i. Manila Shaver, Chief of Police
- ii. Matt Fulton, City Manager
- iii. Council Member Ed Lago
- iv. Laura Vaughan, Crime Prevention Specialist

We also need by Tuesday, September 10, 2015, the record of the police calls referenced by the Police Chief and a summary of the resolution of each call. As you might know, most of the calls are unrelated to any kind of criminal activity. We also need a copy of all correspondence between the Police Department, City staff and City Council regarding the apartment buildings and our client, together with any correspondence Ms. Vaughan may have with the City staff or Council. Last, please provide the draft conditions that Chief Shaver will, as you described, provide to the Council as soon as you have received the copy.

As we discussed, SLS is to be accorded a full and fair opportunity to be heard. Accordingly, it is anticipated that as much as three (3) hours or more will be necessary to present live testimony under oath. Please confirm that this necessary time will be made available to SLS on September 14<sup>th</sup>.

#### City Code Not Violated

The primary purpose of the City's Rental Dwellings Ordinance is "to protect the public health, safety and welfare of citizens of the city who live in rental units by adopting a Rental Dwelling inspection and maintenance program that corrects substandard conditions and maintains a standard for existing and newly constructed Rental Dwellings in the city." City Code § 435.01. Before the City can hold a license hearing for consideration of a suspension or revocation of a rental license, there must be three (3) violations of the following Code provisions within a 12-month period involving the same occupant, guest or tenant:

- a. Building Code (City Code §400)
- b. Housing Code (City Code §425)
- c. Animal Ordinance (City Code §905)

- d. Fire Prevention Code (City Code §915)
- e. Repeat Nuisance Service Calls (City Code SS 955)
- f. Parked or Stored Motor Vehicles (City Code §2005.21)
- g. Public Nuisance Ordinance (City Code §2010).

City Code § 435.11, Subd. 2. There have not been three (3) violations of the above-stated provisions within a 12-month period involving the same occupant, guest or tenant at the Bidwell apartments. Therefore, the City Council cannot revoke or suspend the rental licenses, add conditions or convert the license to a Provisional License, which are remedies that are only available as part of a revocation or suspension hearing. City Code § 1005.25, Subd. 4 (a).

#### SLS Has Acted Responsibly

Pursuant to Minnesota law, a facility cannot take an adverse-license action when, as here, the landlord acts responsibly to prevent violations of the city code. *See City of Mankato v. Mahoney*, 542 N.W.2d 689 (Minn. Ct. App. 1996) (reversing revocation of landlord's rental license when landlord acted responsibly in evicting the previous tenants and attempted to prevent further disruption); *CUP Foods, Inc. v. City of Minneapolis*, 633 N.W.2d 557 at note 1 (Minn. Ct. App. 2001) (noting that a city may only take adverse-license action in response to criminal activity if the licensee does not cooperate to prevent future violations).

SLS has met with the Police Department on a monthly basis to discuss the service calls and has taken all steps recommended by the Police Department. A dedicated staff has been hired, a camera system installed, Crime Free Lease Addendum has been initiated and enforced, a sobriety lease addendum has been initiated and enforced, the tenants that were the source of most of the recent service calls or committed crimes on the premises have been evicted, and a background check program has been continued with greater limitations on the tenants SLS will accept. As there is no evidence to suggest that SLS acted irresponsibly to prevent code violations by any of its tenants or failed to cooperate with the City to prevent code violations or criminal activity, the City cannot in good faith revoke, suspend, condition or take any other adverse license action.

#### Conclusion

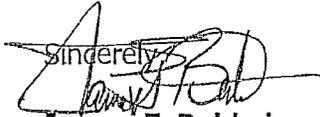
SLS has addressed all of the Police Chief's concerns, including evicting the tenants that were the source of most of the recent service calls, and the City does not have a legal basis to revoke, suspend or condition SLS' rental licenses for the apartments. If the



Moss & Barnett

Ms. Korine Land  
September 8, 2015  
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City nonetheless plans to consider the revocation, suspension or conditioning of SLS' licenses on September 14<sup>th</sup>, please provide the requested information by September 10<sup>th</sup> so we can prepare for the hearing. If you have any concerns or wish to discuss the matter further, SLS remains open to any of the issues.

Sincerely,  


**James F. Baldwin**

Attorney at Law

P: (612) 877-5263 F: (612) 877-5011

Jim.Baldwin@lawmoss.com

JFB/skm

cc: Mayor

City Manager

2937680v3



## WEST ST. PAUL POLICE DEPARTMENT

1616 HUMBOLDT AVENUE, WEST ST. PAUL, MN 55118-3972  
Police Administration 651-552-4200 Fax: 651-552-4199

[www.cityofwsp.org](http://www.cityofwsp.org)

August 21, 2015

Mr. William Arrigoni  
Ebullient Investments, LLC  
2515 Wabash Avenue  
St. Paul, Minnesota 55114

RE: Rental License, 1425, 1435 and 1445 Bidwell, West St. Paul

Dear Mr. Arrigoni,

During the past eight years these properties on Bidwell have averaged 58 police service calls per year, with most of these service calls being relatively minor in nature. However, during the past eight months since you have taken over responsibility for these properties, police service calls are on track to increase by 83% by year's end. Of particular concern is more than half of these police service calls have occurred in the past 90 days. I am also alarmed about the changing nature of these service calls types to include disturbing the peace, drunkenness, fights, and weapons calls.

I share the neighborhood's fear about the ill-effects and impact your facility is having. I am especially distressed about the consumption of police resources and other City services. As such, I will be bringing my concerns to the Council in the form of a license hearing.

There is a notification requirement for persons that are the subject of a license hearing. To meet this requirement I am informing you that I am scheduling your license hearing for the September 14, 2015 Council meeting. City Council meetings start at 6:30 pm and are held at City Hall, located at 1616 Humboldt Avenue in West St. Paul. This letter serves as official notice of this hearing.

A license hearing is when information and evidence is presented to the Council to determine if a license violation occurred and/or if a licensed operation is adversely affecting the community. If the Council finds a violation did occur or there is an adverse community impact, the Council will also decide on an appropriate sanction or course of action. You have the right to be present at this hearing. In addition, you may address the Council, provide testimony, evidence, or bring witnesses on your behalf if you wish.

If you have any questions or concerns please do not hesitate to contact me, 651-552-4201.

Sincerely,

Manila Shaver  
Chief of Police

*"We Serve with Honor and Integrity"*

August 23, 2015

Attention: West St. Paul Police Chief  
Manila Shaver #11  
Councilman Ed. Argo

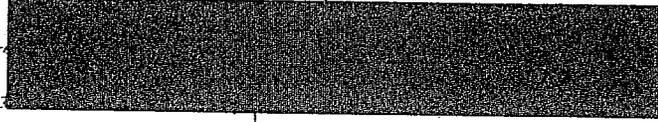
In 1956 we moved to West St. Paul because of the many conveniences, such as schools, churches, shopping and police, and fire protection. We found this to be a good community in which to raise our four children. However now as we approach our mid eighties we no longer feel secure, after the decision made by Dakota County, to allow what may be undesirable to occupy the apartments across from us on Bidwell Street.

Our observations of the transitional housing has been the frequent police calls, activity during late night hours of cars and residents coming and going, trash left in front of buildings, trash containers holding front door open, the containers moving in and out of residents.

It's evident there is a lack

of security at each building.  
We believe this housing  
will affect the value of your  
home.

Sincerely,

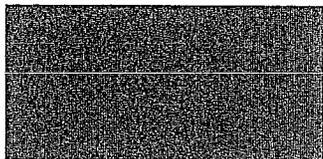
A large black rectangular redaction box covering the signature area.

I certainly hope that there will be someone at each of these 3 buildings that will be there to counsel and help these people to learn to live on their own and be good citizens.

Otherwise if there is no supervision and help for them they could be dangerous for each other and our neighborhood. It will be too easy to go back to their old ways that caused them trouble. They should have some help other than a place to live, Is there some restrictions and requirements for the owner of these buildings besides the fact that he wants to rent out his units?

I would like to hear more about that when you come to speak to our people.

Thanks you.



August 26, 2015

Manila "Bud" Shaver, Chief of Police:

I am a resident at 1450 Bidwell Street. I am writing this letter so that there is written proof of my concerns about my safety of living here and the safety of family and friends that visit me.

As we all know crime is everywhere now days but the decision to purposely bring it into our community and the area that was chosen for such housing baffles me. And, what really concerns me is that this type of housing was forced on us without any warning or consideration on the effects it would have on 1450 Bidwell and the community. "The powers at be" can paint any picture that sells—the bottom line—crime is crime and rehabilitation (percentage is very low) seems to trump the safety of the law-biding, tax paying, citizens of West St. Paul.

I believe my safety and those that visit me have been compromised by the housing across the street from 1450 Bidwell. Please see the following:

- Because I live in the front of the building (1450 Bidwell) I am well aware of the numerous times the police have been called to the housing across the street.
- Because I live in the front of the building I am afraid of crossfire someday.
- I no longer feel safe sleeping with by windows open—and I'm and second floor.
- I no longer feel safe coming home late at night or leaving early in the morning.
- I no longer feel safe in the garage or the pool area at night or early morning.
- I no longer feel that my grandson is safe riding his bike to visit me. (nor his bike)
- I no longer feel safe for my family and friends coming and going--or their vehicles.
- Cars have been broken into our north and south parking lots and our garage. Garage door openers, bike, and a laptop computer were stolen. Also, a visitor had their car window broken by someone tossing a brick through it.
- A commonly asked question at a doctor visit is, "do you feel safe at home?" I now will respond NO.

Please know that I respect and support the West St. Paul police and I realize that the police are doing what they can with regards to this housing situation. I appreciate and compliment the efforts of you and your staff. Thank you.

Sincerely,



August 27, 2015

The City of West St. Paul Officials  
1616 Humboldt Avenue West  
West St Paul, MN 55118

Ladies and Gentlemen,

I am writing you of the situations at 1425 and 1435 Bidwell Street in West St. Paul. I have a condo at 1450 Bidwell St. facing these buildings. My place is on the south end of the building with a window facing Thompson Ave. West. Everyone facing these two buildings sees and hears a lot of noise, screaming, hearing obscenities on a daily basis. They cut across our grass as they come and go. Some are yelling at someone on their phone with very vulgar, loud language. This occurs at all times of the day and night, many times waking me and other condo owners up. Often there are 2, 3, or 4 police cars and the fire department rescue squad and ambulances are there often also.

In the second floor upper left apartment, the screens have all been ripped to let the cat out on the window ledges. It really looks trashy. I believe our tax dollars will have to replace these screens because the occupants have no pride in where they live and what it looks like. We have a nice clean neighborhood and they are turning it into a ghetto. All these things affect our property value, increase property and auto insurance because of a few thugs. There has been vandalism against a vehicle, and many thefts. Every time they steal a garage door opener, that remote has to be replaced and all the others reset. This takes a lot of time and money.

These people at 1425 and 1435 are considered handicapped and cannot use drugs or alcohol while living there, but are often seen bringing home beer and booze. I understand they only have a few hours of supervision each day, but they need a half way house when coming out of prison. Somewhere there is a front desk where they sign in and out and can't bring in banned substances, and are monitored 24 hours a day. Living Solutions is a business and doesn't care about the turmoil these people create, only the money they save housing them there.

Thank you for your time and effort,



You can contact me for more information, but I prefer to be anonymous to the people listed above.

Attention West St. Paul Counsel members:

We are very concerned with the new ownership of the three building complexes across from our condo ownership at 1450 Bidwell St. We have lived here for 16 years.

Our property values are certain to go down. We have safety concerns regarding the backgrounds of the individuals who are and will be occupying the premises. Are the recent break-ins and robberies and illegal entries into our garage related to the new situation?

We feel strongly that our city officials should carefully monitor this situation in order to maintain our property and neighborhood that we have worked so hard to establish.

Thank you.



West St. Paul, Mn. 55118

August 24, 2015

West St. Paul Officials:

I am a condo owner at THE WEST 1450 Bidwell in West St. Paul. This building has historically been in a relatively quiet residential neighborhood and occupied by retired senior citizens. Our peaceful lives here have been shattered by the noisy, busy and scary apartment buildings across the street.

Last week local officials held a forum for our owners. This was very helpful and reassuring but, we need to feel safe where we live and that is not the case. Besides being primarily elderly there are two young girls in our building and that is a huge concern. My computer desk faces Bidwell St. and while I find the activities across the street entertaining, there are vulnerable adults and living at THE WEST that fear the goings on in those buildings. When a Senior Citizen can not feel safe in his own home there is something desperately wrong.

Sincerely,

A large rectangular area of the document is redacted with a dense black stippled pattern. The redaction covers the signature and any contact information that might have been present.

August 25, 2015

Dear Mr. Iago & Council,

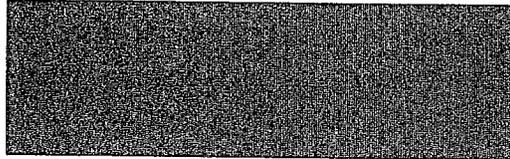
We can only respond to hearsay as our Condo faces East, away from the Bidwell St. in the back.

Since we attended the Meeting on Thursday August 20<sup>th</sup> and heard the explanation of the problems in the houses across the street and heard that they are transitional housing and as such are for the reintroducing of the occupants back into society, we feel that it is very important that the people have guidance in this process. We feel that there should be adequate supervision in the form of, Security and, Councilors in each building.

The concept of having half way housing for persons having difficulty getting back into society is a good thing, but it doesn't happen by wishing it to be so. These people need help to keep from running into the same problems that got them in trouble in the first place.

We are not happy having these people so close but we know that there is a need for this kind of care and if properly cared for there can be fewer flare ups. We hope that you will decide to put into an ordinance, conditions that will cover these problems.

Sincerely,



August 26, 2015

Dear Councilman Iago,

Thank you for visiting West Condominium to inform the residents living here about the new business, Living Solutions, operating across the street from us. We were all very pleased by your support and encouragement.

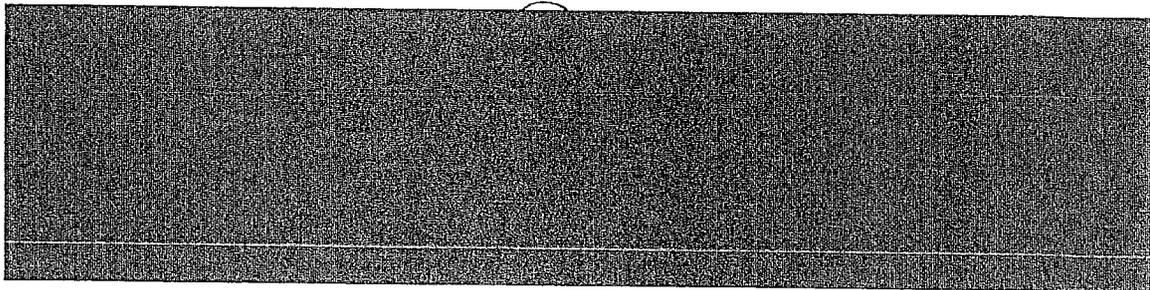
Living across the street from apartment buildings occupied with homeless people who have been released from prison has generated concerns about the safety of walking about our neighborhood and what the effect will be on the value of our condo and the ease of selling it. Police have been called for various kinds of disturbances at these apartments.

We have an underground parking garage where garage door openers and personal property have been stolen by unknown individuals. These incidents also raise fear about personal safety within the garage. This condition is also extremely disturbing when returning home on a dark night and not knowing if someone is waiting to sneak into the garage.

If people can be licensed to have a business that threatens a drop in property values and the safety of neighborhood owners and their property, the business owners should be required to offset some of the property owners' costs for cameras, outdoor lights and the decline in property values. Payments from the Business could be made to the city, and the city could reimburse owners of condominiums and homes within a defined area around the transitional residential buildings through, perhaps, a reduction of property taxes.

Thank you for your consideration of this suggestion.

Sincerely,



August 27<sup>th</sup>, 2015  
1450 Bidwell St. #103  
West St. Paul, MN 55118

Manila "Bud" Shaver III  
West St. Paul Chief of Police

Dear Mr. Shaver,

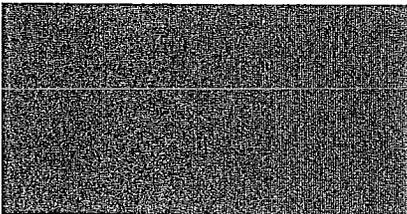
This letter is to describe recent vandalism and theft from the West Condo Building at 1450 Bidwell Street in West St. Paul.

- On August 18<sup>th</sup> in the early morning at approximately 3 a.m., two men were witnessed leaving the south parking lot after noises were heard from the building. In the morning, I discovered that my guest's truck that was parked overnight in the south parking lot had the passenger window smashed with a large rock and several personal and valuable items were stolen from the vehicle. A police report was filed.
- On August 14<sup>th</sup> approximately 10 pm, there was a glass bottle wedged behind a tire of my guest's vehicle that was also parked in the West Condo south parking lot.

I have lived here 2 ½ years, and these are the first incidences of theft and vandalism that I have experienced here.

Please let me know if you should need any additional information.

Regards,



August 27<sup>th</sup>, 2015  
1450 Bidwell St. #205  
West St. Paul, MN 55118

Manila "Bud" Shaver III  
West St. Paul Chief of Police

Dear Mr. Shaver,

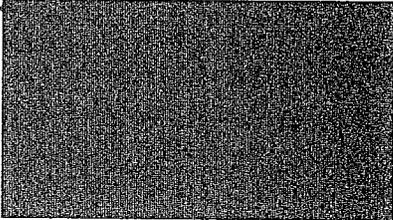
This letter is to describe recent theft from the West Condo Building at 1450 Bidwell Street in West St. Paul.

- Approximately late June/early July 2015, electronic items were stolen from my vehicle parked overnight in the West Condo underground garage.

I have lived here 2 ½ years, and these are the first incidences of theft that I have experienced here.

Please let me know if you should need any additional information.

Regards,



August 26, 2015

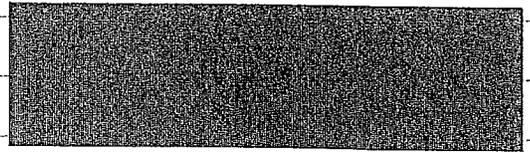
Mr. Ed Iago Councilman Ward 2  
West St. Paul, Minnesota

Regarding the properties at 1425 Bulwell St and  
1435 Bulwell St.

What kind of "slum landlords" making money  
and causing our neighborhood and city to become trashy?  
Who are they? Who gave them permission to do this?  
How can we stop them and get these two properties  
back to normal rentals?

Our property values are going down & down, We  
don't deserve this West St. Paul can do and  
be better than this.

Thank you for any help  
you can give us.



My thoughts were  
written by Bill Peters

August 26, 2015

Mr. Ed Ingo, Councilman - Ward 2  
City of West St. Paul, Minnesota

Regarding the persons living in the properties at  
1425 Bidwell and 1435 Bidwell.

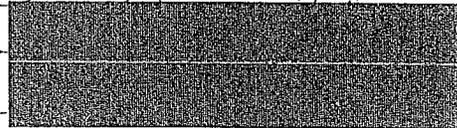
When coming or leaving in cars, they drop their  
trash on the curb in our front yard and in the  
street. (Pop cans, bottles, paper cups and more)

Some folks coming park in the traffic lanes (double park)  
and talk forever while the other traffic must avoid the  
blocked lanes.

Stragglers by some, i.e. standing in the middle of  
Bidwell St shooting at someone a block away. This person  
was almost hit by passing cars.

Our property is certainly less safe as persons have  
gained access to our garage area and we are missing  
items such as laptop, bicycles, tools (several tool bags were  
taken).

Sincerely



August 25, 2015

Mayor, Mr Meisinger  
Police Chief, Mr Shaver  
Councilman, Mr Iago,

I have lived at 1450 Bidwell St. for over 4 years. When I was looking for a home that is safe and secure, I checked out the neighborhood and even went to West St Paul Police Dept. to ask if it was a safe area? They said "yes". Lately some of the residents in the buildings across the street have been very upsetting and it is getting worse. I don't feel safe living here anymore. I am deaf and it frightens me. I am hoping they can shut down the kind of program that allows those bad neighbors and relocate them were they can get 24 hour supervision. They DO NOT belong here!! We are in a nice neighborhood and have wonderful people in our building who have lived here in peace and quiet for many years. Why should we have to live in fear? Please help us!!

Thank you for your concern.

**TO:** Mayor and City Council  
**THROUGH:** Matt Fulton, City Manager  
Jim Hartshorn, Comm. Dev. Dir.  
**FROM:** Ben Boike, Assistant Comm. Dev. Dir.  
**DATE:** April 11, 2016  
**SUBJECT:** Rental License Hearing – 966/976 Robert St.  
(Blew Holdings LLC/101 Condos LLC/401 Condos LLC)



City of West St. Paul

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### **BACKGROUND INFORMATION:**

At the September 28, 2015 meeting, Council converted all licensed rentals under the ownership of Blew Holdings LLC, also under the name of 101 Condos LLC and 401 Condos LLC (collectively "Blew Holdings") at 966/976 Robert to a Provisional License (29 units in total). On December 15, 2015, the Council considered two new applications for additional rental licenses at the same property address. Based on a variety of issues relating to the continuing problematic conditions of the property and tenant behavior, Council opted to deny the two new license applications and directed Staff to provide a status update in three months on the remaining 29 licensed units.

On March 14, 2016, Council reviewed the status of the 29 licenses and based on continuing issues at the property, Council directed Staff to set a license hearing for April 11, 2016 to consider revoking all 29 rental units. Copies of the Council reports from each prior hearing and a copy of the notice letter for this denial hearing are attached.

It is important to note that Blew Holdings holds a majority interest in the Property and has been operating as the management company for both buildings. Many of the property maintenance issues involve common areas that should be managed by the property management company and be paid out of association dues. It does not appear that the association dues are being appropriated to address the City's concerns.

### **RENTAL LICENSE REVIEW:**

#### Police Department

The Police Department has responded to a total of 26 valid police calls over the past 12 months for the 29 licensed units under the ownership/management of Blew Holdings LLC (see attached CAD Summaries). 14 of the 26 calls have occurred since the licenses were converted to provisional status on September 28, 2015.

Valid calls include burglary, loud parties, verbal assaults, assaults with weapons resulting in serious bodily harm, thefts by neighboring tenants, disturbances by former tenants who were supposed to be issued trespass notices, intoxicated persons, and drugs. Several citations were issued from these incidents, including at

least one felony charge. The memos from prior Council hearings document other police calls and incidents that occurred at the Owner's Property.

#### Code Enforcement

Code Enforcement has sent compliance letters for 21 code violations over the past 12 months for the 29 licensed units under the ownership/management of Blew Holdings LLC/101 Condos LLC/401 Condos LLC (see attached code cases). Two of the 21 violations have occurred since the licenses were converted to provisional status on September 28, 2015.

The code enforcement violations involved broken garage doors, litter, debris, discarded furniture and appliances in the common areas, unmaintained bushes and plantings, lack of exterior building maintenance, broken stairwell handrails, fire extinguisher replacement, door frame repairs, broken windows, emergency exit sign illumination, and blocking of emergency windows.

#### City Service Call Calculation

Per the recent ordinance changes adopted by Council a license hearing can be set for rental complexes that exceed .5 city service calls/code violations per unit. Over the past 12 months, a total of 47 city service calls/code violations can be attributed to the 29 units and common areas (26 valid police calls and 21 code violations as noted above) which equates to 1.62 city service calls/code violations per unit.

Since the rental licenses were converted to provisional status on September 28, 2015, there have been a total of 16 city service calls/code violations which, if prorated to 12 months (32 total) equates to 1.1 city service calls/code violations per unit.

In this situation, not every unit will meet the .5 calls per unit, however, City Code Section 150.040 (B) states: Depending upon the circumstances, nature and severity of the violation, the City Council may hold a license hearing for fewer than .5 violations, if deemed appropriate. In this case, the cumulative negative impact of all 29 units on the neighborhood and property values, the strain on city services and the volume of police responses indicate that Blew Holdings is not a responsible landlord in addressing its tenants' behavior or maintaining the rental properties in a professional manner, therefore a license revocation hearing is appropriate.

#### **MITIGATION PLAN REVIEW:**

Below is the approved mitigation plan adopted by Council on September 28, 2015 which includes an update on each condition in bold italics:

- a) The Owner will apply for future License renewals in a timely manner; ***On-going***
- b) Upon request, the Owner will provide the City with a current copy of any lease used for the Properties; ***Owner is cooperating/On-going***
- c) Upon request, the Owner will provide the results of any rental criminal background check on his tenants to the police department; ***Owner is cooperating/On-going***

- d) The owner shall employ the services of a professional third party vendor to conduct background checks on prospective tenants; **On-going/Satisfied**
- e) The Owner shall develop and utilize a city approved Application Qualification Criteria policy to identify tenants accepted or denied; **Satisfied**
- f) All adult persons living at one of the Owner's units must sign a lease and any required addendum. No more than three unrelated persons may reside in any unit; **No known violations to date/On-going**
- g) The Owner will utilize and enforce a Crime-Free Lease addendum. All residents must sign this addendum including an acknowledgment that a substantial violation of this addendum is grounds for eviction; **No known violations to date/On-going**
- h) The Owner will aggressively enforce his leases and subsequent addendums requirements, using trespass notices and evictions as tools for significant and/or persistent violators; **Work in progress. Changes have been made to leases however trespass enforcement and lease enforcement are still works in progress.**
- i) The Owner ensures that tenants, visitors, guests or other individuals do not unduly disrupt neighbors by loud and boisterous noises, swearing, yelling, and loitering; **No issues/Ongoing**
- j) The Owner ensures that tenants, visitors, guests and other individuals do not create excessive or disruptive vehicular traffic, conditions that block other drivers or access to unit garages; **Good on-site, issues on side streets with tenant behavior and littering.**
- k) The Owner will ensure that tenants, visitors, guests and other individuals that are associated with or known to be involved in criminal activities are not allowed on the premises and if they return a trespass notice will be filed with the police department and enforced by the Owner; **Work in progress - trespass enforcement is lacking**
- l) The Owner, the Owner's staff or the Owner's associates, will not discourage residents, visitors or neighbors from calling the police, emergency responders or other City services; **No issues/On-going**
- m) The Owner will maintain a STAR Level II participation level and the Owner or a staff member will attend 50% of scheduled ROMA meetings; **Owner regularly attends/On-going**
- n) The Owner will complete phase one of the Crime Free Rental-Housing Training within six months or as soon as the training becomes available, whichever is shorter; **Completed on December 8, 2015,**

- o) The Owner will hire an independent third party manager to be present on-site during regular business hours (8-4:30 Monday through Friday) to address issues and monitor tenant behavior; **The Owner has been using a relative for on-site management, which has not been effective**
- p) A security video system, meeting the police department's requirements for security and monitoring, will be installed and remain functional as long as the Owner operates under a City-issued rental license at this location. In addition, upon reasonable request, the police department will be provided access to inspect the security system and receive security recordings of specifically requested time periods and locations in a timely manner; **Satisfied, system was installed and is functional.**
- q) The Owner will provide onsite security services for those hours when the Owner or the Owner's staff is not onsite. This requirement will be in effect for 90 days starting eight business days from the date of this resolution. After 60 days of security services the Owner may request the Council to rescind this requirement should problems and issues with his apartments be significantly reduced. Prior to security services being deployed, the Owner, City staff and the security firm will meet and agree on security services focus areas; **Original 90 days was satisfied, however continued tenant behavior suggests that permanent on-site security is needed.**
- r) The Owner will create, post, and maintain building and individual door stickers stating who is managing the property or specific apartment unit and what 24x7 telephone number can be called for emergencies. The door stickers must be 1½ inches by 3 inches or larger and lobby signs must be at least 3 inches by 5 inches, both must be posted in a conspicuous place. Individual door stickers are not required should the entire complex be managed by one licensee. Afterhours staff must promptly answer telephone calls and, if need be, respond in a timely manner; **Satisfied**
- s) The Owner will maintain the property to the following Maintenance Standards:  
*On-going*
- Building Code – **heating issues**
  - International Property Maintenance Code – **two code violations post provisional**
  - Animal Ordinance
  - Fire Prevention Code
  - Repeat Nuisance Service Calls
  - Parked or Stored Motor Vehicles
  - Public Nuisance Ordinance – **14 valid police calls post provisional**
- t) In addition to the above, the Owner will maintain the property as not to receive compliance letters for noxious matter, long grass and weeds, garbage, rubbish or junk, and sidewalks not kept clear of snow and ice; **two code violations (see attached)**

- u) The Owner will operate the facility as not to receive any Repeat Nuisance Service Call Fees; **None to date.**
- v) In addition to the regular license fee, the Owner will pay an additional \$1,200 for cover the cost of this mitigation plan. The \$1,200 fee will be invoiced and payable 60 days from the date of this resolution; **Original fee of \$1,200 was paid.**
- w) The Owner will cooperatively work and meet with City staff in resolving any unidentified issue or concern that may be disruptive to the peace and harmony of the neighborhood; **On-going; Owner promises to work with Staff, but results are not satisfactory**
- x) The Owner will coordinate monthly inspections of the common areas with the Building Official and Code Enforcement Officer. **On-going**

Options for Council:

According to City Code Section 110.12 the Council has the following options:

1. Take no action;
2. Continue the Provisional License and approve a new mitigation plan;
3. Revoke the license.

Based on the continued issues as noted above and limited improvement since the 29 licensed units were converted to provisional status, Staff is recommending that all 29 of the rental licenses operated by Blew Holdings LLC, 101 Condos LLC, 401 Condos LLC be revoked per the attached resolution.

Staff submits the information contained in this report into the record as its evidence and support.

**FISCAL IMPACT:**

N/A

		Amount:
Fund:		
Department:		
Account:		

**STAFF RECOMMENDATION:**

Staff is recommending that the Council adopt the attached Resolution to revoke all 29 rental licenses under the ownership of Blew Holdings LLC, 101 Condos LLC, 401 Condos LLC. If the licenses are revoked, the tenants will be notified and given a reasonable length of time to vacate, as well as social service resources to seek alternate living arrangements.

**ATTACHMENTS:**

Draft Resolution

Hearing Letter to Owner

Police Calls (12-month)

Code Cases (12-month)

9-28-15 Council Memo

12-15-15 Council Memo

3-14-16 Council Memo

Eldon Marier

4/11/16

On Motion of

Seconded by

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

**RESOLUTION NO. 16-**

**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 \_\_\_\_\_; 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. Staff is directed to notify tenants that the licenses have been revoked and be given a reasonable time to vacate the Property.

Passed this 11<sup>th</sup> of April, 2016.

Ayes:            Nays:

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David Meisinger, Mayor

Attest:

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Chantal Doriott, City Clerk

**TO:** Mayor & City Council  
**THROUGH:** City Manager  
**FROM:** Community Dev. Specialist  
**DATE:** March 24, 2014  
**SUBJECT:** Rental License Application Hearing –  
218 Annapolis St W

**CITY OF  
WEST ST. PAUL**



AGENDA ITEM: 7.F.3

ATTACHMENTS: 4

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**BACKGROUND INFORMATION:**

On February 5, 2014, the City received a completed Rental License application from Carl Costanzo, owner of the five-unit apartment building at 218 Annapolis St W.

Over the past several years, the apartment building has had numerous code violations that staff has monitored to achieve compliance. However, since September 2013, the Problem Property Committee discussed several issues involving the property, including:

- Complaints from the tenants on the condition of the property ultimately requiring building permits for repairs;
- Police calls involving the tenants and the owner;
- Late rental license renewal applications;
- Property maintenance issues including requiring trash service for the tenants; and
- South Metro Fire Department violations requiring inspection and repairs.

A summary of the violations against the property are in the attached and as follows:

Code Enforcement and Building Department

Since 2011, Code Enforcement and the Building Department has created seven cases, as shown in the attached, regarding violations against the property ranging from uncut grass, un-shoveled sidewalks, junk, inoperable vehicles, and property maintenance. Staff issued no abatements, but staff provided many extensions for the property to come into compliance. Tenants have filed multiple complaints against the property and the property owner regarding the living condition of the structure and safety concerns.

South Metro Fire Department

The South Metro Fire Department inspected the building on October 21, 2013 and found five violations requiring corrections, as noted in the attached. However, the owner only corrected four of the five violations by the re-inspection date of November 19, 2013. Additionally, the owner did not correct violation code 703.1 by re-inspection date of January 31, 2014. (The violation connects to case number CE20130000783).

Police Department

Since 2013, the Police Department received 40 calls for the property, including eleven incidents of disturbing the peace, two damage to property, and one fight call. Of the thirteen calls shown in the attached CAD Incidents report, the majority relate to units two and four between the tenants of both units. Unit four had 4-Disturbing the Peace calls and unit two had 2-Disturbing the Peace calls. Unit four also had a Damage to Property call involving a slashed tire and washing machine. No weapons were involved in the calls, but the calls consisted primarily of yelling, drinking, fighting and arguing between the tenants and visitors of units two and four. Staff has contacted the owner on evicting the tenants of unit four.

Rental Licensing

On October 20, 2009, the owner received an Administrative Citation and \$500 fine for renting the property without a rental license. Since 2009, the owner has applied for a rental license and completed the required inspections each year. However, the owner is not timely in submitting their completed renewal application.

## Options

On Monday, February 24, 2014, City Council reviewed the application for 218 Annapolis St W at its work session and discussed options for the rental license. At the meeting, City Council recommended moving forward with a hearing to consider the application.

### A Provisional Rental License

The Problem Property Committee discussed the application and recommends issuing a Provisional License with a mitigation plan that describes the steps the licensee must take to reduce the number of violations. If the conditions are not met; Council may then suspend or revoke their license.

The Problem Property Committee recommends placing the following conditions on the licensee:

- Completes projects and schedules an inspection for outstanding building permit items PR20130001821 and 1823, and PR20140000175 by April 1, 2014.
- Corrects the violation of fire code section 703.1 and schedules an inspection with the South Metro Fire Department by April 1, 2014.
- Maintain trash service as required by city code section 600.05.
- Apply for its annual renewal of the Rental License in a timely manner.
- Join STAR Level II and attend ROMA meetings by April 1, 2014.
- Use Crime Free Lease Addenda for all new tenant leases by May 1, 2014.
- Complete the three phases of Crime Free Rental-Housing Training by October 1, 2014.
- Maintain the property up to Housing, Building, and Fire code, standards.
- There are no repeat nuisance service calls or fees during the license term.
- There are no compliance letters issued or complaints made for long grass/weeds and accumulation of snow, or other property maintenance issues during the term of the license.

Staff submits the information contained in this report into the record as its evidence and support.

### **FISCAL IMPACT:**

No fiscal impact.

### **STAFF RECOMMENDATION:**

Staff is recommending that the Council adopt the attached Resolution issuing a Provisional License. If, however, the City Council disagrees with Staff's recommendation, the Council has the following options:

- 1) Approval of the License
- 2) Approval of the License with Conditions
- 3) Denial of the License

The applicant should be given an opportunity to be heard on the application and present relevant testimony and information to the Council.

On Motion of

Seconded by

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

**RESOLUTION NO. 14-**

**RESOLUTION APPROVING A  
PROVISIONAL RENTAL DWELLING LICENSE  
FOR 218 ANNAPOLIS STREET WEST, WEST ST. PAUL**

**WHEREAS**, Carl Costanzo (CMA Investment LLC), (the "Owner") is the owner of certain real property located at 218 Annapolis Street West, West St. Paul (the "Property"); and

**WHEREAS**, on February 5, 2014, the City received a completed rental dwelling application for the Property so that the Owner could continue renting the Property; and

**WHEREAS**, on March 24, 2014, the City Council held a hearing and considered the Rental Dwelling Application of the Property, during which the City presented its evidence and the Owner was given an opportunity to be heard; and

**WHEREAS**, following the testimony, due to the nuisance activity and number of code violations on the Property, the Council desires to approve a Provisional license with a mitigation plan to try to reduce the nuisance activity on the Property.

NOW THEREFORE, BE IT RESOLVED, that the City Council finds that the property has had more than 3 nuisance violations, city code or state statute violations within the last 12 months and therefore approves the Provisional Rental Dwelling license application for 218 Annapolis Street West to Carl Costanzo (CMA Investment LLC) with the following mitigation plan:

1. The Owner completes projects and schedules an inspection for outstanding building permit items PR20130001821 and 1823, and PR20140000175 by April 1, 2014.
2. The Owner corrects the violation of fire code section 703.1 and schedules an inspection with the South Metro Fire Department by April 1, 2014.
3. The Owner maintains trash service as required by city code section 600.05.
4. The Owner applies for its annual renewal of the Rental License in a timely manner.
5. The Owner joins STAR Level II and attends ROMA meetings by April 1, 2014.
6. The Owner uses Crime Free Lease Addenda for all new tenant leases by May 1, 2014.

7. The Owner completes the three phases of Crime Free Rental-Housing Training by October 1, 2014.
8. The Owner maintains the property up to Housing, Building, and Fire code, standards.
9. There are no repeat nuisance service calls or fees during the license term.
10. There are no compliance letters issued or complaints made for long grass/weeds and accumulation of snow, or other property maintenance issues during the term of the license.

Adopted by the City Council of the City of West St. Paul this 24<sup>th</sup> day of March, 2014.

Ayes:

Nays:

Attest:

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John A. Zanmiller, Mayor

---

Chantal Doriott, City Clerk



City Hall  
1616 Humboldt Avenue  
West St. Paul, MN  
55118-3972  
651-552-4100  
FAX 651-352-4190  
TDD 651-322-2323  
[www.cityofwsp.org](http://www.cityofwsp.org)

Carl and Mary Costanzo  
1638 Concordia Ave  
St. Paul, MN 55104

February 26, 2014

*RE: 218 Annapolis St W*

Dear Carl and Mary,

On February 5, 2014, the City of West St. Paul received a completed Rental License application for 218 Annapolis St W, which included the appropriate fees, signed application and completed inspection report.

On February 24, 2014, the City of West St. Paul City Council reviewed and discussed the Rental License application for 218 Annapolis St W at their Open Council Work Session (OCWS) meeting. At the meeting, City Council recommended to hold a hearing on March 24, 2014, to consider one of the following actions regarding the rental license application for 218 Annapolis St W:

- 1) Approval
- 2) Approval of the license with Conditions
- 3) Approval of a Provisional license
- 4) Denial

The hearing to discuss the Rental License application will be held on **Monday, March 24, 2014** at 6:00 p.m. in the **Council Chambers**. It is highly recommended that you attend the meeting, as you will have an opportunity to speak before Council. The meeting agenda and memo packet of information will be sent to you on March 20, 2014.

At the hearing, the City may deny a license for any of the reasons enumerated in City Code Section 1005.25 subd. 1. A hearing will be conducted pursuant to City Code Section 1005.25 subd. 4. At the hearing, you have the right to be represented by counsel, the right to respond to the charges, the right to present evidence through witnesses under oath and the right to confront and cross-examine witnesses under oath. Following the hearing, the Council may deny the license for all or any part of the licensed premises or may grant or continue the license upon such terms and conditions as it deems reasonable and necessary to accomplish the purposes.

The decision by the City Council following a hearing is final. Upon a decision to deny, a license, no new application from you for the same facility will be accepted for a period of time specified in the Council's decision, not exceeding one (1) year.



City Hall  
1616 Humboldt Avenue  
West St. Paul, MN  
55118-3972  
651-552-4100  
FAX 651-552-4190  
TDD 651-322-2323  
[www.cityofwsp.org](http://www.cityofwsp.org)

Please feel free to contact me at 651-552-4144 for questions on the hearing process.

The City of West St. Paul appreciates your effort and cooperation to "Maintain a Quality Community."

Sincerely,

Susanna Wilson  
Community Development Specialist  
City of West Saint Paul  
[swilson@cityofwsp.org](mailto:swilson@cityofwsp.org)

cc: Jim Hartshorn, Community Development Director  
Ben Boike, City Planner/Assistant Community Development Director  
Kori Land, City Attorney  
Chief Shaver, Police Chief  
Laura Vaughan, Crime Prevention Specialist



CITY OF

# WEST ST. PAUL

City Hall  
1616 Humboldt Avenue  
West St. Paul, MN  
55118-3972  
651-552-4100  
FAX 651-552-4190  
TDD 651-322-2323  
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RE: West St. Paul Code Section(s):  
425.15. Minimum Standards: Basic Equipment and Facilities  
425.19 Stairs are in general disrepair  
425.19 General Disrepair  
425.15. Minimum Standards: Sinks  
425.17 Electric Service.  
425.19. General Requirements Subd. 5

## COMPLIANCE LETTER

Date: Nov 12, 2013

An inspection was conducted at your residence or business that revealed the following violations of the West St. Paul City Code. Your attention is respectfully directed to section 425-Property Maintenance - Residential/Commercial of the West St. Paul Municipal Code.

From:  
Delci Merrell  
Code Enforcement Officer  
(651) 552-4142

Compliance Date:  
December 12, 2013

To:  
CMA INVESTMENT LLC  
1638 CONCORDIA AVE  
SAINT PAUL, MN 55104-

Case Number:  
CE20130000783

Location Address:  
423800026020

218 ANNAPOLIS ST W, WEST ST PAUL, MN 55118

Section and Description:  
425.15. Minimum Standards: Basic Equipment and Facilities

STATUS: Open

### Detailed Description:

Subd. 7. Water-Heating Facilities. Every dwelling must have supplied water-heating facilities that are properly installed, maintained in safe and good working condition, and properly connected with the hot water lines required under the provisions of this Section. The water-heating facilities must be capable of providing an adequate supply of water at a minimum temperature of 120°. The supplied water-heating facilities must be capable of meeting the requirements of this Section when the dwelling or dwelling unit heating facilities required pursuant to City Code Section 425.17, subd. 3 are not in operation.

Improperly installed water heater/ Gas line in boiler room must be properly capped. Broken gas valve for dryer in laundry room.

Corrections: Plumbing permit is required to repair improper installation of water heater along with the gas lines.

STATUS: Open

### 425.19 Stairs are in general disrepair

#### Detailed Description:

Subd. 2. Stairs, Porches, Decks and Railings. (A) Every outside stair, porch and deck must be constructed safely, be capable of supporting a load as determined in the Building Code, and kept in sound condition and repair. (B) Every stairway, porch, deck or step that is more than 30 inches above grade must have guardrails and intermediate rails no more than four inches apart and according to the Building Code or maintained according to the Building Code under which it was originally constructed. (C) Every flight of stairs that is more than three risers high must have handrails according to the Building Code or maintained according to the Building Code under

which it was originally constructed. (D) Stairs, steps, porches, decks, handrails, balustrades and guardrails deemed hazardous by the Building Inspector must be corrected so as to be in compliance with the Building Code.

Handrails are needed in all stair enclosures.

Corrections: Handrails must be installed in every stair well on one side.

STATUS: Open

#### 425.19 General Disrepair

##### Detailed Description:

425.19. Subd. 1. Foundations, exterior walls, windows, exterior doors, floors and roofs must be watertight, rodent-proof, and kept in sound condition and repair. The foundation must adequately support the building at all points. Exterior walls must be maintained and kept free from dilapidation by cracks, tears, breaks, holes, loose or rotting boards or timbers and any other conditions that might admit dampness to the interior portions of the wall or to the interior spaces of structures. If an exterior surface is required to be repaired under this Section, the entire exterior surface area must be repaired or replaced.

Rotten/deteriorated floor joist and gypsum board on landing above front entry on the north side. Deteriorated wall around lower level unit door. Exterior wall at front entry and above shall be repaired of all water damage.

Corrections: Building permit is required along with a licensed contractor to repair the violations stated above.

STATUS: Open

#### 425.15. Minimum Standards: Sinks

##### Detailed Description:

Subd. 1. Sinks. Every dwelling unit must contain a kitchen sink in good working condition and properly connected to a water supply system approved by the Building Inspector that must provide at all times an adequate supply of heated and unheated running water, under pressure and connected to a water and sewer system approved by the Building Inspector. Every occupant of a dwelling unit must keep all plumbing fixtures in a clean and sanitary condition and must be responsible for the exercise of reasonable care in their proper use and operation.

Leaking laundry tub faucet and clogged drain.

Corrections: Must clear clog in waste pipe and repair leaking basement laundry tub faucet.

STATUS: Open

#### 425.17 Electric Service.

##### Detailed Description:

Subd. 2. Electric Service. Electric service must be provided to all dwellings. Every habitable room, laundry room and required bathroom must contain at least two separate wall-type electric convenience outlets, or one convenience outlet and one supplied ceiling-type electric light fixture. Every bathroom, furnace room, and public hall must contain at least one supplied ceiling or wall-type light fixture. Every outlet and fixture must be properly installed, maintained in good and safe working condition and connected to the source of electric power in a safe manner.

Missing light globes throughout all common areas. Exterior light fixture is exposed on the south side of the building.

Corrections: Must place globes on all light fixtures including the exterior light fixture on the south side of the building.

STATUS: Open

#### 425.19. General Requirements Subd. 5

##### Detailed Description:

Subd. 5. Safety Functioning of Equipment and Facilities. Every supplied facility, piece of equipment or utility which is required under this Section must be constructed or installed so that it will function safely and must be maintained in satisfactory working condition.

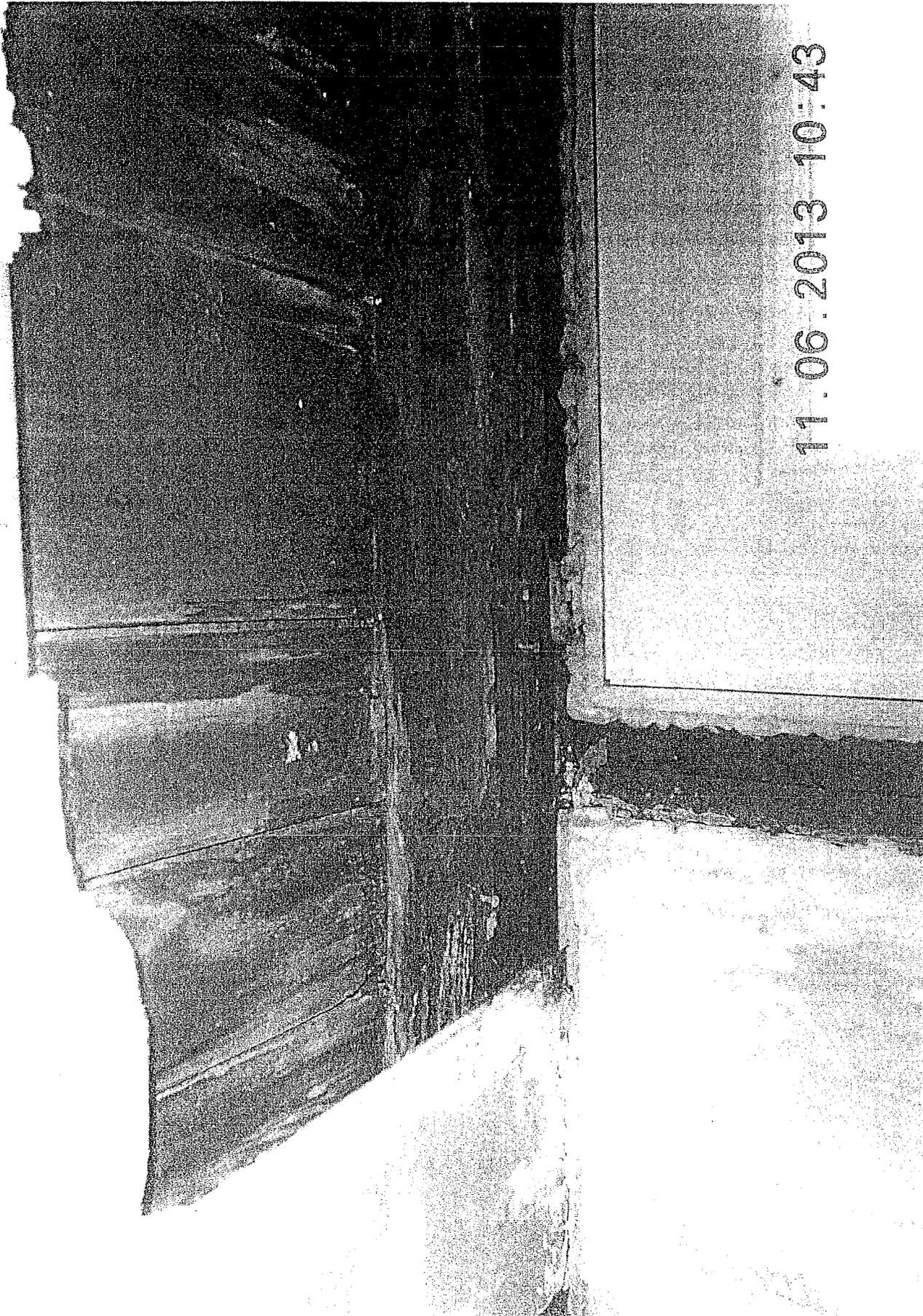
Missing door handle in basement.

Corrections: Must replace the door handle to the boiler room.

Please review the aforementioned ordinance and correct any noncompliance conditions by December 12, 2013, after which a compliance inspection will be performed.

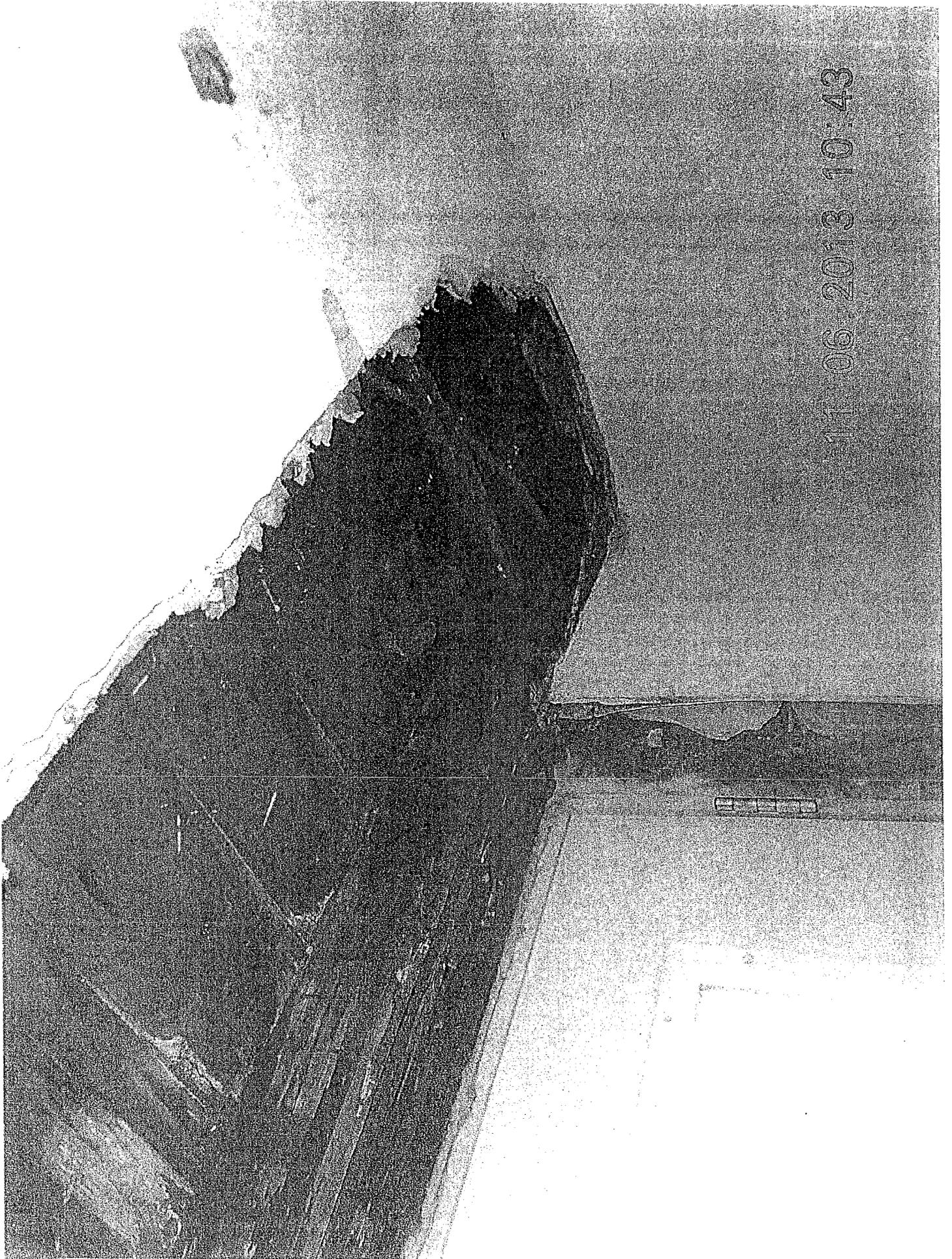
Thank you for your prompt cooperation. If you have any questions, concerns or special needs, please feel free to contact me at the telephone number listed above.

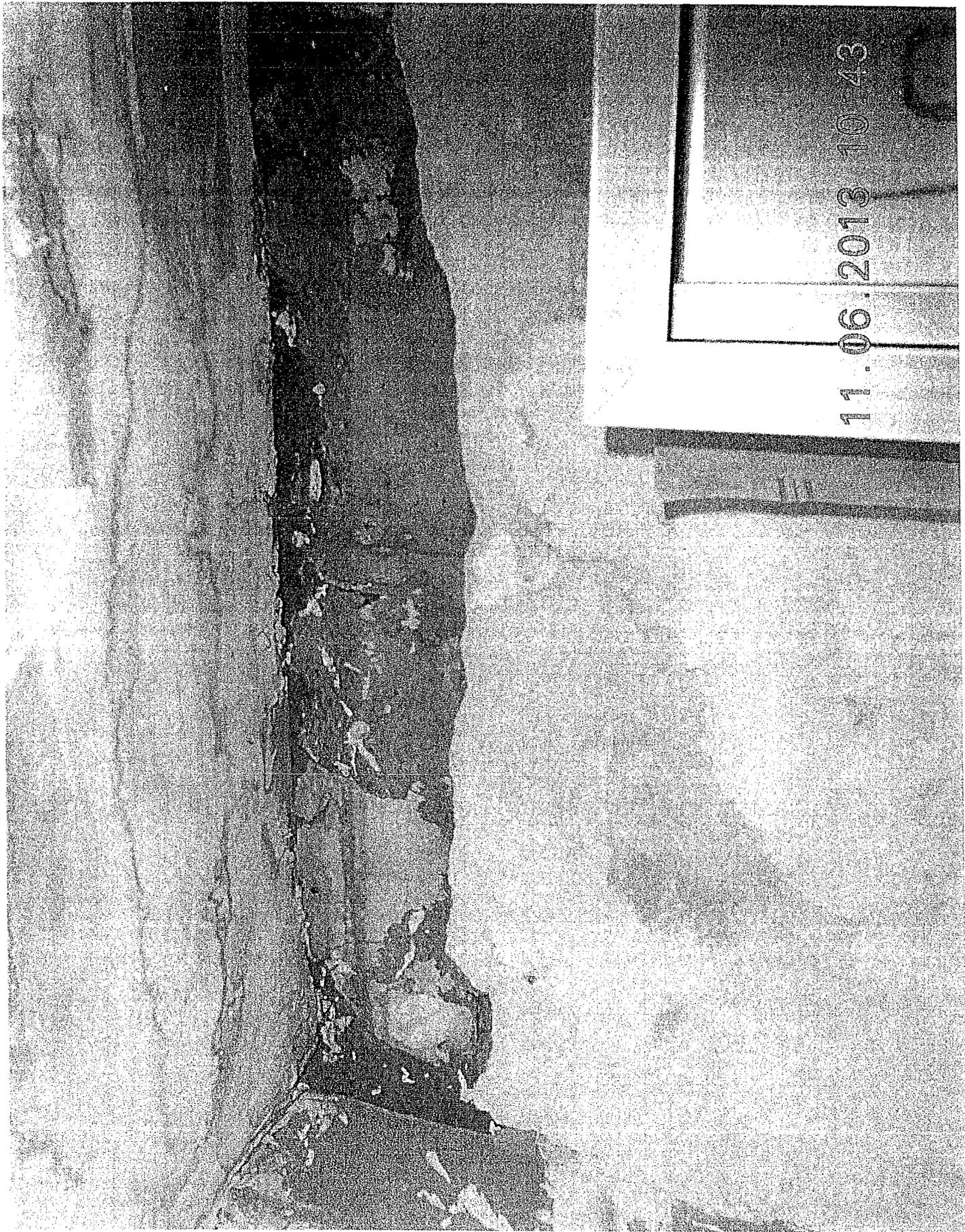
Failure to comply with this notice by the compliance date indicated may result in the issuance of an administrative citation with a fine of at least \$200 and/or criminal citation requiring a court appearance and the possible imposition of jail and/or fines.

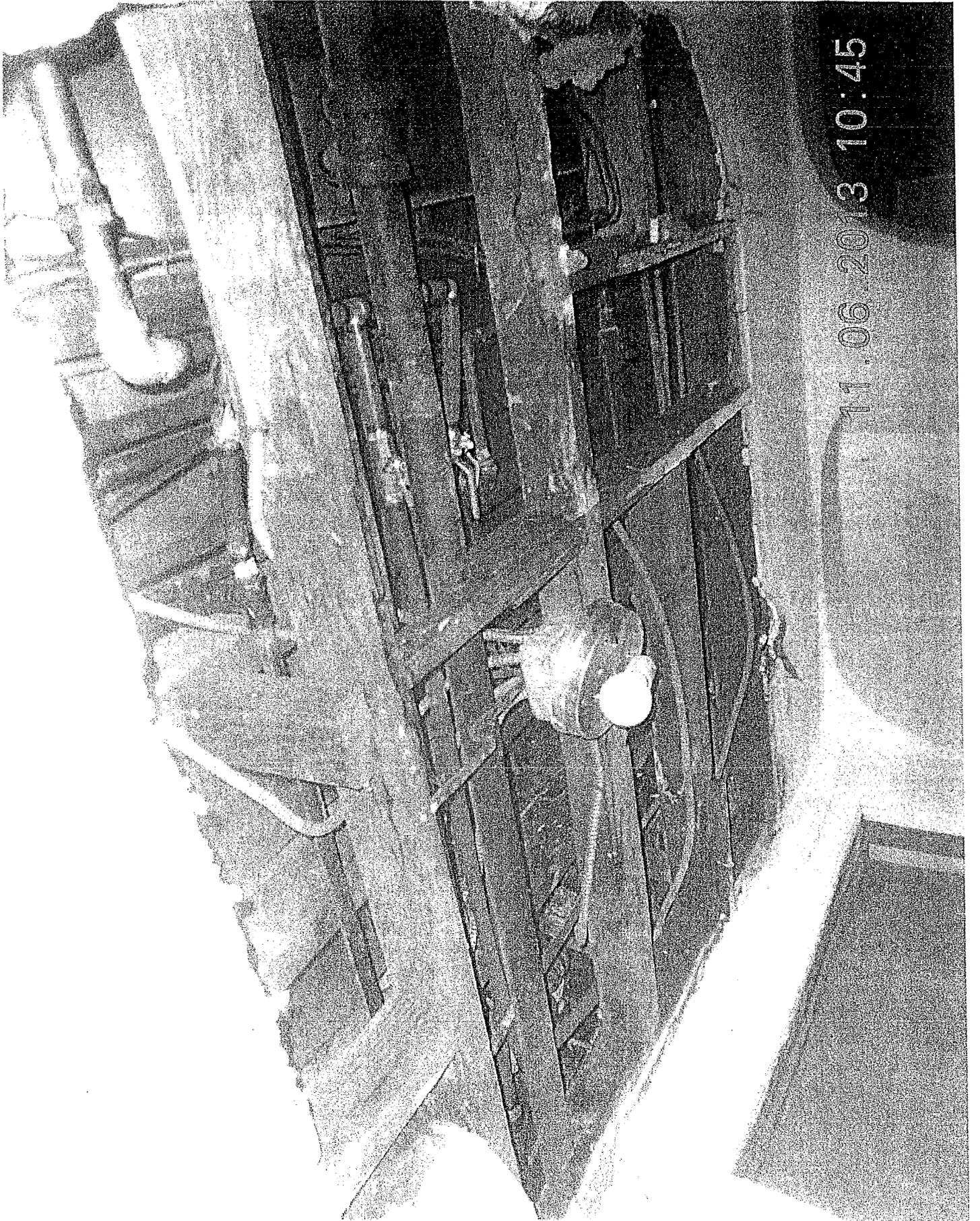


11.06.2013 10:43

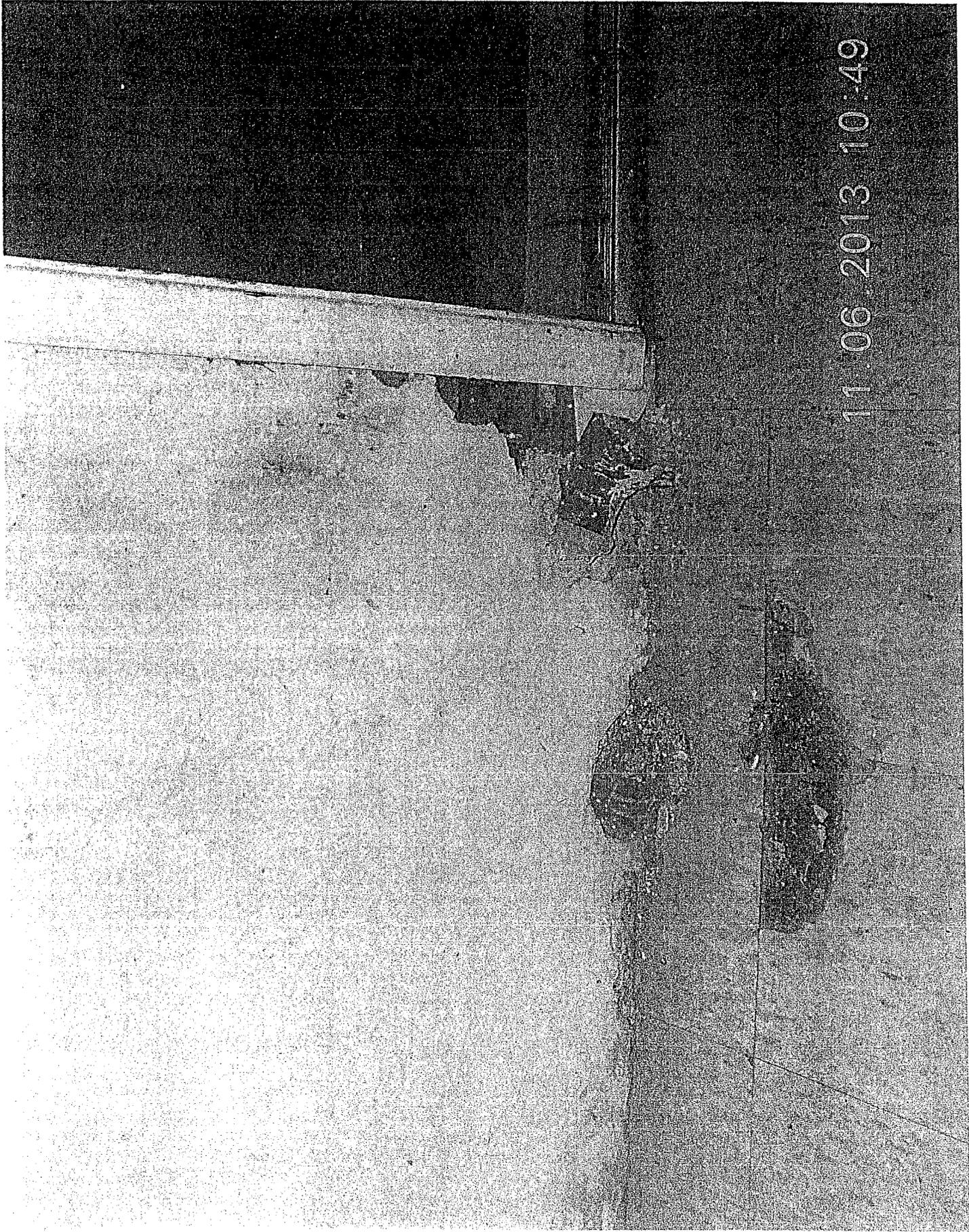
11.06.2013 10:43



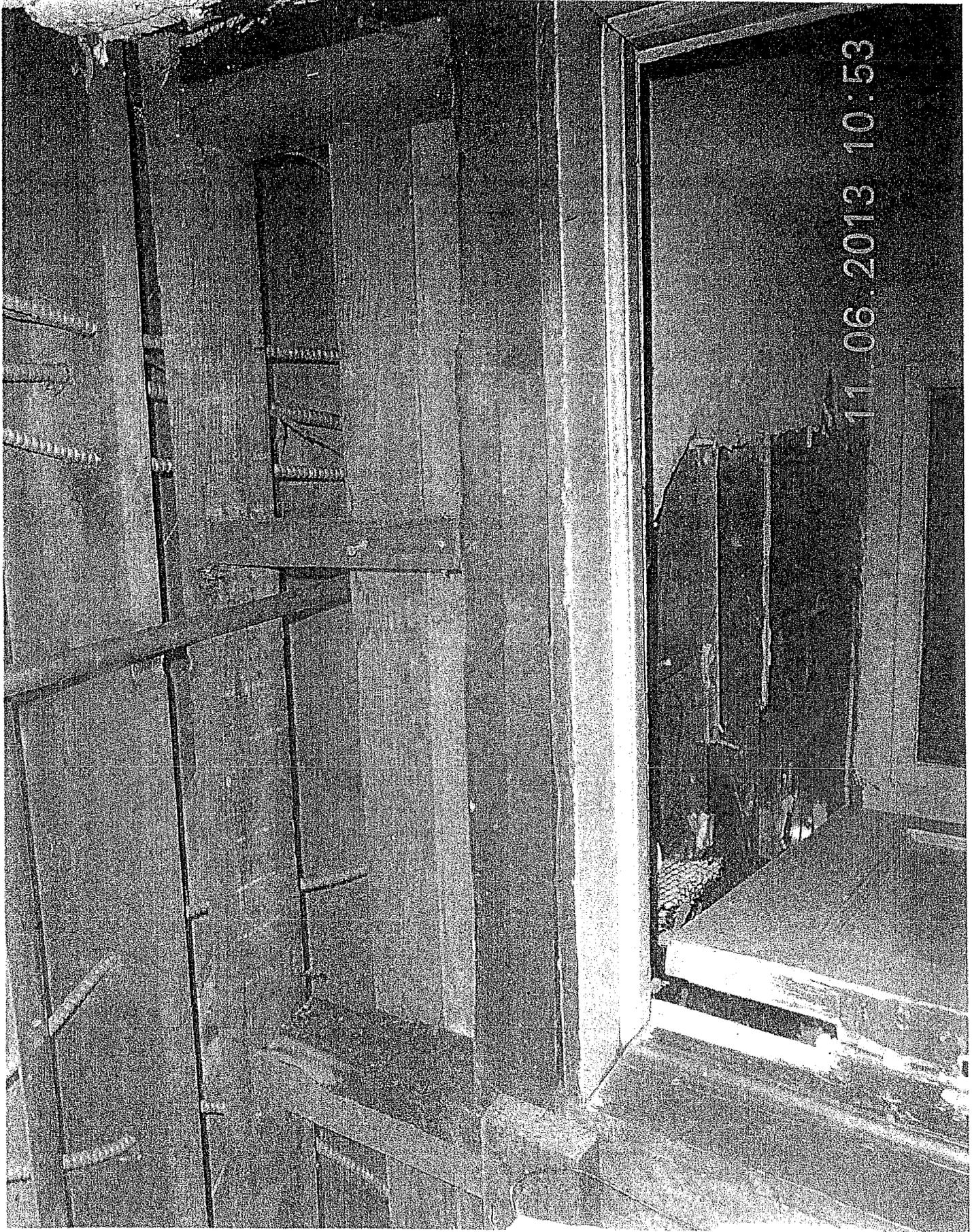




11.06.2013 10:45



11 06 2013 10:49



11 06 2013 10:53

11.06.2013 10:56



CITY OF

**WEST ST. PAUL**

City Hall  
1616 Humboldt Avenue  
West St. Paul, MN  
55118-3972  
651-552-4100  
FAX 651-552-4190  
TDD 651-322-2323  
[www.cityofwsp.org](http://www.cityofwsp.org)

RE West St. Paul Code Section(s):  
600.03 Exposed Trash Cans

## COMPLIANCE LETTER

Date: Sep 11, 2013

From:  
Delci Merrell  
Code Enforcement Officer  
(651) 552-4142

An inspection was conducted at your residence or business that revealed the following violations of the West St. Paul City Code. Your attention is respectfully directed to the violation section 600.03 Exposed Trash Cans of the West St. Paul Municipal Code.

To:  
CMA INVESTMENT LLC  
1638 CONCORDIA AVE  
SAINT PAUL, MN 55104-

Compliance Date:  
September 21, 2013

Case Number:  
CE20130000614

Location Address:  
218 ANNAPOLIS ST W, WEST ST PAUL, MN 55118

423800026020

Section and Description:  
600.03 Exposed Trash Cans

STATUS: Open

### Detailed Description:

Subd. 2. When awaiting collection, garbage and rubbish may be stored in the front yard or public boulevard as follows: (a.) Up to four hours in closed plastic or waterproof bags; or (b.) Up to 18 hours in rigid covered, plastic or metal containers. Other than as provided above, garbage and rubbish must be stored in rear yards, in accessory buildings or garages or screened from view from any public street.

Trash cans are viewable from the public street. It also has been reported that this property, 218 Annapolis W has been without trash pick-up service for multiple weeks. This is a direct violation of 600.05. Required Collection. Subd. 1. Collection. Every residential household, multiple residential dwelling, and business in the City must have a solid waste collection at least on a monthly basis with a rubbish collection firm properly licensed by the City.

Corrections: Must move trash cans to a screened area where they are not viewable from the public street by September 21, 2013. You must also provide a trash pick-up service for your tenants and provide proof to the city that you have a contract with such company to remove your trash by September 21, 2013 or an administrative citation imposing a fine of \$200 will be issued for not having trash pick-up service.

Please review the aforementioned ordinance and correct any noncompliance conditions by the following date September 21, 2013, after which a compliance inspection will be performed.

Thank you for your prompt cooperation. If you have any questions, concerns or special needs, please feel free to contact me at the telephone number listed above.



City Hall  
1616 Humboldt Avenue  
West St. Paul, MN  
55118-3972  
651-552-4100  
FAX 651-552-4190  
TDD 651-322-2323  
[www.cityofwsp.org](http://www.cityofwsp.org)

RE: West St. Paul Code Section(s):  
810.01 Grass and Weeds

## COMPLIANCE LETTER

From:  
Delci Merrell  
Code Enforcement Officer  
(651) 552-4142

Date: Jun 07, 2013

An inspection was conducted at your residence or business that revealed the following violations of the West St. Paul City Code. Your attention is respectfully directed to section 2007.03-Junk of the West St. Paul Municipal Code.

To:  
CMA INVESTMENT LLC  
1638 CONCORDIA AVE  
SAINT PAUL, MN 55104-

Compliance Date: June 09, 2013

Case Number:  
CE20130000380

Location Address:  
218 ANNAPOLIS ST W, WEST ST PAUL, MN 55118  
  
423800026020

Section and Description:  
810.01 Grass and Weeds

STATUS: Open

### Detailed Description:

Subd. 1. General Rule. The owner and occupant of any property are responsible for the maintenance of the grass and grounds of the property. Any weeds, whether noxious or not, growing upon any lot or parcel of land outside the traveled portion of a street or alley, which are greater than eight inches or which have gone or about to go to seed, are public nuisances. Subd. 2. Notice. The Weed Inspector will serve notice upon the owner and occupant ordering that the weeds be cut and removed within 48 hours. Notice must be served pursuant to City Code Section 2010.

Excessive weeds and grass that exceeds 8 inches throughout entire property.

Corrections: Must remove/kill weeds AND cut the grass by given compliance date, June 9, 2013. Please review the aforementioned ordinance and correct any noncompliance conditions by the following date June 09, 2013, after which a compliance inspection will be performed. Thank you for your prompt cooperation. If you have any questions, concerns or special needs, please feel free to contact me at the telephone number listed above. Failure to comply with this notice within of its receipt or posting may result in the issuance of a misdemeanor citation requiring a court appearance and the possible imposition of jail and/or fines. In addition, if you do not comply with this notice the City may perform the work at your expense. If work is performed, you will be sent an invoice. If not paid within 30 days after you are billed, the City will assess these costs against your property.



# CITY OF WEST ST. PAUL

1616 HUMBOLDT AVENUE, WEST ST. PAUL, MN 55118-3972

MUNICIPAL CENTER	651-552-4100	POLICE	651-552-4200
PARKS/RECREATION	651-552-4150	FIRE	651-552-4176
FAX	651-552-4190	TDD	651-322-2323

RE: West St. Paul Code Section(s):

## COMPLIANCE LETTER

2007.03 Junk-Unsheltered Storage

Date: Mar 06, 2012

From:  
Jerry Backlund  
651-552-4142

An inspection was conducted at your residence or business that revealed the following violations of the West St. Paul City Code. Your attention is respectfully directed to section 2007.03-Junk of the West St. Paul Municipal Code.

To:  
COSTANZO CARL A  
1728 SELBY AVE  
SAINT PAUL, MN 55104-  
ANTHONY T COSTANZO  
1728 SELBY AVE  
SAINT PAUL, MN 55104-

Compliance Date: March 16, 2012

Case Number:  
CE20120000052

Location Address:  
218 ANNAPOLIS ST W, WEST ST PAUL, MN 55118

423800026020

Detailed Description  
2007.03 Junk-Unsheltered Storage

STATUS: Open

Detailed Description: Tree limbs strewn around the yard, lawn equipment is not properly stored, old car seat is in yard, trash cans are overflowing.

Prohibition of Unsheltered Storage. Subdivision 1. No person shall place, permit store, allow, maintain, or leave machinery, implements, equipment, junk or personal property of any kind which is no longer used for purposes for which it was manufactured or made, upon an open space area of any premises located anywhere in the City. Subd. 2. definition of "Junk". For purposes of this section "Junk" shall mean worn out or discarded material which is no longer used for the purposes for which it was manufactured or made, including, but not limited to, household appliances or parts thereof, tools, building materials, tin cans, glass, furniture, mattresses, box springs, crates, cardboard, tires, or any other unsightly, debris, brush or materials, the accumulation of which may have an adverse effect upon the neighborhood or property values, health, safety or general welfare on the public. Subd. 3. Violations. A person who creates, maintains or allows to continue a condition on property in violation of section 2007.03 shall be deemed to have created a Nuisance subject to abatement as provided in Section 2010.05 or 2010.07 and subject to penalties described in Section 2010.13.

Corrections: Please properly store, dispose of tree limbs, lawn equipment, and car seat. Have trash cans emptied more frequently or provide larger trash receptacle so that trash is not blown around the property.

Please review the aforementioned ordinance and correct any noncompliance conditions by the following date , after which a compliance inspection will be performed.

Thank you for your prompt cooperation. If you have any questions, concerns or special needs, please feel free to contact me at the telephone number listed above.

Failure to comply with this notice within of its receipt or posting may result in the issuance of a misdemeanor citation requiring a court appearance and the possible imposition of jail and/or fines. In addition, if you do not comply with this notice the City may perform the work at your expense. If work is performed, you will be sent an invoice. If not paid within 30 days after you are billed, the City will assess these costs against your property.



# CITY OF WEST ST. PAUL

1616 HUMBOLDT AVENUE, WEST ST. PAUL, MN 55118-3972

MUNICIPAL CENTER	651-552-4100	POLICE	651-552-4200
PARKS/RECREATION	651-552-4150	FIRE	651-552-4176
FAX	651-552-4190	TDD	651-322-2323

RE: West St. Paul Code Section(s):  
2007.05 Vehicle-Inoperable or Abandoned Vehicles

## COMPLIANCE LETTER

Date: Mar 06, 2012

From:  
Jerry Backlund  
651-552-4142

An inspection was conducted at your residence or business that revealed the following violations of the West St. Paul City Code. Your attention is respectfully directed to section 2007.05-Vehicle of the West St. Paul Municipal Code.

To:  
COSTANZO CARL A  
1728 SELBY AVE  
SAINT PAUL, MN 55104-

Compliance Date:  
March 16, 2012

ANTHONY T COSTANZO  
1728 SELBY AVE  
SAINT PAUL, MN 55104-

Case Number:  
CE20120000050

Location Address:  
218 ANNAPOLIS ST W, WEST ST PAUL, MN 55118  
423800026020

Description of Vehicles:				
License	Year	Make: Olds	Model: 2 door	Color: White
#630-SJE				

Section and Description:  
2007.05 Vehicle-Inoperable or Abandoned Vehicles

STATUS: Open

Detailed Description:  
Prohibition of inoperable or abandoned vehicle

Corrections: Please remove vehicle from property or have tag renewed.

Please review the aforementioned ordinance and correct any noncompliance conditions by the following date March 16, 2012, after which a compliance inspection will be performed.

Thank you for your prompt cooperation. If you have any questions, concerns or special needs, please feel free to contact me at the telephone number listed above.

Failure to comply with this notice within of its receipt or posting may result in the issuance of a misdemeanor citation requiring a court appearance and the possible imposition of jail and/or fines.

Inoperable Vehicles:  
If this notice is in regard to an inoperable vehicle and you do not comply, the City may impound any

vehicles in violation, pursuant to City Code section 2007.05 subd. 6. If impounded you may reclaim the vehicle only upon the payment of towing, storage and administrative costs to the City. Any vehicle not reclaimed will be disposed of at auction or sale.



# CITY OF WEST ST. PAUL

1616 HUMBOLDT AVENUE, WEST ST. PAUL, MN 55118-3972

MUNICIPAL CENTER	651-552-4100	POLICE	651-552-4200
PARKS/RECREATION	651-552-4150	FIRE	651-552-4176
FAX	651-552-4190	TDD	651-322-2323

RE West St. Paul Code Section(s):  
810.07 Snow and/or Ice Subdivision 1

## COMPLIANCE LETTER

Date: Mar 06, 2012

From:  
Jerry Backlund  
651-552-4142

An inspection was conducted at your residence or business that revealed the following violations of the West St. Paul City Code. Your attention is respectfully directed to section 810-Nuisance of the West St. Paul Municipal Code.

To:  
COSTANZO CARL A  
1728 SELBY AVE  
SAINT PAUL, MN 55104-  
ANTHONY T COSTANZO  
1728 SELBY AVE  
SAINT PAUL, MN 55104-

Compliance Date:  
March 08, 2012

Case Number:  
CE20120000051

Location Address:  
218 ANNAPOLIS ST W, WEST ST PAUL, MN 55118

423800026020

Section and Description:  
810.07 Snow and/or Ice Subdivision 1

STATUS: Open

### Detailed Description:

(a) Residential: The owner and occupant of any residential property adjacent to a public sidewalk must use due diligence to keep the sidewalk free from environmental hazards and safe for pedestrians. No owner or occupant may allow ice or snow to remain on the sidewalk longer than 12 hours after its deposit. Ice and snow remaining on the public sidewalk longer than 12 hours is a public nuisance. (b) Commercial: The owner or occupant of any business or light industrial property adjacent to a public right trail must use due diligence to keep the trail safe for pedestrians. No owner may allow ice or snow to remain on the trail longer than 12 hours after its deposit. Ice and snow remaining on a public trail longer than 12 hours is a public nuisance.

Corrections: Please clear city sidewalk of ice and snow.

Please review the aforementioned ordinance and correct any noncompliance conditions by the following date March 08, 2012, after which a compliance inspection will be performed.

Thank you for your prompt cooperation. If you have any questions, concerns or special needs, please feel free to contact me at the telephone number listed above.

Failure to comply with this notice within of its receipt or posting may result in the City contracting to perform the work at your expense. If work is performed, you will be sent an invoice. If not paid within 30 days after you are billed, the City will assess these costs against your property.



# CITY OF WEST ST. PAUL

1616 HUMBOLDT AVENUE, WEST ST. PAUL, MN 55118-3972

MUNICIPAL CENTER	651-552-4100	POLICE	651-552-4200
PARKS/RECREATION	651-552-4150	FIRE	651-552-4176
FAX	651-552-4190	TDD	651-322-2323

RE: West St. Paul Code Section(s):  
2007.03 Junk-Unsheltered Storage

## COMPLIANCE LETTER

From:

Sheen Yang, Code Enforcement Inspector,  
(651) 552-4142

Date: Jul 07, 2011

An inspection was conducted at your residence or business that revealed the following violations of the West St. Paul City Code. Your attention is respectfully directed to section 2007.03-Junk of the West St. Paul Municipal Code.

To:

COSTANZO ANTHONY T  
COSTANZO CARL A  
1728 SELBY AVE  
SAINT PAUL, MN 55104-

Compliance Date: July 17, 2011

Case Number:  
CE20110000453

Location Address:  
218 ANNAPOLIS ST W, WEST ST PAUL, MN 55118  
423800002026

Section and Description:  
2007.03 Junk-Unsheltered Storage

STATUS: Open

Detailed Description:

Prohibition of Unsheltered Storage. Subdivision 1. No person shall place, permit store, allow, maintain, or leave machinery, implements, equipment, junk or personal property of any kind which is no longer used for purposes for which it was manufactured or made, upon an open space area of any premises located anywhere in the City. Subd. 2. definition of "Junk". For purposes of this section "Junk" shall mean worn out or discarded material which is no longer used for the purposes for which it was manufactured or made, including, but not limited to, household appliances or parts thereof, tools, building materials, tin cans, glass, furniture, mattresses, box springs, crates, cardboard, tires, or any other unsightly, debris, brush or materials, the accumulation of which may have an adverse effect upon the neighborhood or property values, health, safety or general welfare on the public. Subd. 3. Violations. A person who creates, maintains or allows to continue a condition on property in violation of section 2007.03 shall be deemed to have created a Nuisance subject to abatement as provided in Section 2010.05 or 2010.07 and subject to penalties described in Section 2010.13.

Corrections:

REMOVE JUNK FROM THE YARD.

Please review the aforementioned ordinance and correct any noncompliance conditions by the following date July 17, 2011, after which a compliance inspection will be performed.

Thank you for your prompt cooperation. If you have any questions, concerns or special needs, please feel free to contact me at the telephone number listed above.

Failure to comply with this notice within 10 days of its receipt or posting may result in the issuance of a

misdemeanor citation requiring a court appearance and the possible imposition of jail and/or fines. In addition, if you do not comply with this notice the City may perform the work at your expense. If work is performed, you will be sent an invoice. If not paid within 30 days after you are billed, the City will assess these costs against your property.



1650 Humboldt Ave | West St. Paul, MN | 55118 | 651-552-4172

### South Metro Fire

Date Inspected: 10/21/2013

Inspected By: Linda McMillan

Inspection and Compliance Orders			
Facility:	218 West Annapolis	Contact:	Mary Costanzo
Address:	218 W Annapolis ST	Phone:	(651) 642-1264
City:	West St. Paul	State:	MN
		Postal Code:	55118
Contact:	Mary Costanzo	Work:	
Email:	costanzmtvcc@gmail.com	Cell:	

Inspection Type:	Inspection Reinspection
------------------	-------------------------

Violation Code	Days to Correct	Violation/Remarks	Reinspect Date (on or about)
703.1	49	Repair or seal openings or penetrations to fire-resistive construction with approved materials and methods.  Repair large holes in basement ceiling hallway, laundry room, front entry, second floor south stairwell and cover attic access with fire resistive material.	1/31/2014

Inspection Remarks

Owner/Representative:
Inspector:

A variance procedure is available. Please contact the inspector named for further assistance with this or any other matter.

\* Number of days to correct from date inspected.



1650 Humboldt Ave | West St. Paul, MN | 55118 | 651-552-4172

## South Metro Fire

Date Inspected: 10/21/2013

Inspected By: Chris Snyder

Inspection and Compliance Orders			
Facility:	218 West Annapolls	Contact:	Tony Costanzo
Address:	218 W Annapolis ST	Phone:	(651) 642-1264
City:	West St. Paul	State:	MN
		Postal Code:	55118
Contact:	Tony Costanzo	Work:	(651) 646-0032
Email:		Cell:	(612) 221-0455

Inspection Type:	Inspection General
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Violation Code	Days to Correct	Violation/Remarks	Reinspect Date (on or about)
703.1	29	Repair or seal openings or penetrations to fire-resistive construction with approved materials and methods.  Repair large holes in basement ceiling hallway, laundry room, front entry, second floor south stairwell and cover attic access with fire resistive material.	11/19/2013
901.6	29	Fire detection, alarm and extinguishing systems shall be maintained in an operative condition at all times, and shall be replaced or repaired where defective. Non-required fire protection systems and equipment shall be inspected, tested and maintained or removed.  Repair smoke detectors in south stairwell that do not operate. Provide smoke detectors for locations that are missing detectors in north stairwell.	11/19/2013
MMC 504.6	29	Exhaust ducts for domestic clothes dryers shall be constructed of metal and shall have a smooth interior finish. The exhaust duct shall be a minimum nominal size of 4 inches in diameter.  Remove plastic tape on dryer vent pipe and replace with approved metal tape.	11/19/2013
906.2	29	Provide the required maintenance of the fire extinguishers as required by NFPA 10.	11/19/2013
1028.2	29	Required exit accesses, exits or exit discharges shall be continually maintained free of all obstructions or impediments that would prevent their full instant use.  Remove bike from second floor landing in south stairwell.	11/19/2013

Inspection Remarks:
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<b>Owner/Representative:</b>
<b>Inspector:</b>

A variance procedure is available. Please contact the inspector named for further assistance with this or any other matter.

\* Number of days to correct from date inspected.

## West St Paul Police Dept - Count of CAD Incidents

Between: 1/1/2013 12:00:00 AM  
And: 12/31/2014 11:59:59 PM

Total: 40

Address: 218 Annapolis

L/CHECK WELFARE	1
L/CIVIL/ASSIST	1
L/DAMAGE TO PROPERTY	2
L/DISTURBING PEACE/D	11
L/DOMESTIC FAMILY/NE	5
L/FIGHT	1
L/FIRE CALL	1
L/FOLLOW-UP	2
L/HARASSING COMMUNIC	1
L/MEDICAL	4
L/PARKING COMPLAINTS	2
L/SUSPICIOUS PERSON/	5
L/THREATS/STALKING	1
L/TRAFFIC STOP	2
L/TRESPASSING	1

Total: 40

End of Report



*West St. Paul Police Department*  
 1616 Humboldt Ave | West St Paul, MN 55118 | Phone: (651) 552-4200

Thursday, March 13, 2014  
 4:35:35 pm

**CAD Activity Report**

**\*\* For official use only \*\***

**Reporting Period: 03/03/14 - 03/03/14**

<b>14.004309</b>	<b>218 Annapolis St W,4</b>			<b>DAMAGE TO PROPERTY (VAN)</b>
Reported	03/03/2014 17:50:00	Prime Unit	WSUNK	
Priority		Call Taker	Messina, Gino	
Stacked	17:50:00	Dispatcher	Messina, Gino	
Dispatched	17:51:00	Disposition	Assisted / Advised	
Arrived	18:03:00			
Finished	18:34:00			

**Notes**

3/3/14 17:50	Incident Initiated By: EM/MESSINA, G
3/3/14 17:50	**IF 26C OR 24R UNIT IS ON DUTY AND NO SUSPECTS, SEND THAT UNIT 1ST**
3/3/14 17:50	10-21 RP - CO-TENANTS BOYFRIEND DAMAGED APPLIANCES IN THE APT
3/3/14 17:50	BUILDING BEFORE LEAVING - HE HAS SINCE BEEN REMOVED FROM THE BUILDING
3/3/14 17:50	Primary Event: MAIN Opened: 14/03/03 17:50
3/3/14 17:50	***CORRECTION - STOP OUT***
3/3/14 17:50	NOT A 21
3/3/14 17:51	UNK IF THE SUSPECT IS STILL IN THE BUILDING OR NOT
3/3/14 17:51	OFFICERS REMOVED HIM THIS MORNING ACCORDING TO RP
3/3/14 18:34	SOMEBODY WROTE ON THE WASHING MACHINE WITH SHAPIE MARKER. DID NOT SEE
3/3/14 18:34	WHO DID IT. WASHING MACHINE STILL WORKS. WILL CLEAN IT OFF ON A LATER
3/3/14 18:34	DATE. DID NOT NEED A FORMAL REPORT.
3/3/14 18:34	ONLY WANTED POLICE AWARE BECAUSE OF THE DOMESTIC FROM THE OTHER DAY.
3/3/14 18:34	Route Closed: MAIN S
3/3/14 18:34	Incident Closed: 14/03/03 18:34

**Names**

Caller

[REDACTED]  
 [REDACTED]  
 [REDACTED]

**Unit History**

Unit	CC	Date/Time	Officer(s)	Operator
2629	DP	03/03/14 17:50:28	WSmm0 1	WSmm01
WSUNK	FI	03/03/14 17:51:00	4929	4929



*West St. Paul Police Department*  
 1616 Humboldt Ave | West St Paul, MN 55118 | Phone: (651) 552-4200

Wednesday, February 19, 2014  
 10:26:55 am

**Incident Summary**

**\*\* For official use only \*\***

**14.003067      218 Annapolis St W,4      DISTURBING PEACE/D (DIST)**

Reported	02/14/2014	19:20:00	Units	2642 - WSts01 - Sewald, Tim
Priority				
Case#	14-000533			
Stacked	19:20:00			
Dispatched	19:20:00			
Arrived	19:20:00			
Finished	20:07:00			
Disposition	REPORT			

<b>Notes</b>	2/14/14 19:20	Primary Event: MAIN Opened: 14/02/14 19:20
	2/14/14 19:20	Incident Initiated By: EM/EGAN, R
	2/14/14 19:20	Initial Field Initiate by WS/2642-92 at 19:20:23 on 14/02/14.
	2/14/14 20:07	VERBAL BETWEEN MALE AND FEMALE. ONGOING ISSUE. RENTAL PROPERTY 9271.
	2/14/14 20:07	Route Closed: MAIN RPT
	2/14/14 20:07	Incident Closed: 14/02/14 20:07

[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

**14.000156      218 Annapolis St W      DISTURBING PEACE/D (DIST)**

Reported	01/03/2014	17:09:00	Units	WSUNK - 4929 - MANDEL, MIKE
Priority				2608 - WSjh01 - Hinderscheid, John
				2629 - WSmm01 - Mandel, Michael
				2642 - WSts01 - Sewald, Tim
Stacked	17:09:00			
Dispatched	17:11:00			
Arrived	17:15:00			
Finished	17:29:00			
Disposition	Assisted / Advlsed			



*West St. Paul Police Department*  
 1616 Humboldt Ave | West St Paul, MN 55118 | Phone: (651) 552-4200

Wednesday, February 19, 2014  
 10:26:55 am

**Incident Summary**

**\*\* For official use only \*\***

<b>Notes</b>	1/3/14 17:09	SE OF 354 ANNAPOLIS
	1/3/14 17:11	Incident Initiated By: EM/CEMENSKY, J
	1/3/14 17:11	Original Location : SE OF 354 ANNAPOLIS
	1/3/14 17:11	MALE/FEMALE VERBAL ONLY
	1/3/14 17:11	Primary Event: MAIN Opened: 14/01/03 17:11
	1/3/14 17:12	MALE SUSPECT IS DOWNSTAIRS NEIGHBOR - KEVIN KLINE -
	1/3/14 17:12	MALE PARTY LIVES IN #5 - LOWER LEVEL APT
	1/3/14 17:13	RP WAS ADVISED TO WAIT INSIDE HER APT
	1/3/14 17:25	SCHAUMBURG, LORI MARIE.DOB/19600110 LIVES IN APT #4
	1/3/14 17:27	KLEIN, KEVIN ROBERT.DOB/19670303 LIVES IN APT #5
	1/3/14 17:28	VERBAL DISPUTE ONLY BETWEEN TWO RESIDENTS. ADVISED BOTH TO STAY IN THEIR
	1/3/14 17:28	APARTMENTS FOR THE REST OF THE NIGHT, AND TALK WITH THE BUILDING OWNER
	1/3/14 17:28	ABOUT THE ISSUE.
	1/3/14 17:29	BOTH AGREED TO COOPERATE AND LEAVE EACH OTHER ALONE.
	1/3/14 17:29	Route Closed: MAIN S
	1/3/14 17:29	Incident Closed: 14/01/03 17:29

<b>Unit History</b>	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

<b>13.025907</b>	<b>218 Annapolis St W,2</b>	<b>DISTURBING PEACE/D (DIST)</b>
Reported	12/25/2013 22:19:00	Units WSUNK - WSar01 - Rawlings, Audra
Priority		WSUNK - WSeW01 - Wood, Elyse
		2648 - WSpm01 - McCarty, Patrick
Stacked	22:19:00	
Dispatched	22:20:00	
Arrived	22:29:00	
Finished	22:34:00	
Disposition	Unfounded	





*West St. Paul Police Department*  
 1616 Humboldt Ave | West St Paul, MN 55118 | Phone: (651) 552-4200

Wednesday, February 19, 2014  
 10:26:55 am

**Incident Summary**

**\*\* For official use only \*\***

**Notes**

12/14/13 17:27	Incident Initiated By: EM/SCHOO, A
12/14/13 17:27	TENANTS IN APT 2 ARE SLAMMING DOORS - RP HAS TALKED TO THEM ABOUT IT AND
12/14/13 17:27	WORDS WERE EXCHANGED - NOW THE TENANT IS SLAMMING THE DOORS EVEN LOUDER
12/14/13 17:27	Primary Event: MAIN Opened: 13/12/14 17:27
12/14/13 17:58	LORI MARIE SCHAUMBURG DOB:1-10-1960
12/14/13 17:58	NATALIE RAE BLACKFORD DOB:11-8-1980
12/14/13 17:58	BOTH PARTIES ADVISED TO QUIT DOWN. BOTH STATED THEY WOULD
12/14/13 17:58	Route Closed: MAIN S
12/14/13 17:58	Incident Closed: 13/12/14 17:58

[REDACTED]

<b>13.023079</b>	<b>218 Annapolis St W, 4</b>	<b>DISTURBING PEACE/D (DIST)</b>
Reported	11/11/2013 1:12:00	Units
Priority		2629 - WSmm01 - Mandel, Michael
		2630 - WSjm01 - Marrero, Jose
		WSUNK - - ,
Stacked	1:12:00	
Dispatched	1:14:00	
Arrived	1:18:00	
Finished	1:44:00	
Disposition	Assisted / Advised	



West St. Paul Police Department  
 1616 Humboldt Ave | West St Paul, MN 55118 | Phone: (651) 552-4200

Wednesday, February 19, 2014  
 10:26:55 am

Incident Summary

\*\* For official use only \*\*

Notes

11/11/13 1:12 SE OF 354 ANNAPOLIS  
 11/11/13 1:13 Incident Initiated By: EM/SENKO, A  
 11/11/13 1:13 Original Location : SE OF 354 ANNAPOLIS  
 11/11/13 1:13 Primary Event: MAIN Opened: 13/11/11 01:13  
 11/11/13 1:14 ADVISING HER ROOMMATE SHOVED AND PUSHED HER  
 11/11/13 1:14 NEGATIVE ON MEDICS  
 11/11/13 1:14 WM KEVIN DALE MATTILA 6/3/1957  
 11/11/13 1:14 NO WEAPONS  
 11/11/13 1:15 PARTIES ARE SEPERATED NOW  
 11/11/13 1:15 SUBJ AWARE POLICE ARE IN ROUTE  
 11/11/13 1:16 COMPL HAS BEEN DRINKING  
 11/11/13 1:17 COMPL ADVISED MALE SUBJ WAS UPSET ABOUT HER HAVING ANOTHER GUYS  
 NAME IN  
 11/11/13 1:17 HER PHONE  
 11/11/13 1:19 FEMALE IS INSIDE THE BEDROOM AND MALE SUBJ KEEPS COMING IN HER ROOM  
 AND  
 11/11/13 1:19 ARGUING WITH HER  
 11/11/13 1:19 FEMALE IS INTOXICATED  
 11/11/13 1:24 OQ Information: Reply ID: 16308246 Date: 11/11/2013  
 11/11/13 1:24 01:23:35  
 11/11/13 1:24 Attachment: GAM 2629  
 11/11/13 1:24 Reply Text: TO: LMSD08-00129199 20131111 01:23:35  
 11/11/13 1:24 306501F8AF  
 11/11/13 1:24 FROM: MNHOT2-14681645 20131111 01:23:35 306500BDFD  
 11/11/13 1:24 NO HIT WANTED PERSON FILE  
 11/11/13 1:24 QP ORI/MN019013N NAM/MATTILA, KEVIN DALE DOB/19570603  
 11/11/13 1:42 VERBAL DISPUTE BETWEEN TWO INTOXICATED ADULTS. BOTH REFUSING TO  
 LEAVE OR  
 11/11/13 1:42 GIVE THE OTHER ANY SPACE.  
 11/11/13 1:42 LORI MARIE SCHAUMBURG DOB/ 1-10-60  
 11/11/13 1:43 NO RELATIONSHIP OTHER THAN ROOM MATES STATED BY THE COUPLE  
 11/11/13 1:44 WARNED ON HOW UPSET I WILL BE IF THEY CAN NOT LEAVE EACH OTHER  
 ALONE FOR  
 11/11/13 1:44 THE EVENING  
 11/11/13 1:44 Route Closed: MAIN S  
 11/11/13 1:44 Incident Closed: 13/11/11 01:44

[REDACTED]

13.019482

218 Annapolis St W

DISTURBING PEACE/D (DIST)



*West St. Paul Police Department*  
 1616 Humboldt Ave | West St Paul, MN 55118 | Phone: (651) 552-4200

Wednesday, February 19, 2014  
 10:26:55 am

Incident Summary

\*\* For official use only \*\*

Reported 09/17/2013 18:24:00 Units 2633 - WSag01 - Gubash, Andrew  
 Priority 2639 - WSjs01 - Sass, Joseph  
 WSUNK - WSUNK - Unknown, WestStPa

Stacked 18:24:00  
 Dispatched 18:27:00  
 Arrived 18:33:00  
 Finished 18:39:00  
 Disposition Cleared Call

**Notes**

9/17/13 18:24 SE OF 354 ANNAPOLIS

9/17/13 18:25 PARTYING THREATENING TO SPRAY RP WITH A HOSE

9/17/13 18:25 Original Location : SE OF 354 ANNAPOLIS

9/17/13 18:25 FOUR MALES IN BACK OF THE BUILDING THREATENING RP

9/17/13 18:26 THREE WHITE MALES - ONE WITH LONG HAIR JACKET, ANOTHER SHORT BLOND HAIR

9/17/13 18:26 WITH BLACK T-SHIRT, THIRD IS WEARING JOGGING SUIT

9/17/13 18:26 RP TOLD THEM TO PUT OUT A FIRE - STARTED CONFLICT

9/17/13 18:26 MALES WALKING TO 213 ANNAPOLIS

9/17/13 18:26 RP IS BUILDING OWNER

9/17/13 18:27 ONE MALE WENT TO 213 ANNAPOLIS, THE OTHER TWO ARE STILL ON SITE

9/17/13 18:27 NO WEAPONS

9/17/13 18:28 HAVE BEEN DRINKING

9/17/13 18:28 RP DISCONNECTED

9/17/13 18:30 2ND CALLER-LANDLORD IS TAKING GARBAGE RIGHT NOW, IN A HURRY

9/17/13 18:30 2ND-LANDLORD IN A SILVER FORD RANGER, 2 DOOR, 242GTZ

9/17/13 18:31 242GPZ IS PLATE

9/17/13 18:32 2ND CALLER- LANDLORD GOT IN CAR, LEAVING

9/17/13 18:32 2ND CALLER-HEADING WB ON ANNAPOLIS TOWARDS SMITH

9/17/13 18:33 2ND CALLER- GORDON PETERSON, 763-360-8694, LIVE IN APT 2

9/17/13 18:37 LANDLORD GOA

9/17/13 18:38 PETERSON SAYS LANDLORD IS SHADY AND IS HARASSING HIM

9/17/13 18:39 HE IS MOVING IN 11 DAYS

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

13.018137

218 Annapolis St W, 4

DAMAGE TO PROPERTY (VAN)



*West St. Paul Police Department*  
 1616 Humboldt Ave | West St Paul, MN 55118 | Phone: (651) 552-4200

Wednesday, February 19, 2014  
 10:26:55 am

**Incident Summary**

**\*\* For official use only \*\***

Reported 08/31/2013 11:45:00 Units 2442 - WSsg01 - Gorr, Sabrina  
 Priority WSUNK - - ,  
 Case# 13-002983  
 Stacked 11:45:00  
 Dispatched 11:47:00  
 Arrived 11:47:00  
 Finished 12:34:00  
 Disposition Assisted / Advised

**Notes**  
 8/31/13 11:45 IN Id Inc FF1130831001823 UPDATE PriUnt to EMKLR  
 8/31/13 11:45 \*\*IF 26C OR 24R UNIT IS ON DUTY AND NO SUSPECTS, SEND THAT UNIT 1ST\*\*  
 8/31/13 11:45 TIRE SLASHED, OCCURRED SOMETIME YESTERDAY, VEHICLE IS A 1988 WHITE OLDS C  
 8/31/13 11:45 UTLASS  
 8/31/13 11:45 COMP WILL MEET OFFICER BY VEHICLE, PARKED IN LOT

[REDACTED]

**13.017377 218 Annapolis St W DISTURBING PEACE/D (DIST)**

Reported 08/21/2013 21:25:00 Units 2646 - WSjb01 - Bowman, Justin  
 Priority  
 Stacked 21:25:00  
 Dispatched 21:26:00  
 Arrived 21:51:00  
 Finished 21:54:00  
 Disposition Unfounded

**Notes**  
 8/21/13 21:26 DOWNSTAIRS NEIGHBOR IS OUTSIDE IN THE YARD AND IS YELLING AT THE UPSTAIRS  
 8/21/13 21:26 NEIGHBOR WHO IS INSIDE- VERY LOUD  
 8/21/13 21:26 MALE IS KEVIN AND LIVES IN BASEMENT  
 8/21/13 21:27 WHITE MALE 40'S SHIRT OFF AND IS GRILLING  
 8/21/13 21:54 NO ONE ANY LONGER GRILLING, ALSO, NO ONE OUTSIDE. NO LOUD YELLING OR  
 8/21/13 21:54 DISTURBANCE AT THIS TIME

[REDACTED]



West St. Paul Police Department  
 1616 Humboldt Ave | West St Paul, MN 55118 | Phone: (651) 552-4200

Wednesday, February 19, 2014  
 10:26:55 am

Incident Summary

\*\* For official use only \*\*

13.014762 218 Annapolis St W, 4 DISTURBING PEACE/D (DIST)

Reported 07/18/2013 19:01:00 Units 2646 - WSjb01 - Bowman, Justin  
 Priority WSUNK - - ,

Stacked 19:01:00  
 Dispatched 19:14:00  
 Arrived 19:20:00  
 Finished 20:17:00  
 Disposition Assisted / Advised

Notes	Date/Time	Description
	7/18/13 19:02	FEMALE BOTHERING RP AND ANOTHER VULNERABLE RESIDENT JOANNE
	7/18/13 19:02	RP VERY HARD TO UNDERSTAND, HARASSMENT IS OVER, RP WILL BE IN BACK OF APT
	7/18/13 19:02	BLDG
	7/18/13 19:03	THE FEMALE LIVES ACROSS THE STREET, UNKNOWN NAME OR EXACT ADDRESS, RP
	7/18/13 19:03	SAID SHE WAS STANDING IN THE STREET AND THEN WENT BACK HOME.
	7/18/13 19:02	FEMALE BOTHERING RP AND ANOTHER VULNERABLE RESIDENT JOANNE
	7/18/13 19:02	RP VERY HARD TO UNDERSTAND, HARASSMENT IS OVER, RP WILL BE IN BACK OF APT
	7/18/13 19:02	BLDG
	7/18/13 19:03	THE FEMALE LIVES ACROSS THE STREET, UNKNOWN NAME OR EXACT ADDRESS, RP
	7/18/13 19:03	SAID SHE WAS STANDING IN THE STREET AND THEN WENT BACK HOME.
	7/18/13 20:05	SUSPECT:
	7/18/13 20:05	SCHAUMBURG, LORRAINE ANN.DOB/19330806
	7/18/13 20:12	COMPLAINANT:PETERSON, GORDON JAY.DOB/19940728
	7/18/13 20:15	SEVERAL RESIDENTS OF APARTMENT BUILDING CLAIMING LORRAINE WAS DRUNK AND
	7/18/13 20:15	WALKING AROUND PROPERTY YELLING AT PEOPLE ABOUT A REC FIRE BEHIND APT
	7/18/13 20:15	COMPLEX. I MADE CONTACT WITH LORRAINE, NOTICED HER YELLING LOUDLY FROM
	7/18/13 20:15	INSIDE THE APT.
	7/18/13 20:16	RESIDENTS SAY LORRAINE IS VERY NICE WHEN SOBER, BUT OFTEN YELLS AT THEM
	7/18/13 20:16	WHEN SHE HAS BEEN DRINKING.
	7/18/13 20:16	PUBLIC NUISANCE 9271.
	7/18/13 20:17	LORRAINE ADMITTED THAT SHE WAS DRUNK





West St. Paul Police Department  
 1616 Humboldt Ave | West St Paul, MN 55118 | Phone: (651) 552-4200

Wednesday, February 19, 2014  
 10:26:55 am

Incident Summary

\*\* For official use only \*\*

Notes

6/13/13 23:06 SE OF 354 ANAPLS ST W  
 6/13/13 23:07 HOUSE NEXT DOOR TO THE EAST (WHT HOUSE) MALE AND FEMALE HITTING EACHOTHER  
 6/13/13 23:07 Original Location : SE OF 354 ANAPLS ST W  
 6/13/13 23:07 RP SEE THEM THROUGH THE WINDOW  
 6/13/13 23:08 NO WEAPONS SEEN  
 6/13/13 23:08 2 MALES ARE FIGHTING EACHOTHER, ANOTHER MALE TRYING TO STOP THEM  
 6/13/13 23:08 OTHER PPL ARE AROUND A FIRE, THEY ARE ALL OUTSIDE IN BACK YARD  
 6/13/13 23:08 RP THINKS THEY MIGHT BE DRUNK  
 6/13/13 23:09 RED SHORTS BLK SHIRT, WM WENT INSIDE WAS INVOLVED  
 6/13/13 23:09 OTHER W/M WITHOUT A SHIRT ON WERE FIGHTING  
 6/13/13 23:09 MALE WITHOUT SHIRT IS SITTING BY FIRE ---- MALE WITH RED SHORTS IS  
 6/13/13 23:09 INSIDE. THOSE 2 WERE FIGHTING  
 6/13/13 23:10 \*\*\* CORRECTION \*\* NO FEMALE WAS INVOLVED IN THE FIGHT \*\*\*  
 6/13/13 23:16 ...X444288014312  
 6/13/13 23:17 .PETERSON,GORDON JAY.19940728  
 6/13/13 23:24 ENROUTE 272 WEST KING, ST. PAUL WITH ONE MALE.  
 6/13/13 23:33 FIGHT OVER RENT AT APARTMENT. NEITHER HALF REPORTING INJURIES, OR THAT  
 6/13/13 23:33 ANYONE WAS HIT. ONLY ROLLED AROUND, AND PUSHED EACHOTHER. GAVE  
 6/13/13 23:33 .SCHWARTZ, DAMIEN ALEXANDER.DOB/19921118 A RIDE HOME TO HIS PARENT'S HOUSE  
 6/13/13 23:33 ON KING STREET.  
 6/13/13 23:34 SCHWARTZ WILL PICK UP HIS PROPERTY ANOTHER DAY. SCHWARTZ IS NOT ON THE  
 6/13/13 23:34 LEASE.

[REDACTED]

13.006371

218 Annapolis St W, 2

DISTURBING PEACE/D (DIST)



*West St. Paul Police Department*  
 1616 Humboldt Ave | West St Paul, MN 55118 | Phone: (651) 552-4200

Wednesday, February 19, 2014  
 10:26:55 am

**Incident Summary**

**\*\* For official use only \*\***

Reported 04/04/2013 23:05:00 Units 2638 - WSce01 - Elam, Carl  
 Priority 2630 - WSjm01 - Marrero, Jose  
 WSUNK - - ,

Stacked 23:05:00  
 Dispatched 23:08:00  
 Arrived 23:10:00  
 Finished 23:26:00  
 Disposition Assisted / Advised

**Notes**

4/4/13 23:05 SE OF 354 ANNAPOLIS  
 4/4/13 23:07 SOMEONE WAS BANGING AND CAUSING RUCKUS  
 4/4/13 23:07 Original Location : SE OF 354 ANNAPOLIS  
 4/4/13 23:07 CORNER APT  
 4/4/13 23:25 GREGORY PETERSON 19940728 ADV OF NOISE COMPL.  
 4/4/13 23:25 OFC HEAR MUSIC FROM HALLWAY. ADMITTED TO MOVING ITEMS AROUND APT.

[REDACTED]

**13.004531 218 Annapolis St W, 4 DISTURBING PEACE/D (DIST)**

Reported 03/06/2013 19:18:00 Units 2608 - WSjh01 - Hinderscheid, John  
 Priority 2648 - WSpm01 - McCarty, Patrick  
 2645 - WSjm02 - Mettner, Jesse  
 WSUNK - - ,

Stacked 19:18:00  
 Dispatched 19:23:00  
 Arrived 19:27:00  
 Finished 19:41:00  
 Disposition Assisted / Advised



*West St. Paul Police Department*  
 1616 Humboldt Ave | West St Paul, MN 55118 | Phone: (651) 552-4200

Wednesday, February 19, 2014  
 10:26:55 am

Incident Summary

\*\* For official use only \*\*

Notes

3/6/13 19:18 Incident Initiated By: EM/WHEBBE, M  
 3/6/13 19:18 CALLER IN #2 AND IS GETTING HARASSED BY THE PEOPLE IN #4 SAYS THE  
 PEOP  
 3/6/13 19:18 E IN #4 HAVE DRINKING AND YELLING THIS AFTERNOON AND IN THE HALLWAY  
 YELLI  
 3/6/13 19:18 NG AT THE CALLER THRU THE DOOR. LORI AND KEVIN ARE THE NAMES OF THE  
 PEOP  
 3/6/13 19:18 E IN #4, MORE LORI THAN KEVIN.  
 3/6/13 19:40 RP-GORDON JAY PETERSON DOB:07/28/1994 CALLED AND STATED THAT HIS  
 3/6/13 19:40 NEIGHBORS KEVIN DALE MATTILA DOB 06/03/1957 AND LORI MARIE  
 SCHAUMBURG DOB  
 3/6/13 19:40 01/10/1960 HAD BEEN ARUGING ALL DAY AND WHEN PETERSON CAME HOME  
 THEY  
 3/6/13 19:40 YELLED AT HIM FOR SLAMMING THE D  
 3/6/13 19:40 DOOR IN THE APPARTMENT. ALL FOUND TO BE OKAY. NOTHING FUTHER  
 3/6/13 19:41 9217 PUB NUS AND RENTAL PROPERTY

[REDACTED]



City of  
West Saint Paul

1616 Humboldt Avenue  
West St. Paul, MN 55118  
(651) 552-4100 • Fax (651) 552-4190

---

**THIS IS YOUR RECEIPT**

---

2/06/2014 14-0000377

OKANEP

218 Annapolis St W

Rntl House 78.00  
101.30000 32170

218 Annapolis St W

Rntl House 39.00  
101.30000 32170

RECEIPT TOTAL 117.00

Accurate Auto  
CHECK 20606 117.00



# RENTAL LICENSE APPLICATION FORM 2014

(for rentals with more than 3 units)

SHADED AREAS ARE REQUIRED FIELDS

<b>Check One:</b> New Application <input type="checkbox"/> Renewal <input checked="" type="checkbox"/> Provisional <input type="checkbox"/> <u>Enter Property Mgmt Firm in Section D</u> Currently Rented <input checked="" type="checkbox"/> Y <input type="checkbox"/> N Date of 1st Rental: <u>09-2004</u>	<b>PLEASE MAIL APPLICATION TO:</b> CITY OF WEST ST. PAUL RENTAL LICENSE 1616 HUMBOLDT AVENUE WEST ST. PAUL, MN 55118
--	--

## SECTION A: Property Information

Property Name:	Property Type: (Check Appropriate Box) <input checked="" type="checkbox"/> APT		
Property Address: 218 Annapolis St W	<input type="checkbox"/> TOWNHOME	<input type="checkbox"/> CONDO	<input type="checkbox"/> FOUR-PLEX
City: West St. Paul	<input type="checkbox"/> SINGLE-FAMILY	<input type="checkbox"/> DUPLEX	<input type="checkbox"/> TRIPLEX
State: West St.	Zip Code: 55118	Total # Rental of Units: 5	

## SECTION B: Property Owner Information

Is the Owner: (check appropriate box) <input checked="" type="checkbox"/> An Individual <input type="checkbox"/> A Business Entity	Email: costanzm@tapemark.com		
Name of Business Entity / Corporation:	Date of Birth: May 04, 1951		
First Name: (of one owner, partner or corporate officer) Carl	Home Phone: 651-646-7647	Cell Phone: 612-221-0455	
Middle Name: Anthony	Office Phone:	Fax:	
Last Name: Costanzo	Address: (of one owner, partner or corporate officer) 1638 Concordia Ave		
Driver's License # OR State ID #: Z786212986421	State of Issue: MN	City: St. Paul	State: MN    Zip Code: 55104

## SECTION C: Mailing Address Information

CHECK HERE TO SEND LICENSE CERTIFICATES/LETTERS  
 TO THE OWNER ADDRESS (Listed in Section B): (Check Box)  Y  N

COMPLETE BELOW TO SEND LICENSE CERTIFICATES/LETTERS TO A DIFFERENT ADDRESS:

Name of Business Entity / Corporation:	Address:
First Name: (of one owner, partner or corporate officer)	City:
Last Name:	State:    Zip Code:

\*\*\*\*\* Office Use Only \*\*\*\*\*

Application Verified by _____	Date _____	Data-Entry by _____	Date _____
Receipt # Applicant _____	Date _____	Receipt # Housing Evaluator _____	Date _____
Late Fee Receipt # _____	Date _____	Inspection Report Reviewer _____	Date _____
Complaint Reviewed by _____	Date _____	Rental License # _____	Date _____

**SECTION D: Property Contact Information (\* rentals with 1-3 units skip to Section E \*)**

PLEASE PROVIDE 24-HOUR CONTACT INFORMATION FOR TWO PERSONS IN ANY OF THESE CATEGORIES:

1. AN OWNER OR PARTNER
2. PROPERTY MANAGER WHO LIVES IN THE 7-COUNTY METRO AREA
3. THE OWNER'S AGENT WHO IS RESPONSIBLE FOR THE MANAGEMENT (property management company)
4. A VENDOR IF THE PROPERTY IS BEING SOLD ON A CONTRACT FOR DEED

Name of Business Entity / Corporation:

CHECK HERE IF SAME AS OWNER  Y  N (Listed in Section B) Date of Birth: May 04, 1951

First Name: Carl Home Phone: 651-646-7647 Cell Phone: 612-221-0455

Middle Name: Anthony Office Phone: Fax:

Last Name: Costanzo Address: 1638 Concordia Ave

Driver's License # OR State ID #: 7786212986421 State of Issue: MN City: St. Paul State: St. Paul Zip Code: 55104

Email: costanzm@tapemark.com Is this the emergency contact for repairs?  Y  N Other Emergency Contact Information:

2. Name of Business Entity / Corporation:

CHECK HERE IF SAME AS OWNER  Y  N (Listed in Section B) Date of Birth:

First Name: Home Phone: Cell Phone:

Middle Name: Office Phone: Fax:

Last Name: Address:

Driver's License # OR State ID#: State of Issue: City: State: Zip Code:

Email: Is this the emergency contact for repairs?  Y  N Other Emergency Contact Information:

**SECTION E: Tenant Register (Property Management Firm for Provisional Licenses)**

PLEASE PROVIDE THE CONTACT INFORMATION FOR THE PERSON WHO WILL HAVE POSSESSION OF THE TENANT REGISTER. THE APPLICANT IS REQUIRED TO MAINTAIN A CURRENT REGISTER OF ALL TENANTS, WHICH WILL BE MADE AVAILABLE TO CITY OFFICIALS UPON REQUEST.

Name of Business Entity / Corporation: Office Phone: Fax:

CHECK HERE IF SAME AS OWNER  Y  N (Listed in Section B) Email: costanzm@tapemark.com

First Name: Carl Address: 1638 Concordia Ave

Middle Name: Anthony City: St. Paul State: MN Zip Code: 55104

Last Name: Costanzo Is this the emergency contact for repairs?  Y  N

Home Phone: 651-646-7647 Cell Phone: 612-221-0455 Other Emergency Contact Information:

**SECTION F: Other Rental Property Addresses**

PLEASE LIST THE ADDRESSES OF ALL OTHER RESIDENTIAL RENTAL PROPERTIES OWNED BY APPLICANT OR A SUBSIDIARY WITHIN THE LAST TWO YEARS (ATTACH ADDITIONAL SHEETS IF NECESSARY):

NA

**SECTION G: STAR Program (Safer Tenant And Rental)**

*The STAR Program is free to participants, and can be a means to reduce penalties for Property Owners in violation of City Code.*

**Please check the appropriate level of participation for your property.**

**More than 3 Dwelling Units Property:**

**Non-STAR Participant**- Property violations will not be discounted. I elect not to participate in the STAR Program at the above listed property:

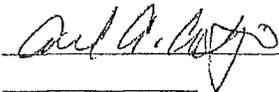
- Level**  **'1' STAR Participant -**
- Use a Minnesota Crime Free Housing Lease Addendum or equivalent.
  - Upon request, provide a copy of Third Party Background Check procedures for Tenants.
  - To actively pursue the eviction of non-compliant tenants.
  - Provide the City a copy of rental criteria regarding tenants with criminal backgrounds.
  - Within 12 months of joining the STAR program, property managers need to complete one of the three phases of the Minnesota Crime Free Rental-Housing program. (SEE ATTACHED BROCHURE FOR DIFFERENT PHASES)
  - Attend 25 % of R.O.M.A. (Responsible Owners and Managers Association) meetings.

- Level**  **'2' STAR Participant - Achieve Level 1 and add the following:**
- Within 12 months of joining the STAR program, property managers need to complete all three phases of Crime Free Rental-Housing training and receive a certificate of completion by the city. (SEE ATTACHED BROCHURE FOR DIFFERENT PHASES)
  - Attend 50 % of R.O.M.A. (Responsible Owners and Managers Association) meetings.

*THIS LICENSE IS NON-TRANSFERABLE. NEW OWNERS MUST APPLY FOR A NEW LICENSE.*

*(LICENSE FEES APPLY TO NEW OWNERS. INSPECTION REPORTS CAN BE SUBMITTED FROM THE LAST 12 MONTHS FROM RENTAL PROPERTY WITH MORE THAN 3 UNITS, AND FROM THE LAST 24 MONTHS FROM 1-3 UNITS.)*

I CERTIFY THAT THE INFORMATION CONTAINED IN THIS APPLICATION IS TRUE TO THE BEST OF MY KNOWLEDGE. I HEREBY AGREE TO NOTIFY THE CITY OF ANY CHANGES IN OWNERSHIP OR IN THE NUMBER OR TYPES OF UNITS. I FURTHER AUTHORIZE THE WEST ST. PAUL POLICE DEPARTMENT AND OTHER CITY OFFICIALS TO INVESTIGATE ALL FACTS SET OUT IN THIS APPLICATION AND TO PERFORM A PERSONAL AND CRIMINAL BACKGROUND CHECK ON ME AND/OR THE BUSINESS THAT OWNS THE RESIDENTIAL RENTAL PROPERTY THAT IS THE SUBJECT OF THE LICENSE. I FURTHER AUTHORIZE THE POLICE DEPARTMENT AND OTHER CITY OFFICIALS TO RELEASE THE INFORMATION RECEIVED FROM SUCH BACKGROUND INVESTIGATION TO THE CITY COUNCIL AND OTHER CITY STAFF AS NEEDED. I UNDERSTAND THAT I HAVE THE RIGHT TO REVIEW SUCH INFORMATION PRIOR TO ITS RELEASE TO THE CITY COUNCIL, IF I SO REQUEST IT. I UNDERSTAND THAT THE PURPOSE OF PERMITTING THE CITY TO HAVE ACCESS TO THIS INFORMATION IS TO DETERMINE MY SUITABILITY FOR ISSUANCE OF A RENTAL LICENSE IN THE CITY OF WEST ST. PAUL. I FURTHER UNDERSTAND THAT I AM NOT LEGALLY REQUIRED TO SUPPLY THE REQUESTED DATA OR COMPLY WITH THE PERSONAL AND CRIMINAL BACKGROUND INVESTIGATION AND RECORD CHECK, BUT THAT BY REFUSING TO COMPLY, MY LICENSE APPLICATION MAY BE DENIED.



02-04-14

SIGNATURE (of owner, partner or corporate officer listed in Section B)

Date

CARL A. COSTANZO

02-04-14

PRINTED NAME (of owner, partner or corporate officer listed in Section B)

Date



# RENTAL LICENSE INSPECTION CHECKLIST

City of West St. Paul

1616 Humboldt Avenue, West St. Paul, MN 55118-3972

Phone: 651-552-4100

Fax: 651-552-4190

---

Property Address: 218 Annapolis St W

Total # of Units = 5      25% of Total # of Units = 1.25

### Inspection Requirements

- #1) 25% of all units must be inspected each year (for each building).
- #2) Different units must be inspected each year (100 percent of the units inspected over 4 years).
- #3) Submit a copy of this form with the rental license application (please keep the original form).
- #4) The Inspection Report must be dated within 12 months proceeding the date the application is signed.

2014 Units	Inspection Date
3, 5	02-04-14



# RENTAL LICENSE APPLICATION 2014

(for rentals with more than 3 units)

CITY OF WEST ST. PAUL  
1616 HUMBOLDT AVENUE

Phone: 651-552-4100  
Fax: 651-552-4190

Page 1 - Application Instructions  
 Page 2-4 - License Application  
 Page 5 - Rental Density  
 Page 6 - Crime Free Housing Lease Addendum

*Handwritten: 2-5-14, 10:20, [Signature]*

## RENTAL LICENSE APPLICATION INSTRUCTIONS

(for rentals with more than 3 units)

**\*\*NEW ORDINANCE CHANGES EFFECTIVE 1-1-2012\*\*** (CONTACT 651-552-4144 FOR MORE INFORMATION)

- **RENTALS WITH 1-3 UNITS:** Inspect the entire building **EVERY THREE YEARS**, rather than every two years.
- **CRIME FREE LEASE ADDENDUM REQUIRED:** All licensed rental owners must use the Minnesota Crime-Free Lease addendum attached (SEE Page 5), or its equivalent, as part of its leases.
- **ONLY 3 SINGLE-FAMILY RENTALS ALLOWED PER OWNER:** Owners limited to license no more than (3) single-family residences as rental, unless the Owner hires a property management company licensed by the Commerce Dept., is a public housing agency, or obtains City Council approval.
- **CONTRACT FOR DEED PROPERTIES:** Contracts for deed must be recorded against the property or the property will be deemed rental and will require a license.
- **SINGLE-FAMILY RENTAL DENSITY:** Limits single-family rental properties to 10% per block in an R1 Zoning District. (SEE Page 4) Properties in districts that exceed the permitted # of rentals can obtain a Provisional license limited to two years if the Owner uses a Property Management firm licensed with the MN Commerce Dept. Mark Provisional on Page 2 & enter property management firm contact in Section D. A Rental Density map is located at [www.cityofwsp.org](http://www.cityofwsp.org) on the Rental Licensing page.

### 1. GENERAL INFORMATION

- Please type or print all information in black ink.
- Licenses are valid from January 1<sup>st</sup>, 2014 to December 31<sup>st</sup>, 2014
- License applications received after December 1<sup>st</sup>, 2013 are subject to late & Citation fees

### 2. INSTRUCTIONS – COMPLETED APPLICATIONS MUST INCLUDE

- A completed Inspection Report by a licensed WSP Housing Evaluator (a list of Evaluators is available at City Hall or at [www.cityofwsp.org](http://www.cityofwsp.org)) or an approved Alternative Inspection Report
- A completed Rental License Application (for each building)
- The license fees as described in section 4

### 3. INSPECTIONS

- **RENTALS WITH MORE THAN 3 UNITS:** Inspect 25 percent of TOTAL units PER BUILDING, PER YEAR (100 percent of ALL units over 4 years).
- Rental property owners are required to submit a COMPLETED INSPECTION REPORT and have two options to have their building inspected
  - a) Contract with a Housing Evaluator licensed by the City of West St. Paul. Evaluators are private, City licensed inspectors. They set their own fees and payment requirements
  - b) Submit an approved Alternative Inspection Report in place of, or in addition to, contracting with a Housing Evaluator for an inspection.

#### **WHAT IS A COMPLETED HOUSING EVALUATOR INSPECTION REPORT?**

The completed report is a final inspection report submitted by the Housing Evaluator stating that all items marked "Hazardous" or "H" in the original inspection report have been corrected and re-inspected. All Hazardous items must be corrected, re-inspected and a final inspection report verifying the information must accompany the Rental License Application before an application will be deemed complete.

### 4. FEES

- \$38 Rental license fee (for each building)
  - o \$10 Fee Per Unit Additional (Example: Duplex (2 rental units) \$48 + \$100 = \$148 total)
- \$100 Initial Background investigation fee of owner (multiple building owners pay only once)
- Make checks payable to "City of West St. Paul"

### 5. LATE FEES

- 50% of license fee, in addition to the license fee for completed applications or incomplete Inspection Reports submitted from December 1<sup>st</sup> through December 31<sup>st</sup>, 2013
- 50% of license fee, in addition to the license fee + Administrative Citation & \$500 fine for renting property without a rental license, submitted after January 1<sup>st</sup>, 2014.

# Rental or Property Grant Housing Evaluator Completion Report

## West Saint Paul Rental Licensing

THIS REPORT IS NOT A WARRANTY, BY THE CITY OF WEST ST. PAUL OR EVALUATOR OF THE FUTURE USEFUL LIFE, OR FUTURE CONDITION OF ANY BUILDING COMPONENT OR FIXTURE.

Address of Evaluated Dwelling: 218 Annapolis St W. Units 3&5

Unit Numbers Inspected: , # 3, , # 5

Owner's Name: Carl Costanzo

Owner's Address: 1638 Concordia Ave  
St. Paul, MN 55104

Type of Dwelling or  Single Family  Townhouse  Condo Number of Units: 5  
or Current Usage:  Duplex  Apartment

### SUBMITTING THIS REPORT CONFIRMS THAT:

- Rental Inspection and Re-Inspection (if required) is complete.
- All items noted as HAZARDOUS (if applicable) on the original inspection report have been corrected.

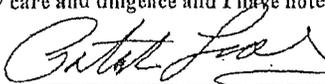
\*WRITE THE RE-INSPECTION DATE IN THE LINE PROVIDED

Are there Hazardous Items in the original inspection report that require building permits?

YES  
 No

Questions regarding this report should be directed to the Property Housing Evaluator.  
Complaints regarding this report should be directed to the Building Official for West St. Paul at 651-552-4135 or 1616 Humboldt Ave, West Saint Paul MN 55118

I hereby certify I prepared this report in compliance with the West Saint Paul Evaluator Guidelines and I have utilized reasonable and ordinary care and diligence and I have noted all conditions found that do not conform to the minimum standards of maintenance.

  
Evaluator Signature  
Printed Name: Patrick Leahy

651-699-6515 02/04/2014  
Phone Number Date  
RE-INSPECTION DATE: 02/05/2014

# Rental Housing Evaluator Report

## West Saint Paul Rental Licensing

(Carefully read this entire report)

Office Use, ONLY

Date Received \_\_\_\_\_

Payment Ref. \_\_\_\_\_

**THIS REPORT IS NOT A WARRANTY, BY THE CITY OF WEST ST. PAUL OR EVALUATOR OF THE FUTURE USEFUL LIFE, OR FUTURE CONDITION OF ANY BUILDING COMPONENT OR FIXTURE.**

Address of Evaluated Dwelling: 218 Annapolis St W. Units 3&5  
Addresses without the correct street type and/or direction may be returned and may incur a late fee.

# 3, # 5

Owner's Name: Carl Costanzo

Owner's Address: 1638 Concordia Ave

St. Paul, MN 55104

Include City, State and Zip Code, EVEN IF West St. Paul

Type of Dwelling or Current Usage:  Single Family  Townhouse  Condo  
 Duplex  Apartment Number of Units: 5

Notice: A copy of this Report and Completion Report must be submitted with Rental License Application.

### Office Use Only

#### POSSIBLE PROPERTY USE RESTRICTION INFORMATION

HAS Open permits. Completion and/or occupancy restrictions or requirements may apply.

HAS Open Code Compliance Notices

ELECTRICAL SERVICE(S) # of Services 5 FIREPLACES/WOOD STOVES # of 0

Service size:

Amps: 30 \_\_\_ 60 \_\_\_ 100 \_\_\_ 150 \_\_\_ Other \_\_\_

Volts: 115 \_\_\_ 115/230 X

Supplemental Information (Y/N, NA, NV, only)

No determination made whether items meet minimum standards

HEATING SYSTEM(S) # of 1

Heating plant(s) Type: Water Fuel: Gas

Additional

Heating Units Type: \_\_\_ Fuel: \_\_\_

INSULATION Y/N Type Depth

Attic NV \_\_\_

Foundation NV \_\_\_

Knee Wall NA \_\_\_

Rim Joist NV \_\_\_

### RATING KEY:

"M" = Meets minimum standards - the item conforms to minimum standards of maintenance

"B" = Below minimum standards - the item is below minimum standards

"C" = Comments - the item cannot be adequately evaluated or it has some deficiency, but the deficiency is insufficient to make the item below minimum standards

"H" = Hazardous - the item in its present condition may endanger the health and safety of the occupant

Any item marked "B", "C", or "H" must have a written comment about the item.

Additional comment sheets may be attached if needed.

"Y" = Yes "N" = No "NV" = Not Visible/Viewed "NA" = Not Applicable

#### This Report:

- is based on the current Rental Inspection Evaluator Guidelines.
- is not warranted, by the City of West St. Paul, or by the evaluator, for the condition of the building component, nor of the accuracy of this report.
- covers only the items listed on the form and only those items *visible at the time of the evaluation*. The Evaluator is not required to ignite the heating plant (except during the heating season), use a ladder to observe the condition of the roofing, disassemble items or evaluate inaccessible areas.
- may be based upon different standards than a lender, Federal Housing Administration (FHA) or Veterans Administration (VA).
- is valid for one year from the date of issue and only for the owner named on this report.

**6. ALL HAZARDOUS ITEMS MUST BE CORRECTED AND RE-INSPECTED BY ORIGINAL EVALUATOR TO VERIFY CORRECTIONS COMPLETED AND SUBMITTED WITH RENTAL HOUSING EVALUATOR COMPLETION REPORT.**

Questions regarding this report should be directed to the evaluator.

Complaints regarding this report should be directed to:

Building Inspections Department, 1616 Humboldt Ave. S.,

West Saint Paul, MN 55118 Phone No. (651) 552-4100

EVALUATOR: Patrick Leahy

DATE: 02/04/2014

Rev 7/2007

## Common Areas

### BASEMENT/CELLAR

- |                                     |  |
|-------------------------------------|--|
| 1. Stairs and handrails             | 1. B Low headroom (less than 6' 8") Handrail end not returned to wall. |
| 4. Evidence of dampness or staining | 4. Stains on walls.  |
| 5. First floor, floor system        | 5-6. C Finished ceiling and walls limit view.                          |

### ELECTRICAL SERVICE(S)

- |  |   |
|--|---|
| 8. Electrical service installation/grounding | 8. C Main electrical shut off not in panels.            |
| 9. Electrical wiring, outlets and fixtures   | 9. B Reversed polarity on outlet above washing machine. |

### EXTERIOR

- |                                 |   |
|---------------------------------|---|
| 63. Foundation                  | 63. C Snow covered, can't view.                                 |
| 65. Drainage (grade)            | 65. C Snow covered - can't view.                                |
| 71. Roof structure and covering | 71. C Snow covered in areas, can't fully view roof to evaluate. |

Unit: **1** Unit Name: **# 1**

### KITCHEN

- |                                     |  |
|-------------------------------------|--|
| 23. Electrical outlets and fixtures | H 23. H Reverse polarity outlet left of kitchen sink unit 5. |
|-------------------------------------|--|

### LIVING AND DINING ROOM(S)

- |                                     |  |
|-------------------------------------|--|
| 31. Electrical outlets and fixtures | 31. B Loose electrical outlet in living room unit 5. |
|-------------------------------------|--|

### HALLWAYS, STAIRS AND ENTRIES

- |                                      |  |
|--------------------------------------|--|
| 34. Walls, ceilings, floors          | 34. B Damaged ceiling and wall front entry unit 5. Cracked floor tiles front entry unit 5. |
| 35. Evidence of dampness or staining | 35. Moisture damaged walls in stairway.  |
| 38. Window and door condition        | 38. B Door from unit 3 to shared hallway is not fire rated.                                |
| 39. Smoke detector(s)                | H 39. Missing smoke detector in common area and in bedroom unit 5.                         |

### BATHROOM(S)

- |                       |  |
|-----------------------|--|
| 44. Plumbing fixtures | 44. B Shower/tub connection in bathroom is wrapped in a towel to prevent spraying when leaking unit 5. |
|-----------------------|--|

### SLEEPING ROOM(S)

- |                                   |  |
|-----------------------------------|--|
| 52. Window size and openable area | 52. B Bedroom window(s) lack proper egress size both units and too high off floor in unit 5. |
|-----------------------------------|--|

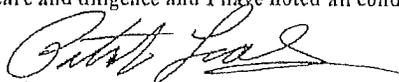
### ATTIC SPACE

- |                         |  |
|-------------------------|--|
| 62. ADDITIONAL COMMENTS | H 62. H Missing carbon monoxide detector within 10 feet of bedroom unit 5. |
|-------------------------|--|

### IMPORTANT NOTICES

1. Rain leaders connected to the sanitary sewer system must be disconnected. For more information call Public Works (651) 552-4130.
2. Neither the City of West Saint Paul nor the Evaluator is responsible for the determination of the presence of airborne particles such as asbestos, noxious gases such as radon, or other conditions of air quality that may be present, nor the conditions which may cause the above.
3. If this building is used for any purpose other than a single family dwelling, it may be illegally zoned. To help you determine legal uses under the zoning ordinance, contact the Zoning Administrator at (651) 552-4134.
4. Automatic garage doors should reverse upon striking an object. If it does not reverse, it poses a serious hazard and should be repaired or replaced immediately.

I hereby certify I prepared this report in compliance with the West Saint Paul Evaluator Guidelines and that I have utilized reasonable and ordinary care and diligence and I have noted all conditions found that do not conform to the minimum standards of maintenance.



Evaluator Signature

651-699-6515

Phone Number

02/04/2014

Date

Page 2 of 1

Printed Name: Patrick Leahy

Rev 7/2007