

To: **Mayor and City Council**

Through: **Ryan Schroeder, City Manager**
Jim Hartshorn, Comm. Dev. Director

From: **Melissa Sonnek, City Planner**

Date: **September 28, 2020**

Provisional Rental License – 1250 Charlton Street

BACKGROUND INFORMATION:

Mr. David Busch Sr. was granted the first rental license for the single family property at 1250 Charlton St. in August of 2017. With the exception of the past 12 months, the property has remained just below the threshold of requiring a provisional license review, with 3 city service calls each year. The threshold for a provisional license review for a single family rental is 4 or more calls.

PROVISIONAL RENTAL ORDINANCE:

According to the Rental Dwelling Ordinance, 150.041 Subd. B, rental renewal applications that meet the definition of a Category C license may be administratively issued a provisional license and are subject to a provisional license fee set by the City Council.

The qualifications for a Category C are as follows:

- Rental properties with 1-3 units: over 3 validated city service calls/code violations in a preceding 12-month period.

Qualifying city service calls and/or code violations

City service calls and code violations that are used to determine the appropriate tiered fee system category include the following types of calls or events:

- Violation of any of the following laws and ordinances
 - Building Code
 - International Property Maintenance Code
 - Animal Regulations
 - Fire Prevention Code
 - Parked or Stored Motor Vehicles
 - Public Nuisance Regulations
- City service calls or events categorized as part one crimes in the uniform crime reporting system, including homicide, rape, robbery, aggravated assault, burglary, theft, auto theft and arson.
- City service calls or events categorized by the Police Department: miscellaneous juvenile status crimes, liquor offenses or curfew violations; disturbing the peace or harassing communications; property damage; criminal damage to property or trespass; domestic incidents (except as provided in Chapter 150.014 Subd. C2); public disturbance or disorderly conduct; loud party or noise complaints; disorderly juveniles; assault in the fifth degree or non-domestic related assaults.

PROPERTY/LICENSE DETAILS:

	Total Number of Police Calls	Number of Valid Police Calls	Property Maintenance Code Violations
2017-18 License Term	7	0	3
2018-19 License Term	6	0	3
2019-20 License Term	10	5	0

**Note – Valid police calls are considered nuisance calls, therefore not all police calls can be counted against the property.*

As can be seen above, the property has previously had police calls for the property, but were never counted as “valid” (nuisance) calls. Previous violations were exclusively property maintenance issues, such as overgrown grass and weeds or unsheltered storage/discarded items on the property. No citations were issued to the property since the violations were corrected after receiving a compliance notice.

2020 City Service Call Log	
Date	Nature of Police Call
03/14/2020	Parking Violation
05/09/2020	Disorderly Conduct/Disturbance
05/16/2020	Disorderly Conduct/Disturbance
05/20/2020	Disorderly Conduct/Disturbance
06/16/2020	Marijuana Found During an Unrelated Call
07/22/2020	Domestic/Dispute in Progress

During this most recent license term, the City has seen an increase in the total number of calls as well as the number of valid calls. City Staff is therefore recommending that the property be placed on a provisional rental license under the condition that the property owner work with City Staff to establish a mitigation plan to reduce the number of future calls. Additionally, under typical circumstances, this property would have the interior the property inspected by a City Housing and Code Inspector; however, with the COVID-19, all rental inspections are on hold. As such, City Staff is recommending as a condition of the license, that the property be inspected by City Staff prior to the renewal of the 2021 rental license, pending pandemic status.

City Staff, Community Development and Police, have had initial contact and introductory conversations around the requirements of a provisional license. The Police Dept. will continue to work with the property owner and the tenants to correct any issues at the property.

STAFF RECOMMENDATION:

Typically, with provisional licenses, City Staff recommends a comprehensive mitigation plan to accompany the provisional license. However, since the property’s violations are strictly police related items, City Staff believes mitigation needs to involve the Police Department to determine the best course of action. The condition of approval for the provisional license requires the property owner to meet with the Police Department and develop a mitigation plan to address the nuisance activity within 30 days of the council meeting. Additionally, a provisional license fee of \$500 has been previously proposed to cover necessary additional staff time, with this condition 3 has been added to incorporate a \$500 provisional license fee.

Therefore, City Staff recommends that City Council approve the provisional rental license with the following conditions:

1. The property owner shall work with the Police Department to create a mitigation plan within 30 days of this meeting to address the activity at the property,

- a. Property owner must supply City Staff with a copy of said mitigation plan to be formally approved.
2. The property shall be inspected by a West St. Paul Inspector and receive a passing rating prior to the 2021 rental renewal deadline of September 1st, 2021, and
3. The property owner shall pay a \$500 provisional license fee.

ATTACHMENTS:

Resolution Approving Provisional License