

**BOARD OF WATER COMMISSIONERS
RESOLUTION**

PRESENTED BY
COMMISSIONER _____

No. 18-1910
DATE November 13, 2018

WHEREAS, Purchase Order No. 8-1505-1 which incorporates by reference such plans and specifications as may be referred to constitute the contract for the reconditioning of the West Saint Paul Water Tower located at 161 Marie Avenue East ("Water Tower") in the City of West Saint Paul was approved March 14, 2018; and

WHEREAS, the Vendor of said Purchase Order (Osseo Construction Co. LLC) has failed to complete the project within their contractually obligated timeline which has directly caused the need for extended use by Vinco, Inc. of property owned by J.H.S., LLC for the temporary relocation of telecom equipment that was located on the Water Tower; and

WHEREAS, per the tower reconditioning contract with Osseo Construction Co., LLC, liquidated damages in the amount of \$900 per calendar day started accruing as of September 28, 2018 and these funds will be used to reimburse the Board for the costs of this Agreement; and

WHEREAS, the Board of Water Commissioners of the City of Saint Paul wishes to pay rent, on behalf of Vinco, Inc., of up to \$2,000 per month payable to J.H.S., LLC in return for the continued use by Vinco, Inc. of property owned by J.H.S., LLC; and

WHEREAS, staff has negotiated a License Agreement to provide for continuation of such use commencing November 16, 2018 and terminating on the date the reconditioning and repainting of the Water Tower is complete in consideration of rent payment of up to \$2,000 per month payable to JHS, LLC; now, therefore, be it

RESOLVED, that the License Agreement between the Board of Water Commissioners of the City of Saint Paul, Vinco, Inc., and J.H.S. LLC for the continued temporary relocation of telecom equipment during the reconditioning of the Board's Marie Avenue Water located at 161 Marie Avenue East in the City of West Saint Paul is hereby approved in substantially the form submitted, and that the proper officers are hereby authorized and directed to execute said License Agreement on behalf of the Board, following approval by the assistant city attorney.

Water Commissioners

Adopted by the Board of Water Commissioners

Yeas

Nays

November 13, 2018

In favor

Opposed

Secretary

ORIGINAL