



Legislation Details (With Text)

File #: RES PH 13-65 **Version:** 1
Type: Resolution-Public Hearing **Status:** Passed
In control: City Council
Final action: 3/20/2013

Title: Giving preliminary approval pursuant to Minnesota Statutes, Chapter 462C for a Housing Finance Program proposal for a combination multifamily rental housing and health care project; authorizing the Housing and Redevelopment Authority to issue Senior Housing and Health Care Revenue Bonds; and authorizing the preparation of necessary documents and materials in connection with said project and program (Episcopal Homes Project), District 13, Ward 4.

Sponsors: Russ Stark

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
3/25/2013	1	Mayor's Office	Signed	
3/20/2013	1	City Council	Adopted	Pass

Giving preliminary approval pursuant to Minnesota Statutes, Chapter 462C for a Housing Finance Program proposal for a combination multifamily rental housing and health care project; authorizing the Housing and Redevelopment Authority to issue Senior Housing and Health Care Revenue Bonds; and authorizing the preparation of necessary documents and materials in connection with said project and program (Episcopal Homes Project), District 13, Ward 4.

(a) Minnesota Statutes, Chapter 462C (the "Act") confers upon cities, or housing and redevelopment authorities or port authorities authorized by ordinance to exercise on behalf of a city the powers conferred by the Act, the power to issue revenue bonds to finance a program for the purposes of planning, administering, making or purchasing loans with respect to one or more combination multifamily housing and health care developments within the boundaries of the city;

(b) The Housing and Redevelopment Authority of the City of Saint Paul, Minnesota (the "HRA") has been designated, by ordinance, to exercise, on behalf of the City of Saint Paul, Minnesota (the "City") the powers conferred by Minnesota Statutes, Section 462C.01 to 462C.081;

(c) The HRA has received a proposal from Episcopal Homes on University Avenue, LLC and The Terrace at Iris Park, LLC, both Minnesota nonprofit limited liability companies (collectively, the "Borrowers"), the sole member of each of which is Episcopal Homes of Minnesota, a Minnesota nonprofit corporation (the "Sole Member"), that the HRA undertake a program (the "Housing Program") to finance the Project hereinafter described, through the issuance of housing and health care revenue bonds in the estimated principal amount of \$30,000,000 pursuant to Minnesota Statutes, Chapter 462C (the "Bonds");

(d) The proceeds of the Bonds will be applied to (i) finance the acquisition, construction and equipping of an expansion to the existing housing and health care campus consisting of an approximately 64-unit catered living facility to be located at 502 Lynnhurst Ave. East, an approximately 60-unit skilled nursing facility to be located at 1860 University Ave. West in the City, and facilities for related amenities including but not limited to a therapy pool, fitness center, library, hair salon, gift shop, café, coffee shop and onsite daycare; (ii) pay costs of issuance and other costs related to the issuance of the bonds; and (iii) fund certain reserves (collectively, the "Project");

- (e) The Project is or will be owned by the Borrowers, the Sole Member, or an affiliate thereof;
- (f) The proposal calls for the HRA to loan the proceeds realized upon the sale of the Bonds to the Borrowers pursuant to a loan agreement wherein the Borrowers will be obligated to pay all costs and expenses of the HRA and the City incident to the issuance and sale of the Bonds;
- (g) The City desires to facilitate the acquisition, construction and equipping of a multifamily rental housing and health care facility within the City and the Project will assist the City in achieving these objectives;
- (h) A public hearing on the Housing Program and the Project was held on this date following duly published notice, at which time all persons that desired to speak were heard; and
- (i) No public official of the City has either a direct or indirect financial interest in the Project nor will any public official either directly or indirectly benefit financially from the Project.

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

1. The City hereby approves the proposal of the Borrowers that the City undertake the program of financing the Project, described above, pursuant to Minnesota Statutes, Chapter 462C.
2. On the basis of information available to the City it appears, and the City hereby finds, that the Project constitutes a combination health care and multifamily housing development within the meaning of subdivision 7 of Section 462C.02 of the Act; that the availability of the financing under the Act and the willingness of the City to furnish such financing will be a substantial inducement to the Borrowers to undertake the Project, and that the effect of the Project, if undertaken, will be to encourage the provision of combination health care and multifamily rental housing opportunities to residents of the City, and to promote more intensive development and use of land within the City.
3. The Project, and the program to finance the Project by the issuance of the Bonds, is hereby approved by the City subject to final approval by the HRA, the Borrowers and the purchasers of the Bonds as to ultimate details of the financing of the Project.
4. Pursuant to Chapter 72, Saint Paul, Minnesota Administrative Code, the City hereby authorizes and directs the HRA to issue the Bonds to finance the Project and to implement the program and to take all actions necessary or desirable in connection therewith, and no further approval or authorization of the City shall be required.
5. The Borrowers have agreed and it is hereby determined that any and all costs incurred by the City or the HRA in connection with the financing of the Project whether or not the Project is carried to completion and whether or not approved by HRA will be paid by the Borrowers. The execution by the Executive Director of the HRA of a Memorandum of Understanding with the Borrower is hereby authorized and ratified.
6. Kennedy & Graven, Chartered, acting as bond counsel, and such investment bankers as may be selected by Borrowers, with the consent of the HRA, are authorized to assist in the preparation and review of necessary documents relating to the Project and the financing program therefor, to consult with the City Attorney, Borrowers and the purchaser of the Bonds as to the maturities, interest rates and other terms and provisions of the Bonds and as to the covenants and other provisions of the necessary documents and submit such documents to the HRA for final approval.
7. Nothing in this Resolution or the documents prepared pursuant hereto shall authorize the expenditure of any municipal funds on the Project other than the revenues derived from the Project or otherwise granted to the City or the HRA. The Bonds shall not constitute a charge, lien or encumbrance, legal or equitable, upon any property or funds of the City or the HRA except the revenue and proceeds pledged to the payment thereof, nor shall the City or the HRA be subject to any liability thereon. The holders of the Bonds shall never have the right to compel any exercise of the taxing power of the City or HRA to pay the outstanding principal on the Bonds or the interest thereon, or to enforce payment thereon against any property of the City or the HRA. The Bonds shall recite in substance that the Bonds, including the interest thereon, are payable solely from the revenue and proceeds pledged to the payment hereof. The Bonds shall not constitute a debt of the City or HRA within the meaning of any constitutional or statutory limitation.
8. In anticipation of the issuance of the Bonds to finance all or a portion of the Project, and in order that completion of the Project pursuant to the Borrowers' specifications will not be unduly delayed when approved, the Borrowers are hereby authorized to make such expenditures and advances toward payment of that portion of the costs of the Project to be financed from the proceeds of the Bonds, as the Borrowers

considers necessary, including the use of interim, short-term financing, subject to reimbursement from the proceeds of the Bonds if any when delivered but otherwise without liability on the part of the City or the HRA.