



Legislation Text

File #: RES PH 13-214, **Version:** 1

Granting final approval to an increase in the Mandatory Tax Levy under Minnesota Statutes, Section 469.053, at the request of the Port Authority to provide security to be pledged to Taxable Ballpark Revenue Bonds to be issued by the Port Authority.

WHEREAS, the City of Saint Paul (the "City") previously requested that the Port Authority of the City of Saint Paul (the "Port Authority") participate in the financing of a new multi-purpose regional ballpark (the "Ballpark") through the issuance of Taxable Limited Tax-Supported Ballpark Revenue Bonds, Series 2013-6 (the "Series 2013-6 Bonds"), and the application of the proceeds derived from the sale of the Series 2013-6 Bonds to the payment of a portion of the capital costs of the Ballpark; and

WHEREAS, the payment of the debt service on the Series 2013-6 Bonds is proposed to be secured by, and is expected to be paid from, payments to be made by the St. Paul Saints Baseball Club, Inc., a Minnesota corporation, and other revenue sources specifically pledged to payment of the Series 2013-6 Bonds; and

WHEREAS, as additional security for the Series 2013-6 Bonds, the Series 2013-6 Bonds are proposed to be secured by the pledge of a mandatory tax levy (the "Mandatory Tax Levy") authorized by Minnesota Statutes, Section 469.053, subdivisions 4 and 5 (the "Tax Levy Act"), provided that if the levy is not needed for debt service, it shall be cancelled on an annual basis; and

WHEREAS, as a condition to the authorization of the use of the Mandatory Tax Levy under the Tax Levy Act, the City Council must first adopt a resolution stating the proposed annual amount of the mandatory levy increase that the Port Authority would be entitled to request each year during the proposed term of the mandatory tax levy, and that the City would be required (upon such request from the Port Authority) to impose for payment of the debt service on the Series 2013-6 Bonds;

WHEREAS, pursuant to Resolution PH 13-184, the City Council of the City preliminarily approved the increase in the Mandatory Tax Levy in an amount of up to \$800,000 per annum during the term of the Series 2013-6 Bonds, which term shall commence in 2015 and extend to a year not later than 2043; and

WHEREAS, Resolution PH 13-184 also approved issuance of the Series 2013-6 Bonds by the Port Authority as required by laws of Laws of Minnesota 1976, Chapter 234 and the application of the proceeds of the Series 2013-6 Bonds to finance a portion of the capital costs of the Ballpark; and

WHEREAS, in accordance with the requirements of the Tax Levy Act, the City Council directed publication of Resolution PH 13-184 and a notice of public hearing on the proposed increase in the Mandatory Tax Levy for two successive weeks in the official newspaper of the City and a newspaper of general circulation in the City; and

WHEREAS, the notice of public hearing on the proposed increase in the Mandatory Tax Levy and Resolution PH 13-184 were published in the Capital Report (MN) on July 29, 2013 and August 5, 2013, as required under the Tax Levy Act; and

WHEREAS, pursuant to a resolution adopted by the Board of Commissioners of the Port Authority on July 23, 2013, the Port Authority preliminarily approved issuance of the Series 2013-6 Bonds and pledged the Mandatory Tax Levy to the payment of the Series 2013-6 Bonds and requested the City Council to hold the public hearing and adopt a final resolution approving the increase in the Mandatory Tax Levy; and

WHEREAS, on date hereof, the City Council held the public hearing with respect to the proposed increase in the Mandatory Tax Levy and the public was given an opportunity to speak, comment and ask questions of the City Council and City staff with respect to the proposed increase in the Mandatory Tax Levy.

NOW THEREFORE, in consideration of the foregoing, it is hereby resolved by the City Council of the City

of Saint Paul, as follows:

1. In accordance with the requirements of the Tax Levy Act, this resolutions grants final approval to an increase in the Mandatory Tax Levy in an amount of up to \$800,000 per annum during the term of the Series 2013-6 Bonds, which term shall commence in 2015 and extend to a year not later than 2043.
2. The Port Authority is hereby authorized and directed to request a mandatory tax levy in the annual amount required to pay debt service of the Port Authority Bonds during the term of the Port Authority Bonds.
3. In accordance with the requirements of the Tax Levy Act, the City Clerk is hereby authorized to publish this resolution in the official newspaper of the City. If a petition in proper form is submitted to the City Clerk within thirty (30) days after the publication of this resolution, which is signed by voters equaling five percent (5%) of the votes cast in the City in the last general election, and which requests a referendum authorizing the Mandatory Tax Levy, then this resolution will not be effective unless and until this resolution is approved by a majority of the votes cast in a referendum on this question.
4. The City hereby agrees that it will take no action that would adversely affect the ability of the Port Authority to request and receive a mandatory tax levy for the purposes set forth herein under the terms of the Tax Levy Act.