



**City of North St. Paul
Economic Development Authority
Regular Meeting Agenda**

**September 12, 2023
3:00 PM**

The **September 12, 2023** Economic Development Authority meeting will be conducted at 3:00 p.m. The meeting location is the Council Chambers at City Hall, located at 2400 Margaret St., North St. Paul.

Members of the public are permitted to attend the meeting in person, however, it is encouraged to view the meeting remotely. Instructions can be found below.

September 12, 2023 Zoom meeting can be accessed

via: <https://tinyurl.com/NSPEconDevAuth>

(from a PC, Mac, tablet, iPhone or Android device)

or by phone at US: +1 929 205 6099 or +1 301 715 8592

**Participants joining the meeting by phone please use the following passcode:
86929140679**

The Economic Development Authority Zoom meeting will be 'open to the public to listen in but will be muted from contributing at all times with the exception of a Public Hearing and open to the public forum.

Please join the meeting early to test your audio and video settings. If you join via a device and your audio is not working, you may need to use the dial-in phone number option in order to be heard.

I. Call to Order

II. Roll Call

Robert Dew, Chair

Terry Furlong, Vice Chair

Josef Matthews

Tom Schifsky

Chris Thorsen

Tim Cole, Council Representative

John Monge, Mayor

STAFF/EX OFFICIO MEMBERS

Brian Frandle, Executive Director

Brandy Howe, Treasurer/Community Development Director

Brett Garry, Business Association Representative

Chris Cherne, EDA Secretary

- III. Adopt Agenda**
- IV. Approval of Minutes**
 - A. Approval of August 8, 2023 Meeting Minutes
- V. Meeting Open to the Public**
- VI. EDA Discussion and Action Items**
 - A. Project Updates
 - B. EDA Bylaws Review
 - C. MOU for Dobbs/Mulcahy Garage Condo Proposal
- VII. Treasurer's Report**
 - A. September Treasurer's Report
- VIII. Updates**
 - A. EDA Member Updates
- IX. Closed Session**
 - A. Discussion of PID 122922110083
- X. Adjournment**

The next regularly scheduled Economic Development Authority meeting is Tuesday, October 10, 2023.



**Economic Development Authority
Regular Meeting Minutes
Tuesday, August 8, 2023
3:00 PM**

North St. Paul City Hall – Council Chambers
2400 Margaret Street

I. CALL TO ORDER

Chair Dew called the meeting to order at 3:02 PM.

II. ROLL CALL

EDA Members

Robert Dew, Chair

Terry Furlong, Vice-Chair

Josef Matthews

Tom Schifsky

Chris Thorsen

Tim Cole, Council Representative

absent

John Monge, Mayor

Staff/Ex-Officio Members

Brian Frandle, Executive Director

Brandy Howe, Treasurer, Community Development Director

Brett Garry, Business Association Representative

absent

Chris Cherne, EDA Secretary

III. ADOPT AGENDA

Chair Dew requested a motion to adopt the agenda.

M/Furlong, S/Schifsky.

Motion carried 6-0.

IV. APPROVAL OF MINUTES

A. Approval of 07-11-2023 Minutes

Chair Dew requested a motion to approve the July 11, 2023 meeting minutes.

M/Furlong, S/Matthews.

Motion carried 6-0.

V. PRESENTATION

A. Open Window Productions Marketing Video

Open Window Productions (OWP) shared their first of two North St. Paul promotional videos with the EDA. The first is intended to demonstrate North St. Paul as a great place to conduct business. They hope to shoot the Fall Roundup Parade and Music in the Park for the 2nd video, which will have an emphasis on North St. Paul being a great place to live and visit.

Schifsky stated that he is impressed with the video and that it is straight to the point while holding the audience's attention. Matthews concurred. Furlong stated a lot of the video was focused on retail. Furlong and Dew asked if the video could show more of the manufacturing and industrial aspects of the City. OWP confirmed they still have some budget to capture additional media. If

there are specific requests, they are happy to take those. OWP will return with the revised video and their 2nd video in October. Staff will work with OWP so they can capture the demolition of the Lillie Building.

B. Metropolitan Consortium of Community Developers (MCCD) Services

Tyler Hilsabeck and Luis Mendoza from MCCD spoke about what the organization does and how it engages with Ramsey County and its cities. MCCD is a nonprofit organization that has been active in the Twin Cities for over 20 years and operates under the name “Open to Business”. The contracts are typically through counties and allow cities to promote MCCD services such as free assistance to local business owners with business planning, budgeting and marketing. MCCD typically sees about 700-800 business owners per year.

If MCCD does not have the resources to assist a business owner, they share contacts that would be able to provide pro bono or low-cost services. MCCD typically serves traditionally underserved populations such as underinvested, BIPOC, low-wealth individuals but works with any business at any stage. MCCD is a nontraditional financier of small businesses and can provide start up loans for up to \$25,000 with a goal that the business can later get a traditional loan.

Dew recommended the EDA participate and advertise MCCD’s services. He indicated that there has been some talk about dispersing EDA funds for a reason such as this and it might make sense to have outside assistance from MCCD in the future.

VI. MEETING OPEN TO THE PUBLIC

No public comments.

VII. EDA DISCUSSION AND ACTION ITEMS

A. Discussion – Façade Improvement Program

Howe reported that the City of North St. Paul previously had a contract with MCCD for a façade improvement program in the downtown district. Although there was little response in the past, there appears to be an interest now. Staff is seeking direction on whether the EDA is interested in establishing a façade improvement program.

Dew stated that if the EDA wants to participate in a façade improvement program, there should be some guardrails that bring businesses into compliance with design standards or guidelines. Matthews stated a definition of aesthetics would be important. Eligible projects could be expected to meet design criteria.

Howe stated that the EDA should determine what the ultimate goals for this program would be. Dew stated that as improvements continue to be made downtown there will be a number of businesses influenced to do the same and therefore be aligned with the rest of the downtown. Thorsen agreed that a façade improvement program would be helpful as a number of businesses need improvement.

Dew indicated interest in a two-tiered façade improvement program. One tier would be dedicated to minor/simple improvements, while the other tier would cover larger improvements and require matched funds. The EDA asked staff to conduct a façade analysis on current downtown buildings and to draft up a program modeled by other cities’ programs to revisit at a future meeting.

VIII. TREASURER’S REPORT

A. August 2023 Treasurer’s Report

Howe provided the August 2023 Treasurer’s Report.

IX. UPDATES

A. Staff Updates

- **Downtown Parking/Green Space:** The City Council considered the project at their recent

meeting, but did not approve the request as they wanted clarification of what the cost would be for getting a water connection from the site to the street. Howe confirmed it would be \$15,000 to tap the water from the street. The City Council will discuss the project again when they reconvene on August 15. Thorsen stated the City Council should understand that the lot is intended to be developed in the future and that he does not want to see the City spend a lot of money to tear up the site in the next couple years. Schifsky concurred and cautioned against putting more money into the lot than what it is worth. The EDA has already decided they would participate on some level and awaits the decision from the City Council.

- **Lillie Redevelopment Project:** Jim LaValle recently dropped off a check for the development agreement. He closed with the bank and has pulled demolition permits.
- **City Lot at 17th Ave and Delaware:** The City Council heard proposals from 2 developers and directed staff to provide more details at their next meeting on August 15.
- **City Lots at Margaret Street:** Mr. Dobbs will be presenting his garage condominium proposal at the City Council Workshop on August 15.
- **Pine Tree Center:** Dew stated that the lot is continuing to fall into a state of disrepair and asked staff to stay on top of the code enforcement of the property.
- **Pizza Factory:** There were no updates.
- **Reflex Medical:** There were no updates.
- **EDA Bylaws:** There were no updates.

B. EDA Member Updates

Thorsen called Gary Mulcahy to see how things were going. He emphasized that the EDA voiced support for the project and that he hopes the City Council will take that into consideration. Mulcahy hopes to start the project in 2024 if approved to do so. Dew stated that Mulcahy's proposal is 60% City land and 40% his own land. Dew emphasized garage condominium facilities are becoming very popular and are getting approved in surrounding cities.

Mayor Monge toured the student build project at 2170 Eldridge and is impressed. They are hoping to start the foundation for the next build soon. There is already some market interest in the build. Mayor Monge also shared that there was a great turnout for the National Night Out event at City Hall with approximately 150 people attending.

X. **ADJOURNMENT**

Chair Dew requested a motion to adjourn the meeting.
M/Furlong, S/Schifsky to adjourn the meeting at 4:34 PM.
Motion carried 6-0.

The next regularly scheduled Economic Development Authority meeting is Tuesday, September 12, 2023 at 3:00 PM.

Members, please notify any planned absences to:

Chris Cherne
EDA Secretary
651-747-2440
chris.cherne@northstpaul.org



To	Date
Executive Director and Authority Members	September 12, 2023
Agenda Placement # VI.A	
EDA Discussion and Action Items	
Subject	
Project Updates	
Background/Facts	
Refer to enclosed staff report.	
Recommended Action	
N/A	
Attachments	
1. EDA staff report 09-12-2023	
Respectfully submitted, Brandy Howe, Community Development Director	

City of North St. Paul

Economic Development Authority Report

From: Brandy Howe, Community Development Director
Meeting Date: September 12, 2023
Agenda Item: EDA Project – Staff Updates



A. 2579 7TH AVENUE E - DOWNTOWN PARKING/ GREEN SPACE

City Council considered the following options for the site at its August 15, 2023 meeting: (1) pave the entire lot (as proposed by EDA), (2) pave half of the lot and install turf on the other half, or (3) pave half of the lot with and install artificial turf on the other half. After discussing the history of the site and desired future uses, Council asked why the property was not being marketed for sale. Council ultimately directed staff to engage with a broker to actively market the space.

Staff contacted Crossroads Properties to potentially broker the site. They welcome the opportunity to list the site with a brokerage fee of 6% of the sales price if they identify the buyer or 8% if the buyer is represented by another broker.

B. LILLIE REDEVELOPMENT PROJECT

Demolition of the site has been completed and the groundbreaking occurred on August 24th. Building plans were submitted for permitting on September 5th.

C. OPEN WINDOW PRODUCTIONS MARKETING VIDEO

The EDA hired Open Window Productions (OWP) to develop a short marketing video targeted at attracting businesses and new residents and families to the City of North St. Paul. A draft video was presented to the EDA in August. A revised draft will be presented in October.

D. PINE TREE

Code Enforcement has been working with the property owner on interior code enforcement issues as well as the hanging building sign. The sign has been removed from the building as of September 5th.

E. PIZZA FACTORY

The EDA hired Little Box, Inc. (architect) to prepare a lease area drawing for property owned by Tracy Luther located at 2543 7th Avenue E. The intent was to facilitate a possible lease negotiation to relocate Pizza Factory from the Pine Tree Center. The lease area drawings were completed in April 2023 and provided to the owner of the Pizza Factory and Tracy Luther. Staff reached out to Cal on September 5th regarding his plans. He has no updates at this time but intends to schedule a time to sit down with staff to discuss in the near future.

F. REFLEX MEDICAL

At the EDA's direction, staff reached out to DSGW Architects for a proposal to prepare a facility space analysis for River of God Church. The thought behind this activity is to understand the space needs for the church so that the EDA may assist the church to potentially relocate so that Reflex Medical may expand to the east onto the church site. Staff also had a meeting with Pastor Dennis McGrane of River of God Church seeking authorization from their organization to move forward with the study if authorized by the EDA. Pastor McGrane has indicated that the congregation has decided not to move forward with a study at this time. The congregation prefers to keep discussions internal to their organization at this time. Staff reached out but was unsuccessful in connecting with Kevin Fuller with Reflex Medical to try to understand if there are alternatives to meeting the company's expansion needs. No further updates.

G. FAÇADE IMPROVEMENT PROGRAM

In the past, the EDA offered a facade improvement loan program that was administered by MCCD. The program was active from about 2013 to 2018 and approximately seven businesses were loan recipients. The program became inactive after 2018. This summer, a couple of downtown businesses inquired about a facade improvement program. At the August EDA meeting, the EDA discussed the potential of reestablishing the facade improvement program. It was noted by EDA members that many facades in the downtown need improvement. Staff was directed to begin developing a program based on a two-tiered model with one tier being dedicated to minor/simple improvements and the other tier would be larger improvements that may require matching funds. Staff is in the process of drafting a program for EDA review.



To	Date
Executive Director and Authority Members	September 12, 2023

Agenda Placement # VI.B

EDA Discussion and Action Items

Subject

EDA Bylaws Review

Background/Facts

The EDA directed staff to review the Authority's bylaws to identify the potential need for updates. Staff and the City Attorney have reviewed the document and placed comments in the margins for EDA consideration and discussion. Also enclosed is Chapter 34 of the Municipal Code that regulates the EDA. Note that there is overlap between the two documents and that additional revisions to the bylaws and/or Chapter 34 may be in order to streamline the powers and duties of the EDA. Staff is seeking direction from the EDA on amendments.

Recommended Action

N/A

Attachments

1. EDA Bylaws Review (Draft 09-12-2023)
2. EDA Rules per Municipal Code

Respectfully submitted,
Brandy Howe, Community Development Director

BY-LAWS OF THE NORTH ST. PAUL ECONOMIC DEVELOPMENT AUTHORITY

1. The Authority

Section 1.1. Name of Authority. The name of the Authority shall be the ~~North St. Paul~~ Economic Development Authority of the City of North St. Paul, Minnesota (hereinafter, the "Authority"). ~~and its governing body shall be called the Board of Commissioners (hereinafter, the "Board").~~

Commented [PA1]: The enabling resolution states "the Economic Development Authority of North St. Paul, Minnesota". Pick one to maintain consistency.

Section 1.2. Office. The principal office of the Authority shall be at City Hall, 2400 Margaret Street, North St. Paul, Minnesota.

Section 1.3. Seal. The Authority shall have an official seal.

Commented [BH2]: Does the EDA have one? If not, I believe this is statutorily required.

2. Organization

Section 2.1. Members. The Authority shall consist of seven (7) members of which one (1) shall be the Mayor and at least one (1) a City Council member. The Mayor shall present candidates for the Economic Development Authority to the City Council for consideration of approval. ~~The Mayor and member of the City Council shall be co-terminant with their office term.~~ Candidates for the Economic Development Authority shall have an interest in advancing the business and economic climate of the City but need not be residents of the City.

Commented [BH3]: Aside from this sentence, this entire paragraph is verbatim [Section 34.04](#) of the Municipal Code where EDA is discussed.

Section 2.2. Officers. The officers of the Authority shall consist of an elected president ~~and vice-president~~. The offices of secretary, treasurer and an assistant treasurer will be appointed by the Authority. The president and vice-president shall be members of the Authority and shall be elected at the annual meeting of the Authority. No member may serve as president and vice-president at the same time. ~~The offices of treasurer, secretary, and assistant treasurer need not be held by an Authority member.~~

Commented [PA4]: All officer roles must be elected by the Authority, not appointed under 469.096, subd. 2.

Commented [PA5]: To track with the statutory language, these should be changed to President and Vice-President.

Commented [PA6]: Only the offices of Secretary and Assistant Treasurer can be held by non-commissioners under 469.096, subd. 2.

Section 2.3. President. The president shall preside at all meetings of the Authority.

Section 2.4. Vice-President. The vice-president shall preside at any meeting of the Authority in the absence of the president and may exercise all powers and perform all responsibilities of the president if the president cannot exercise or perform the same due to absence or other inability.

Section 2.5. Treasurer. The treasurer shall receive and be responsible for Authority money, ~~is responsible for the acts of the assistant treasurer~~, shall disburse authority money by check only, keep an account of all Authority receipts ~~and disbursements~~ and the nature, ~~and purpose, and authority of all disbursements, and relating thereto~~, shall file the Authority's financial statement with its secretary at least once a year as set by the Authority, ~~and be responsible for the acts of the Assistant Treasurer.~~

Section 2.6. Assistant Treasurer. The Finance Director for the City shall serve as the Assistant Treasurer to the Authority and shall have all powers and duties of the Treasurer if the Treasurer is absent or disabled.

Section 2.7. Secretary. Shall keep the minutes of all meetings of the Authority and shall maintain or cause to be maintained all records of the Authority. The secretary shall also have such additional duties and responsibilities as the Authority may from time to time and

by resolution prescribe.

Section 2.8. Executive Director. The City Manager or designee shall serve as the executive director of the Authority, shall be chief appointed executive officer of the Authority, and shall have such additional responsibilities and authority as the Authority may from time to time by resolution prescribe. The City Manager may designate an assistant.

Commented [PA7]: What makes the Executive Director different from the President? Why is this role not listed in the list of officers above? There isn't a specific statutory provision permitting/prohibiting this role, but it should have a distinct purpose from the other roles.

3. Procedures of Board of Commissioners

~~Section 3.1. Annual Meeting. The annual meeting of the Board Authority shall be held annually.~~

Section 3.2. Regular Meetings. The Authority shall hold regular meetings on the second Tuesday of each month, commencing at a regular time as the Authority determines at the beginning of each year. In the event such date shall fall on a legal holiday, the meeting shall be held on a designated alternate day as determined by the Authority.

Section 3.3. Special Meetings. Special meetings of the Authority may be called by the president, the executive director or four members of the Authority for the purpose of transacting any business designated in the call.

The call for a special meeting may be delivered at any time prior to the time of the proposed meeting to each member or may be mailed to the business or home address of each member at least two (2) days prior to the date of such special meeting.

At least three days prior to a special meeting, written notice of its date, time, place and purpose shall ~~be~~ (a) be mailed or delivered to anyone who has specifically requested notice of special meetings or, as an alternative, (b) be posted on the "principal bulletin ~~board~~ Authority" of the Authority or, if there is none, on the door of the ~~Commissioner's~~ Authority's "usual meeting room." At such special meeting, no business shall be considered other than as designated in the call notice, but if all of the members of the Authority are present at a special meeting, any and all business may be transacted at such special meeting.

Section 3.4. Emergency Meetings. Meetings regarding matters which, in the judgment of those calling the meeting pursuant to Section 3.3, above, require the immediate consideration of the Authority may be held without regard to the notice requirements otherwise applicable to special meetings. The Authority shall make good faith effort to give notice of such emergency meeting, including the purpose thereof, to any news medium that has filed such a written request with the Authority. If matters other than those related to the emergency are permitted to be discussed under Section 3.3, above, and so are discussed, the minutes of the meeting shall include a specific description of such matters.

Section 3.5. Quorum. A quorum of the seven-member Authority shall consist of four members. In the absence of a quorum, no official action may be taken by, on behalf of, or in the name of the Authority.

Section 3.6. Adoption of Resolutions. Resolutions of the Authority shall be deemed adopted if approved by not less than simple majority of all members present and constituting a quorum.

Section 3.7. Rules of Order. The meetings of the Authority shall be governed by the most

recent edition of Robert's Rules of Order.

4. Duties and Powers

Section 4.1. Duties and powers. The officers shall have the duties and powers of their offices and other powers and duties as may be delegated by the Authority, its Bylaws, and Minnesota State Statutes ~~(the Act)~~. No action of the Authority may be in conflict with the City's current Comprehensive Plan or controls instituted to effectuate the Plan. All modifications of the ~~Enabling~~-EDA Enabling Resolution must be presented as a recommendation to the City Council.

Section 4.1.1 Executive Director. The executive director shall attend all meetings of the Authority, shall serve as a consultant and advisor to the Authority and shall make quarterly reports to the City Council.

Section 4.1.2 Conflicts of Interest. Except as authorized by Minnesota Statute 471.88, a member, officer or employee of the Authority may not have a substantial conflict of interest, in projects undertaken by the Authority.

Section 4.1.3. Report to Council. The Authority shall submit a written report of its activities to the City Council at least annually.

Section 4.2. Development Districts. The Authority may create and define the boundaries of economic development districts and use the powers as allowed by city ordinance granted to carry out economic development in these districts.

Section 4.3. Acquire property. The Authority may acquire, by lease, purchase, devise or through condemnation proceedings, title in property to create economic development in the Development Districts. Property acquired, leased, owned, controlled, used or occupied by the Authority for any of the purposes of Section 469.101, Subd. 2 of Minnesota Statutes is for public purposes and is exempt from taxation by the state or its political subdivisions. The exemption from property taxes only applies while the Authority holds the property for its own purpose(s).

Section 4.3.1. Options. The Authority may negotiate and acquire options to purchase, sell or lease property for the purpose of economic development.

Section 4.4. Contracts. The Authority may make contracts for the purpose of economic development.

Section 4.5. Limited partnerships. The Authority may become a limited partner in a partnership whose purpose is consistent with the Authority's purpose.

Section 4.6. Rights and easements. The Authority may acquire rights or easements for a term of years or perpetually for the development of an economic development district.

Section 4.7. Receive public property. The Authority may accept land, money or other assistance, whether by gift, grant, loan or otherwise in any form from federal, ~~state, local or~~ state government, any agency of either or a local division of state government.

Section 4.8. Public facilities. The Authority may operate, ~~and~~ and maintain a public parking facility, housing facility, ~~or other public facilities to promote economic development in the~~

Commented [PA8]: See previous comment about this role.

Commented [BH9]: MN 469.092 Subd 3 - Without limiting the right of the authority to petition the city council at any time, each year, within 60 days of the anniversary date of the first adoption of the enabling resolution, the authority shall submit to the city council a report stating whether and how the enabling resolution should be modified.

Commented [PA10]: Mirrors the language of 469.101, subd. 6.

Commented [PA11]: Mirrors the language of 469.101, subd. 7.

area ~~development in an economic development district.~~

Commented [PA12]: Mirrors the language of 469.101, subd. 13.

Section 4.9. Other powers. The Authority shall have such other powers as authorized ~~as described in Minnesota Statutes~~ the Act.

5. Limit of Powers

Section 5.1. General obligation and revenue bonds. The Authority may issue general obligation bonds or revenue bonds after receiving the approval and authorization through a majority vote of City Council ~~and in accordance with the Act.~~

Section 5.2. Comprehensive Plan. The official actions of the Authority must be consistent with the adopted comprehensive plan of the City, and any official controls implementing the comprehensive plan.

6. Budget

Section 6.1. Fiscal Year. The fiscal year of the Authority shall be the same as the City's fiscal year.

Section 6.2. Fiscal budget. The Authority shall prepare an annual budget to coincide with the City's budget process. ~~The City shall establish a special fund designated as the "Economic Development Authority Fund."~~ The Authority shall recommend a budget and submit it to the City Council for final approval. ~~The City Council shall appropriate to the fund money it deems necessary for the Authority's purposes.~~ All payments drawn on the account of the Authority shall be by written statement signed by two officers of the Authority, directing the Executive Director to prepare and deliver payment. All expenditures shall be consistent with the operation of the Authority ~~pursuant to the Act.~~

Commented [BH13]: This has not been practiced, to my knowledge. Shall we change this to say payments are by vote a majority of members of the Authority at a meeting?

Section 6.3. Levy. Levy authority shall be consistent with Minnesota Statute 469.033, Subd. 6. and rest with the City Council.

Section 6.4. Audit. All financial records of the Authority shall be prepared, audited, and filed with the City, said records being coordinated by the City Finance Department at the direction of the City Manager.

Section 6.5. Treasurer's Bonds. The Treasurer shall give bond to the state conditioned for the faithful discharge of official duties. The bond must be approved as to form and surety by the Authority and filed with the Secretary and must be for twice the amount of money likely to be on hand at any one time as determined at least annually by the Authority, provided, ~~however,~~ that said bond must not exceed \$300,000.

Section 6.6. Checks. ~~An Authority check must be signed by (1) the Chair and (2) the Treasurer or and Assistant Treasurer.~~ The check must state the name of the payee and the nature for which the check was issued.

Commented [PA14]: See 469.096, subd. 8.

Commented [BH15]: This language should probably be modified to be consistent with current practice by the finance department. They're currently signed by Mayor and City Manager.

Section 6.7. Financial Statements. The Authority shall examine the financial statement together with the Treasurer's vouchers, which financial statement shall disclose all receipts and disbursements, their nature, money on hand and the purposes to which it shall be applied, the Authority's credits and assets and its outstanding liabilities. If the Authority finds the financial statement and Treasurer's vouchers to be correct, it shall approve them by resolution.

Commented [BH16]: Is this an annual review of EDA transactions? Financial statements are reviewed/approved by resolution of the City Council. Is this section necessary for the EDA bylaws?

Section 6.8. Report to City. The Authority shall annually, at a time designated by the City, make a report to the City Council giving a detailed account of its activities and of its receipts and expenditures for the preceding calendar year, together with additional matters and recommendations it deems advisable for the economic development of the city.

Commented [BH17]: This occurs at the time of expenditures/payment and accomplishes the purpose of 6.7. Staff recommends eliminating 6.7.

Section 6.9. Budget to City. The Authority shall annually, at a time designated by the City, send its budget to the City Council which budget includes a written estimate of the amount of money needed by the Authority from the City in order for the Authority to conduct business during the upcoming fiscal year. The needed amount is what is needed in excess of any expected receipts from other sources.

7. Miscellaneous

Section 7.1. Employees. The Authority shall utilize City staff and facilities as it may require as assigned by the executive director. City personnel policies shall apply to all employees of the Authority. The City Manager shall hire, manage, and terminate all Authority employees.

Section 7.2. Services. The Authority may contract for the services of consultants, agents, public accountants and others as needed to perform its duties and to exercise its powers. The Authority may also use the services of the City Attorney or hire a general counsel, as determined by the Authority.

Section 7.3. Supplies, Purchasing, Facilities and Services. The Authority may purchase the supplies and materials it needs. The Authority may use the facilities of the City's purchasing department in connection with construction work and to purchase equipment, supplies, or materials. The City may furnish offices, structures and space, stenographic, clerical, engineering and other assistance to the Authority.

Commented [BH18]: Move this to Section 7.2?

Section 7.4. Execution of Contracts. All contracts, notes, and other written agreements or instruments to which the Authority is a party or signatory or by which the Authority may be bound shall be executed by the president and/or the executive director. ~~or the Assistant Executive Director, or by such other Commissioners or Officers of the Authority as the Board Authority may by resolution prescribe.~~

Section 7.5. Amendment of By-Laws. These By-Laws may be amended by the Authority by majority vote of its members, provided that any such proposed amendment shall first have been delivered to each members at least five days prior to the meeting at which such amendment is considered.

The foregoing By-Laws were duly adopted by the -North St. Paul Economic Development Authority of the City of North St. Paul on the 9th day of February, 2010 and amended on the day of _____, 2023.

CHAPTER 34: ECONOMIC DEVELOPMENT AUTHORITY

Section

- 34.01 Definitions
- 34.02 Establishment
- 34.03 Name
- 34.04 Members
- 34.05 Administration
- 34.06 Modification
- 34.07 Report to Council
- 34.08 Executive Director
- 34.09 Conflicts of interest
- 34.10 Budget
- 34.11 Schedule of powers
- 34.12 Limit of powers

§ 34.01 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AUTHORITY. An Economic Development Authority as defined by M.S. §§ 469.090 through 469.1081.

CITY. The City of North Saint Paul, Minnesota.

COUNCIL. The duly elected governing body of the City of North Saint Paul, Minnesota.

ENABLING RESOLUTION. The ordinance codified in this subchapter.

THE ACT. M.S. §§ 469.090 through 469.1081.

(Ord. 683, passed 10-20-09)

§ 34.02 ESTABLISHMENT.

An economic development authority is established which shall have all of the powers, duties and responsibilities of an economic development authority pursuant to M.S. §§ 469.090 through 469.1081. It shall be the role and responsibility of the Authority to carry out economic and industrial development and redevelopment within the North Saint Paul area pursuant to bylaws as may be adopted by the Authority. It shall confer with other city departments, and other public and private groups on matters relating to business and industrial development and periodically survey the area's industrial and commercial climate and report regularly to the Council.

(Ord. 683, passed 10-20-09)

§ 34.03 NAME.

The economic development authority created by the enabling resolution shall be known as the North Saint Paul Economic Development Authority.

(Ord. 683, passed 10-20-09)

§ 34.04 MEMBERS.

The Economic Development Authority shall consist of seven members of which one shall be the Mayor and at least one a City Councilmember. The Mayor shall present candidates for the Economic Development Authority to the City Council for consideration of approval. Candidates for the Economic Development Authority shall have an interest in advancing the business and economic climate of the city but need not be residents of the city.

(Ord. 683, passed 10-20-09)

§ 34.05 ADMINISTRATION.

(A) *Bylaws.* The Authority shall adopt bylaws and rules of procedure for administration of its affairs.

(B) *Officers.* The Authority shall elect a chair and a vice-chair on an annual basis. The City Manager or designee shall serve as the Executive Director; an ex officio member.

(C) *Professional service contracts.* The Authority may employ technical experts and professionals as deemed necessary. Their compensation and duties shall conform to city policy.

(D) *Duties and powers.* The officers shall have the duties and powers of their offices and other powers and duties as may

be delegated by the Authority, the bylaws, and the Act. No action of the Authority may be in conflict with the city's current comprehensive plan or controls instituted to effectuate the plan.

(E) *Meetings*. The Authority shall meet quarterly and at such other times as necessary.

(Ord. 683, passed 10-20-09)

§ 34.06 MODIFICATION.

All modifications to the enabling resolution must be by ordinance and must be adopted after notice and Public Hearing conducted as required for the original adoption of the enabling resolution.

(Ord. 683, passed 10-20-09)

§ 34.07 REPORT TO COUNCIL.

The Authority shall submit a written report of its activities and recommendations for modification of the enabling resolution to the Council at least annually.

(Ord. 683, passed 10-20-09)

§ 34.08 EXECUTIVE DIRECTOR.

The city's Manager or designee shall attend all meetings of the Authority, shall serve as a consultant and advisor to the Authority and shall make quarterly reports to the Council.

(Ord. 683, passed 10-20-09)

§ 34.09 CONFLICTS OF INTEREST.

Except as authorized by M.S. § 471.88, a member, officer or employee of the Authority may not have a substantial conflict of interest, in projects undertaken by the Authority.

(Ord. 683, passed 10-20-09)

§ 34.10 BUDGET.

(A) *Fiscal budget*. The Executive Director shall prepare and submit to the Authority an annual budget to coincide with the city's budget process. The city shall establish a special fund designated as the "Economic Development Authority Fund." The Authority shall recommend a budget and submit it to the City Council for final approval. The Council shall appropriate to the fund money it deems necessary for Authority purposes. This shall constitute the budget of the Authority. All payments drawn on the account of the Authority shall be by written statement signed by two officers of the Authority, directing the City Manager to prepare and deliver payment. All expenditures shall be consistent with the operation of the Authority pursuant to this subchapter and Minnesota Statutes.

(B) *Levy*. Levy authority shall be consistent with M.S. § 69.033, Subd. 6. and rest with the City Council.

(C) *Audit*. All financial records of the Authority shall be prepared, audited, and filed with the city, the records being coordinated by the City Finance Department at the direction of the City Manager.

(Ord. 683, passed 10-20-09)

§ 34.11 SCHEDULE OF POWERS.

(A) *Development districts*. The Authority may create and define the boundaries of economic development districts and use the powers granted to carry out economic development in these districts.

(B) *Acquire property*. The Authority may acquire, by lease, purchase, devise or through condemnation proceedings, title in property to create economic development in these districts. Property acquired, leased, owned, controlled, used or occupied by the Authority for any of the purposes of M.S. § 469.101, Subd. 2, is for public governmental and municipal purposes and is exempt from taxation by the state or its political subdivisions. The exemption from property taxes only applies while the Authority holds the property for its own purpose(s).

(C) *Options*. The Authority may negotiate and acquire options to purchase, sell or lease property for the purpose of economic development.

(D) *Contracts*. The Authority may make contracts for the purpose of economic development.

(E) *Limited partnerships*. The Authority may become a limited partner in a partnership.

(F) *Rights and easements*. The Authority may acquire rights or easements for a term of years or perpetually.

(G) *Receive public property*. The Authority may accept land, money or other assistance, whether by gift, grant, loan or otherwise in any form from federal, state, local government, any agency of either or a local division of state government.

(H) *Public facilities*. The Authority may operate, maintain a public parking facility, housing facility or other public facilities to promote economic development in the area.

(I) *Other powers*. The Authority shall have such other powers as authorized as described in the Act.

(Ord. 683, passed 10-20-09)

§ 34.12 LIMIT OF POWERS.

(A) *General obligation and revenue bonds*. The Authority may issue general obligation bonds or revenue bonds after

receiving the approval and authorization by four-fifths vote of the Council and in accordance with the provisions of the Act.

(B) *Comprehensive plan*. The official actions of the Authority must be consistent with the adopted comprehensive plan of the city, and any official controls implementing the comprehensive plan.

(Ord. 683, passed 10-20-09)



To	Date
Executive Director and Authority Members	September 12, 2023

Agenda Placement # VI.C

EDA Discussion and Action Items

Subject

MOU for Dobbs/Mulcahy Garage Condo Proposal

Background/Facts

The project area includes the 0.79-acre city-owned parcels across the street from City Hall at 2375-2395 Margaret Street. The EDA heard a presentation from John Dobbs in May 2023, who proposed to develop the city's properties as well as a portion of the adjacent Mulcahy land to the west as garage condos. Mr. Dobbs presented the concept plan to City Council on August 15. The City Council has not yet had the opportunity to discuss the proposal; however, staff met with the EDA Chair to discuss next steps. The proposed direction, if authorized by the EDA, is to request authorization from City Council to enter into a Memorandum of Understanding with the developer that it will work solely with the developer to negotiate terms of sale of the property. The term of the MOU would be set to expire March 31, 2024. Said request will be in the form of a resolution for consideration at the September 19th City Council meeting. See enclosed draft MOU.

Recommended Action

Direct staff to prepare a City Council resolution authoring the EDA to enter into a MOU with the developer

Attachments

1. DRAFT EDA_Dobbs-Mulcahy MOU

Respectfully submitted,
Brandy Howe, Community Development Director

MEMORANDUM OF UNDERSTANDING

This **MEMORANDUM OF UNDERSTANDING** ("MOU") dated this _____, 2023, by and between the City of North Saint Paul, 2400 Margaret Street, North Saint Paul, MN 55109 (the "City") and _____, ADDRESS, CITY, MN, ZIP (the "Developer") sets out the principles which will guide the activities of the Developer and the City as it relates to the Property mentioned in this MOU.

WHEREAS, the City is the fee owner of property located in the City of North St. Paul at 2395, 2393, 2385, 2381, 2377, and 2375 Margaret Street North (the "Property") which Property the City is proposing to sell, together with any right-of way vacated accruing to the Property as depicted in **Exhibit A**;

WHEREAS, the Developer desires to explore the possibility of acquiring the Property together with additional adjoining private properties ("Additional Property") (together the "Property" and "Additional Property" are referred to herein as the "Development Area") for development of a garage condos (the "Development");

WHEREAS, the City is interested in development of the Property as proposed by the Developer;

WHEREAS, if the Developer is successful in obtaining preliminary approval from the City regarding the Development proposed by the Developer, the City shall enter into a Purchase Agreement with the Developer for the Property at a mutually agreed upon price and site due diligence period together with other negotiated conditions for conveyance of the Property;

WHEREAS, Developer wishes to secure a Memorandum of Understanding restricting the City to work solely with Developer on negotiations for acquisition of the Property while also providing the Developer sufficient time to conduct review of the Property, financial underwriting for the proposed Development, prepare appropriate plans for the Property, and negotiate with the City on an agreement for the sale of the Property.

NOW THEREFORE the parties agree as follows:

1. In consideration of the processing of the development under the terms of this MOU, the City agrees that it will negotiate and work solely with Developer on negotiations for sale of the Property to Developer for Developer's proposed Development until March 31, 2024 ("Term").
2. During the Term of this MOU, Developer agrees to use its best efforts to:
 - (i) work toward completing conceptual site planning and programming;
 - (ii) work toward completing architectural concepts floor plans and elevations;
 - (iii) engage general contractors for preliminary construction pricing;
 - (iv) conduct internal market studies verifying unit size, unit mix, rental rates, etc.;
 - (v) conduct financial underwriting of the Development and identify necessary funding sources with the City;
 - (vi) negotiate a contract for private Development for acquisition and development of the property and construction of an approved development with the City.
3. During the Term of this MOU, if the Developer has provided sufficient evidence the above items in Section 2 have been adequately completed, the City agrees to negotiate in good faith to enter into a

contract for private development to include the sale of the Property and the development of the Development Area.

4. The Developer will provide the City with a written progress report at the end of the “Term”. The Developer may request an extension if reasonably necessary as agreed upon between Developer and City. The duration of this extension shall be mutually agreed upon between Developer and City.

5. This MOU represents the entire understanding of the parties regarding the Development Area and any amendment to this MOU shall be in writing and be executed by both parties.

6. Both parties are aware and acknowledge that contingencies and unknowns presently exist, any one or more of which could make the project cost prohibitive, and that both parties are expending sums of money and time with full knowledge of the risks involved and that neither party shall be liable for any of the other party's expenses in any event, except as otherwise provided pursuant to a separate agreement between the parties or pursuant to required fees or costs under City Code.

7. The parties agree that this MOU isn’t intended to bind the parties to enter an agreement for the sale and acquisition of the Property, but is merely intended to set forth the parties' intent to proceed with the process of (i) negotiating an agreement for the sale of the Property and development of the Development Area and (ii) resolving certain pre-development issues related to the Property, Additional Property and Development.

8. This MOU may be amended by mutual agreement of the parties.

DEVELOPER

BY: _____

Its: _____

CITY OF NORTH ST. PAUL

BY: _____

Its: _____

Brian Frandle, Executive Director
Economic Development Authority

Exhibit A





To	Date
Executive Director and Authority Members	September 12, 2023
Agenda Placement # VII.A	
Treasurer's Report	
Subject	
September Treasurer's Report	
Background/Facts	
Refer to enclosed summary table.	
Recommended Action	
N/A	
Attachments	
1. SEPT EDA Treasurers Report	
Respectfully submitted, Brandy Howe, Community Development Director	

TREASURER REPORT

Tax levy in July/Dec												
AS OF JULY 31, 2023	JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE	JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER
ASSETS												
Cash	411,834.51	389,532.65	379,605.80	370,566.21	358,547.87	341,702.00	438,608.81	419,056.51				
Interest Rec Invest	-	-	-	-	-	-	-	2,091.05				
Land	49,248.22	49,248.22	49,248.22	49,248.22	49,248.22	49,248.22	49,248.22	49,248.22				
TOTAL	461,082.73	438,780.87	428,854.02	419,814.43	407,796.09	390,950.22	487,857.03	470,395.78				
LIABILITIES												
Accrued Salaries	-	-	-	-	-	-	-	2,033.40				
AP Pending	12,051.00	-	2,041.50	2,932.55	891.05	-	-	12,000.00				
TOTAL	12,051.00	-	2,041.50	2,932.55	891.05	-	-	14,033.40	-	-	-	-
REVENUE												
Property tax	-	-	-	-	-	-	100,453.50	-				
Market value adjustment	1,454.04	(1,923.45)	2,425.44	84.27	(635.34)	(858.41)	506.69	-				
Investment income	(1,246.91)	1,254.89	199.55	458.48	259.91	818.17	746.30	-				
Refund & reimbursement							4,820.75	-				
TOTAL	207.13	(668.56)	2,624.99	542.75	(375.43)	(40.24)	106,527.24	-	-	-	-	-
TOTAL JAN TO DATE		(461.43)	2,163.56	2,706.31	2,330.88	2,290.64	108,817.88	108,817.88				
EXPENSES												
Personnel (salaries and comp)	(7,486.78)	(9,582.34)	(9,768.34)	(9,582.34)	(9,601.41)	(14,022.13)	(9,620.43)	(9,806.48)				
Contractual Services	(51.00)	-	(2,325.00)	(891.05)	-	607.55	-	(4,851.00)				
Capital	-	-	-	-	-	-	-	-				
Transfer to Other Funds (GF)	-	-	(2,500.00)	-	-	(2,500.00)	-	(2,500.00)				
TOTAL	(7,537.78)	(9,582.34)	(14,593.34)	(10,473.39)	(9,601.41)	(15,914.58)	(9,620.43)	(17,157.48)				
TOTAL JAN TO DATE		(17,120.12)	(31,713.46)	(42,186.85)	(51,788.26)	(67,702.84)	(77,323.27)	(94,480.75)				
FUND BALANCE												
Beginning Fund Balance (as of Jan 1)	456,362.38	456,362.38	456,362.38	456,362.38	456,362.38	456,362.38	456,362.38	456,362.38				
Total Revenue (+)	207.13	(461.43)	2,163.56	2,706.31	2,330.88	2,290.64	108,817.88	108,817.88				
Total Expenses (-)	7,537.78	(17,120.12)	(31,713.46)	(42,186.85)	(51,788.26)	(67,702.84)	(77,323.27)	(94,480.75)				
Ending Fund Balance	464,107.29	438,780.83	426,812.48	416,881.84	406,905.00	390,950.18	487,856.99	470,699.51				
TOTAL LIABILITIES, EQUITY & REV	476,158.29	438,780.83	428,853.98	419,814.39	407,796.05	390,950.18	487,856.99	484,732.91				