

# AGENDA

## JOINT POWERS BOARD MEETING WEDNESDAY, JANUARY 08, 2020

4:30 p.m.

### BIG LAKE CITY COUNCIL AND BIG LAKE TOWNSHIP BOARD

BIG LAKE CITY COUNCIL CHAMBERS  
160 Lake Street North

- 1) Call to Order
- 2) Roll Call
- 3) Adopt Proposed Agenda
- 4) Business
  - 4A) Big Lake Economic Development Authority Enabling Resolution Revision Discussion
- 5) Adjourn

**Disclaimer:** This agenda has been prepared to provide information regarding an upcoming meeting of the Big Lake Joint Powers Board comprised of members of the Big Lake City Council and Big Lake Township Board. This document does not claim to be complete and is subject to change.



# AGENDA ITEM

Joint Powers Board

<b>Prepared By:</b> Hanna Klimmek, Comm. Dev. Dir.	<b>Meeting Date:</b> 1/8/2020	<input checked="" type="checkbox"/> <b>Regular Agenda Item</b> <input type="checkbox"/> <b>Consent Agenda Item</b>	<b>Item No.</b> <b>4A</b>
<b>Item Description:</b> Big Lake Economic Development Authority – Enabling Resolution Revision Discussion		<b>Reviewed By:</b> Clay Wilfahrt, City Administrator <b>Reviewed By:</b> N/A	

### **ACTION REQUESTED**

Staff is requesting that the Joint Powers Board discuss and consider the recommended revisions to the Big Lake Economic Development Authority’s Enabling Resolution (Bylaws).

### **BACKGROUND/DISCUSSION**

Big Lake EDA Commissioner/City Council Member, Rose Johnson, and Staff have been working on a revision to the Big Lake Economic Development Authority (BLEDA) Enabling Resolution (Bylaws). Significant revisions are based on the recent changes that have been made while streamlining the sale process of the Big Lake Industrial Park Phase II. Phase II of the Big Lake Industrial Park land was formally conveyed to the City and Township from the BLEDA via a Public Hearing on August 12, 2019.

In the present time and into the future, all Big Lake Industrial Park business will be conducted via special meetings with the Joint Powers Board (City Council and Township Board). At this time, the need for two Township seats on the BLEDA is being questioned and eliminating all language within the BLEDA Bylaws pertaining to representation by Township Supervisors is recommended. It is important to be mindful that all BLEDA meetings are open to the public, meeting packets can certainly be sent to the Township Supervisors who request them, and Hanna Klimmek, Community Development Director, is more than willing to provide an annual update or semi-annual update to the Township Board if they feel it is appropriate.

If the Joint Powers Board agrees with the recommendation to remove the two Township seats, the “ex-officio for Industrial Park Issues” component to Seat’s D (Heidemann) and E (Geroux) will be eliminated.

During their meeting on September 8, 2019, the BLEDA did provide a formal recommendation for the Joint Powers Board and City Council to approve the revisions as presented.

### **FINANCIAL IMPACT**

N/A

### **ATTACHMENTS**

- Red-Lined Enabling Resolution Revisions
- Big Lake Economic Development Authority – Enabling Resolution (Clean Copy)

## Big Lake Economic Development Authority Enabling Resolution

### I. GRANT OF POWERS

- A. The Big Lake City Council ("City Council") does hereby establish the Big Lake Economic Development Authority ("BLEDA").
- B. Subject to the limitation and conditions set forth in Section II, the BLEDA Authority is granted all powers contained in Minnesota Statute Chapter 469 et. seg.
- C. ~~Exercise the powers granted under the Joint Powers Agreement, dated February 11, 1997.~~

### II. LIMIT OF POWERS

The following limits are hereby imposed upon the actions of the BLEDA~~Big Lake Economic Development Authority~~:

#### A. RESOLUTION

1. The sale of all bonds or obligations shall be issued and approved by the City Council.
2. The actions of the BLEDA Authority must be consistent with the adopted City of Big Lake Comprehensive Plan~~, comprehensive plan of the City.~~

#### B. MODIFICATION OF RESOLUTION

1. The resolution may be modified at any time in accordance with Minnesota Statute 469.093.

#### C. REPORT ON RESOLUTION

1. Without limiting the right of the BLEDA Authority to petition the City Council at any time each year, within sixty (60) days of the anniversary date, the BLEDA Authority shall submit a report stating whether and how the enabling resolution should be modified, if at all.

### III. COMMISSIONERS

#### A. APPOINTMENT

1. The BLEDA shall consist of seven (7) Commissioners who are all voting members of the BLEDA. members appointed by the Mayor with the approval of the City Council. Five (5) Commissioners are recommended to be appointed to the BLEDA by the BLEDA Commission with final approval made by the City Council. ~~Two (2) Commissioners shall be members of the City Council, appointed by the Mayor and approved by the City Council.~~
2. ~~Any~~The BLEDA Commissioners shall be a resident of the community living within the city limits of the City of Big Lake, or a managing agent ~~an owner/operator~~ of a business located within the city limits of the City of Big Lake.
3. ~~The Big Lake EDA shall consist of two (2) members appointed by the Township Board exclusively to deal with items of business related to the industrial development under authority of the Joint Powers Agreement. The representatives of the Town Board shall be ex-official at all times, except when discussing matters of the above industrial development, at which time they become full voting members.~~
4. The BLEDA shall recommend appointment of the three (3) five (5) non City Council Commissioners to Seats A, B, and C, D, and E per the term schedule. The two (2) Commissioners, who are also members of the City Council, are appointed by the Mayor annually. annually. The two (2) remaining non City Council Commissioners shall hold seats D and E and become ex-officials during the time that Town Representatives have voting rights.

~~In the event that a Commissioner holding Seat A, B, C, or a City Council Member position is absent from a BLEDA meeting, the ex-official Commissioner shall be a voting member for that meeting. At no time shall there be more than seven (7) voting members on the BLEDA.~~

#### B. TERMS

1. ~~Those initially appointed shall be appointed for terms of one, two, three, four and five years respectively, with two (2) members appointed for terms of six years.~~
2. A BLEDA~~Thereafter, all~~ Commissioners shall be appointed for a six year terms.

3. The two (2) Council Members appointed to the ~~BLEDA Board~~ will be appointed, annually, by the Mayor and approved by the City Council. ~~for terms which coincide with their existing term on the City Council.~~
4. ~~The appointees of the Township shall serve a term to coincide with their term on the Town Board. If the appointee is not a Town Board member, they shall serve a term of six (6) years.~~

C. VACANCIES

1. A vacancy is created— when a Commissioner's term ends, when a Commissioner formally resigns, or when a Commissioner is removed from the BLEDA by the City Council in the membership when a City Council member of the BLEDA ends Council membership.
2. A vacancy ~~for this or another reason~~ must be filled ~~for the balance of the unexpired term,~~ in the manner in which the initial appointment was made.
3. When filling a vacancy for an unexpired term, the term of the appointment must be filled for the balance of the unexpired term.
3. ~~The City Council shall set the term of the Commissioner who is a member of the City Council to coincide with their term of office as a member of the City Council.~~

D. DECREASE IN COMMISSION MEMBERS

1. The ~~BLEDA Authority~~ may be decreased from seven (7) to five (5) or three (3) members by a resolution adopted by the City Council.
2. ~~A decrease in BLEDA size per City Council authority shall not affect the size of the Town representation.~~

E. REMOVAL FROM COMMISSION

1. **Removal for Cause.** A Commissioner may be removed by the City Council for inefficiency, neglect of duty, absenteeism, or misconduct in office. A Commissioner shall be removed only after a hearing. A copy of the charges must be given to the Commissioner at least ten (10) days before the hearing. The Commissioner must be given an opportunity to be heard in person or by counsel at the hearing. When written charges have been submitted against a Commissioner, the City Council may temporarily suspend the Commissioner.

-If the City Council finds ~~the~~~~that~~~~those~~ charges have not been substantiated, the Commissioner shall be immediately reinstated. If a Commissioner is removed, a record of the proceedings, together with the charges and findings, shall be filed in the office of the City Clerk. In accordance with Minnesota Statutes 469.095, subd 5.

2. ~~The City Council of the City of Big Lake ordains that a Commissioners removal shall be automatically triggered by missing three (3) consecutively unexcused meetings, four (4) out of six (6) meetings or the majority of meetings in one year.~~
3. ~~A Commissioner appointed by the Town Board may be removed by a majority vote of the Town Board.~~

#### IV. OFFICERS, ORGANIZATIONAL MATTERS

##### A. BYLAWS, RULES, SEAL

1. The BLEDA may adopt bylaws and rules of procedure.
2. The BLEDA shall adopt the seal of the City of Big Lake as its official seal.

##### B. OFFICERS

1. ~~Annually, t~~The BLEDA shall ~~elect~~~~elect~~ a president, vice president, ~~secretary~~~~secretary~~, treasurer, ~~and assistant treasurer.~~ ~~and assistant treasurer.~~
2. ~~The BLEDA shall elect the president, secretary and treasurer annually.~~
3. A Commissioner may not serve as president and vice president at the same time. The other offices may be held by the same Commissioner. The offices of secretary and assistant treasurer need not be held by a Commissioner.
4. ~~The other offices may be held by the same Commissioners.~~
5. ~~Due to the limited nature of the Town representatives on the BLEDA, they may not serve as officers within the organization.~~

##### C. MEETINGS

1. ~~Regularly~~Scheduled meetings of the BLEDA shall be held in the conference room or City Council Chambers of Big Lake City Hall, 160 Lake Street North, Big Lake, Minnesota 55309.

2. ~~Regularly S~~cheduled meetings shall be held at 6:00 p.m. on the second Monday of each month.

**V. EMPLOYEES, SERVICES, SUPPLIES**

**A. EMPLOYEES**

1. The BLEDA may employ an executive director, a chief engineer, other technical experts and agents, and other employees it may require.
2. The ~~Board of Commissioners of the~~ BLEDA shall determine their duties, qualifications, and compensation.

**B. CONTRACT FOR SERVICES**

1. The BLEDA may contract for the services of professionals needed to perform its duties and exercise its powers.

**C. LEGAL SERVICES**

1. The BLEDA may use the services of the City Attorney.

**D. SUPPLIES AND PURCHASING**

1. The BLEDA may purchase any ~~of the~~ supplies and materials it needs to carry out its functions.
2. The BLEDA may use the facilities of the City's purchasing department in connection with construction work or to purchase equipment, supplies, or materials.

**E. CITY FACILITIES**

1. The City may furnish offices, structures and space, stenographic, clerical, engineering, or other assistance to the BLEDA.

**VI. CONFLICT OF INTEREST**

1. Except as authorized in Section 471.88, a ~~C~~ommissioner, officer or employee of the BLEDA must not acquire any financial interest, direct or indirect, in any project or in any property included or planned to be included

in any project, nor shall the person have any financial interest, direct or indirect, in any contract or proposed contract for materials or service to be furnished or used in connection with any project.

## VII. OBLIGATIONS

### A. BUDGET TO THE CITY

1. ~~Annually,~~ The BLEDA shall send its budget to the City Council ~~annually~~ at a time specified by the City Administrator.
2. The budget must include a detailed written estimate of the amount of money that the ~~BLEDA~~ ~~authority~~ expects to need from the City to do ~~Authority~~ business during the next fiscal year.

### B. FISCAL YEAR

1. The fiscal year of the BLEDA shall be the same as the fiscal year of the City.

### C. REPORTING

1. The BLEDA shall hold an annual policy meeting and at that time give a detailed account of the BLEDA's activities during the preceding calendar year, together with additional matters and recommendations it deems advisable for the economic development of the City.
2. The BLEDA's ~~Board of Commissioners~~ shall approve its monthly financial reports and list of claims ~~of the Authority~~.

### D. AUDIT

1. The financial statement of the BLEDA must be prepared, audited, filed, and published or posted in the manner required for the financial statement of the City.
2. The City Auditor shall audit the financial statements of the BLEDA at the same time they audit the financial statements of the City.

## VIII. ECONOMIC DEVELOPMENT DISTRICT; SCHEDULE OF POWERS

### A. ESTABLISHMENT

1. The BLEDA may create and define the boundaries of Economic

Development Districts.

2. The BLEDA may use the powers granted to carry out its purpose.
3. ~~The area outlined in the Joint Powers Agreement shall be declared an Economic Development District.~~

B. ACQUIRE PROPERTY

1. The BLEDA may acquire by lease, purchase, gift, devise, or condemnation proceedings, the needed right, title, and interest in the property to create Economic Development Districts.
2. Property acquired shall be leased, owned, controlled, used, or occupied by the BLEDA for public governmental and municipal purposes and is exempt from taxation by the state or by its political subdivisions.
3. The exemption only applies while the BLEDA holds the property for its own purposes.
4. The property of the former Big Lake Development Corporation shall transfer to the BLEDA. This property shall be considered tax exempt if held for the purposes of the BLEDA.

C. OPTIONS

1. The BLEDA may sign options to purchase, sell, or lease property.

D. CONTRACTS

1. The BLEDA may make contracts for the purpose of economic development within the powers given it.

E. LIMITED PARTNER

1. The BLEDA may be a limited partner in a partnership whose purpose is consistent with the ~~its Authority's~~ purpose.

F. RIGHTS, EASEMENTS

1. The BLEDA may acquire rights or an easement for a term of years or perpetually for development of an Economic Development District.

**G. SUPPLIES, MATERIALS**

1. The BLEDA may purchase the supplies and material it needs.

**H. RECEIVE PUBLIC PROPERTY**

1. The BLEDA may accept land, money or other assistance, whether by gift, loan, or otherwise, in any form, from the federal or state government, or any agency of either, or a local subdivision of state government.

**I. PUBLIC FACILITIES**

1. The BLEDA may operate and maintain a public parking facility or other public facilities to promote development in an Economic Development District.

**IX. LEVY TAXES**

**A. CITY TAX LEVY**

1. The City of Big Lake shall set a levy each year for the purpose of the BLEDA, separate from the City's general fund.

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# Big Lake Economic Development Authority Enabling Resolution

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- B. Subject to the limitation and conditions set forth in Section II, the BLEDA is granted all powers contained in Minnesota Statute Chapter 469 et. seg.

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### A. RESOLUTION

- 1. The sale of all bonds or obligations shall be issued and approved by the City Council.
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### B. MODIFICATION OF RESOLUTION

- 1. The resolution may be modified at any time in accordance with Minnesota Statute 469.093.

### C. REPORT ON RESOLUTION

- 1. Without limiting the right of the BLEDA to petition the City Council at any time each year, within sixty (60) days of the anniversary date, the BLEDA shall submit a report stating whether and how the enabling resolution should be modified, if at all.

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2. Any BLEDA Commissioner shall be a resident of the community living within the city limits of the City of Big Lake, or a managing agent of a business located within the city limits of the City of Big Lake.
3. The BLEDA shall recommend appointment of the five (5) non City Council Commissioners to Seats A, B, C, D, and E per the term schedule. The two (2) Commissioners, who are also members of the City Council, are appointed by the Mayor annually.

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