



EDA WORK SESSION
MUNICIPAL CENTER COUNCIL CHAMBERS
1616 HUMBOLDT AVENUE, WEST ST. PAUL, MN 55118
MONDAY, JANUARY 11, 2021
5:00 P.M.

EDA WORK SESSION:

The EDA Work Session will be held in person in the Council Chambers and will be open to the public with social distancing restrictions.

SEATING:

A limited number of attendees will be allowed in the Council Chambers to view live meetings. Seats are available first-come first-serve. Overflow seating is available in the lobby and Lobby Conference Room.

1. Call To Order
2. Roll Call
3. Approve Agenda
4. Agenda Items
 - 4.A. Review Of EDA Bylaws Regarding The City Manager Position

Documents:

[EDA REPORT - CITY MANAGER POSITION.PDF](#)
[MEMO AND ATTACHMENTS RE EDA STRUCTURE 1-11-21.PDF](#)

5. Adjourn

If you need an accommodation to participate in the meeting, please contact the ADA Coordinator at 651-552-4108 or email ADA@wspmn.gov at least 5 business days prior to the meeting
www.wspmn.gov EOE/AA

To: **EDA President and Board**
 From: **Ryan Schroeder, City Manager**
 Date: **January 11, 2021**

Review of EDA Bylaws Regarding the City Manager Position

BACKGROUND INFORMATION:

On the City Council OCWS at this same meeting is a request to affirm the position profile for the recruitment of a new City Manager to replace the retiring City Manager. In development of the profile, the search consultant received suggestions that the Board discuss if there is a desire to change the reporting relationships that relate to the EDA, the City Manager and EDA Executive Director positions. Direction from the EDA Board is sought to provide clarity to the search consultant on what skills and abilities may or may not be priorities for the next City Manager.

In our current structure, the EDA Executive Director is a direct report to the City Manager, while serving as the Community Development Director. However, while serving as the EDA Executive Director, the position is a direct report of the EDA Board and not the City Manager. While the current structure has been functioning over the past four years, it holds the potential for confusion, should there be lack of alignment between the Director and the City Manager or between the EDA Board and the Director.

Enclosed, please find a memorandum from the City Attorney discussing some of the history of the current structure and suggestions for Board consideration on solving for the potential issues that this structure could create. The City Attorney has provided two options for consideration. One option would be to include EDA Executive Director within the title/job responsibilities of the City Manager. The second option is to provide language clarifying that the Executive Director answers to the City Manager (who in turn would answer to the EDA Board). An advantage of the latter option is that the development community would continue to know to contact the Community Development Director as the first contact for development inquiries.

FISCAL IMPACT:

		Amount
Fund:		
Department:		
Account:		

STAFF RECOMMENDATION:

Based on Discussion

**LEVANDER,
GILLEN &
MILLER, P.A.**

ATTORNEYS AT LAW

TIMOTHY J. KUNTZ
ANGELA M. LUTZ AMANN
KORINE L. LAND
DONALD L. HOEFT
BRIDGET McCAULEY NASON
PETER G. MIKHAIL
SCOTT M. LUCAS
DAVID L. SIENKO
TONA T. DOVE
AARON S. PRICE
CASSANDRA C. WOLFGRAM
CASSANDRA J. BAUTISTA
AMANDA J. JOHNSON

MEMO

TO: President Napier and Members of the West St. Paul EDA
FROM: Kori Land, City Attorney's Office
DATE: January 11, 2021
RE: EDA Structure

The City Manager asked that I provide some background on the history of the EDA and its structure.

BACKGROUND

The City Council established the EDA on May 24, 1999 to coordinate and administer economic and housing development and redevelopment plans and programs.¹ The Bylaws of the EDA² provide an organizational structure that includes the following Officers:³

President
Vice President
Treasurer (shall be the Mayor)
Asst. Treasurer (can be the Finance Director)
Secretary (need not be a Board member)

The Bylaws state that the Officers are elected by the Board at its annual meeting in January.⁴ As you know, the EDA Board is made up of the City Council.⁵

STRUCTURE

The Bylaws state that the EDA may employ an Executive Director, as well as other consultants or agents as it may require.⁶

¹ The Enabling Resolution and subsequent amendments are attached as Attachment 1.

² See Bylaws, attached as Attachment 2.

³ Bylaws Sections 2.2 – 2.7.

⁴ Bylaws Section 3.1.

⁵ See Enabling Resolution 99-33 Subsection 6.

⁶ Bylaws Section 4.7.

The position of the Executive Director, who is not an Officer, is described in the Bylaws as follows:⁷

The Executive Director shall be designated from time to time by the Authority and shall be the chief appointed executive officer of the Authority. The Executive Director shall have the authority to carry out and execute the purposes of economic development within the powers given the EDA in Minn. Stat. §§469.090 to 469.108 for projects that have been approved by the Board, including, but not limited to directing or ordering the services of legal counsel, staff, consultants, vendors, appraisers, contractors, auditors, developers, or others as needed, and shall have such additional responsibilities and the authority as the Board may from time to time by resolution prescribe. The Executive Director shall serve at the pleasure of the Board.

The EDA has granted the Executive Director with additional authority by Resolution. For example, the Executive Director can accept offers to sell EDA property prior to obtaining EDA approval.⁸

When the EDA was originally established in 1999, the City Manager at the time did not have the skill set needed for economic development and the Council authorized the hiring of the City's first Economic Development Director. Later, that position changed from *economic development* to *community development*, and was expanded to include oversight for the Planning Department. The City's Community Development Director Position Description was eventually modified to add the Executive Director duties as noted below:

POSITION SUMMARY

- The purpose of this position is to provide leadership and management of the City's community development department including economic development and redevelopment, business recruitment and retention, housing and neighborhood development, building inspection, planning, zoning and code enforcement. Acts as Executive Director of the Economic Development Authority, which provides key leadership and support to the City's economic development efforts. Performs other related duties as assigned.⁹ (emphasis added)

There have been occasions throughout the years when the EDA and City Council have had issues with reconciling these two dichotomies:

- The City Manager exercises full control over all City departments
- The EDA may employ an Executive Director, but it must hire the Community Development Director as its Executive Director, a position that is under the authority of the City Manager

City Code Section 30.02 (B)(9) has merged Community Development and Economic Development into one department:

⁷ Bylaws Section 2.8.

⁸ See EDA Memo and Resolution adopted on or about August 2, 2010 attached as Attachment 3.

⁹ See Community Development Director Position Description, attached as Attachment 4.

(B) The departments and divisions in the city administration lead by the department heads are as follows....:

(9) *Community/Economic Development Department*. The Community/Economic Development Department is responsible for overseeing planning, zoning, code enforcement, building inspection, economic and neighborhood development, and housing activities of the city.

Under the City Code, the Community/Economic Development Department answers to the City Manager, but part of the job duties of the Community Development Director is to be the Executive Director of the EDA, who then also answers to the EDA. This odd circumstance, at times, has led to a strained relationship between the Executive Director and the City Manager when they are not in agreement on economic development activities and how they should be carried out.

During a strategic planning meeting in February 2017, the City Council grappled with this dilemma and directed the preparation of an amendment to the Bylaws and a change to the Position Description to reconcile the issue. It was believed that for consistency as well as ease of administration, the EDA Executive Director should be the City Manager. The City Manager answers to the Council. The Executive Director (who would also be the City Manager) answers to the EDA (who is also the Council). The City Manager would not be pulled in different directions because the City Manager's "boss" would be the same group of people.

To that end, we prepared an amendment to the Bylaws that named the City Manager as the Executive Director.¹⁰ In addition, a revision was prepared for the Community Development Director's Position Description to eliminate the requirement that the position would be named as the Executive Director of the EDA.¹¹ It was believed that the only real change would be to the title, not to the responsibilities of those doing the work. However, these changes were not implemented in 2017 due to the transition in City Managers.

Since that time, we have reevaluated the previously discussed changes and believe that a simpler solution might be in order. The EDA could consider amending the Bylaws to state that the EDA Executive Director reports to the City Manager.¹² This would reconcile the reporting issue and still leave the existing roles in place. It implements the intent of the 2017 council with the least amount of disruption.

We look forward to the discussion and will be available to answer any questions.

¹⁰ See DRAFT redline amendment to the Bylaws dated 11-23-20, attached as Attachment 5.

¹¹ See DRAFT redline amendment to the Community Development Director Position Description dated 2-26-17, attached as Attachment 6.

¹² See DRAFT redline amendment to the Bylaws dated 1-5-21, attached as Attachment 7.

Attachment 1

RESOLUTION NO. 99-33

ENABLING RESOLUTION ESTABLISHING
AN ECONOMIC DEVELOPMENT AUTHORITY
IN WEST ST. PAUL

WHEREAS, the City of West St. Paul has a desire to facilitate redevelopment of property within its borders; and

WHEREAS, an Economic Development Authority ("EDA") may acquire property by lease, purchase, gift, devise or condemnation for governmental or municipal purposes under Minn. Stat. §469.101; and

WHEREAS, the City may establish an EDA according to Minn. Stat. §469.109 by adopting an enabling resolution; and

WHEREAS, the City desires to establish an authority for the purpose of facilitating redevelopment.

NOW THEREFORE, BE IT RESOLVED that the City establish by Ordinance an Economic Development Authority with the following requirements:

1. The Authority shall have the powers contained in Minn. Stat. §469.090 through 469.108.
2. Except when previously pledged by the Authority, the City Council may by resolution require the Authority to transfer any portion of the reserves generated by activities of the Authority that the City Council determines is not necessary for the successful operation of the Authority to the debt service fund of the City, to be used solely to reduce tax levies for bonded indebtedness of the City.
3. The sale of all bonds or obligations issued by the Authority shall be approved by the City Council before issuance.
4. The Authority shall follow the budget process for City departments.
5. All official actions of the Authority must be consistent with the Comprehensive Plan.
6. The members of the Authority shall be the members of the City Council.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF WEST ST. PAUL THIS 24th DAY OF MAY 1999.

Ayes: 6

Nays: 0

/s/Michael P. Bisanz, Mayor

Attest: 
Jody Vogl-Eilertson
City Clerk

RESOLUTION NO. 00-31

AMENDMENT TO THE ENABLING RESOLUTION
ESTABLISHING AN ECONOMIC
DEVELOPMENT AUTHORITY
IN WEST ST. PAUL

WHEREAS, the City of West St. Paul previously passed an Enabling Resolution establishing an Economic Development Authority (EDA), Resolution No. 99-33 and

WHEREAS, the Enabling Resolution gave the EDA specific powers contained in Minn. Stat. §469; and

WHEREAS, the City may modify the Enabling Resolution to provide for the EDA to have additional statutory powers, pursuant to Minn. Stat. §469.092 subd. 1(1) and 469.093 subd. 2; and

WHEREAS, the City Council finds that it will be beneficial for the EDA to have the statutory powers of an HRA as stated in Minn. Stat. §469.001 to 469.047.

NOW THEREFORE, BE IT RESOLVED that the City establish by Ordinance an Economic Development Authority with the following requirements:

1. The Authority shall have the powers contained in Minn. Stat. §469.001 through 469.047 and Minn. Stat. §469.090 through 469.108.
2. Except when previously pledged by the Authority, the City Council may by resolution require the Authority to transfer any portion of the reserves generated by activities of the Authority that the City Council determines is not necessary for the successful operation of the Authority to the debt service fund of the City, to be used solely to reduce tax levies for bonded indebtedness of the City.
3. The sale of all bonds or obligations issued by the Authority shall be approved by the City Council before issuance.
4. The Authority shall follow the budget process for City departments.
5. All official actions of the Authority must be consistent with the Comprehensive Plan.
6. The members of the Authority shall be the members of the City Council.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF WEST ST.
PAUL THIS 8th DAY OF MAY, 2000.

Ayes: 5 Nays: 0

/s/ Michael Bisanz, Mayor

Attest: Diane K. Meissner
Diane K. Meissner
Deputy City Clerk

RESOLUTION NO. 01-73

**AMENDMENT TO ENABLING RESOLUTION ESTABLISHING
AN ECONOMIC DEVELOPMENT AUTHORITY
IN WEST ST. PAUL**

WHEREAS, the City of West St. Paul is authorized by Minnesota Statutes Chapter 469 (the Act) to establish an Economic Development Authority (Authority) to coordinate and administer economic development and redevelopment plans and programs in the City; and

WHEREAS, the City Council has a desire to facilitate development and redevelopment of property within its borders; and

WHEREAS, it is found and determined by the City Council that the encouragement and financial support of economic and housing development and redevelopment in the City is vital to the orderly development and financing of the City and in the best interest of the health, safety, prosperity and general welfare of the citizens of the City; and

WHEREAS, it is further found that the economic and housing development and redevelopment of the City can best be accomplished by the establishment of an Authority as authorized by the Act; and

~~**WHEREAS, an Economic Development Authority ("EDA") may acquire property by lease, purchase, gift, devise or condemnation for governmental or municipal purposes under Minn. Stat. §469.101; and]**~~

WHEREAS, the City may establish an [EDA] Authority according to Minn. Stat. §[469.109] 469.091 by adopting an enabling resolution. [and

~~**WHEREAS, the City desires to establish an authority for the purpose of facilitating redevelopment.]**~~


NOW THEREFORE, BE IT RESOLVED that the City hereby establishes [by Ordinance] an Economic Development Authority with the following requirements:

1. The Authority shall have the powers contained in Minn. Stat. §469.001 through 469.047 and Minn. Stat. §469.090 through 469.108.

2. Except when previously pledged by the Authority, the City Council may by resolution require the Authority to transfer any portion of the reserves generated by activities of the Authority that the City Council determines is not necessary for the successful operation of the Authority to the debt service fund of the City, to be used solely to reduce tax levies for bonded indebtedness of the City.
3. The sale of all bonds or obligations issued by the Authority shall be approved by the City Council before issuance.
4. The Authority shall follow the budget process for City departments.
5. All official actions of the Authority must be consistent with the Comprehensive Plan.
6. The members of the Authority shall be the members of the City Council and shall serve as Commissioners of the EDA for terms coinciding with their terms as members of the City Council.

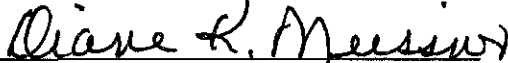
PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF WEST ST. PAUL THIS 26TH DAY OF DECEMBER, 2001.

Ayes: 6 Nays: 0



David Meisinger, Mayor

Attest:



Diane K. Meissner, Deputy City Clerk

CITY COUNCIL
RESOLUTION NO. 03-45

AMENDMENT TO ENABLING RESOLUTION ESTABLISHING
AN ECONOMIC DEVELOPMENT AUTHORITY
IN WEST ST. PAUL

WHEREAS, the City of West St. Paul is authorized by Minnesota Statutes Chapter 469 (the Act) to establish an Economic Development Authority (Authority) to coordinate and administer economic development and redevelopment plans and programs in the City; and

WHEREAS, the City Council has a desire to facilitate development and redevelopment of property within its borders; and

WHEREAS, it is found and determined by the City Council that the encouragement and financial support of economic and housing development and redevelopment in the City is vital to the orderly development and financing of the City and in the best interest of the health, safety, prosperity and general welfare of the citizens of the City; and

WHEREAS, in determining whether blighted areas exist, pursuant to Minn. Stat. §469.003 subd. 1, the City Council may consider the degree of deterioration, obsolescence or over-crowding, the original land planning and lot layout in the area; and

WHEREAS, a Redevelopment Study conducted by Loucks Associates in January 2003, found that many of the buildings in the Study Area are deteriorated, there is over-crowding, and the original land planning and lot layout were poorly designed and are no longer relevant to the needs of today's changing economy on Robert Street; and

WHEREAS, it is further found and determined by the City that the Loucks Study reconfirms the City's earlier findings that substandard or blighted areas exist within the City that cannot be redeveloped without government assistance; and

WHEREAS, the City desires that the Authority have the powers of an Economic Development Authority pursuant to Minn. Stat. §469.090 through §469.108 and the powers of a housing and redevelopment authority pursuant to Minn. Stat. §469.001 through §469.047 because there is a need for such powers; and

WHEREAS, it is further found that the economic and housing development and redevelopment of the City can best be accomplished by the establishment of an Authority as authorized by the Act; and

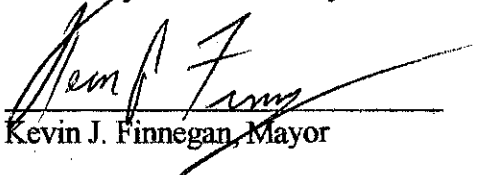
WHEREAS, the City may establish an Authority according to Minn. Stat. §469.091 by adopting an enabling resolution.

NOW THEREFORE, BE IT RESOLVED that the City hereby establishes an Economic Development Authority with the following requirements:

1. The Authority shall have the powers contained in Minn. Stat. §469.001 through 469.047 and Minn. Stat. §469.090 through 469.108.
2. Except when previously pledged by the Authority, the City Council may by resolution require the Authority to transfer any portion of the reserves generated by activities of the Authority that the City Council determines is not necessary for the successful operation of the Authority to the debt service fund of the City, to be used solely to reduce tax levies for bonded indebtedness of the City.
3. The sale of all bonds or obligations issued by the Authority shall be approved by the City Council before issuance.
4. The Authority shall follow the budget process for City departments.
5. All official actions of the Authority must be consistent with the Comprehensive Plan.
6. The members of the Authority shall be the members of the City Council and shall serve as Commissioners of the EDA for terms coinciding with their terms as members of the City Council.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF WEST ST. PAUL
THIS 23rd DAY OF JUNE, 2003.

Ayes: 6 Nays: 0


Kevin J. Finnegan, Mayor

Attest: 
Diane K. Meissner, Deputy City Clerk

Attachment 2

**BYLAWS OF THE
WEST ST. PAUL ECONOMIC DEVELOPMENT AUTHORITY**
(Revised 7/15/99, 8/26/99, 01/02/02, 1/07/08, 2/1/10, 4/2/12, 2/11/13, 3/5/13, 1/15/14)

1. The Authority

Section 1.1. Name of Authority. The name of the Authority shall be the West St. Paul Economic Development Authority (hereinafter, the “Authority”), and its governing body shall be called the Board of Commissioners (hereinafter, the “Board”).

Section 1.2. Office. The Principal office of the Authority shall be at Municipal Center, 1616 Humboldt Avenue, West St. Paul, Minnesota 55118.

Section 1.3. Seal. The Authority shall have an official seal. The seal can be the City seal.

2. Organization

Section 2.1. Officers. The officers of the Authority shall consist of a President, a Vice President, a Secretary, and a Treasurer, and Assistant Treasurer. All officers shall be elected annually, at the annual meeting. No Commissioner may serve as President and Vice President at the same time. The offices of Secretary and Assistant Treasurer need not be held by a Commissioner.

Section 2.2. President. The President shall preside at all meetings of the Board.

Section 2.3. Vice President. The Vice President shall preside at any meeting of the Board in the absence or due to the inability of the President.

Section 2.4. Repealed.

Section 2.5. Treasurer. The Treasurer shall receive and be responsible for Authority money, shall disburse authority money by check only (in accordance with Section 4.3 herein), keep an account of all Authority receipts and disbursements and the nature and purpose 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. The Treasurer shall not have the authority to order goods or services except by written approval of the Executive Director. The Treasurer shall be the Mayor.

Section 2.6 Assistant Treasurer. The Assistant Treasurer has the powers and duties of the Treasurer if the Treasurer is absent or disabled. The Assistant Treasurer shall not have the authority to order goods or services except by written

approval of the Executive Director. The Assistant Treasurer may be the City Finance Director.

Section 2.7. Secretary. The Secretary shall keep or cause to be kept minutes of all meetings of the Board 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 Board may from time to time and by resolution prescribe.

Section 2.8. Executive Director. The Executive Director shall be designated from time to time by the Authority and shall be the chief appointed executive officer of the Authority. The Executive Director shall have the authority to carry out and execute the purposes of economic development within the powers given the EDA in Minn. Stat. §§469.090 to 469.108 for projects that have been approved by the Board, including, but not limited to directing or ordering the services of legal counsel, staff, consultants, vendors, appraisers, contractors, auditors, developers, or others as needed, and shall have such additional responsibilities and the authority as the Board may from time to time by resolution prescribe. The Executive Director shall serve at the pleasure of the Board.

Section 2.9. Advisory Committees. The Authority may by resolution establish one or more advisory committee to the Authority.

3. Procedures of Board of Commissioners

Section 3.1. Annual Meeting. The Board shall hold an annual meeting in January of each year and other meetings as called pursuant to Section 3.3.

Section 3.2. Repealed.

Section 3.3. Special meetings. Special meetings of the Board may be called by the President, any two Commissioners or by the Executive Director. The Executive Director or the Secretary shall post notice of any special meeting in the principal office of the Authority no less than three days prior to such special meeting.

Section 3.4. Quorum. A quorum of the Board shall consist of four Commissioners. In the absence of a quorum, no official action may be taken by, on behalf of, or in the name of the Board or the Authority.

Section 3.5. Adoption of Resolutions. Resolutions of the Board shall be deemed adopted if approved by not less than a simple majority of all Commissioners present. Resolutions may but need not be read aloud prior to vote taken thereon and may but need not be executed after passage.

Section 3.6. Rules of Order. The meetings of the Board shall be governed by the most recent edition of Robert's Rules of Order.

Section 3.7. A vote would pass with a majority of a quorum and no action would be taken on a tie vote.

Section 3.8. Commissioner Authority. Individually, Commissioners cannot bind, commit, or make promises, either verbal or written, to any person or business engaged in or pursuing activity related to economic development in the City. Commissioners should not engage in lengthy preliminary discussions regarding economic development inquiries, but should refer all such inquiries to the Executive Director. The Executive Director will determine if the information is appropriate for or sufficiently significant enough to bring it to the attention of the Board, at which time, the information will be shared with all members of the Board.

4. Miscellaneous

Section 4.1. Fiscal Year. The fiscal year of the Authority shall be the same as the City's fiscal year.

Section 4.2. Treasurer's Bond. The Treasurer/Assistant 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 be 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 4.3 Checks. An Authority check must be signed by the Treasurer and the Assistant Treasurer. The check must state the name of the payee and the nature for which the check was issued.

Section 4.4. Financial Statement. The Authority's detailed financial statement must show all receipts and disbursements, their nature, the money on hand, the purposes to which the money on hand is to be applied, the Authority's credits and assets, and its outstanding liabilities in a form required for the City's financial statements. The Authority shall examine the statement together with the Treasurer's vouchers. If the Authority finds that the statement and vouchers are correct, it shall approve them by resolution and enter the resolution in its records.

Section 4.5. Report to the City. The Authority shall annually, at any 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. The authority shall, at the City's request, make available all records necessary to conduct an audit of the Authority's finances.

Section 4.6. Budget to City. The Authority shall annually 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.

Section 4.7. Employees. The Authority may employ an Executive Director, chief engineer, technical experts and agents and other employees as it may require and determine their duties, qualifications and compensation.

Section 4.8. 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.

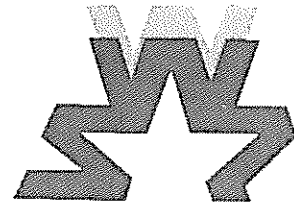
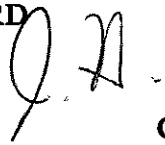
Section 4.9. Supplies, Purchasing, Facilities and Services. The Authority may purchase the supplies and materials it needs. The Authority may use the facilities of the City's purchasing department. The City may furnish offices, structures and space, stenographic, clerical, engineering and other assistance to the Authority.

Section 4.10. 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 an officer and the Executive Director. If the Executive Director is absent or otherwise unable to execute a document, the Assistant Treasurer may execute the document.

Section 4.11. Amendment of Bylaws. These Bylaws may be amended by the Board by majority vote of all the Commissioners, provided that any such proposed amendment shall first have been delivered to each Commissioner at least five days prior to the meeting at which such amendment is considered.

Attachment 3

TO: EDA PRESIDENT & BOARD
THROUGH: CITY MANAGER
FROM: COMM. DEV. DIRECTOR
DATE: AUGUST 02, 2010



City of West Saint Paul

SUBJECT:

Resolution authorizing Executive Director to accept offers for the sale of EDA owned property.

BACKGROUND INFORMATION:

On June 7, 2010, the Board directed staff to prepare a Resolution authorizing staff to enter into purchase agreements for the sale of EDA owned property. The offers must total at least 50 % of the EDA's costs to acquire the property. ATTACHED is a Resolution authorizing staff to accept offers for the sale of real property owned by the EDA.

STAFF RECOMMENDATION:

Staff recommends approval of the ATTACHED Resolution.

ATTACHMENTS:

- Resolution authorizing staff to accept offers for the sale of real property owned by the EDA.

ECONOMIC DEVELOPMENT AUTHORITY
OF THE CITY OF WEST ST. PAUL

RESOLUTION NO. _____

RESOLUTION AUTHORIZING EXECUTIVE DIRECTOR TO ACCEPT
OFFERS FOR THE SALE OF REAL PROPERTY OWNED BY EDA

WHEREAS, the City of West St. Paul has an Economic Development Authority (EDA) that was established in 1999; and

WHEREAS, Minn. Stat. §469.101 subd. 2 provides that the EDA may acquire, hold and dispose of real property; and

WHEREAS, the EDA currently holds title to several properties; and

WHEREAS, the Executive Director often receives offers from interested buyers to purchase properties from the EDA; and

WHEREAS, the EDA only meets on a monthly basis, making it difficult to present such offers to the EDA in a timely manner; and

WHEREAS, the EDA desires to give the Executive Director the authority to enter into purchase agreements for the sale of real property if such offer is at least 50% of the EDA's costs to acquire the property, including all expenses related to acquisition, demolition and site preparation.

NOW THEREFORE, BE IT RESOLVED that the EDA authorizes the Executive Director and EDA President to enter into purchase agreements to sell real property if such offer is at least 50% of the EDA's costs to acquire the property, including all expenses related to acquisition, demolition and site preparation and the buyer's plans for the property are for a single family residential use; and

BE IT FURTHER RESOLVED that pursuant to Minn. Stat. §469.029 subd. 2, the sale may only be made after the EDA holds a public hearing to consider the purchase agreement. Notice of such hearing shall be published not less than 10 days nor more than 30 days prior to the date of the hearing.

PASSED AND ADOPTED BY THE ECONOMIC DEVELOPMENT AUTHORITY OF THE CITY OF WEST ST. PAUL THIS ___ DAY OF _____, 2010.

Ayes:

Nays:

Ed Iago, President

James Hartshorn, Executive Director

Attachment 4

POSITION DESCRIPTION

<u>POSITION TITLE:</u>	Community Development Director
<u>DEPARTMENT:</u>	Community Development
<u>STATUS:</u>	Regular, Exempt
<u>ACCOUNTABLE TO:</u>	City Manager
<u>DATE REVISED:</u>	October 12, 2011

POSITION SUMMARY

The purpose of this position is to provide leadership and management of the City's community development department including economic development and redevelopment, business recruitment and retention, housing and neighborhood development, building inspection, planning, zoning and code enforcement. Acts as Executive Director of the Economic Development Authority, which provides key leadership and support to the City's economic development efforts. Performs other related duties as assigned.

ESSENTIAL DUTIES AND RESPONSIBILITIES

1. Explores options for development and redevelopment according to priorities of the Economic Development Authority. Coordinates a marketing program to generate leads for business and industry.
2. Manages, directs and supervises all areas of Community Development including planning, zoning, code enforcement, building inspection, economic development, neighborhood development and housing redevelopment.
3. Exercises full supervisory authority over all Community Development employees; directly accomplishes or effectively recommends hiring, termination, rewards, transfers, discipline, adjustment of grievances, training, performance appraisals, assignment of work, and other employment conditions.
4. Develops and implements goals, objectives, policies, strategies and schedules for community development programs.
5. Provides leadership and direction in the development of short and long range plans related to growth, growth management, economic development, land use, housing, transportation, public facilities, solid waste or other related issues to meet the City's needs.
6. Prepares and recommends the operating budgets for all functions within the Community Development Department to the City Manager.

7. Oversees available staff support services to the Planning Commission, Committee of Adjustments, and special task forces established by the City Council. Serves as Executive Director of the Economic Development Authority and others as may be assigned.
8. Negotiates and administers contracts and agreements with consultants, developers, property owners, etc., covering community development issues or services.
9. Plans, directs and coordinates special studies and projects.
10. Directs research efforts to secure funding resources for housing and community development projects. Administers specialized financing programs including, but not limited to, tax increment financing, industrial revenue bonds, internal load programs and community development block grant funds.
11. Responds to citizen community organizations concerning community or neighborhood problems. Directs work programs with department staff who work with the public in resolving questions of code or ordinance interpretation and, with applications for variance, sign permits, building permits, conditional use permits, requirements for subdivisions and any other permits required by the City.
12. Keeps City Manager informed of any important developments.
13. Researches, recommends and implements financial and technical information and assistance to existing and potential businesses and industries locating, relocating or expanding within the City of West St. Paul. Works with the Dakota County Community Development Agency to provide financial and technical assistance to existing and potential businesses within designated redevelopment districts. Works closely with other departments to facilitate the review process.

ESSENTIAL KNOWLEDGE, SKILLS AND ABILITIES

1. Knowledge of the principals and practices of community development including economic development and redevelopment, business recruitment and retention, neighborhood and housing development, planning, zoning and code enforcement.
2. Knowledge of City organization and operational procedures which relate to community development activities.
3. Knowledge of management principles and practices.
4. Knowledge of the building code, zoning ordinance and other local, state, and federal laws, rules and regulations.
5. Ability to provide effective leadership and promote teamwork.
6. Ability to supervise and motivate employees either directly or through others.

7. Ability to analyze complex information, utilize resources and develop alternatives.
8. Ability to communicate effectively, both orally and in writing, with elected officials, developers, contractors, residents, City staff, and the general public, including making formal presentations.
9. Ability to use creativity and sound judgment to resolve differences and respond to challenges.
10. Ability to utilize geographic information systems computer software and other computer technologies in a windows environment.

MIMIMUM QUALIFICATIONS

1. A bachelor’s degree in public administration, business administration or a related field.
2. Three years of experience in community and economic development.
3. Two years of supervisory experience including program and /or project management.

DESIRABLE QUALIFICATIONS

1. A master’s degree in public administration, business administration or a related field.
2. Five years of experience as a department head in a city of over 10,000 population or five years experience in a responsible supervisory position in a city of over 10,000 population.
3. Experience in economic development and redevelopment.

An Equal Employment Opportunity/Affirmative Action Employee

Department Head

HR Director

City Manager

Date: _____

Attachment 5

**BYLAWS OF THE
WEST ST. PAUL ECONOMIC DEVELOPMENT AUTHORITY**
(Revised 7/15/99, 8/26/99, 01/02/02, 1/07/08, 2/1/10, 4/2/12, 2/11/13, 3/5/13, 1/15/14)

1. The Authority

Section 1.1. Name of Authority. The name of the Authority shall be the West St. Paul Economic Development Authority (hereinafter, the “Authority”), and its governing body shall be called the Board of Commissioners (hereinafter, the “Board”).

Section 1.2. Office. The Principal office of the Authority shall be at Municipal Center, 1616 Humboldt Avenue, West St. Paul, Minnesota 55118.

Section 1.3. Seal. The Authority shall have an official seal. The seal can be the City seal.

2. Organization

Section 2.1. Officers. The officers of the Authority shall consist of a President, a Vice President, a Secretary, and a Treasurer, and Assistant Treasurer. All officers shall be elected annually, at the annual meeting. No Commissioner may serve as President and Vice President at the same time. The offices of Secretary and Assistant Treasurer need not be held by a Commissioner.

Section 2.2. President. The President shall preside at all meetings of the Board.

Section 2.3. Vice President. The Vice President shall preside at any meeting of the Board in the absence or due to the inability of the President.

Section 2.4. Repealed.

Section 2.5. Treasurer. The Treasurer shall receive and be responsible for Authority money, shall disburse authority money by check only (in accordance with Section 4.3 herein), keep an account of all Authority receipts and disbursements and the nature and purpose 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. The Treasurer shall not have the authority to order goods or services except by written approval of the Executive Director. The Treasurer shall be the Mayor.

Section 2.6 Assistant Treasurer. The Assistant Treasurer has the powers and duties of the Treasurer if the Treasurer is absent or disabled. The Assistant Treasurer shall not have the authority to order goods or services except by written approval of the Executive Director. The Assistant Treasurer may be the City Finance Director.

Section 2.7. Secretary. The Secretary shall keep or cause to be kept minutes of all meetings of the Board 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 Board may from time to time and by resolution prescribe.

Section 2.8. Executive Director. The Executive Director shall be designated from time to time by the Authority and shall be the chief appointed executive officer of the Authority. The Executive Director shall have the authority to carry out and execute the purposes of economic development within the powers given the EDA in Minn. Stat. §§469.090 to 469.108 for projects that have been approved by the Board, including, but not limited to directing or ordering the services of legal counsel, staff, consultants, vendors, appraisers, contractors, auditors, developers, or others as needed, and shall have such additional responsibilities and the authority as the Board may from time to time by resolution prescribe. The Executive Director shall ~~serve at the pleasure of the Board~~be the City Manager.

Section 2.9. Advisory Committees. The Authority may by resolution establish one or more advisory committee to the Authority.

3. Procedures of Board of Commissioners

Section 3.1. Annual Meeting. The Board shall hold an annual meeting in January of each year and other meetings as called pursuant to Section 3.3.

Section 3.2. Repealed.

Section 3.3. Special meetings. Special meetings of the Board may be called by the President, any two Commissioners or by the Executive Director. The Executive Director or the Secretary shall post notice of any special meeting in the principal office of the Authority no less than three days prior to such special meeting.

Section 3.4. Quorum. A quorum of the Board shall consist of four Commissioners. In the absence of a quorum, no official action may be taken by, on behalf of, or in the name of the Board or the Authority.

Section 3.5. Adoption of Resolutions. Resolutions of the Board shall be deemed adopted if approved by not less than a simple majority of all Commissioners present. Resolutions may but need not be read aloud prior to vote taken thereon and may but need not be executed after passage.

Section 3.6. Rules of Order. The meetings of the Board shall be governed by the most recent edition of Robert's Rules of Order.

Section 3.7. A vote would pass with a majority of a quorum and no action would be taken on a tie vote.

Section 3.8. Commissioner Authority. Individually, Commissioners cannot bind, commit, or make promises, either verbal or written, to any person or business engaged in or pursuing activity related to economic development in the City. Commissioners should not engage in lengthy preliminary discussions regarding economic development inquiries, but should refer all such inquiries to the Executive Director. The Executive Director will determine if the information is appropriate for or sufficiently significant enough to bring it to the attention of the Board, at which time, the information will be shared with all members of the Board.

4. Miscellaneous

Section 4.1. Fiscal Year. The fiscal year of the Authority shall be the same as the City's fiscal year.

Section 4.2. Treasurer's Bond. The Treasurer/Assistant 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 be 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 4.3 Checks. An Authority check must be signed by the Treasurer and the Assistant Treasurer. The check must state the name of the payee and the nature for which the check was issued.

Section 4.4. Financial Statement. The Authority's detailed financial statement must show all receipts and disbursements, their nature, the money on hand, the purposes to which the money on hand is to be applied, the Authority's credits and assets, and its outstanding liabilities in a form required for the City's financial statements. The Authority shall examine the statement together with the Treasurer's vouchers. If the Authority finds that the statement and vouchers are correct, it shall approve them by resolution and enter the resolution in its records.

Section 4.5. Report to the City. The Authority shall annually, at any 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. The authority shall, at the City's request, make available all records necessary to conduct an audit of the Authority's finances.

Section 4.6. Budget to City. The Authority shall annually 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.

Section 4.7. Employees. The Authority may employ ~~an Executive Director, chief engineer, technical experts and agents and other~~ employees as it may require and determine their duties, qualifications and compensation.

Section 4.8. 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 4.9. 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. The City may furnish offices, structures and space, stenographic, clerical, engineering and other assistance to the Authority.

Section 4.10. 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 an officer and the Executive Director. If the Executive Director is absent or otherwise unable to execute a document, the Assistant Treasurer may execute the document.

Section 4.11. Amendment of Bylaws. These Bylaws may be amended by the Board by majority vote of all the Commissioners, provided that any such proposed amendment shall first have been delivered to each Commissioner at least five days prior to the meeting at which such amendment is considered.

Attachment 6

POSITION DESCRIPTION

<u>POSITION TITLE:</u>	Community Development Director
<u>DEPARTMENT:</u>	Community Development
<u>STATUS:</u>	Regular, Exempt
<u>ACCOUNTABLE TO:</u>	City Manager
<u>DATE REVISED:</u>	October 12, 2011

POSITION SUMMARY

The purpose of this position is to provide leadership and management of the City's community development department including economic development and redevelopment, business recruitment and retention, housing and neighborhood development, building inspection, planning, zoning and code enforcement. ~~Acts as Executive Director of the Economic Development Authority, which provides key leadership and support to the City's economic development efforts.~~ Performs other related duties as assigned.

ESSENTIAL DUTIES AND RESPONSIBILITIES

1. Explores options for development and redevelopment according to priorities of the Economic Development Authority. Coordinates a marketing program to generate leads for business and industry.
2. Manages, directs and supervises all areas of Community Development including planning, zoning, code enforcement, building inspection, economic development, neighborhood development and housing redevelopment.
3. Exercises full supervisory authority over all Community Development employees; directly accomplishes or effectively recommends hiring, termination, rewards, transfers, discipline, adjustment of grievances, training, performance appraisals, assignment of work, and other employment conditions.
4. Develops and implements goals, objectives, policies, strategies and schedules for community development programs.
5. Provides leadership and direction in the development of short and long range plans related to growth, growth management, economic development, land use, housing, transportation, public facilities, solid waste or other related issues to meet the City's needs.
6. Prepares and recommends the operating budgets for all functions within the Community Development Department to the City Manager.

7. Oversees available staff support services to the Planning Commission, Committee of Adjustments, and special task forces established by the City Council. ~~Serves as Executive Director of the Economic Development Authority and others as may be assigned.~~
8. Negotiates and administers contracts and agreements with consultants, developers, property owners, etc., covering community development issues or services.
9. Plans, directs and coordinates special studies and projects.
10. Directs research efforts to secure funding resources for housing and community development projects. Administers specialized financing programs including, but not limited to, tax increment financing, industrial revenue bonds, internal load programs and community development block grant funds.
11. Responds to citizen community organizations concerning community or neighborhood problems. Directs work programs with department staff who work with the public in resolving questions of code or ordinance interpretation and, with applications for variance, sign permits, building permits, conditional use permits, requirements for subdivisions and any other permits required by the City.
12. Keeps City Manager informed of any important developments.
13. Researches, recommends and implements financial and technical information and assistance to existing and potential businesses and industries locating, relocating or expanding within the City of West St. Paul. Works with the Dakota County Community Development Agency to provide financial and technical assistance to existing and potential businesses within designated redevelopment districts. Works closely with other departments to facilitate the review process.

ESSENTIAL KNOWLEDGE, SKILLS AND ABILITIES

1. Knowledge of the principals and practices of community development including economic development and redevelopment, business recruitment and retention, neighborhood and housing development, planning, zoning and code enforcement.
2. Knowledge of City organization and operational procedures which relate to community development activities.
3. Knowledge of management principles and practices.
4. Knowledge of the building code, zoning ordinance and other local, state, and federal laws, rules and regulations.
5. Ability to provide effective leadership and promote teamwork.
6. Ability to supervise and motivate employees either directly or through others.

7. Ability to analyze complex information, utilize resources and develop alternatives.
8. Ability to communicate effectively, both orally and in writing, with elected officials, developers, contractors, residents, City staff, and the general public, including making formal presentations.
9. Ability to use creativity and sound judgment to resolve differences and respond to challenges.
10. Ability to utilize geographic information systems computer software and other computer technologies in a windows environment.

MIMIMUM QUALIFICATIONS

1. A bachelor’s degree in public administration, business administration or a related field.
2. Three years of experience in community and economic development.
3. Two years of supervisory experience including program and /or project management.

DESIRABLE QUALIFICATIONS

1. A master’s degree in public administration, business administration or a related field.
2. Five years of experience as a department head in a city of over 10,000 population or five years experience in a responsible supervisory position in a city of over 10,000 population.
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HR Director

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Attachment 7

**BYLAWS OF THE
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(Revised 7/15/99, 8/26/99, 01/02/02, 1/07/08, 2/1/10, 4/2/12, 2/11/13, 3/5/13, 1/15/14)

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