

Development Authority

Section 1400 - Economic Development Authority

1400.01 - Definitions

As used in this ordinance, the following terms shall have the following definitions:

1. "Authority" - Means an Economic Development Authority as defined by Minnesota Statutes 460.090 through 469.108.
2. "City" - Means the City of Freeport, Minnesota.
3. "City Council" - Means the duly elected governing body of the City of Freeport, Minnesota.
4. "The Act" - Means Minnesota Statutes 469.090 through 469.108.
5. "Enabling Resolution" - Means this ordinance which establishes the Freeport Economic Development Authority.

1400.03 - Establishment

There is hereby created in the City an Economic Development Authority, which, subject to the provisions of the Enabling Resolution, shall have all of the powers, duties, and responsibilities of an Economic Development Authority pursuant to Minnesota Statutes 469.090 and 469.108. The Authority shall also have the powers of a housing and redevelopment authority contained in Section 369.047. It shall be the role and responsibility of the Authority to carry out economic and industrial development and redevelopment within the City in accordance with such general policies as may from time to time be established by the City Council and pursuant to such Bylaws as may be adopted by the Authority with approval of the City Council. It shall confer with other public and private groups on matters relating to business and industrial development and periodically survey the City's industrial and commercial climate and City's housing requirements and to report regular to the City Council.

1400.05 - Name

The Economic Development Authority created by the Enabling Resolution shall be known as the Freeport Economic Development Authority.

1400.07 - Members

The Authority shall consist of seven (7) Members, two (2) of whom must be members of the City Council.

The Mayor and City Clerk/Treasurer shall serve as ex-officio Member. The other five (5) Members shall be appointed by the Mayor, upon approval of the City Council. Those initially appointed shall be appointed for terms of two (2), three (3), four (4), five (5), and six (6) years respectively. There after, all Members shall be appointed for six-year terms.

1400.09 - Administration

Subdivision 1

The Authority shall adopt Bylaws and rules of procedure for administration of its affairs. The Bylaws must be approved by the City Council prior to becoming effective.

1. Officers - The Authority shall elect a President, a Vice President, a Secretary, and an Assistant Treasurer on an annual basis. The City Clerk-Treasurer shall serve as the Treasurer. A Member shall not serve as President and Vice President at the same time. The other offices may be held by the same Member. The Office of Secretary need not be held by a Member.
2. Professional Service Contracts - The City, upon recommendation of the Authority, may employ an Economic Development Coordinator. The Authority may employ technical experts and

professionals as deemed necessary. Their salaries and duties shall conform to City Council policy and require City Council approval.

3. Duties and Powers - The Officers shall have the usual duties and powers of their offices and such other powers and duties as may be delegated to them by the Authority, the Bylaws and the Act.

1400.1 - Modification

All modification to the Enabling resolution must be by written Ordinance and must be adopted after notice is given and a Public Hearing conducted as required for the original adoption of the Enabling Resolution.

1400.13 - Report to City Council

The Authority shall submit a written report of its activities and its recommendation for modification of the Enabling Resolution at least annually.

1400.15 - Coordinator

The City's Economic Development Coordinator shall attend all meetings of the Authority, shall serve as consultant and advisor to the Authority and shall make periodic reports to the City Council.

1400.17 - Conflict of Interest

Except as authorized by Minnesota Statute 471.88, a Member, Officer, or employee of the Authority may not acquire any financial interest, direct or indirect, in any project, or 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.

1400.19 - Budget

Subdivision 1

Annually, at a time fixed by the City Council, the Authority shall prepare and submit to the City Council a detailed budget. The fiscal year of the Authority shall be the same as the fiscal year of the city.

1. Audit - The financial statements of the Authority must be prepared, audited, filed, published, or posted according to City Council policy.

1400.21 - Schedule of Powers

Subdivision 1

The Authority may create and define the boundaries of economic development districts and use the powers granted to carry out economic development in these district upon City Council approval.

1. Acquire Property - The authority may acquire, by lease, purchase, devise or through condemnation proceedings, create economic development in these districts upon City Council approval. Property acquired, leased, owned, controlled, used or occupied by Authority for any of the purposes of Section 469.101 of Minnesota Statutes 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 use.

2. Options - The Authority may negotiate and acquire options to purchase, sell, or lease property for the purpose of economic development upon City Council approval.

3. Contracts - The Authority may make contracts for the purpose

of economic development within the powers given it in the Act and upon City Council Approval.

4. Limited Partnerships - The Authority may become a limited partner in a partnership whose purpose is consistent with the Authority's purpose upon City Council approval.

5. Rights and Easements - The Authority may acquire rights or easements for a term of years or perpetually for development of an economic development district or project upon City Council approval.

6. Receive Public Property - The Authority may accept land, money, or other assistance, whether by gift, grant, loan, or otherwise, in any form from the federal, state, local government, any agency of either or a local division of state government.

7. Public Facilities - The Authority may operate; maintain a public parking facility, housing facility, or other public facilities to promote economic development in the City upon City Council approval.

8. Other Powers - The Authority shall have such other powers as authorized and described in this Act.

1400.23 - General Obligation and Revenue Bonds

The Authority may issue General Obligation Bonds or Revenue Bonds after first receiving the approval and authorization by four-fifths (4/5ths) vote of the entire City Council and in accordance with the provisions of the Act.

1400.25 - City Council Approval Required

Notwithstanding any provisions contained herein, the Authority shall not exercise any of the powers enumerated herein or specified by the Act, without prior approval of the City Council.

1400.27 - Effective Date

This Ordinance shall take effect and be in force from and after its passage and publication according to law.

Section 1405 - Bylaws Of Freeport Economic Development Authority

1405.01

Article I - Purpose

The Freeport Economic Development Authority is a public body politic and corporate and a political subdivision of the State of Minnesota. The primary purpose of the Authority is to serve as an Economic Development Authority pursuant to Minnesota Statutes 469.090 through 469.108. Provisions of Minnesota Statutes, the Enabling Resolution (Ordinance No. 1998-5-26), any modifications, which may be adopted, and the Bylaws of the Authority shall govern the Authority. The purpose of the Authority is to promote commercial and industrial development in the City of Freeport, Stearns County, and State of Minnesota, hereinafter referred to as the "City".

Article II - Office and Boundaries

1. The principal office shall be in the City Council Chambers at 125 Main Street East in the City.
2. The Authority may also have offices at such other locations as Members of the Authority shall determine and upon approval by the Freeport City Council.
3. The territory in which operations of the Authority are principally to be conducted consists of the City.

Article III - Members

1. The management of all the affairs, property and business of the Authority shall be vested in

the members of seven (7) persons, with at least two (2) Members being members of the City Council. The Mayor and City Clerk/Treasurer shall serve as ex-officio member. The Mayor upon approval of the City Council shall appoint Members the other five (5). Those initially appointed shall be appointed for terms of two (2), three (3), four (4), five (5), and six (6) years respectively. Thereafter, all members shall be appointed for six-year terms.

2. The Members may exercise all of the powers of the Authority and do all such lawful acts and things as are required or permitted to be done pursuant to law, the Enabling Resolution or pursuant to the Bylaws, subject, however, to the approval of the City Council.

3. Meetings of the Authority shall be held at least quarterly in the principal office of the Authority in the City or at such other place as the Members may establish from time to time. A calendar of Meetings shall be set at the first meeting of the year. At least three (3) days written notice of such meetings shall be given to members.

4. Special Meetings of the Authority may be called at any time by the President or, in their absence, by the Vice-President or by two (2) Members. Meeting will be held at the principal office of the Authority in the City, or at such other place or places as the President, or Vice President or any two (2) Members calling such meeting may designate. Notice of Special Meetings of the Authority shall be given to each Member at least three (3) days prior to the meeting, such notice shall be given in writing, by depositing the same in the U.S. Mail, postage prepaid, addressed to the address of such Member at their residence as appears in the records of Authority.

5. All vacancies on the Authority shall be filled by the Mayoral appointment upon approval of the City Council. A Member selected to fill any vacancy shall hold office for the balance of the unexpired term to which appointed.

6. A quorum at all meetings of the Authority shall consist of a majority of all the Members, but in No Case shall a quorum be less than four (4) Members. Less than a quorum may, however, adjourn any meeting, which may be held on a subsequent date without further notice provided a quorum is present at such deferred meeting.

7. Compensation for attending meeting and actual expense shall be set by the City Council.

8. All meetings of the Authority shall be open to the public.

Article IV - Officers

1. The Officers of the Authority shall be a President, Vice-President, Secretary, Treasurer, and an Assistant Treasurer. The City Clerk/Treasurer shall serve as the Treasurer. The other Officers shall be elected to one-year terms. They shall hold the office until their successors are elected and are qualified. The President, Vice-President, and Treasurer shall be Members of the Authority. The Treasurer and Assistant Treasurer need not be a Member of Authority and shall be appointed by the Members.

2. The President shall preside at all meetings of the Authority.

3. The Vice-President shall exercise the functions of the President during the absence or disability of the President.

4. The Secretary shall issue notice for all meetings of the Authority called at the request of the Members as provided herein may be issued by such Members, shall keep minutes of all meetings, shall have charge of the Authority books and shall make such reports as required by the Authority and the City Council.

5. The Treasurer shall perform all duties incident to the office, which are properly required to the Treasurer by the Authority as set forth in Minnesota Statute 469.096. Subd 4.

6. In the case of the absence or the inability to act of any Officer of the Authority and of any person herein authorized to act in place of the Officer, the Authority may from time to time delegate the powers or duties of such Officers to any other Officer or any Member whom it may elect.

7. The Authority at any regular or special meeting may fill vacancies in any Office arising from

any cause. The City Council must approve appointments.

8. The fees, if any, of all contracted agents of the Authority shall be fixed by the Members and approved by the City Council.

Article V - Subcommittees

1. The Authority may appoint Subcommittees to assist in carrying out the functions of the Authority. The Subcommittees may consist of the following:

- Financing Committee
- Sites and Building Committees
- Public Information Committees
- Business and Community Contact Committees
- Community Revitalization Committee

2. The Authority may define the specific duties and responsibilities of each Subcommittee.

Article VI - Attendance and Expenses

1. Any Member who is absent from three (3) consecutive duly called meetings of the Authority shall be deemed to have resigned unless the President so notes such explanation in the records of the Authority.

2. Members and Officers shall be entitled to reimbursements for all expenses incurred in attendance at meetings and in the performance of duties on the behalf of the Authority as established in the City's Expense Policy.

Article VII - Finance and Administration

1. The funds of the Authority are public funds and shall be deposited in the City's Official Depositories. All disbursements of funds shall be by check signed by the Mayor and City Clerk/Treasurer.

2. The Authority fiscal year shall be the same as the City's fiscal year.

3. The nature, number, and qualification of the staff required by the Authority to conduct its business according to these Bylaws shall comply with Minnesota Statutes 469.097.

4. The books and records of the Authority shall be kept at the Authority office of the City.

5. The purpose of the Authority shall be limited to promoting commercial and industrial development of the City and to provide a supply of adequate, safe, and sanitary dwellings for the City.

Articles VIII - Powers

The Authority may exercise the powers described in this Article, subject, however, to the prior approval of the City Council.

1. The Authority may exercise all of the powers contained in the Act, Minnesota Statutes Chapter 469.090 through 469.108.

2. The Authority may exercise all the powers contained in the Housing Act, Minnesota Statutes Chapter 462.

3. The Authority may exercise all of the powers of an agency contained in the Development Act, Minnesota Statutes, Chapter 472A.

4. The Authority may exercise all the powers of a redevelopment agency contained in the Industrial Bond Act, Minnesota Statutes, Chapter 474

5. The Authority may exercise all of the powers of a City contained in the Housing Finance Act, provided authorized to do so by Ordinance of the City Council to Section 462.C.02, Subdivision 6 of the Housing Finance Act.

6. The Authority may exercise such powers of an Authority contained in Tax Increment Act, Min-

Minnesota Statutes, Chapter 472.

7. The Authority may exercise such powers of an Authority contained in Minnesota Statutes 469.001 to 469.047 (Housing and Redevelopment Authority)

8. The Authority may exercise such powers as may be contained in other laws applicable to economic development authorities not specifically described herein.

Article IX - Limits of Power

1. The Authority shall not exercise any powers without prior approval of the City Council.

2. All official actions of the Authority must be consistent with the adopted Comprehensive Plan of the City.

Article X - Annual Report and Budget

1. The Authority will have available for the City's Auditor, a summary of the preceding year's revenues and expenditures within thirty (30) days after the close of the fiscal year. The purpose of this and any other data the Auditor may require is to allow the Auditor to proceed in a timely manner in preparing an annual fiscal report.

2. The Authority shall prepare an annual report describing its activities and providing an accurate statement of its financial condition, together with additional matters and recommendations it deems advisable for the economic development of the City. The report shall be prepared and submitted to the City by February 1st of each year.

If a person fails to comply with the notice within ten days after service, or if the owner, occupant, or agent can not be found, the weed inspector may have such weeds cut and removed or otherwise eradicated. A record showing the cost of such work attributable to each separate lot or parcel will be delivered by the weed inspector to the city clerk-treasurer. On or before the first day of August of each year, the amount so charged against the lot or parcel of land, together with a description of the premises and the name of last known owner will be reported by the clerk-treasurer to the city council. The council must then spread the costs against each property as a special assessment for collection as other special assessments in the following year, all as authorized by Minnesota Statutes, section 429.101.

3. The Authority shall prepare an annual budget projecting anticipated expenses and sources of revenue. The report shall be prepared and submitted to the City annually.

Articles XI - Notices

1. Whenever the provisions of the Minnesota Statutes or these Bylaws require notice to be given to a Member or Officer, such notice shall be given, in writing, by depositing the same in the U.S. Mail, postage prepaid, addressed to the address of such Member at their residence as the same appears in the records of the Authority. The time of the mailing said notice shall be deemed the time of giving such notice.

2. A waiver of any notice in writing signed by a Member, whether before or after the time stated in said waiver for holding a meeting shall be deemed equivalent to a notice required to be given to any Member.

Articles XII - Staff

1. The City, upon recommendation of the Authority, may employ an Economic Development Coordinator. The Authority may employ other technical experts and agents as it may require and determine their duties, qualifications and compensation, subject to approval of the City Council.

2. The Authority may contract for the services of consultants, agents, public accountants and other persons needed to perform its duties and exercise its power with prior City Council approval.

3. The Authority may use the services of the City Attorney or general council as determined by

the Members of the City Council.

Article XIII - Amendment of Bylaws

1. Alterations, amendments or repeal of the Bylaws may be made by a majority vote at any meeting, if the notice of such meeting contains a statement of the proposed alteration, amendment or repeal. Notice of any alteration, amendment or repeal of the Bylaws shall be given in writing to each Member at least ten (10) days prior to the meeting at which said proposed alteration, amendment or repeal shall be considered. All amendments shall be subject to the approval of the City Council.

Article XIV - Miscellaneous

1. Roberts Rules of Order, Revised Edition, shall govern all meetings of the Authority.
2. Except as authorized in Section 471.88, a Member, Officer or employee of Authority 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 services to be furnished or used in connection with any project.