

RESOLUTION NO. 4206

A RESOLUTION OF THE CITY OF SHAKOPEE, MINNESOTA, CREATING AN ECONOMIC DEVELOPMENT AUTHORITY, SETTING FORTH THE POWERS OF THE AUTHORITY, AND TRANSFERRING AUTHORITY FROM THE HOUSING AND REDEVELOPMENT AUTHORITY TO THE ECONOMIC DEVELOPMENT AUTHORITY.

WHEREAS, the City of Shakopee presently has a Housing and Redevelopment Authority; and

WHEREAS, the City believes that an Economic Development Authority would more closely meet the needs of the City.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SHAKOPEE, MINNESOTA, AS FOLLOWS:

Background and Findings:

1. That the City is authorized by Minn. Stat. Chapter 469 and specifically by Sec. 469.091, to establish an Economic Development Authority to coordinate and administer economic development and redevelopment plans and programs in the City.
2. That the City Council finds and determines that the encouragement and financial support of economic 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.
3. That the City Council further finds and determines that the economic development and redevelopment of the City can best be accomplished by the establishment of an Economic Development Authority under Minn. Stat. Chapter 469.
4. That the City Council has provided public notice and conducted a public hearing on April 4, 1995, as required by Minn. Stat. Sec. 469.093, concerning the establishing of an Economic Development Authority, at which hearing all persons desiring to express their views were heard.

Enabling Resolution:

1. The Economic Development Authority (EDA) of the City of Shakopee, Minnesota, is hereby established. The EDA is a public body corporate and politic and a political subdivision of the State of Minnesota.

2. The EDA shall have all the powers, duties, and responsibilities set forth in Minn. Stat. Sections 469.090 to 469.1081, including all powers authorized under Minn. Stat. Sec. 469.091, Subd. 1, and all other applicable laws, except as limited by this Resolution.
3. The EDA shall consist of a governing body of seven commissioners. Five of the commissioners shall be members of the City Council. The other two commissioners shall be appointed by the Mayor with the approval of the City Council. The two non-City Council commissioners initially appointed shall be appointed for terms for three and six years, respectively. Thereafter those two commissioners shall be appointed for six year terms. The two non-City Council commissioners shall be members of the Community Development Commission when appointed. A vacancy is created in the membership of the commission when a City Councilmember of the Authority ends Council membership.

Limits of Powers:

1. The following limits shall apply to the Economic Development Authority:
 - a. The sale of all bonds or other obligations issued by the EDA shall be approved by the City Council before issuance.
 - b. The EDA shall follow the budget process for City Departments as provided by the City and in accordance with City policies.
 - c. All official actions of the EDA shall be consistent with the City's comprehensive plan and official controls implementing the comprehensive plan.
 - d. The EDA shall obtain approval of its proposed plans for development and redevelopment from the City Council.
 - e. The EDA shall not exercise any powers without the prior approval of the City Council.
2. As provided in Minn. Stat. Chapter 469, it is the intention of the City Council that nothing in this Resolution nor any activities of the EDA shall be construed to impair the security of any bonds issued or contracts executed heretofore. The City Council shall not modify any limit in effect at the time any bonds or obligations are issued or contracts executed to the

detriment of the holder of the bonds or obligations or any contracting party.

Transfer of Authority of the Shakopee Housing and Redevelopment Authority, effective April 14, 1995.

1. Pursuant to the authorization of Minn. Stat. Sec. 469.094, the City does by this Resolution hereby transfer to the Economic Development Authority of the City established by this Resolution, all activities, programs, projects, operations and authority of the existing Shakopee Housing and Redevelopment Authority, including the transfer of the control, authority, and operation of any project as defined in Section 469.174, Subd. 8, or any other program or project authorized by Minn. Stat. Chapter 469, located within the City. The EDA shall accept the control, authority, and operation of all projects, programs, or activities of the Housing and Redevelopment Authority. The EDA may exercise all of the powers that the Housing and Redevelopment Authority could exercise. This transfer of authority from the Housing and Redevelopment Authority to the EDA shall be effective April 14, 1995.
2. The EDA shall covenant and pledge to perform the terms, conditions, and covenants of any bond indenture or other agreements executed for the security of any bonds issued by the Shakopee Housing and Redevelopment Authority. The EDA shall exercise all of the powers necessary to perform the terms, conditions, and covenants of any indenture or other agreements executed for the security of the bonds and shall become obligated on any such bonds when the project or program is transferred as provided in this Resolution.
3. All employees, if any, of the Housing and Redevelopment Authority as of April 14, 1995, are hereby transferred to the direction, supervision and control of the EDA. The placement of any employees under the direction, supervision, or control of the EDA does not affect the rights of any employees of the previously existing Housing and Redevelopment Authority, including any rights existing under a collective bargaining agreement or fringe benefit plan. Any employees of the Housing and Redevelopment Authority shall become employees of the EDA.

Implementation:

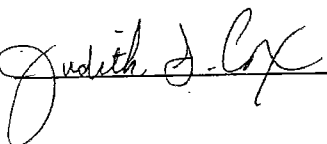
1. The City Council shall from time to time adopt such ordinances and resolutions as are required and

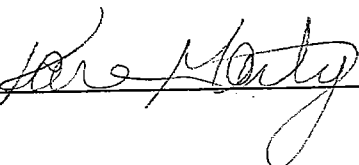
permitted by Minn. Stat. Chapter 469 to give full effect to this Resolution.

2. This Enabling Resolution may be modified to make any changes, or impose different limitations on the EDA's powers, as authorized by Minn. Stat. Chapter 469.
3. The appropriate City officials are authorized and directed to take the actions, and execute and deliver the documents, necessary to give full effect to this Resolution.

Passed in regular session of the City Council of the City of Shakopee, Minnesota, held this 4th day of April, 1995.


Mayor of the City of Shakopee

Attest:  City Clerk

Approved as to form:  City Attorney

[5EDA]

RESOLUTION NO. 4207

A RESOLUTION OF THE CITY OF SHAKOPEE, MINNESOTA, DISSOLVING THE HOUSING AND REDEVELOPMENT AUTHORITY IN AND FOR THE CITY OF SHAKOPEE, MINNESOTA.

WHEREAS, on February 13, 1968, the City Council adopted Resolution No. 242, A Resolution Declaring the Need for a Housing and Redevelopment Authority in the City of Shakopee, Minnesota (hereinafter the HRA); and

WHEREAS, on April 4, 1995, the City Council adopted Resolution No. 4206, a Resolution of the City of Shakopee, Minnesota, Creating an Economic Development Authority, Setting Forth the Powers of the Authority, and Transferring Authority from the Housing and Redevelopment Authority to the Economic Development Authority; and

WHEREAS, it is the intention of the City Council that the EDA in addition to all other powers and authority granted by Minnesota Statutes Chapter 469, take over and assume all activities, programs, projects, operation, control, and authority of the HRA, such that there no longer is a need for the existence of the Housing and Redevelopment Authority; and

WHEREAS, the City Council has, in accordance with Minnesota Statutes Sec. 469.033, Subd. 7, provided public notice and conducted a public hearing on April 4, 1995, concerning the proposed dissolution of the HRA, at which hearing all persons desiring to express their views on this subject were heard.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SHAKOPEE, MINNESOTA, AS FOLLOWS:

1. That with the establishment of the Economic Development Authority for the City of Shakopee, and its assumption of all powers, authority, and functions of the HRA, the purpose and public need for the continuation of the Housing and Redevelopment Authority in and for the City of Shakopee no longer exists.

2. The HRA has not entered into any existing contract with the federal government or any agency or instrumentality thereof for a loan or grant with respect to any urban redevelopment or low rent public housing project.

3. The Housing and Redevelopment Authority in and for the City of Shakopee, Minnesota, is hereby dissolved.

4. All property, records, assets, cash, or other funds held or used by the HRA shall be transferred to and become the property of the Economic Development Authority for the City of Shakopee.

5. Upon dissolution of the HRA, all rights of the HRA against any person, firm, or corporation shall accrue to and be enforced by the EDA.

6. This Resolution shall be published in the same manner in which ordinances are published in the City.

7. The City Clerk shall furnish a certified copy of this Resolution to the Commissioner of Trade and Economic Development of the State of Minnesota.

Passed in regular session of the City Council of the City of Shakopee, Minnesota, held this 4th day of April, 1995.

[Signature]
Mayor of the City of Shakopee

Attest: [Signature] City Clerk

Approved as to form: [Signature] City Attorney

[24EDA]

**CITY OF SHAKOPEE
ECONOMIC DEVELOPMENT AUTHORITY**

RESOLUTION NO. 99-2

**A RESOLUTION ESTABLISHING THE
ECONOMIC DEVELOPMENT ADVISORY COMMITTEE**

WHEREAS, the Economic Development Authority of the City of Shakopee would like to be more actively involved in identification of economic development issues, and development and implementation of economic development strategies; and

WHEREAS, The Economic Development Authority has determined that establishing an economic development advisory committee would provide more concentrated and dedicated work in these areas; and

WHEREAS, the Economic Development Authority and City Council are comprised of the same members and an advisory committee would be of assistance to the Economic Development Authority; and

WHEREAS, the Economic Development Advisory Committee would not replace the Economic Development Authority and would not have the legal powers of an EDA, but would simply offer recommendations to the Economic Development Authority and City Council regarding economic development issues, strategy development and implementation, and other initiatives that can be undertaken by the City to expand and strengthen its economy.

**NOW, THEREFORE, BE IT RESOLVED BY THE ECONOMIC
DEVELOPMENT AUTHORITY OF THE CITY OF SHAKOPEE, MINNESOTA, that:**

1. The Economic Development Advisory Committee is hereby established, composed of five members, to be appointed by the Economic Development Authority and to include representatives from throughout the community.
2. Terms of the committee shall be three years in duration, to be calculated from March 1, 2000. Terms of the initial appointments shall be evenly divided between 1, 2, and 3 years as to provide orderly transition for new appointees in the future.
3. The committee shall continue to exist as long as the Economic Development Authority desires special input in the areas of economic development issue identification, strategy development and implementation. Upon resignation of a member, a new member shall be selected and appointed by the Economic Development Authority.
4. Members of the Committee shall serve without compensation and shall not personally benefit from any projects of the Committee. They shall, at the first meeting or first meeting each March select a Chairperson, Vice Chair and Secretary from their own number with duties in addition to committee membership implied by these titles. The Committee will also develop and adopt a program of action for the upcoming year to be submitted to the Economic Development Authority for approval. A majority shall constitute a quorum for the transaction of business. Where not otherwise stated, the business of the Committee shall be governed by *Roberts Rules of Order, Revised*.

5. The Committee shall have the following charges:

- a.) Create a sound economic development policy in the following areas:
- Business Retention & Expansion
 - Business Attraction / Target Marketing
 - Prospect Response
 - New Business / Entrepreneurial Development
 - Redevelopment
 - Tourism Development
 - Data Collection / Research
- b.) Develop an effective strategic plan for implementing the economic development policy.
- c.) Based on the strategic plan, recommend to the Economic Development Authority and City Council programs that can be undertaken by the City to expand and strengthen the local economy.
- d.) Advise the Economic Development Authority on funding for economic development programs / projects and the Authority's budget.
- e.) Maintain an effective committee by keeping meetings focused around a planned agenda.

Adopted in adj. reg. session of the Economic Development Authority of the City of Shakopee, Minnesota, held this 19th day of October, 1999.

Deb Amundson
President of the
Economic Development Authority
of the City of Shakopee

ATTEST:

Janith J. Ry
City Clerk
EDA Secretary

RESOLUTION NO. 4381

A RESOLUTION OF THE CITY OF SHAKOPEE, MINNESOTA, AMENDING RESOLUTION NO. 4206, CREATING AN ECONOMIC DEVELOPMENT AUTHORITY, BY CHANGING THE MEMBERSHIP OF THE ECONOMIC DEVELOPMENT AUTHORITY.

WHEREAS, when the City Council initially created the Economic Development Authority, it established its membership as two citizens from the Community Development Commission plus the City Councilmembers; and

WHEREAS, the City Council now desires to change that membership.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SHAKOPEE, MINNESOTA, AS FOLLOWS:

That Resolution No. 4206, A Resolution Creating an Economic Development Authority, is hereby amended by repealing paragraph 3 of the Enabling Resolution section, and replacing it with a new paragraph, which shall read as follows:

The EDA shall consist of a governing body of seven commissioners. At least two of the commissioners shall be members of the City Council. All commissioners shall be appointed by the Mayor with the approval of the City Council. The initial appointment of the non-City Councilmembers shall be for terms of two, three, four, five, and six years respectively. Thereafter all commissioners shall be appointed for six year terms. A vacancy is created in the membership of the commission when a City Councilmember of the Authority ends Council membership.

Passed in regular session of the City Council of the City of Shakopee, Minnesota, held this 6th day of February, 1996.


Mayor of the City of Shakopee

Attest: Judith J. Cox City Clerk

Approved as to form: For City City Attorney

RESOLUTION NO. 4610

A RESOLUTION OF THE CITY OF SHAKOPEE, MINNESOTA, AMENDING RESOLUTION NO. 4206 REGARDING THE CREATION OF AN ECONOMIC DEVELOPMENT AUTHORITY, BY CHANGING THE MEMBERSHIP OF GOVERNING BODY OF THE AUTHORITY

WHEREAS, the City Council created the Shakopee Economic Development Authority (the "EDA") by Resolution No. 4206 approved April 4, 1995 (the "Enabling Resolution"), pursuant to Minnesota Statutes, Sections 469.090 to 469.1081 (the "EDA Act"); and

WHEREAS, the Enabling Resolution initially designated a seven-member board of commissioners of the EDA, consisting of all City Council members plus two citizens appointed by the Mayor and approved by the City Council; and

WHEREAS, by Resolution No. 4381 approved February 6, 1996, the City Council modified the Enabling Resolution to provide that the EDA board of commissioners would consist of seven commissioners appointed by the Mayor and approved by the City Council, at least two of whom must be members of the City Council; and

WHEREAS, pursuant to Section 469.092, Subd. 2 of the EDA Act, the City Council may modify the Enabling Resolution at any time; and

WHEREAS, pursuant to Section 469.095, subd. 2(d) of the EDA Act, the Enabling Resolution may provide that the members of the City Council shall serve as the commissioners of the EDA; and

WHEREAS, the City Council has determined to further modify the Enabling Resolution, and on this date held a duly-noticed public hearing regarding modification of the Enabling Resolution at which all interested persons were given an opportunity to be heard.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SHAKOPEE, MINNESOTA AS FOLLOWS:

1. Resolution No. 4206, A Resolution Creating an Economic Development Authority, is hereby amended by repealing paragraph 3 of the Enabling Resolution, and replacing it with a new paragraph 3. reading as follows:

3. The City Council of the City of Shakopee shall serve as the board of commissioners of the EDA. The term of EDA commissioners will coincide with their term of office as members of the City Council. A vacancy is created in the membership of the commission when a City Councilmember ends Council membership.

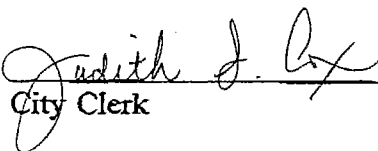
2. The Enabling Resolution remains in full force and effect and is not modified except as provided herein.

3. This resolution is effective upon approval by the City Council.

Passed in adj. reg. session of the City Council of the City of Shakopee,
Minnesota this 25th day of February, 1997.


Mayor

Attest:


City Clerk

RESOLUTION NO. 97-4
OF THE ECONOMIC DEVELOPMENT AUTHORITY
FOR THE CITY OF SHAKOPEE

RESOLUTION RATIFYING ACTIONS

WHEREAS, the City Council of the City of Shakopee (the "City") created the Economic Development Authority for the City of Shakopee (the "EDA") by Resolution No. 4206 approved April 4, 1996 (the "Enabling Resolution"), in accordance with Minnesota Statutes, Sections 469.090 to 469.1081 (the "Act"); and

WHEREAS, the City subsequently modified the Enabling Resolution on February 6, 1996 and February 25, 1997; and

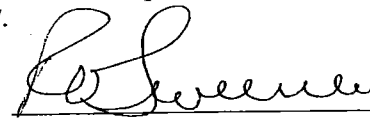
WHEREAS, pursuant to the Enabling Resolution as modified on February 25, 1997, the City Council of the City is designated as the board of commissioners (the "Board") of the EDA; and

WHEREAS, this Board desires to confirm and ratify certain actions taken by the EDA prior to February 25, 1997.

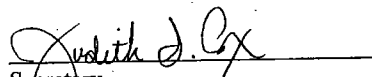
NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE ECONOMIC DEVELOPMENT AUTHORITY FOR THE CITY OF SHAKOPEE AS FOLLOWS:

1. All contracts entered into between the EDA and any other party, and all bonds, notes or other obligations issued by the EDA, prior to February 25, 1997 are hereby confirmed and ratified.
2. The EDA confirms that it will take no actions to impair the security of any contracts executed by the EDA, or bonds, notes or other obligations issued by the EDA, before February 25, 1997.

Approved by the board of commissioners of the Economic Development Authority for the City of Shakopee this 4th day of March, 1997.


President

ATTEST:


Secretary

CITY OF SHAKOPEE

Memorandum

TO: Honorable Mayor and City Council
Mark McNeill, City Administrator

FROM: R. Michael Leek, Community Development Director

SUBJECT: Economic Development Advisory Committee (EDAC) Status

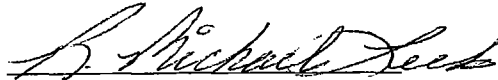
MEETING DATE: February 17, 2009

DISCUSSION:

In 2008, the EDAC was placed on hiatus. On February 3, 2009, as a part of the consent agenda for that meeting, the Council decided that the EDAC "...remain on hiatus through 2009, or until such time as the level of activity and projects increases, and that the existing vacancies on the EDAC not be filled at this time." Not all Council members were present, so it has been requested that this specific action be brought to the Council for further discussion.

REQUESTED ACTION:

Discuss, and provide native direction to City staff regarding the EDAC's status.


R. Michael Leek
Community Development Director

Revised

5.F.3.

CITY OF SHAKOPEE

Memorandum

TO: Mayor and City Council
Mark McNeill, City Administrator

FROM: Judith S. Cox, City Clerk

SUBJECT: Nominations to Boards and Commissions

DATE: January 30, 2009

INTRODUCTION:

City Council is asked to make nominations to Boards and Commissions to fill expiring terms on February 3, 2009.

BACKGROUND:

Terms on various Boards and Commissions will be expiring on February 28, 2009. According to Council policy, it is appropriate to make nominations to Boards and Commissions at the February 3rd City Council meeting. An Interview Committee will then interview the applicants and make recommendations to City Council for appointments at the February 17th meeting.

(In early 2008 the Economic Development Advisory Committee (EDAC) was placed on hiatus because of the limited amount of economic development activity and projects. In the present economic and budget circumstances, it is not expected by staff that the level of activity will increase in 2009. For that reason, at this time it is recommended that the EDAC remain on hiatus through 2009, or until such time as the level of activity and projects increases – R. Michael Leek, Community Development Director.)

The number of terms that are expiring and the names from applications received to date are attached. Any Councilmember wishing to see the applications is asked to contact the City Clerk's office. Should additional applications be received prior to the City Council meeting on February 3rd, an updated list will be placed on the Council table.

In order to inform the community that the City Council is seeking applicants for Boards and Commissions, the following actions, as outlined in the Guidelines for Boards and Commissions, were taken:

- 1] Two ads in the Shakopee Valley News and in the Southwest Saturday
- 2] Notice on the cable television government channel
- 3] Notice on City's web site
- 4] Notices on bulletin boards: City, County, SPUC, Community Center, and Library
- 5] Letter to chairs of local organizations
- 6] Letter to incumbents eligible for reappointment

VISIONING RELATIONSHIP:

This action supports:

Goal A: Active and healthy community.

Strategies: Foster community connections and provide high quality services

RECOMMENDED ACTION:

A] Move to make nominations to Boards and Commissions (as desired):

- | | |
|--|------------|
| 1] Planning Commission/BOAA: Ryan Magin*, Mark Reimler (1st choice), Jenna Burfeind (1 st choice), Francis Hagen (1 st choice), Jeff Nelson (2 nd choice) Fatima Franzen (3 rd choice) | 1 Opening |
| 2] Park and Recreation Advisory Board: Corinne Mars*, Brad Tabke* Fatima Franzen (1 st choice) | 2 Openings |
| 3] Shakopee Public Utilities Commission: Bryan McGowan*, Francis Hagen (2 nd choice), Fatima Franzen (4 th choice) | 1 Opening |
| 4] Police Civil Service Commission: Stan VonBokern*, Brian Wondra, Richard Vaillancourt | 1 Opening |
| 5] Environmental Advisory Committee: Heidi Benedict*, Jenna Burfeind (3 rd choice) | 2 Openings |
| 6] Telecommunications Advisory Commission: Mark Hillegas*, Don McNeil, <u>Jason Bergerson</u> | 3 Openings |
| 7] Economic Development Advisory Committee: Jeff Nelson (1 st choice), James Connell, Jenna Burfeind (2 nd choice), Mark Reimler (2 nd choice), Fatima Franzen (2 nd choice) | 4 Openings |
| 8] Historic Preservation: Don McNeil* | 1 Opening |
| 9] Transit Commission: | 2 Openings |
| 10] Board of Review: Eldon Reinke*, Brian Call* | 2 Openings |

B] Move that the Economic Development Advisory Committee (EDAC) remain on hiatus through 2009, or until such time as the level of activity and projects increases, and that the existing vacancies on the EDAC not be filled at this time.

*Incumbents

**CITY OF SHAKOPEE
ECONOMIC DEVELOPMENT AUTHORITY**

RESOLUTION NO 2010-1

**A RESOLUTION ESTABLISHING THE
ECONOMIC DEVELOPMENT ADVISORY COMMITTEE (EDAC)**

WHEREAS, the Economic Development Authority (EDA) of the City of Shakopee would like to more actively involved in identification of economic development strategies; and

WHEREAS, the Economic Development Authority has determined that establishing an Economic Development Advisory Committee would provide more concentrated and dedicated work in these areas; and

WHEREAS, the Economic Development Authority and City Council are comprised of the same members and an advisory committee would be of assistance to the Economic Development Authority; and

WHEREAS, the Economic Development Advisory Committee would not replace the Economic Development Authority and would not have the legal powers of an EDA, but would simply offer recommendations to the Economic Development Authority and City Council regarding economic development issues, strategy development and implementation, and other initiatives that can be undertaken by the City to expand and strengthen its economy.

NOW, THEREFORE, BE IT RESOLVED BY THE ECONOMIC DEVELOPMENT AUTHORITY OF THE CITY OF SHAKOPEE, MINNESOTA, that:

1. The Economic Development Advisory Committee is hereby established.
2. The EDAC will be composed of seven (7) members, to be appointed by the Economic Development Authority and to include representatives from throughout the community. In making appointments to the Committee, the EDA will seek to include representation from the City's business community (such as represented by the Chamber of Commerce and Downtown Partnership) and other groups, residents and individuals with an interest in, and who may positively contribute to the work of the EDAC.
3. Terms of the EDAC shall be three years in duration. Terms of the initial appointments shall be evenly divided between 1, 2, and 3 years so as to provide orderly transition for new appointees in the future.
4. The committee shall continue to exist as long as the Economic Development Authority desires special input in the areas of economic development issues identification, strategy development and implementation. Upon resignation of a member, a new member shall be selected and appointed by the Economic Development Authority.
5. Members of the EDAC shall serve without compensation and shall not personally benefit from any projects of the EDAC. They shall, at the first meeting or first meeting each March select a Chairperson, Vice Chair and Secretary from their own number with duties in addition to committee membership implied by these titles. The EDAC will also

develop and adopt a program of action for the upcoming year to be submitted to the Economic Development Authority for approval. A majority shall constitute a quorum for the transaction of business. Where not otherwise stated, the business of the Committee shall be governed by Roberts Rules of Order, Revised.

6. The Committee shall have the following charges:
 - a. Create a sound economic development policy in the following areas:
 - Business retention & Expansion
 - Business Attraction/Target marketing
 - Prospect Response
 - New Business/Entrepreneurial Development
 - Redevelopment
 - Tourism Development
 - Data Collection/Research
 - b. Develop an effective strategic plan for implementing the economic development policy.
 - c. Based on the strategic plan, recommend to the Economic Development Authority and City Council programs that can be undertaken by the City to expand and strengthen the local economy.
 - d. Advise the Economic Development Authority on funding for economic development programs/projects and the Authority's budget.
 - e. Maintain an effective committee by keeping meetings focused around a planned agenda.

BE IT FURTHER RESOLVED that this resolution shall supersede Resolution No. 99-02 which originally established the Economic Development Advisory Committee.

Adopted in regular session of the Economic Development Authority of the City of Shakopee, Minnesota, held this 16th day of February, 2010.

Patrick Heitzman
President of the Economic Development Authority
of the City of Shakopee

ATTEST:

Janith J. Cox
City Clerk/EDA Secretary