

City of Dayton Economic Development Authority (EDA)

January 16, 2024- 7:30 a.m.

Agenda

1. Call to Order
2. Approve Agenda
3. Consent Agenda
 - a. Approval of Minutes – November 21, 2023 EDA Meeting
4. Open Forum – Time is limited to 3 minutes. No EDA Board Action will be taken, however direction can be given to staff for future meetings.
5. Review EDA Bylaws – Updates As Needed Per Discussion
6. Railroad Spur – Discussion
7. Review Applications/Process for EDA
8. Staff Updates
 - a. Industrial/Commercial- Current Applications
 - b. Residential – Current Applications
9. Adjourn

The mission of the EDA is to promote economic growth in the City of Dayton through the attraction of new business, retention of existing business and promotion of managed growth and redevelopment of key areas by providing resources that enable development and enhance the quality of life in Dayton.

MINUTES OF THE NOVEMBER 21, 2023 ECONOMIC DEVELOPMENT AUTHORITY MEETING

Berge called the November 21, 2023 EDA to order at 7:30 a.m.

Roll Call

Present: EDA Chair Huttner (Remote), Berge, Fashant, Peralta,

Absent: Bernens, Luther, Salonek

Also, in attendance: Zach Doud City Administrator/Finance Director; Jon Sevald, Community Development Director

Approval of the Agenda

Motion to approve the agenda by Peralta seconded by Fashant all ayes. Motion passed unanimously.

Approval of the Consent Agenda

A. Approval of EDA Minutes from October 17, 2023

Motion to approve the consent agenda by Fashant seconded by Peralta all ayes; Motion passed unanimously.

Open Forum

No one was present for Open Forum.

AGENDA ITEMS

EDA Member Updates/Requests

Huttner asked if there was any update on the Quad Cities Cable. Doud stated that he did call, but they have not responded. Doud will follow-up again.

Review of Opus Development Company Project

Doud stated that one of the goals for the EDA is to review all of the essential business and commercial items that come to town so that the EDA has a presence.

Sevald came forward to give an overview of the Opus project. Sevald projected images of the proposed development plan. Currently there is a proposal for a right-in entrance, however Staff is not recommending it because it does not meet the standards for Hennepin County. Sevald stated that this project is a 132,000-square-foot warehouse. There is no currently identified user. There is an existing cell phone tower on the property, which will remain as it is.

Peralta stated that the plan sounds good to him.

Berge expressed concern that there is currently a considerable amount of warehouse space in the proposed area that is unleased. Berge also expressed concern about the amount of semi-truck traffic, and he inquired about the entrance. Sevald demonstrated where the actual entrance would be located and stated that it would be helpful if the EDA recommended the right-in entrance that is being proposed.

Fashant expressed concern that the road is currently City-owned, and we are speculating that the County may want to take it over at some point in the future. Doud noted the County had stated they want to take over the road when has “regional significance.”

Huttner asked about the height of the building. The answer is 38 feet. Huttner asked if there are any height change requests. The answer is no. The maximum height is 45 feet. Huttner asked if there is usage for the building yet. The answer is no.

Fashant stated that the right-in issue is likely very significant for this piece of property, and he further stated that the EDA should push pretty hard on that particular issue.

There was consensus for the EDA to recommend the right-in entrance to the City Council.

Berge raised concern for allowing the right-in entrance now with the knowledge that it could potentially go away at some future dated unknown, and he inquired if Opus had considered changing the footprint of the building. Berge was concerned that there would be no way for semi-trucks to reach the docks without the right-in entrance being proposed with the current configuration of the building.

Additional conversation ensued.

Fashant asked exactly what the County’s objection is. Sevald stated that the County believes the entrance is too close to the railroad tracks and Holy Road. Doud explained the County’s requirements.

Peralta stated that if everything gets approved, Opus should begin construction right away.

The discussion turned to storm water. Doud stated that there have been some issues. Planning Commission began working on this in September. The issues have been resolved, and that’s why this plan is just now making its way to the EDA.

Sevald pointed out the storm water ponds through his presentation.

EDA Work Plan for 2024 – Active Discussion

Doud came forward and stated that the purpose of this discussion is to put together a Work Plan for 2024.

Huttner stated that he’d like to go through the Building Ordinances with regard to what works and what doesn’t work. Sevald asked for clarification. Huttner provided examples of things he wants to be investigated: 1) Building Heights; 2) Railway Spur; and 3) Signage.

The conversation turned to the addition of a railway spur.

Huttner stated that he’d like to see the Sign Ordinances simplified. Fashant stated that he’d be in favor of streamlining the Sign Ordinances.

Huttner stated that he'd like to address some of the tax-forfeited-parcels in the Historic Village. Fashant stated that it is important to establish a process for selling tax-forfeited-parcels. If the process is well-defined beforehand, it would likely run much smoother. Berge concurred.

Doud stated that he remembers the EDA wanting to get a listing of the commercial properties uploaded to the City website. After researching the process, it was determined that it was simply cost prohibitive, and the same information would be available through a realtor for no charge.

Additional conversation ensued regarding the risks and benefits of purchasing the \$5,000 access fee to the Costar membership that shows commercial leases and purchases in the area.

There was consensus to continue investigating.

Staff Update

a. Industrial/Commercial – Current Applications

Doud stated that in addition to Opus, there is an incomplete application for the re-development of two parcels off of 113th.

Sevald stated that the City is also looking at an EAW for the EDL property, located at 117th and Dayton Parkway.

b. Residential – Current Applications

Doud stated that there are no new applications, but there are still some that are moving through the process.

Doud stated that Braeburn Trails 2 or Braeburn Trails East was discussed months ago. This is the extension of Braeburn Trails, which is located along 117th Avenue, just North of Sundance Golf Course.

Doud stated that Dayton Parkway Neighborhood, located on the south side of 94, is still progressing. Their application is complete.

Doud stated that he'd like to recognize Jim Berge for his time at the EDA. His time is up at the end of this year and he has decided not to run for another term. Doud presented Berge with a mug and laptop bag as a token of the City's appreciation for his service to the EDA.

Berge stated that he would be happy to work on a railway spur if the EDA decides to move forward with that process.

ADJOURN

Motion by Peralta and seconded by Fashant to adjourn at 8:30 a.m. Motion passed unanimously.

Respectfully submitted,
Zach Doud, City Administrator/Finance Director

By-Laws of the Economic Development Authority of the City of Dayton

Article I

Purpose

The Economic Development Authority of the City of Dayton (hereinafter the "Dayton EDA") is a public body politic and corporate and a political subdivision of the State of Minnesota. The primary purpose of the Dayton EDA is to serve as an economic development authority and as a housing redevelopment authority pursuant to Minnesota Statutes 469. The Dayton EDA shall be governed by the requirements of said statute, the Enabling Resolution passed by the Dayton City Council and any amendments to the Enabling Resolution (hereinafter "the Resolution") which may be enacted. The affairs of the Dayton EDA shall include, but not be limited to, promoting growth and development of commercial, residential, and industrial concerns in the City of Dayton.

Article II

Office and Boundaries

1. The principle office shall be at the City Hall of the City of Dayton, Counties of Hennepin and Wright, Minnesota.
2. The territory in which operations of the corporation are principally to be conducted consists of the corporate municipal boundaries of the City of Dayton, Minnesota.

Article III

Board of Commissioners

1. The management of all of the affairs, property and business of the Dayton EDA shall be vested in a Board of Commissioners, consisting of at least five (5) and not more than seven (7) members. Two (2) City Council members shall serve as commissioners of the Dayton EDA while the remaining members shall represent local businesses.
2. Council representative terms shall concur with council terms of office, and may not exceed six years without formal reappointment. Any commissioners that do not serve on the City Council shall be appointed by the City Council and shall initially have terms of 3, 4, and 5 years respectively. Thereafter all commissioners with the exception of City Council members shall be appointed for six year terms.

3. The Board of Commissioners may exercise all powers of the Dayton EDA and do all such lawful acts and things as are required or permitted to be done pursuant to law, the Resolution or pursuant to these By-Laws.
4. Meetings of the Board of Commissioners shall be held monthly at the Dayton City Hall. At least three (3) days notice shall be given to the Commissioners for special meetings called. Said meetings shall also be posted pursuant to Open Meeting Law.
5. A quorum at all meetings of the Board of Commissioners shall consist of a simple majority of the whole board, but in no case shall a quorum be less than ~~two (2)~~ three (3) Commissioners. Less than a quorum may, however, adjourn any meetings, which may be held on a subsequent date without further notice, provided a quorum be present at such deferred meeting.
6. All meetings of the Dayton EDA shall be open to the public.

Article IV

Officers

1. The officers of the corporation shall be a President, Vice President, Secretary, Treasurer and Assistant Treasurer. The City Clerk shall serve as the Secretary, Assistant Treasurer and as an ex-officio member of the Board of Commissioners. Offices of president, Vice president and Treasurer shall be appointed to one year term. They shall hold office until their successors are elected and qualified. The President, Vice President and Treasurer shall be members of the Board of Commissioners.
2. The President shall preside at all meetings of the Dayton EDA, shall be in charge of the day-to-day operations, shall sign or countersign all certificates, contracts and other instruments of the Dayton EDA as authorized by the Board of Commissioners, shall make reports to the Board of Commissioners, and shall perform all such other duties as are incident to the office or are properly required of the officer by the Board of Commissioners.
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, shall keep minutes of all meetings, shall have charge over the Dayton EDA books, and shall make such reports and perform such other duties as are incident to this office, or are properly required by the Board of Commissioners.
5. The Treasurer shall perform all duties incidental to the office which are properly required of the Treasurer by the Board of Commissioners.

6. In the case of the absence or the inability of any officer of the Dayton EDA to act, the Board of Commissioners may from time to time delegate the powers or duties of such officer to any other such officer, or any Commissioner whom it may select.
7. Vacancies in the office arising from any cause may be filled by the City Council.
8. The fees, if any, of all contracted agents of the Dayton EDA shall be fixed by the Board of Commissioners.

Article V

Removal and Expenses

1. A commissioner may be removed by the city council for inefficiency, neglect of duty, or misconduct in office. A commissioner shall be removed only after a hearing. A copy of the charges must be given to the commissioner at least ten days before the hearing. The commissioner must be given an opportunity to be heard in person or by counsel at the hearing. When written charges have been submitted against a commissioner, the city council may temporarily suspend the commissioner. If the city council finds that those charges have not been substantiated, the commissioner shall be immediately reinstated. If a commissioner is removed, a record of the proceedings, together with the charges and findings, shall be filed in the office of the city clerk.
- 1.A. Absence from any three meetings in a year, unless excused in advance by the President, constitutes a vacancy. In the event of any vacancy, the President of the Authority shall notify the Council promptly of any vacancies and the Council shall appoint a person to complete the unexpired term of the original appointment.
(Amended by Resolution 32-2015- May 12, 2015)
2. Commissioners and officers shall be entitled to reimbursement for all reasonable travel and related expenses incurred in the performance of duties on behalf of the Dayton EDA. Schedules of reimbursable expenses shall be established by the Dayton EDA from time to time.
3. Commissioners shall be compensated at a rate of \$25/per official meeting.

Article VI

Finance and Administration

1. The monies of the Dayton EDA shall be deposited in the name of the Dayton EDA in official city depositories, and shall be drawn out only by a check signed by the Mayor and City Clerk-Treasurer.

2. The fiscal year of the Dayton EDA shall be the same as the fiscal year of the City of Dayton.
3. The nature, number and qualification of the staff required by the Dayton EDA to conduct its business according to these By-Laws shall comply with Minnesota Statutes 469.
4. The books and records of the Dayton EDA shall be kept at City Hall in the City of Dayton, Minnesota.

Article VII

Powers

1. The Dayton EDA may exercise all of the powers contained in the Enabling Act, Minnesota Statutes, Chapter 469.~~090-469.1082~~.
2. The Dayton EDA may exercise all of the powers contained in the Housing Act, Minnesota Statutes, Chapter 469.~~001-469.047~~. The Dayton Planning Commission must review for approval any Planning & Zoning related actions initiated by the Dayton EDA.
3. The Dayton EDA may exercise all of the powers of a city contained in the Housing Finance Act, provided it is authorized to do so by ordinance of the City Council pursuant to Section 462C.02, Subdivision 6 of the Housing Finance Act.
4. The Dayton EDA may exercise such powers as may be contained in other laws applicable to economic development authorities or housing and redevelopment authorities not specifically described herein.

Article VIII

Limit of Powers

The following limitations shall apply to the Dayton EDA and its operation:

1. The acquisition of property, sale of property, sale of bonds or other obligations issued and the levying of taxes for economic development purposes shall be approved and conducted by the Dayton EDA.
2. The Dayton EDA shall follow the budget process for City Departments in accordance with City policies, ordinances, and resolutions.

3. Development and redevelopment plans of the Dayton EDA shall be consistent with the Comprehensive Plan for the City of Dayton and the official controls implementing said Comprehensive Plan.
4. The Dayton EDA must submit its plans for development and redevelopment to the City Council for approval in accordance with City planning procedures and law.
5. The administrative structure and management practices and policies of the Dayton EDA must be approved by the City Council of the City of Dayton.

Article IX

Annual Report and Budget

1. The Dayton EDA will have available for the City's auditor a summary of the preceding year's revenues and expenditures, within 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 the annual financial report.
2. The Dayton EDA 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. Said report shall be prepared and submitted to the City of Dayton by May 1 of each year.
3. The Dayton EDA shall prepare an annual budget projecting anticipated expenses and sources of revenue. Said report shall be prepared and submitted to the City of Dayton by August 1 of each year.

Article X

Notices

1. The Secretary shall notify each member of the time, place and purpose of any and all meetings by phone, written notice or personally.

Article XI

Staff

1. The City Administrator/Development Director of the City of Dayton shall also serve as the executive director for the Dayton EDA.

2. The Dayton EDA may employ technical experts and agents, and other employees as it may require, and determine their duties, qualifications and compensation.
3. The Dayton EDA may contract for the services of consultants, agents, public accountants, and other persons needed to perform its duties and exercise its powers.
4. The Dayton EDA may use the services of the City Attorney, or hire a general counsel for its legal needs. The City Attorney or general counsel, as determined by the Dayton EDA, is its chief legal advisor.
5. The City of Dayton may furnish offices, structures and space, and stenographic, clerical, engineering, or other assistance to the Dayton EDA.
6. The Dayton EDA may delegate to one or more of its agents or employees powers or duties as it may deem proper.

Article XII

Seal

1. The Dayton EDA shall not have an official seal.

Article XIII

Indemnification

1. The Dayton EDA shall have the power to indemnify officers, Commissioners, and employees, acting for or on behalf of the Dayton EDA in respect to any and all matters or actions for which and to the extent that indemnification is permitted by the laws of the State of Minnesota.
2. In its discretion the Dayton EDA may purchase insurance in conjunction with the indemnification provisions of Section 1 above.

Article XIV

Amendment of By-Laws

1. Alterations, amendments or repeal of the By-Laws may be made by a majority of the Commissioners entitled to vote at any meeting with approval by the City Council.

Article XV

Miscellaneous

1. All meetings of the Dayton EDA shall be governed by Robert's Rules of Order, as revised.
2. Except as authorized in Minnesota Statute 471.88, a Commissioner, officer, or employee of the Dayton EDA must not acquire any financial interest, direct or indirect, in any project or in any property included or planned to be included in any project, nor shall the person have any financial interest, direct or indirect, in any contract or proposed contract for materials or service to be furnished or used in connection with any project.