



NORTH BRANCH

—Minnesota—

Sara Paul
Chair

Dennis Johnson
Vice Chair

Nyle LaGrange
Commissioner

Marshall Saunders
Commissioner

Peter Schaps
Commissioner

Kevin Schieber
Commissioner

Jessica Thelander
Commissioner

**ECONOMIC DEVELOPMENT AUTHORITY
REGULAR AGENDA
TUESDAY, APRIL 16, 2024 @ 11:30 AM
CITY HALL, 6408 ELM STREET, NORTH
BRANCH, MN 55056**

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. AGENDA APPROVAL
 - a. Approve Agenda ACTION
5. PUBLIC COMMENT
6. CONSENT AGENDA
 - a. Approve Meeting Minutes - February 20, 2024 - Economic Development Authority ACTION
 - b. 2024 Interstate Business Park Farming Contract ACTION
7. PRESENTATION
8. REPORTS
 - a. North Branch Area Schools Update VERBAL UPDATE
 - b. Chisago County HRA-EDA Update VERBAL UPDATE

- | | |
|---|------------------|
| c. North Branch Area Chamber of Commerce Update | VERBAL
UPDATE |
| d. EDA Executive Director Update | VERBAL
UPDATE |
| e. 2024 First Quarter Building Activity Report | INFO |

9. OLD BUSINESS

- | | |
|--|------|
| a. North Branch Business Park AUAR Discussion | INFO |
| b. Discuss Proposed Amendments to the EDA Bylaws | INFO |

10. NEW BUSINESS

- | | |
|--|------|
| a. Kickoff Discussion Regarding the Upcoming 2025 EDA Budget | INFO |
|--|------|

11. NEXT MEETING - TUESDAY, MAY 21, 2024 @ 11:30 AM

12. CLOSED SESSION

13. ADJOURNMENT

EDA Mission Statement.

To be proactive in maintaining and enhancing the economic viability of North Branch through partnerships, innovation, and strategic action.

EDA Goals:

- Successfully become one of the first communities in the region mentioned as a choice for business location.
- Attract new industries that bring an enhanced tax base, quality jobs, and new capital into the community.
- Support existing businesses and encourage their continued prosperity and growth.
- Address critical systems that influence site location decisions.



NORTH BRANCH

—Minnesota—

Sara Paul
Chair

Dennis Johnson
Vice Chair

Jessica Thelander
Commissioner

Kevin Schieber
Mayor

Peter Schaps
Councilmember

**ECONOMIC DEVELOPMENT AUTHORITY
REGULAR AGENDA
TUESDAY, FEBRUARY 20, 2024 @ 11:30 AM
CITY HALL, 6408 ELM STREET, NORTH
BRANCH, MN 55056**

MINUTES OF THE PROCEEDINGS OF THE OF THE CITY OF NORTH BRANCH IN THE COUNTY OF CHISAGO AND IN THE STATE OF MINNESOTA

REGULAR MEETING

Tuesday, February 20, 2024

1. CALL TO ORDER

Chair Sara Paul called the meeting to order at 11:34 a.m.

2. PLEDGE OF ALLEGIANCE

3. OATHS OF OFFICE

a. Oaths of Office for Nyle LaGrange and Marshall Saunders

INFO

EDA Executive Director Jason Ziemer administered the Oaths of Office to new members Nyle LaGrange and Marshall Saunders.

4. ROLL CALL

5. ADOPT AGENDA

a. Approve Agenda

ACTION

Commissioner Thelander moved and Commissioner Saunder seconded the motion to approve the agenda.
Motion passed 6-0.

RESULT: Passed

MOVER: None
SECONDER: None
AYES: Sara Paul, Jessica Thelander, Kevin Schieber, Nyle LaGrange, Marshall Saunders, Peter Schaps
ABSENT: Dennis Johnson
Notes:

6. CONSENT AGENDA

- a. Approve Meeting Minutes - Economic Development Authority Regular Meeting - January 16, 2024 ACTION
11:30 AM

Chair Paul moved and Commissioner Thelander seconded the motion to approve the Consent Agenda. Motion passed 6-0.

RESULT: Passed
MOVER: Sara Paul
SECONDER: Jessica Thelander
AYES: Sara Paul, Jessica Thelander, Kevin Schieber, Nyle LaGrange, Marshall Saunders, Peter Schaps
ABSENT: Dennis Johnson
Notes:

7. PRESENTATIONS

8. REPORTS

- a. North Branch Area Schools Update

VERBAL
UPDATE

EDA Commissioners watched video regarding the School District update from student Amelia Bjerkevedt.

- b. Chisago County HRA-EDA Update

VERBAL
UPDATE

Chisago County HRA-EDA Executive Director Nancy Hoffman reviewed ongoing County-wide business and development efforts. She reported the County and City staff continued to work together on a proposed child care center to be located in the former outlet mall. She noted the proposal update the County housing study was delayed; it was initially completed in 2018. She noted the HRA-EDA board was looking for funding to do the study update.

Commissioner Schaps inquired as to staff's review of the County study in comparison to the City's project. EDA Executive Director Ziemer reviewed the differences between the County proposal and City study, noting the County's study was broad across the County and was looking at all housing in general, and the City's focus was North Branch-specific and narrowed on rental housing. He added the North Branch study was also developing an implementation plan and not just a technical review of existing housing gaps. The firm the County was proposing to use does not do the planning side of the project, which is implementation and land use, and that firm's study was less because it did not include that work, which was what the City's RFP requested.

Commissioner Thelander added the County study was all housing, all Chisago County and the City's was specific to North Branch rental, and noted the proposals were different in deliverables. She noted although there may be similarities in the studies, there were differences. Chair Paul noted it would be good that the County and City are sharing with their work and results. Ziemer noted there was partnership between the City and County, and both can benefit from each other's work.

Commissioner Schieber inquired as to any overlap and whether the City could wait until the County study has started, and allow the City consultants to look at the County data. Ziemer noted the contract was moving forward and work commenced. He suggested any data collected could be used by the County to inform its work, and that sharing does not result in a complete reduction in cost to either party as the data still needs to be evaluated during the RFP process. He said it was uncertain as to when the County was looking to move forward and the City saw opportunities to move forward with the study based on other development activities. Schieber requested the Hoffman and the County be given an opportunity to be involved. Ziemer noted the County was identified as one of several partners in the City study.

Chair Paul thanked Hoffman and the HRA-EDA for putting on a grant writing workshop.

c. North Branch Area Chamber of Commerce Update

VERBAL
UPDATE

Chamber of Commerce Executive Director Melissa Collins provided an update from the Chamber, noting the upcoming Spring Fling event planned for April 25.

9. OLD BUSINESS

a. Discuss Proposed Amendments to the EDA Bylaws

INFO

Executive Director Ziemer reviewed proposed amendments to the EDA bylaws. He noted he was not looking to take action at the next meeting. Chair Paul added members should provide any thoughts but that the new members should be permitted additional time to review and share their thoughts.

Commissioner Schieber inquired as to whether there should be language that would allow EDA members to go to the Chair or Vice Chair, as an extra step, should the Executive Director feel certain items should not be on the agenda. Ziemer explained the purpose of the process is both to ensure topics placed on the EDA agenda are pertinent to the EDA and fall within the EDA's role. He added the process was not about keeping items off an agenda, but rather to work with members requesting agenda items so that the topic is clear for discussion. Chair Paul noted Ziemer does review the agenda with her, as Chair, and discuss issues and topics, and felt he was open to working through topics. Ziemer noted it was important to have a main point person for adding items to the agenda, and that should solely be the Executive Director as the staff liaison; that person can continue to collaborate with the Chair on matters.

Commissioner Schaps questioned whether the EDA should retain the Assistant Treasurer. Commissioner Thelander felt the planned, routine reporting by the Executive Director or Finance Director was more important than the position. Ziemer said he would look at adding that back in for discussion purposes.

Ziemer said he would update the bylaws and provide a clean version at the next meeting in addition to the relined version. No further action or discussion was taken regarding this item.

10. NEW BUSINESS

a. Economic Development Authority 101 & Updates

INFO

EDA Executive Director Ziemer provided an overview of the EDA and its roles and responsibilities, and also discussed more specific duties of the EDA in terms of a more traditional definition and definitions of today in terms of the EDA's impact on the local economy. He also reviewed what the EDA is currently doing that fits the vision and goals of the EDA, as previously established.

Chair Paul noted the effort being put forth to tell the community’s story. She added it was good to see what goes on behind the scenes of the meetings, and added continued clarity of the EDA's role is good as it relates to the authority resides with the Commission. Ziemer noted the enabling resolution that established the EDA and related City Code makes the EDA an advisory board, not stand alone entity. He said the Council can provide some level of autonomy to the EDA, which it has regarding the business park. That autonomy allows the EDA the ability to make land transaction decisions in the business park. He said the EDA can still act as allowed by State Statute, but most actions are recommendations to Council and Council approval.

11. NEXT MEETING - TUESDAY, MARCH 19, 2024 @ 11:30 AM

12. CLOSED SESSION

13. ADJOURNMENT

Commissioner Thelander moved and Commissioner Saunders seconded the motion to adjourn. Motion passed 6-0. Meeting adjourned at 1:31 p.m.

RESULT:	Passed
MOVER:	Jessica Thelander
SECONDER:	Marshall Saunders
AYES:	Sara Paul, Jessica Thelander, Kevin Schieber, Nyle LaGrange, Marshall Saunders, Peter Schaps
ABSENT:	Dennis Johnson
Notes:	



Prepared By:
Jason Ziemer, Community Development Director
Presenter: Jason Ziemer, Community Development Director
Date: 04/10/2024

Board & Commission: Economic Development Authority

Subject: 2024 Interstate Business Park Farming Contract

Overview / Background

The North Branch Economic Development Authority (EDA) has approved an annual lease, allowing for farming of land owned by the EDA in the North Branch Interstate Business Park. The agreement is with Mr. Barry Engdahl. Parcels subject to the agreement and related farm activities are shown on the attached map. Farming of the land with Mr. Engdahl is a part of the life estate agreement on the property. As a result, neither the EDA nor City may permit farming by any other person. Given this, Mr. Engdahl was given the go-ahead to commence farming activities.

The attached lease agreement is consistent with previous years. Mr. Engdahl is to pay to the EDA shall pay rent to the EDA to cover the property taxes due for 2024; not to exceed \$7,500. The lease agreement does not prohibit the EDA from marketing, selling and developing land in the Interstate Business Park.

Staff Recommendation

City staff recommend approval of the Farming Lease Agreement.

Recommended City Council Action

Motion to approve the annual Farming Lease Agreement with Barry Engdahl, allowing farming of EDA-owned land in the North Branch Interstate Business Park.

Voting Requirements:

Voting Options **Simple Majority**

FARMING LEASE AGREEMENT

THIS FARMING LEASE AGREEMENT (“Agreement”) is made and entered as of this 11th day of April, 2024 (“Effective Date”) by and between **BARRY ENGDAHL** (“Tenant”) and the **NORTH BRANCH ECONOMIC DEVELOPMENT AUTHORITY** (“Landlord”), a political subdivision, under the laws and constitution of the State of Minnesota.

RECITALS

- A. The Landlord is the fee owner of a parcel of real property located in the City of North Branch, County of Chisago, State of Minnesota, located east of Interstate Highway 35 and depicted on Exhibit A hereto as the North Branch EDA Parcel (such area not otherwise excluded from the parcel shall be referred to as the “Leased Premises”) which is generally held by Landlord for commercial development and resale (“Development Activities”).
- B. Tenant desires to lease the Leased Premises from Landlord and to plant, cultivate and harvest agricultural crops (“Farming Activities”) on the Leased Premises.
- C. In order to protect the Leased Premises, until such time as Landlord implements Development Activities on the Leased Premises, or described portions thereof, Landlord shall allow Tenant to conduct such Farming Activities on the Leased Premises in consideration of Tenant’s payment of the 2024 property taxes, per Section 4 – Rent of this Agreement, for the Leased Premises.
- D. Landlord and Tenant desire to set out the mutual rights and obligations of each in this Agreement.

AGREEMENT

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein contained and other good and valuable consideration in hand paid to the Landlord by the Tenant the receipt and sufficiency of which is hereby acknowledged by the Landlord, it is hereby agreed as follows:

- 1. Commencement and Termination Dates. The provisions of this Agreement shall commence on the Effective Date and shall terminate on December 31, 2024 (“Termination Date”).
- 2. Farming Activities; Termination by Landlord. Landlord agrees that from and after the Effective Date and until the Termination Date, unless earlier terminated by Landlord, Tenant shall be allowed to enter on the Leased Premises for the sole purpose of and conducting Farming Activities thereon provided however that as to all or any described portion of the Leased Premises. Landlord may terminate this Agreement, in whole or in part as to portions of the Leased Premises that are the subject of Development Activities as described in section 3 below, on not less than thirty (30) days written notice to Tenant

(“Termination Notice”). Except in the case of the termination of this Agreement by Landlord, if Tenant plants crops, grows hay or commences Farming Activities on the Leased Premises, Tenant shall be obligated to complete such Farming Activities commenced by Tenant in a manner so as to return the Leased Premises to Landlord on the Termination Date in substantially the same condition as existed prior to this Agreement. In no event will Farming Activities include the raising of livestock on, construction of fences on, construction of improvements to, or other non-crop production activities on the Leased Premises.

3. Development Activities. Tenant acknowledges that as part of its Development Activities, Landlord intends to subdivide, plat and/or develop the Leased Premises for purposes of selling all or designated portions of the Leased Premises to third parties (“Release Parcel”). Accordingly, Tenant agrees to cooperate with Landlord in all activities conducted by Landlord with respect to or relating to the Development Activities, including but not limited to ceasing any Farming Activities on such portion or portions of the Leased Premises as are described in the Termination Notice on the date specified in such Termination Notice. Landlord agrees that, if Tenant has commenced Farming Activities on a Release Parcel, and as a result of a Termination Notice, Tenant is not able to harvest and use or sell the crops being grown thereon, Landlord shall pay Tenant the actual expenses incurred up to a maximum of \$350.00 per acre (“Termination Payment”) for each acre (to the nearest acre) and the portion of the taxes for the same acreage contained in the Release Parcel or the portion thereof subject to this Agreement.
4. Rent. Landlord believes that Tenant’s conducting Farming Activities on the Leased Premises will help to preserve the Leased Premises until such time or times as Landlord desires to conduct Development Activities thereon. Accordingly, the parties acknowledge that Tenant’s rent for conducting the Farming Activities on the Leased Premises will be payment to Landlord of the property taxes for the Leased Premises due and payable in 2024, provided that such amount shall not exceed \$7,500.00. Tenant shall pay the real estate tax (rent) amount in two equal installments on May 1, 2024 and October 1, 2024. This agreement is intended to cover parcels 11.01072.10, 11.01072.13, 11.01072.33, 11.01072.30, 11.01072.29, 11.01072.28, 11.00359.26 and 11.00359.27, as adjusted or renumbered from time to time, as graphically depicted on Exhibit A.
5. Agreement Personal to Tenant. The rights granted hereunder are personal to the Tenant and may not be sold, transferred, conveyed or assigned, voluntarily or involuntarily, by the Tenant without the prior written consent of Landlord.
6. Tenant’s Responsibilities. Prior to the termination of Tenant’s rights granted hereunder, Tenant shall be responsible for conducting Farming Activities on the Leased Premises in a manner at all times consistent with good and prudent crop farming practices. Tenant shall provide Landlord with a summary of the planned Farming Activities to be conducted during the term of this Agreement and such operations shall be subject to Landlord’s consent, which shall not be unreasonably withheld or delayed.

7. Insurance. Tenant shall insure Tenant's Farming Activities on the Leased Premises against liability claims at levels acceptable to the Landlord. Tenant shall provide Landlord with a Certificate of Insurance satisfying the foregoing requirements on the date of execution of this Agreement.
8. Indemnification. Tenant does hereby agree that he will at all times hereinafter during the existence of this Agreement indemnify and hold harmless the Landlord, its officers, employees and all elected and appointed officials against any and all liability, claims, loss, damages, costs or expenses, including all attorneys' fees and costs of litigation, which Landlord may hereafter sustain, incur or be required to pay:
- a. By reason of any action or inaction by Tenant which may cause someone personal injury, death or property loss or damages either while participating in or receiving services from Tenant, or while on the Leased Premises.
 - b. By reason of Tenant causing injury to, or damage to property of another person during any time when Tenant is occupying the Leased Premises as provided under this Agreement.
 - c. By reason of Tenant's failure to pay the rent payments as and when due under this Agreement.
 - d. In the event any action is brought against the Landlord or any of its agents or employees because of the conduct of the Tenant or any of its employees, officers or agents, Tenant shall assume full responsibility for defense thereof, and upon its failure to do so upon proper notice, the Landlord reserves the right to defend such action and charge all costs thereto to Tenant.
9. Notices. Except as otherwise provided herein, all communications, demands, notices, or objections permitted or required to be given or served under this Agreement shall be in writing and shall be deemed to have been duly given or served if delivered in person or deposited in the United States mail, postage prepaid, for mailing by certified or registered mail, return receipt requested, and addressed to a party to this Agreement, to the address set forth below, or if a person not a party to this Agreement, to the address designated by a party to the Agreement in the foregoing manner. Any party may change its address by giving notice in writing, stating its new address, to any other party as provided in the foregoing manner. Commencing on the tenth (10th) day after the giving of the notice, the newly designated address shall be the party's address for the purpose of all communications, demands, notices, or objections permitted or required to be given or served under this Agreement.

TENANT'S ADDRESS

Barry Engdahl
48473 Forest Blvd
Rush City, MN 55069.

LANDLORD'S ADDRESS

North Branch EDA
6408 Elm Street, PO Box 910
North Branch, MN 55056
Attn: Jason Ziemer, Executive Director

10. Binding Effect. This Agreement shall be binding on and inure to the benefit of the parties hereto and the assigns, executors, heirs and successors of the parties. It is understood and agreed that this Agreement shall not be deemed to be nor intended to give rise to a partnership relation. Neither party shall have the right to bind the other without written consent.
11. Amendment, Modification, or Waiver. No amendment, modification, or waiver of any condition, provision, or term shall be valid or of any effect unless made in writing, signed by the party or parties to be bound or a duly authorized representative, and specifying with particularity the extent and nature of such amendment, modifications, or waiver. Any waiver by any party of any default of another party shall not affect or impair any right arising from any subsequent default. Except as expressly and specifically stated otherwise, nothing herein shall limit the remedies and rights of the parties hereto under and pursuant to this Agreement.
12. Severable Provisions. Each provision, section, sentence, clause, phrase, and word of this Agreement is intended to be severable. If any provision, section, sentence, clause, phrase, and word hereof is illegal or invalid for any reason whatsoever, such illegality or invalidity shall not affect the validity of the remainder of this Agreement.
13. Captions, Headings, or Titles. All captions, headings, or titles in the paragraphs or sections of this Agreement are inserted for convenience of reference only and shall not constitute a part of this Agreement as a limitation of the scope of the particular paragraphs or sections to which they apply.
14. Reference to Gender. Where appropriate, the feminine gender may be read as the masculine gender or the neuter gender; the masculine gender may be read as the feminine gender or the neuter gender; and the neuter gender may be read as the masculine gender or the feminine gender.
15. Minnesota Law. This Agreement shall be construed and enforced in accordance with the laws of the State of Minnesota.
16. Termination. Except for termination by Landlord as provided in Section 3 hereof, Landlord may terminate this Agreement on not less than 30-days written notice and without financial obligation (including costs and damages) to Landlord. Further, if Tenant abandons or fails to complete his obligations hereunder, Landlord shall be entitled to receive its actual costs and damages, including reasonable attorneys' fees resulting therefrom and Tenant shall not be entitled to any Termination Payment or other payment from Landlord.
17. Arbitration. In addition to all other remedies available to the Landlord, if a dispute arises, the Tenant and the Landlord may demand that such dispute be resolved by final and binding arbitration before a single arbitrator to be agreed upon by Tenant and the Landlord or failing such agreement, pursuant to rules for commercial arbitrations adopted by the American Arbitration Association. Landlord and Tenant will each pay one-half

(½) of the cost of such arbitrator unless the arbitrator determines that such proceeding was brought or defended in bad faith whereupon the arbitrator may award all of his or her costs against such party who is determined to have acted in bad faith.

18. No Right to Sublet. Landlord does not convey to the Tenant the right to lease or sublet any part of the Leased Premises or to assign this Agreement to any person or persons whomever.
19. Right of Entry. Landlord reserves the right, in person or by agent, to enter the Leased Premises at any reasonable time to: consult with Tenant or to make repairs, improvements, and inspections.

[Remainder of this page intentionally left blank.]

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed effective the day and year first set forth above.

TENANT

Barry Engdahl

STATE OF MINNESOTA)
)ss.
COUNTY OF CHISAGO)

The foregoing instrument was acknowledged before me this _____ day of _____, 2024 by Barry Engdahl.

Notary Public

LANDLORD

North Branch Economic Development Authority

Sara Paul, Chairperson

Jason Ziemer, Executive Director

STATE OF MINNESOTA)
)ss.
COUNTY OF CHISAGO)

The foregoing instrument was acknowledged before me this ____ day of _____, 2024 by Sara Paul and Jason Ziemer, Chairperson and Executive Director, respectively, of the North Branch Economic Development Authority, a Minnesota Political subdivision on behalf of the Authority.

Notary Public

THIS INSTRUMENT WAS DRAFTED BY:

City of North Branch
6408 Elm Street. PO Box 910
North Branch, MN 55056-0910
(651) 674-8113
(651) 674-8262 Fax

EXHIBIT A

FARMING
LEASED AREA



Prepared By:
Jason Ziemer, Community Development Director
Presenter: Jason Ziemer, Community Development Director
Date: 04/11/2024

Board & Commission: Economic Development Authority

Subject: North Branch Area Schools Update

Superintendent Sara Paul and Amelia Bjerketvedt will provide an update from North Branch Area Schools.

Voting Requirements:

None.



Prepared By:
Jason Ziemer, Community Development Director
Presenter: Jason Ziemer, Community Development Director
Date: 04/11/2024

Board & Commission: Economic Development Authority

Subject: Chisago County HRA-EDA Update

Nancy Hoffman, Chisago County HRA-EDA Executive Director, will provide an update from the Chisago County HRA-EDA.

Voting Requirements:

None.



CHISAGO COUNTY HRA-EDA

A Natural Resource for Business

DATE: March 19, 2024
TO: North Branch EDA
FROM: Chisago County HRA-EDA
RE: HRA-EDA Updates

The Chisago County Child Care Coalition has been extremely busy. We are working with three potential new child care centers, one in North Branch. For the North Branch facility, the HRA-EDA applied for a MN DEED grant to help with project costs. Many Coalition partners are assisting.

On May 1st we will be holding the 3rd Annual SBDC Open House. There is great information for businesses. On May 3 the North Central SBDC will be holding a Legacy Planning session at the HRA-EDA office. This week is also National Small Business Week. More information is to come on both events.

For marketing, the HRA-EDA will be attending the Real Estate Journal Land Conference with the opportunity to present and have a booth. We are also a candidate for the Real Estate Journal award finalist for City/County of the Year. The awards will be announced on April 18, 2024.

MidCo received a Border-to-Border Broadband grant along with a Chisago County Broadband grant to bring fiber to the premises to 137 locations in North Branch, Stacy, Wyoming, and Chisago Lake Township.



CHISAGO COUNTY HRA-EDA

A Natural Resource for Business

DATE: April 16, 2024
TO: North Branch EDA
FROM: Chisago County HRA-EDA
RE: HRA-EDA Updates

The HRA-EDA will be holding its annual SBDC Open House on Thursday, May 2 from 11:00 to 2:00. A variety of presentations will be provided including What is SBDC, Marketing, Starting a business, and a couple of SBDC Business Client success stories. Refreshments from SBDC clients and door prizes are also provided.

On Friday May 3, SBDC Consultant Mike Paulus will be providing a Legacy Planning Training from 1:00-3:00. The cost is \$50.00, but Chamber members may attend for free. This event is offered at the HRA-EDA office in North Branch.

The HRA-EDA is making changes to the Housing Trust Fund Policy to provide more programs to meet the criteria of the State Local Housing Aid program. The applications are now being created to go with the policy. These funds will assist with more rehabilitation of affordable housing, housing feasibility studies, and assistance to tenants that cannot pay the rent due to a major event.

The next Chisago County Collaborative Initiative will be held on May 22, 2024 at the Chisago Lakes Wildcat Community Center at the High School. Topics include legislative updates, countywide branding, and community updates.

March 11, 2024

Minnesota Department of Employment and Economic Development (DEED)
Business and Community Development Division
332 Minnesota Street, Suite E200
St. Paul, MN 55101

Re: Child Care Economic Development Grants

Dear Minnesota DEED staff:

We present this letter in support of the Child Care Economic Development Grant as submitted by the Chisago County HRA-EDA. Child care is significant challenge facing our families and our employers across the State of Minnesota, including here in Chisago County and the City of North Branch. That challenge is not only access to and availability of those spaces to serve the varying needs of our families, but also the financial burden facing both providers to open such facilities, as well as the expenses to our families.

According to a 2022 study, existing child care businesses across Chisago County are at capacity, resulting in a gap of 1,449 spots needed for children birth to five (5) years old. North Branch, specifically, needs an estimated 203 spots. That number may actually be significantly higher given the large number of residents that commute elsewhere for work. The proposed Compass Child Care Center will help North Branch and Chisago County start filling that critical need, notably infant care through pre-school. The proposed location, in the former North Branch Outlet Mall, is also permitted by zoning standards.

Thus, the City of North Branch and North Branch Economic Development Authority (EDA) are excited about the proposal from Compass Child Care to open a care facility in our community. With our sustained and projected population growth, and as a major employment center for Chisago County, the addition of this child care center to our City allows North Branch to be a full-service community by providing the type of critical support services required by our current and future residents. From an economic development perspective, our ability to provide critical support services has a direct benefit on our local businesses. The addition of a child care center allows residents the option to live and work in the same community, which enhances the pool of potential workers for our employers. With more workers available and a more diverse labor force, existing businesses may consider options to expand and/or attract new businesses to our community.

Because this is an important business to our community, to help lessen the financial burden, the North Branch EDA and City Council are willing to consider fee waivers, if requested and said support qualifies for such assistance. We fully support this project and the funding request from Chisago County HRA-EDA, totaling \$300,000, and we ask for your support and approval for said funding. Thank you.

Sincerely,



Jason Ziemer
Interim City Administrator, City of North Branch
Executive Director, North Branch Economic Development Authority



Prepared By:
Jason Ziemer, Community Development Director
Presenter: Jason Ziemer, Community Development Director
Date: 04/11/2024

Board & Commission: Economic Development Authority

Subject: North Branch Area Chamber of Commerce Update

Melissa Collins, North Branch Area Chamber of Commerce Executive Director, will provide an update regarding Chamber activities and events.

Voting Requirements:

None.



Prepared By:
Jason Ziemer, Community Development Director
Presenter: Jason Ziemer, Community Development Director
Date: 04/11/2024

Board & Commission: Economic Development Authority

Subject: 2024 First Quarter Building Activity Report

The Building Activity Report is provided quarterly; attached is the report for 2024 Quarter 1. This report is provided as informational only.

Voting Requirements:

None.

2024 Building Activity Report

Month	New SFD House/Att. Garage		Detached Accessory Structures		Other Building Permits		Additions		Other Permits		New Commercial		Other Commercial	
	#	Value	#	Value	#	Value	#	Value	#	Value	#	Value	#	Value
January	3	548,038	0	-	19	330,079	0	-	17	245,933	0	-	3	\$35,000.00
February	3	482,315	0	-	9	239,020	0	-	19	71,789	0	-	5	\$441,300.00
March	13	2,217,826	0	-	25	295,715	0	-	40	290,981	0	-	3	\$111,000.00
April														
May														
June														
July														
August														
September														
October														
November														
December														
SUBTOTAL	19	\$3,248,179	0	\$0	53	\$864,814	0	\$0	76	\$608,703	0	\$0	11	\$587,300.00
Total permits Issued For Year							=	159						
Total Value of All Permits Issued For Year							=	\$5,308,996						

Other building permits include: roofing, siding, decks and other building alterations.

Other permits include: plumbing, mechanical, septic, fences, pools and detached accessory structures under 200 sq. ft.

Month	Total Number of Inspections
January	170
February	168
March	238
April	
May	
June	
July	
August	
September	
October	
November	
December	
Total Inspection for Year	= 576

YEAR	Home Starts	1st QTR	2nd QTR	3rd QTR	4th QTR	INSPECTIONS
2005	90	10	34	33	13	
2006	29	8	10	7	4	
2007	27	3	9	13	2	
2008	8	1	3	3	1	
2009	5	0	2	1	2	
2010	2	2	0	0	0	
2011	5	0	2	1	2	
2012	31	1	8	12	10	
2013	41	5	13	12	11	
2014	36	5	11	15	5	
2015	45	7	6	14	18	
2016	50	8	16	14	18	576
2017	42	6	14	13	9	1999
2018	73	10	24	24	15	2581
2019	49	6	17	8	18	2510
2020	113	4	36	47	26	3486
2021	102	32	27	33	10	3577
2022	64	4	22	30	8	3304
2023	98	9	34	46	9	4489
2024		19				



Prepared By:
Jason Ziemer, Community Development Director
Presenter: Jason Ziemer, Community Development Director
Date: 04/11/2024

Board & Commission: Economic Development Authority

Subject: North Branch Business Park AUAR Discussion

Overview / Background

At the January 16, 2024 meeting of the Economic Development Authority (EDA), EDA Executive Director Jason Ziemer provided an update regarding recent and ongoing development activities, as well as other general EDA items. One of the topics was the 2024 update to the Alternative Urban Areawide Review (AUAR) for the North Branch Interstate Business Park. The AUAR was first adopted in 2004. It is required to be updated every five (5) years; those updates occurred in 2009, 2014, 2019 and 2024. The update was completed and submitted for review to and comment from local and state agencies; see attached letter. All comments were responded to or noted as received. The initial study and subsequent updates were completed by the City's engineering firm, WSB.

In summary, an AUAR studies areas planned for development, examining potential and likely "environmental" impacts from such development on the area and community, including, but not limited to: land use, environment and natural resources, transportation, utilities, pollution, etc. Unlike site specific studies, such as an Environmental Assessment Worksheet (EAW) or Environmental Impact Statement (EIS), an AUAR completes an analysis of the cumulative impacts of development planned to occur in a study area over several years. Thus, an EAW and/or EIS are specific to a specific project; an AUAR is not. An AUAR explores a more conceptual series of development scenarios. As that land has developed over the years the AUAR is reviewed and updated to ensure assumptions remain the same or if they require change. For the 2024 update it was determined the previous assumptions and likely impacts remain unchanged. Those assumptions can be revisited as development happens, notably for larger developments that may impact the issues and outcomes of the current, updated AUAR.

EDA members had several questions at the January 2024 meeting. Alison Harwood, WSB, worked on the 2024 update and will attend the March 19, 2024 EDA meeting to walk members through the AUAR update and answer general and/or specific questions. This discussion is informational only; no formal EDA action is required. Minnesota Rules requires the City Council to formally adopt the AUAR and updates; that action is planned for the April 9, 2024 Council meeting.

Staff Recommendation

None.

Recommended Economic Development Authority Action

None.

Voting Requirements:

None.

Memorandum

To: Jason Ziemer, City of North Branch

From: Alison Harwood, WSB

Date: March 15, 2024

Re: Interstate Business Park AUAR Update
WSB Project No. 24131-000

The City of North Branch prepared an Alternative Urban Areawide Review (AUAR) for the Interstate Business Park (formerly North Branch Development and ESSBY) in 2004. The AUAR is a modified form of environmental review that aligns with MN Rule 4410. MN Rule 4410 requires state environmental review for certain types and densities of projects, before other governmental approvals can be provided. The purpose of an AUAR is to identify the potential for cumulative impacts of anticipated development within an area and mitigation measures for those impacts. It is also used as a planning tool to inform future permitting, planning, and zoning decisions.

The advantage of an AUAR is that it helps a community be “shovel ready” in terms of required state environmental reviews and identifies future studies or approvals that will be required of individual developments as they come in. This can help streamline future development reviews for city staff and for developers. The AUAR can be completed years in advance of development and reviews large areas that may contain multiple individual developments, but still includes a level of analysis that allows for planning and identifies mitigation. An AUAR is valid for 5 years and then must be updated to remain valid under MN Rule 4410.

The Interstate Business Park AUAR study area was initially studied in 2004 and the review has been updated 3 times (2009, 2014, and 2019). The most recent AUAR Update was adopted by City Council in January 2019. Because 5 years has passed, the coverage from the that update has now lapsed. If development that exceeds any thresholds outlined in MN Rule 4410 is proposed within the AUAR study area, either the City or individual developer would be responsible for completing a new review. The 2024 AUAR Update will allow for continued environmental review coverage within the study area, for all proposed land uses that align with the development scenario studied.



2024 ALTERNATE URBAN AREAWIDE REVIEW UPDATE

INTERSTATE BUSINESS PARK
(Formerly North Branch Development
Area, ESSBY Area)

Original AUAR: June 2004
Update 1: March 2009
Update 2: February 2014
Update 3: January 2019

Prepared for:
City of North Branch
6408 Elm Street
North Branch, MN 55056

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Appendix A – Figures

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Appendix B – MNDNR Natural Heritage Database Review

Appendix C – Responses to Comments



I. INTRODUCTION AND PURPOSE

The City of North Branch adopted the North Branch Development Final Alternative Urban Areawide Review (AUAR) in June 2004. The first update was completed in 2009 (renamed ESSBY), followed by a second update in 2014 and third update in 2019. The site was renamed to the Interstate Business Park in the 2019 update. Pursuant to Minnesota Rules 4410.3610 Subp. 7, for the AUAR to remain valid as the environmental review document for the area, the document needs to be updated every five (5) years until all development in the study area has received final approval. Since undeveloped areas remain in the study area and the AUAR will expire in February 2024, the purpose of this document is to update the AUAR pursuant to Minnesota Rules.

The original Interstate Business Park study area was approximately 393 acres; it is located south of 410th Street, east of Interstate 35 (I-35), west of CSAH 30, and north of Aztec Trail near the north central portion of the City (see **Figures 1 and 2**). The original AUAR included an analysis of the three (3) scenarios featuring different land use development potentials based on existing conditions in 2004. Since that original AUAR was completed, the Comprehensive Plan was updated, resulting in the previous Scenarios no longer being considered and were removed from further consideration. The City of North Branch updated its Comprehensive Plan to guide this area as industrial, business, high density residential, and residential. This latest scenario, Scenario 5 below, reflects the updated Comprehensive Plan and related related Land Use Plan

- Scenario 5 – 286 acres industrial; 40 acres business; 67 residential (4 acres single family; 49 acres medium density; 14 acres high density) (**Figure 3**).

The June 2004 Final AUAR is available for review on the City's website at www.ci.north-branch.mn.us. This AUAR Update is intended to serve as an update and includes a review of the areas that have developed, an update to the environmental analysis as needed, and a review of the mitigation measures.

II. APPROVED DEVELOPMENT/CURRENT CONDITIONS

Twenty-one developments have been approved within the study area, including 14 single family dwellings (**Figure 4**) (**Table 1**). Of the 393 acres in the study area, approximately 57.6 acres have been approved for development. Since the 2019 AUAR Update, developments within the Interstate Business Park area, as defined by the AUAR study area, included single-family homes, medium and high-density residential, and an assembly and distribution facility; all were built in the southern portion of the study area. The approved developments are listed in **Table 1**.

Table 1. Summary of developed parcels.

Development	Activity	Parcel Size (acres)	Building Size (square feet/residential units)	AUAR Update Year
Heritage Court Apartments	Multi-Family Residential	3.9	56,214 / 32 Units	2022
Single Family Homes	Multiple Single Family Residential Dwellings	5.4	14 units	2020 - 2021
Cherokee Place, LLC	Multi-Family Residential	6.9	72,014 / 48 units	2019 - 2021
Everlong Holdings, LLC	Assembly and Distribution Facility	2.5	15,120	2020
Viking Coca-Cola	Beverage Distributor	15.0	72,750	2014
St. Croix Stone	Decorative Stone Distributor/Manufacturer	15.0	34,000	2014
Lakes Region EMS	Office Facility Transportation	6.1	22,000	2014
Chisago County Health and Human Services	Office	2.8	11,300	2014

III. AREAS REMAINING TO BE DEVELOPED

Of the 393 total acres, there are approximately 335 acres remaining in the study area that have not been approved for development. Most of these areas have remained in agricultural production. It is anticipated that these areas will develop as analyzed in the AUAR. The timing of development is subject to market conditions. Recently, North Branch has experienced an increase in land development interest, proposals, and projects. Development of the study area is anticipated to occur over the next three (3) to 20 years.

IV. UPDATE TO THE ENVIRONMENTAL REVIEW

Threatened and Endangered Species: An updated MNDNR Natural Heritage Database information was requested for this AUAR Update. The State-listed threatened Blanding's turtle (*Emydoidea blandingii*) has been documented in the vicinity of the proposed project and has required avoidance measures which are noted in the mitigation section. Correspondence has been requested by the DNR and will be provided when available (**Appendix B**).

Historical and Cultural Resources: Updated data from the State Historic Preservation Office (SHPO) was requested. There are no listings within the project area. In 2019, SHPO reviewed the project area and concluded that there are no known or suspected archeological sites and no properties listed on the State or National Register.

Hazardous Waste and Contamination: A review of the Minnesota Pollution Control Agency (MPCA) What's in My Neighborhood Database was completed in December 2023 to identify sites with known, or suspected contamination within the study area. There were no additional sites of potential environmental concern beyond those identified in the 2019 AUAR Update. There are two closed and inactive sites along 400th Street associated with petroleum spills or leaks. These occurred in the mid-2000s.

Municipal Water and Sewer: Since the 2019 update, various sections of watermain have been constructed, including along Flink Avenue, 400th Street, and Golden Avenue to Forest Boulevard. No new sections of sanitary sewer have been added since 2019. **Figure 5** shows the sewer and water plan for the study area.

Stormwater Management: City stormwater management requirements remain unchanged from the 2019 AUAR update. There have been changes in state requirements since the 2019 AUAR update under the Small Municipal Separate Storm Sewer System General Permit (MS4 Permit) for required stormwater treatment off of new and reconstructed impervious. There have been no significant updates to stormwater routing or regional ponding proposed for the study area since the 2019 AUAR Update. **Figure 6** shows the stormwater management plan for the study area.

Transportation: Since the 2019 Update, the northbound and southbound left turn lanes at CSAH 30 and 410th St were constructed and 399th Street at the single-family

residential development on the south side of the study area was also constructed. Since the previous update, the proposed I-35 overpass at 400th Street has been revised to also consider an interchange ramp. The city continues to pursue funding for pre-design and right-of-way acquisition for this improvement. **Figure 7** shows the transportation plan for the study area.

Sustainability: North Branch became a GreenStep City in 2018 and has since completed Steps 1, 2, and 3. The GreenStep City program is intended to help cities achieve community-wide sustainability. The city's Comprehensive Plan also identifies policies that encourage sustainable development throughout the city, including within this AUAR study area.

V. MITIGATION SUMMARY AND UPDATE

Based on this AUAR Update, the area has developed as anticipated and planned for in the City's Comprehensive Plan and the AUAR. As such, the mitigation measures outlined in the AUAR and subsequent AUAR updates remain applicable. Some mitigation measures have been completed. The mitigation measures are provided below, including a progress update:

1. Fish, Wildlife, and Ecologically Sensitive Resources

- A. There is remnant prairie along the railroad right-of-way. As development occurs, developers will be encouraged to avoid impact to this area. If impact is needed, it will be minimized to the greatest extent practical. ~~The remnant prairie along the railroad right-of-way will remain intact.~~
Ongoing Revised (2019)
- B. Clear cutting will not be allowed as part of development. **Ongoing**
- C. Efforts to preserve the trees and wooded areas adjacent to and within the railroad right-of-way will be made to the greatest extent feasible. See also Mitigation Item 10.C. **Ongoing**
- D. Blanding's turtles have been reported near the study area. The City will provide the Blanding's turtle information sheets to the contractors working in the study area. If Blanding's turtles are encountered during construction activity, the contractor will be required to move turtles that are in harm's way. Turtles that are not in imminent danger shall be left undisturbed in conformance with DNR guidance. **Ongoing**
- E. Erosion control measures will be removed after a disturbed area is revegetated to minimize impacts to Blanding's turtle movements.
Ongoing



- F. Direct impact to the railroad right-of-way will be avoided, thereby preventing impact to the prairie remnants in this area. Erosion control will be installed on project construction sites to eliminate potential for sediment to enter these off-site areas. Any drainage or water management infrastructure needed within railroad right-of-way will consider protection of the prairie remnants that occur within ditch areas. **Ongoing**
- G. The City will encourage the developer(s) of the property to market removed trees as sawlogs, landscape materials, firewood, or bio-fuel. **Ongoing**
- H. In years when stormwater maintenance schedules for dredging sediment will be needed, the city will draw down the water levels prior to September 15th to allow blundings turtles to find overwinter habitat elsewhere. **Ongoing, NEW (2024)**
- I. Erosion control blankets utilized within the project area will be limited to 'bio-netting' or 'natural netting' types to minimize the potential for entanglement by small animals. **Ongoing, NEW (2024)**
- J. The City will encourage developers to use native, weed-free, seed mixes wherever lawn is not planned. **Ongoing, NEW (2024)**

2. Water Use Mitigation Plan

- A. Any wells found within the study area will be sealed and abandoned in accordance with Minnesota Department of Health guidelines. **Ongoing**
- B. Any new wells (supply, dewatering, monitoring, or other) shall be constructed in accordance with Minnesota Statutes Chapter 103I and Minnesota Rules Chapter 4725. **Ongoing**
- C. **Figure 5** shows the proposed mitigation plan for the water supply improvements needed to serve the site. The improvements shown are those that are specifically needed to accommodate the development area. **Partially Completed**
- D. Business Park land use water demands can be highly variable depending upon the business operation or manufacturing process employed at each property. At the time of the five (5) year AUAR evaluation, water demands from individual properties should be evaluated and water demand projections should be revised if necessary. **Ongoing**
- E. In accordance with the North Branch Wellhead Protection Plan (WHPP), continue protection of the existing Drinking Water Supply Management Area (DWSMA). **Ongoing**

3. Erosion and Sedimentation Mitigation Plan

- A. The project owner must apply to the MPCA for a National Pollutant Discharge Elimination System (NPDES) General Stormwater Construction Activity Permit. That application includes a series of statements, which must be affirmed by the permittee. These statements include assurances that sediment and erosion control plans have been or will be prepared, and that these plans will be adhered to by the proposer. The sediment and erosion control plan will provide more detail as to the specific measures to be implemented and will also address phased construction, vehicle tracking of sediment; inspection or erosion control measures implemented, and timeframes in which erosion control measures will be implemented. **Ongoing as needed.**
- B. The requirements of the NPDES General Permit referenced above provide that all exposed soil areas have temporary protection or permanent cover during and after construction. The requirement is dependent upon the slopes in the area. The NPDES General Permit is enforceable by the MPCA. **Ongoing as needed.**
- C. All grading will be subject to the MPCA NPDES requirements. Development will be required to be in conformance with the MPCA's Best Management Practices (BMPs) per the City's Comprehensive Plan policy. BMPs as outlined by MPCA include:
 - Erosion control blankets along channels and slopes;
 - Temporary and permanent seeding and mulching of disturbed areas;
 - Phasing of construction activities within individual developments to minimize soil exposure;
 - Use of rock construction entrances to minimize tracking of soil off-site;
 - Conformance with NPDES permits and storm water pollution prevention plans (SWPPP);
 - Silt fence, where applicable, to reduce sedimentation from the site;
 - Riprap at outfalls to reduce stormwater velocity;
 - Vegetated swales where applicable;
 - Silt fence or rock checks;
 - Temporary and permanent ponding; and
 - Protection of storm sewer inlets;

The implementation of these BMPs are **Ongoing as needed.**

- D. Grading and erosion control plans will be reviewed and approved by the Chisago Soil and Water Conservation District. **To be obtained as needed**
- E. All development SWPPPs will be required to note avoidance measures for state-listed species. **Ongoing, NEW (2024)**

4. Water Quantity and Quality Mitigation Plan

- A. As the site is within the Anoka Sand Plain it contains soils that are conducive to infiltration. The regional ponding system will be designed to use infiltration of stormwater at an anticipated rate of approximately 1.0-inch/hour. Ponds will require regular maintenance to maintain the capacity of the system. This type of management strategy will be evaluated further as part of specific plan development and review. If it is determined that infiltration of stormwater will adversely impact ground water quality, alternatives to infiltration will be considered. **Complete**
- B. As additional areas are developed, stormwater management systems will be required and reviewed on a site-by-site basis. Stormwater management will be required to meet the allowable discharge rate from new development of 0.5cubic feet per second (cfs)/acre and must provide infiltration of 1.1 inches of runoff for newly constructed impervious surfaces. **Ongoing**
- C. An MNDNR permit will be obtained for the future outfall to the Sunrise River. **To be completed when needed**
- D. Stormwater outlets from the study area will be required to conform to State and City policies/requirements. **To be completed when needed**
- E. Stormwater will be treated to City standards. The City will provide rate control and treatment through the use of a regional system. The developers or the City will be required to implement the stormwater management plan outlined as part of the water quality and quantity management strategy defined in this AUAR. **Partially complete**
- F. A temporary dewatering permit may be needed for construction. The developers or the City will be responsible for obtaining all necessary permits for this work. **To be obtained as needed**
- G. The Sunrise River is listed as an impaired water. The stormwater management plan is required to take into account any Total Maximum Daily Loads (TMDLs) or implementation plans for impaired waters in the area. **Ongoing**
- H. The stormwater management plan shown on **Figure 6** will be implemented by the City and/or the developers. **Partially completed**
- I. Stormwater from the development will be treated to NURP guidelines. Treatment to NURP guidelines will be provided through regional or site-by-site stormwater ponding systems. **Partially completed**



- J. The City does not intend to discharge any untreated stormwater to downstream natural water courses or wetlands. **Partially completed**
- K. The City or developer will be responsible for grading the site appropriately to provide adequate stormwater management to the extent necessary and will be required to obtain the necessary permits for stormwater management and grading. **Ongoing**
- L. It will be required that post-development discharge rates will not exceed pre-development discharge rates in the 10-day snowmelt critical storm event. The proposed project design will meet these standards. **Partially completed**

5. Wastewater Mitigation Plan

- A. MPCA standards will be enforced for on-site sewage systems. Compliance with MPCA standards will be monitored as required. It is assumed that no new on-site sewage systems will be constructed in the area. It is expected that any reconstruction or rehabilitation of existing systems will be done in accordance with applicable standards. **Ongoing**
- B. It is anticipated that most if not all of the study area will be served by municipal sewer that flows to the trunk sewer system with eventual treatment at the City's wastewater treatment facility. Municipal sewer will be constructed as part of private development in the project area as shown on **Figure 5. Partially completed**
- C. The original AUAR indicated that a 15-inch sanitary sewer line would be constructed west of Fletcher Avenue. This was changed to a 21-inch sewer as part of the 2019 Flink Avenue Watermain and Sanitary Trunk Project. **Revised (2019)**

6. Geologic Hazards and Soil Conditions Mitigation Plan

- A. Grading and erosion control plans will be reviewed and approved by the Chisago Soil and Water Conservation District. **To be obtained as needed**
- B. Tanks and other potential pollutant sources will be removed in accordance with State standards if they are encountered as part of development. **Ongoing**
- C. Any fuel station type services will be required to conform to State regulations. **Ongoing**
- D. Mitigation includes the development of a spill response plan. For industrial and commercial areas, spills will be reported to the fire chief or

applicable City staff. The fire chief or applicable City staff will in turn notify any other appropriate officials depending on the nature of the spill.
Ongoing

- E. Individual waste hauler companies will make residential and commercial recycling programs available to the area. General municipal waste will be removed by these waste hauler companies. **Ongoing**
- F. ~~Covenants for outside storage of materials within the industrial and commercial land uses will be used. At a minimum, any material that could dissolve or degrade in outside conditions will be required to be covered and particular protection for those substances that would be soluble in water and cause a potential for contamination of the drinking water aquifers will be provided in these covenants.~~ Outside storage of materials within the industrial and commercial land use areas may require a Conditional Use Permit (CUP), if permitted and depending on the type of materials to be stored. **Revised (2024), Ongoing**

7. Transportation Mitigation Plan

- A. Several traffic mitigation measures have been developed to address unacceptable levels of service (LOS E or F) and delay that would occur if full build-out of the proposed development takes place. These measures are shown on **Figure 7**.
 - I. CSAH 30/400th Street Intersection Improvements (2004-2008): This mitigation project includes adding northbound, southbound, eastbound, and westbound turn lanes at this intersection. **Partially completed**
 - II. 400th Street Construction (2004-2008): As part of this project, 400th Street was upgraded to three lanes with a center turn lane between CSAH 30 and I-35. **Completed**
 - III. Install traffic signal at the CSAH 30/400th Street intersection. To be **completed as needed**
 - IV. Construct an interchange or overpass at 400th Street over I-35 (2008-2024+): This project includes ~~turn lanes and potential realignment~~ a roundabout at the intersection of 400th Street and Flink Avenue. **Revised (2024). To be completed**
 - V. CSAH 30 Street Improvements (2008-2024+): This project includes adding a center left turn lane at selected intersections between TH 95 and 410th Street. **Partially completed**
 - VI. Flink Avenue Improvements (2024+): This project includes upgrading Flink Avenue to a three-lane street with a center turn lane as well as



realigning CR 68 at TH95. The realignment will be phased with development. A roundabout is planned to be constructed at Flink Avenue and 392nd Street. ***Partially completed***

- B. If a Park-and-Ride is proposed in the study area, a traffic analysis will be completed to determine if additional traffic and noise mitigation measures are needed. ***To be completed as needed***

8. Noise Mitigation Plan

- A. The City will require noise mitigation through the City plan review process, if deemed necessary. ***To be completed, if needed***

9. Nearby Resources Mitigation Plan

- A. The City requires ~~40%~~ park dedication or cash in-lieu for residential development and commercial/industrial development. ***Ongoing***
- B. The City will provide municipal services to most of the study area. These services include storm sewer systems, sanitary and water service, and City streets. These services will be constructed in conjunction with various phases of development. ***Partially completed***
- C. The City will continue to implement its capital improvement plan (CIP) to locate and provide community facilities to its residents. ***Partially completed***
- D. The City shall provide the AUAR to the School District for review. ***Complete***

10. Visual Impact Mitigation Plan

- A. Through City plan review, the City shall require appropriate screening of developments adjacent to land use changes and natural resources as deemed necessary by the City. ***Ongoing***
- B. The City will encourage the installation of vegetated wind rows where practical. This practice should be integrated with the stormwater management requirements defined for the study area. ***Ongoing***
- C. At a minimum, a portion of the wooded area located at the south border of the study area is anticipated to remain or be augmented to buffer the existing residential area from development within the study area. If removal of this wooded area is necessary, trees will be replanted for buffering purposes. ***Ongoing***



- D. The DNR recommends that any project within the study area using LED luminaries follow the MnDOT Approved Products for luminaries, which limits the Uplight rating to 0 to avoid impacts to birds, insects, and fish. **NEW (2024)**

11. Compatibility with Land Use Regulations Mitigation Plan

- A. Developers or the City will be required to obtain permits and city zoning and land use approvals as needed for any development scenario. The permits and approvals are listed under Item #8 of the 2004 AUAR. The permitting process is anticipated to be one tool for the implementation of the mitigation outlined in this AUAR. It is the responsibility of the project proposer to obtain all necessary permits and approvals. **Ongoing**
- B. The City will comply with its own standards, ordinances, plans, and policies referred to in the AUAR in the review and approval of all development activities within the AUAR study area. **Ongoing**
- C. The City will update this AUAR based on Minnesota Rules 4410.3610 Subpart 7 if after five years all development in the study area has not been approved by the responsible government unit (RGU), or if certain conditions or assumptions change, including land use classifications or development densities. **Ongoing**
- D. The City will pursue a site design that will balance the land use types to minimize impacts to residents and landowners of the area. **Ongoing**
- E. The City will pursue a development strategy that optimizes the use by residents and minimizes environmental impacts in and around the study area by buffering between land uses. **Ongoing**
- F. Development in the study area is required to conform to State standards associated with dealing with hazardous materials or storage tanks that may be encountered during construction activity. **Ongoing**
- G. Development will be required to meet the City's landscaping ordinance. **Ongoing**
- H. The City will encourage development to minimize impervious surfaces where applicable and feasible. **Ongoing**

12. Sustainability (New 2024)

- A. Implement Policy 1.3.2 of the Comprehensive Plan to discourage patterns of development that would stress existing infrastructure and ecosystems.



VI. AUAR UPDATE REVIEW

Pursuant to Minnesota Rules 4410.3610 Subp. 7, this AUAR Update will be submitted for a 10-day comment period. Once the review period is complete and the Council adopts the AUAR Update, the AUAR will remain valid for an additional five years from the adoption date.

APPENDIX A – FIGURES

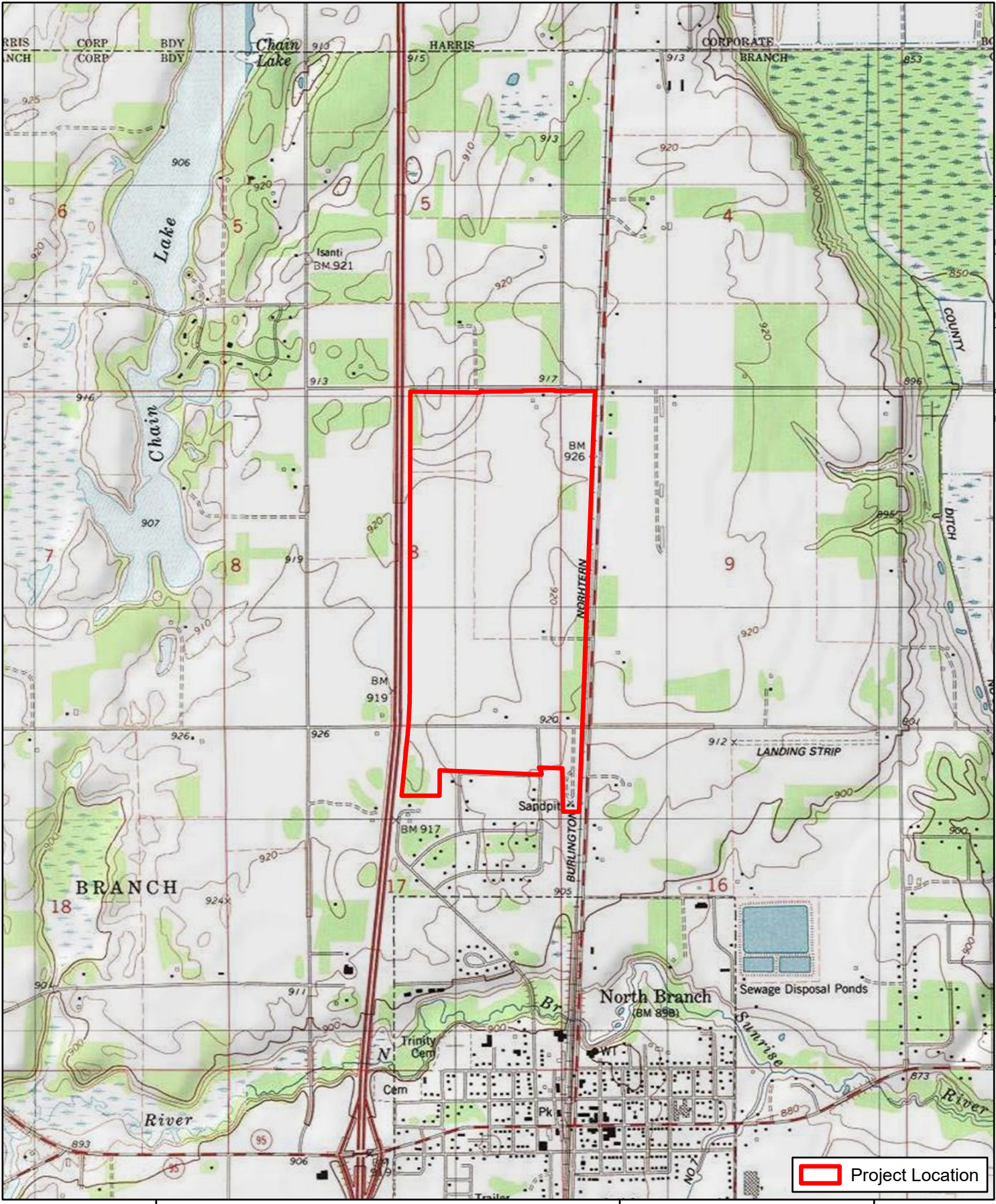
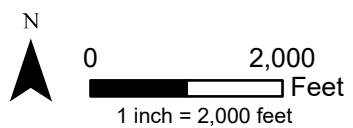


Figure 1 - USGS Topographic Map
2024 AUAR Update
Interstate Business Park
North Branch, MN



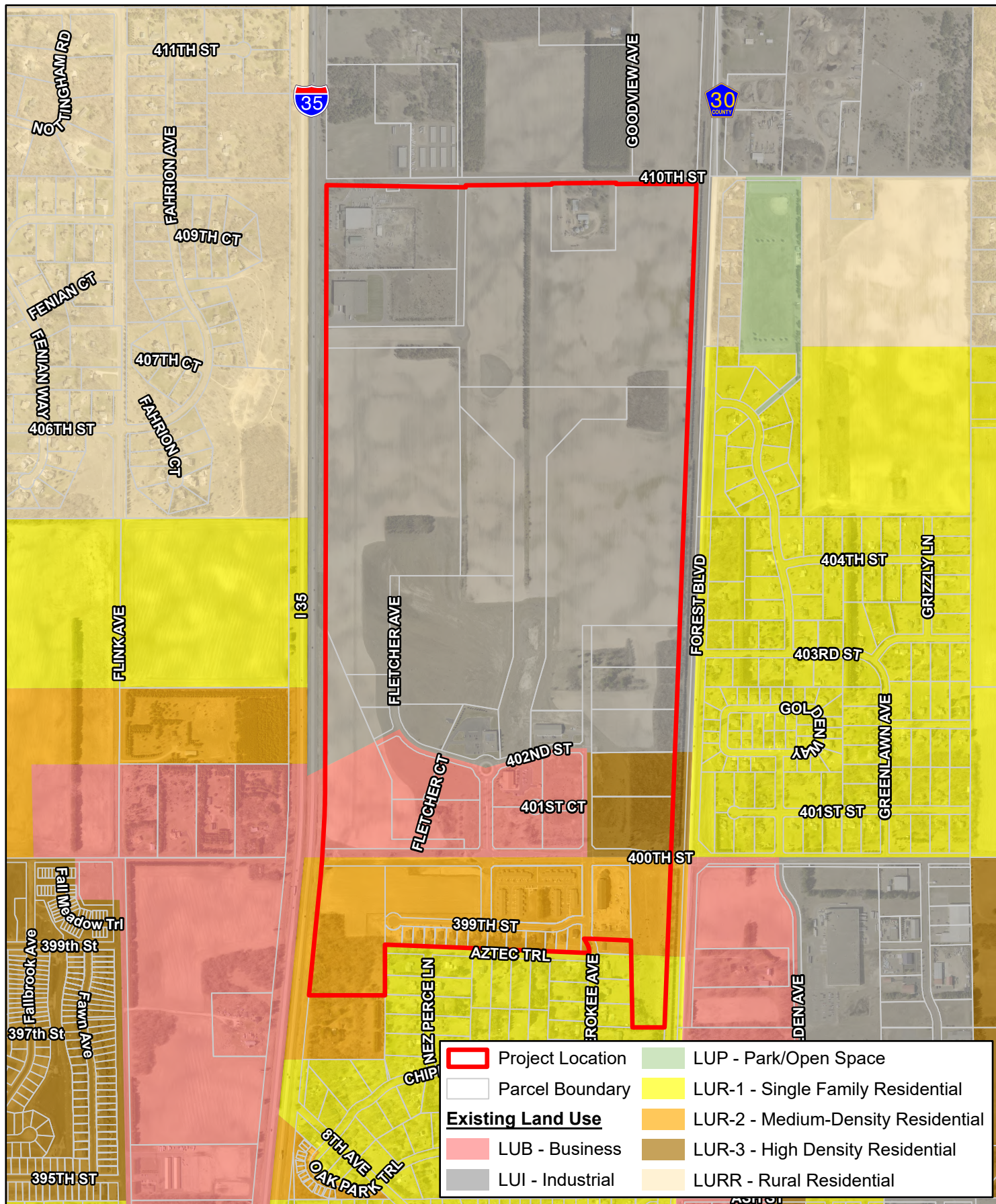
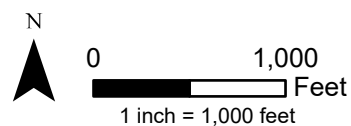


Figure 3 - Planned Land Use (Scenario 5)

2024 AUAR Update
Interstate Business Park
North Branch, MN



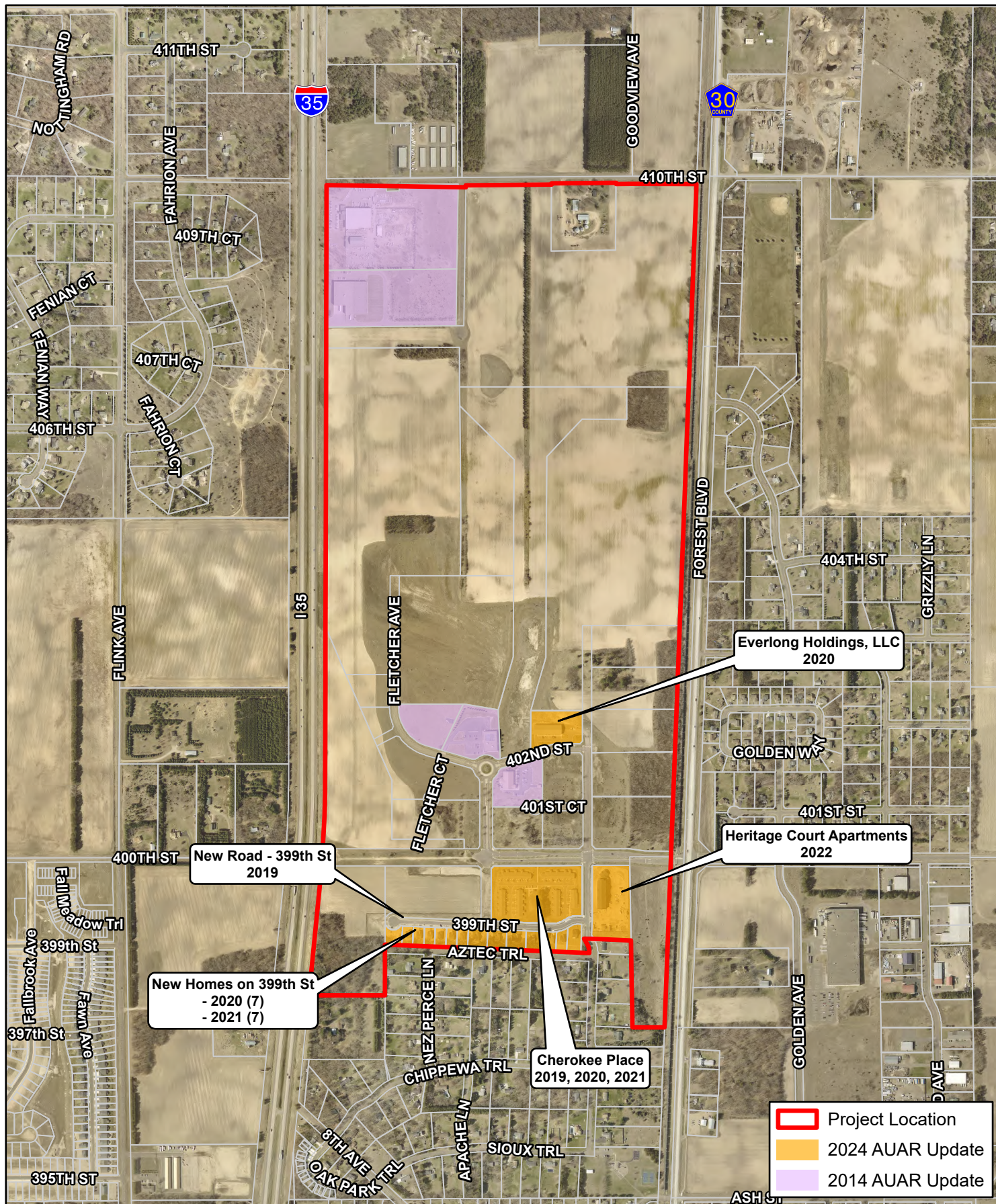


Figure 4 - Approved Development

2024 AUAR Update
Interstate Business Park
North Branch, MN



0 1,000
Feet
1 inch = 1,000 feet



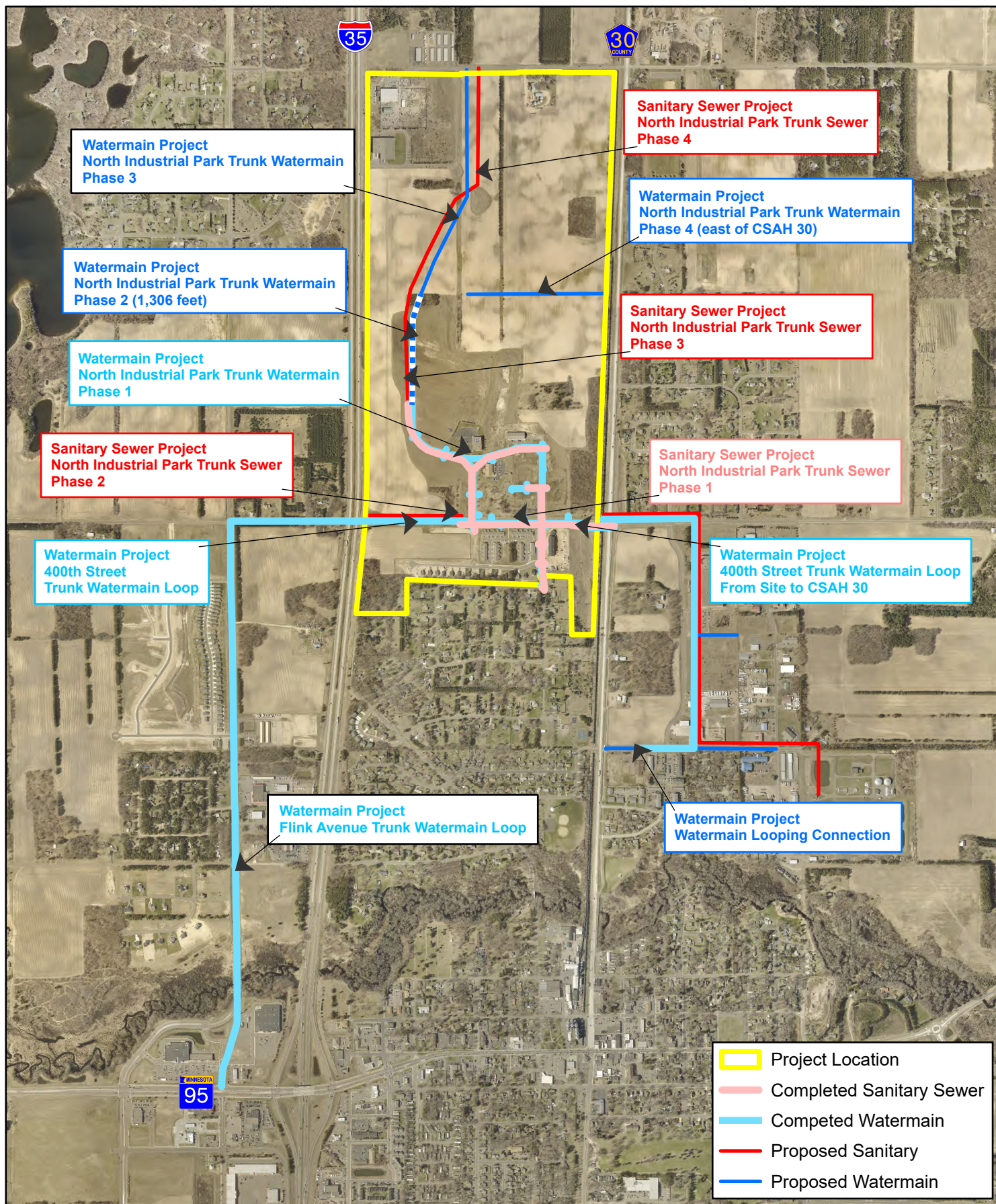


Figure 5 - Water and Sewer Improvements



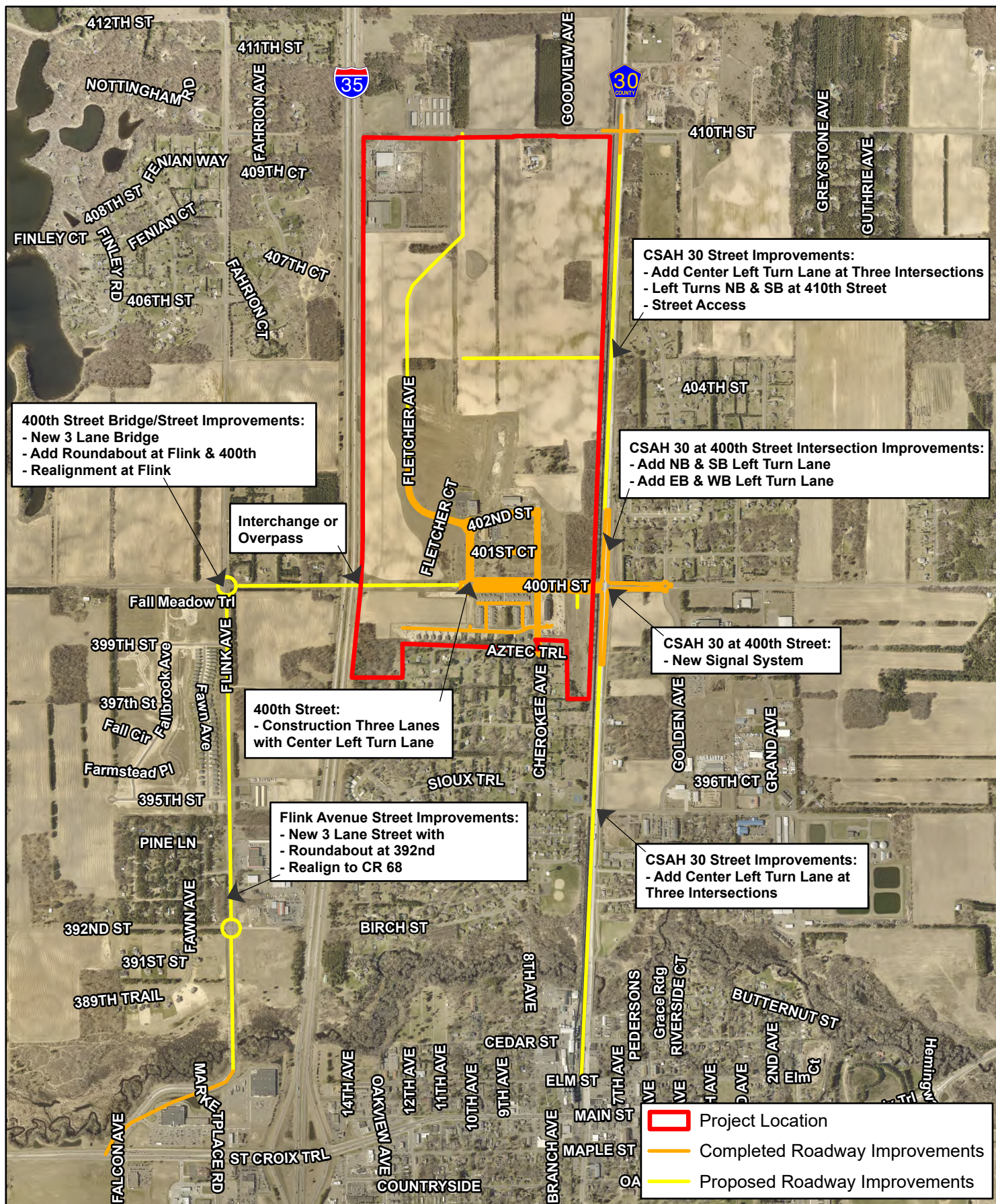
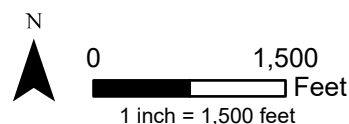


Figure 7 - Transportation Improvements

2024 AUAR Update
Interstate Business Park
North Branch, MN



APPENDIX B – DNR NHIS REVIEW



Formal Natural Heritage Review - Cover Page

See next page for results of review. A draft watermark means the project details have not been finalized and the results are not official.

Project Name: Interstate Business Park

Project Proposer: City of North Branch

Project Type: Development, Mixed Use

Project Type Activities: Tree Removal

TRS: T35 R21 S16, T35 R21 S17, T35 R21 S8, T35 R21 S9

County(s): Chisago

DNR Admin Region(s): Central

Reason Requested: Other

Project Description: Undeveloped parcels are available for commercial, industrial, or residential development.

Existing Land Uses: Most of the undeveloped project area is cultivated cropland interspersed with some woodlands.

Landcover / Habitat Impacted: Predominantly cultivated cropland, some tree removal may occur, but clearcutting is not permitted.

Waterbodies Affected: No impacts are expected at this time.

Groundwater Resources Affected: Project has and will continue to implement stormwater infiltration BMPs to minimize or avoid impacts to ground water.

Previous Natural Heritage Review: Yes, ERDB#: 20140137-0003

Previous Habitat Assessments / Surveys: No

SUMMARY OF AUTOMATED RESULTS

Category	Results	Response By Category
Project Details	Comments	Tree Removal - Recommendations
Ecologically Significant Area	Comments	MBS Sites - Recommendations
State-Listed Endangered or Threatened Species	Needs Further Review	State-protected Species in Vicinity
State-Listed Species of Special Concern	No Comments	No Further Review Required
Federally Listed Species	No Records	Visit IPaC For Federal Review



December 7, 2023

Project Name: Interstate Business Park
Project Proposer: City of North Branch
Project Type: Development, Mixed Use
Project ID: MCE #2023-00925

AUTOMATED RESULTS: FURTHER REVIEW IS NEEDED

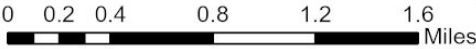
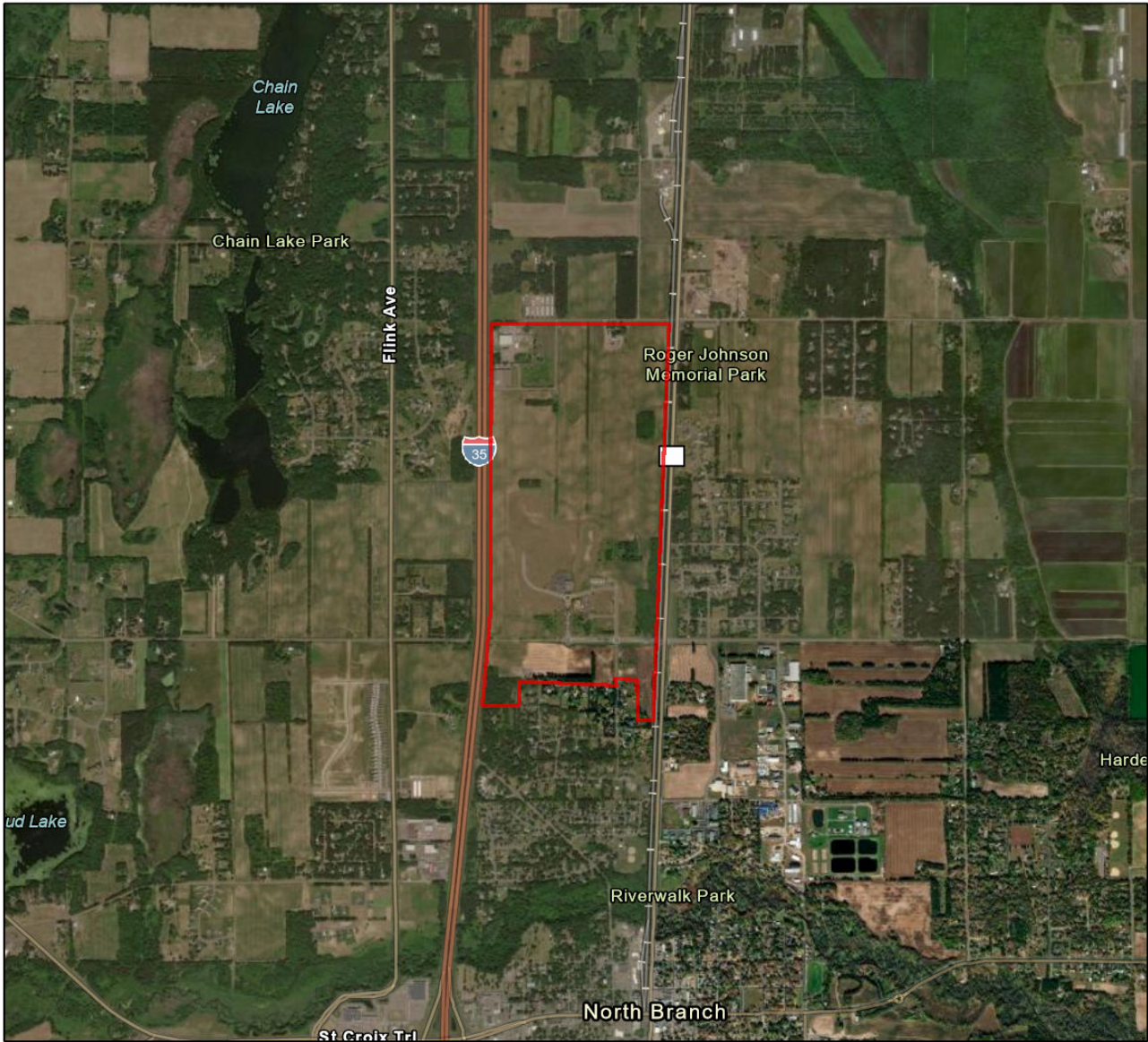
As requested, the above project has undergone an automated review for potential impacts to rare features. Based on this review, one or more rare features may be impacted by the proposed project and further review by the Natural Heritage Review Team is needed. You will receive a separate notification email when the review process is complete and the Natural Heritage Review letter has been posted.

Please refer to the table on the cover page of this report for a summary of potential impacts to rare features. For additional information or planning purposes, use the Explore Page in Minnesota Conservation Explorer to view the potentially impacted rare features or to create a Conservation Planning Report for the proposed project.

If you have additional information to help resolve the potential impacts listed in the summary results, please attach related project documentation in the Edit Details tab of the Project page. Relevant information includes, but is not limited to, additional project details, completed habitat assessments, or survey results. This additional information will be considered during the project review.

Interstate Business Park

Aerial Imagery With Locator Map



 Project Boundary

Project Type: Development, Mixed Use

Project Size (acres): 384.46

County(s): Chisago

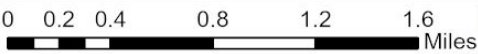
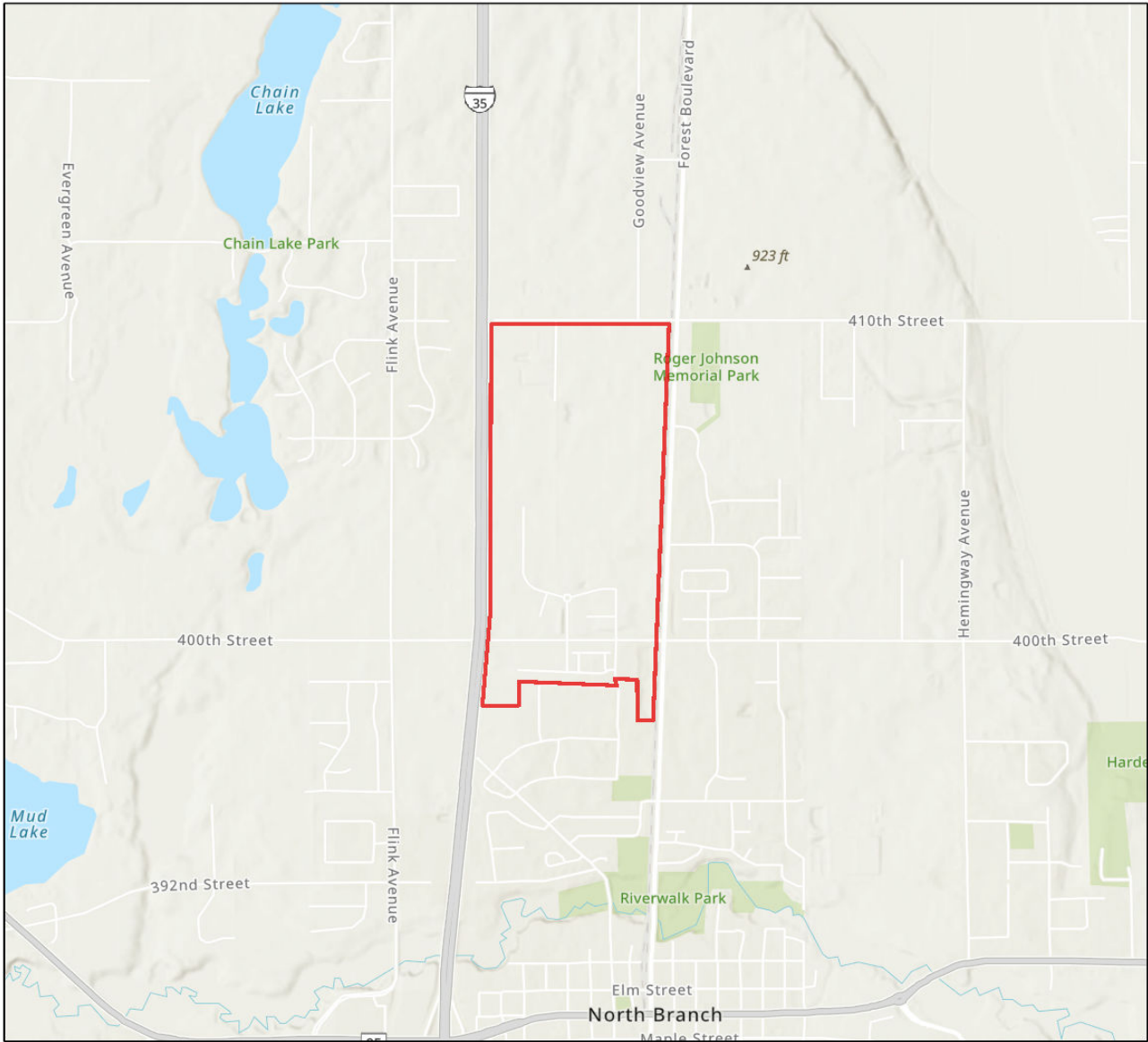
TRS: T35 R21 S16, T35 R21 S17, T35 R21 S8, T35 R21 S9

Earthstar Geographics
Metropolitan Council, MetroGIS, Esri, HERE, Garmin, SafeGraph,
GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, USDA



Interstate Business Park

USA Topo Basemap With Locator Map



 Project Boundary

Project Type: Development, Mixed Use

Project Size (acres): 384.46

County(s): Chisago

TRS: T35 R21 S16, T35 R21 S17, T35 R21 S8, T35 R21 S9

Esri, NASA, NGA, USGS, FEMA
Metropolitan Council, MetroGIS, Esri, HERE, Garmin, SafeGraph,
GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, USDA



APPENDIX C – RESPONSES TO COMMENTS

Memorandum

To: EQB Agency Distribution List

Copy: Jason Ziemer, City of North Branch

From: Alison Harwood, WSB

Date: February 2, 2024

Re: Interstate Business Park AUAR Update – Responses to Comments
WSB Project No. 24131-000

The City of North Branch issued the Draft Interstate Business Park AUAR Update for review to the EQB's distribution list on January 9, 2024. The comment period ended on January 23, 2024 and the city received comments from the Department of Natural Resources and Department of Transportation. Each comment, and the city's responses are provided below. Agency comment letters are attached.

Department of Natural Resources

Comment 1: Page 4, Section 1.D. This project was submitted to Minnesota Conservation Explorer (MCE#2023-00925) on December 7, 2023, and is still being reviewed by Natural Heritage Review staff. Please be aware that there may be further requirements provided for the state-threatened Blanding's turtle once the Natural Heritage letter has been issued. Please review the Blanding's turtle fact sheet, and apply relevant recommendations to your project, such as wildlife-friendly curb design.

Response: Comment noted.

Comment 2: Page 4, Section 1.D; Section 4.A. Stormwater features may be colonized by Blanding's turtles in the area, therefore we recommend incorporating measures to avoid impacting this species into stormwater management. In years when the stormwater features will be dredged to remove excess sediment, please draw down water levels by September 15th in order to allow turtles to find overwintering habitat elsewhere.

Response: Comment noted. Mitigation Measure V.1.H has been added to reflect this comment.

Comment 3: Page 4, Section 1.E. Due to entanglement issues with small animals, the use of erosion control blankets should be limited to 'bio-netting' or 'natural netting' types, and specifically not products containing plastic mesh netting or other plastic components. Also be aware that hydro-mulch products may contain small synthetic (plastic) fibers to aid in its matrix strength. These loose fibers could potentially re-suspend and make their way into wetlands and other waterbodies. As such, please review mulch products and do not allow any materials with synthetic (plastic) fiber additives in areas that drain to wetlands, lakes, or streams.

Response: Comment noted. Mitigation Measure V.1.I has been added to reflect this comment.

Comment 4: Page 5, Section 1.F. Developers should use weed-free, native seed mixes and plantings to the greatest degree possible in development landscaping and stormwater features as a way to reduce the spread of invasive species and provide wildlife habitat. Native species also require less irrigation and soil inputs.

Response: Comment Noted. Mitigation measure V.1.J has been added to the AUAR to reflect this comment.

Comment 5: Page 6, Section 3.C. Please be sure that any required avoidance measures for state-listed species are incorporated into construction plans and Stormwater Pollution Prevention Plans.

Response: Comment Noted Mitigation measure V.3.E has been added to the AUAR to reflect this comment.

Comment 6: Page 6, Section 3. The project area is located in an area with excessively drained soils and a shallow water table that could be more susceptible to chloride pollution and other contaminants. The planned increase in impervious surfaces will also increase the amount of road salt used in the project area. Chloride released into local lakes and streams does not break down, and instead accumulates in the environment, potentially reaching levels that are toxic to aquatic wildlife and plants. Consider promoting local business and city participation in the Smart Salting Training offered through the Minnesota Pollution Control Agency. There are a variety of classes available for road applicators, sidewalk applicators, and property managers. More information and resources can be found at this website. Many winter maintenance staff who have attended the Smart Salting training — both from cities and counties and from private companies — have used their knowledge to reduce salt use and save money for their organizations.

We encourage the City of North Branch to consider requiring that developments significantly increasing impervious surfaces develop a chloride management plan that outlines what BMP's and strategies will be used to reduce chloride use within the project area and include this plan within Operations and Maintenance Agreements. We also encourage cities and counties to consider how they may participate in the Statewide Chloride Management Plan and provide public outreach to reduce the overuse of chloride. Here are some educational resources for residents as well as a sample ordinance regarding chloride use.

Response: Comment Noted. The City will consider requiring Chloride Management Plans for developments increasing impervious, and will consider the Smart Salt Training through the MPCA.

Comment 7: Page 6, Section 4. It is unclear how the proposed regional ponds will fulfill the requirement to infiltrate the first 1.1 inches of stormwater runoff from new impervious surfaces. Is there an assumption that water will continuously be infiltrating out the sides and bottom of the ponds? What evidence is there that the ponds will function in that way, as opposed to a traditional infiltration basin that becomes dry between runoff events? Do the basins have enough freeboard bounce at their outlets to store that volume of water until it has a chance to infiltrate? Are their setline basins upstream of regional ponds intended to capture sediments? If not, the fine sediments may eventually settle to the bottom of regional ponds, clogging their bottoms and reducing infiltration capacity. This could also occur during site construction because the regional ponds have already been constructed. They must be protected from sedimentation during both the construction and post-construction phases if they are intended to function as infiltration basins.

Response: The regional basins within the study area are currently constructed and were reviewed and permitted by the local governments. These basins were constructed to infiltrate, and do not serve as retention ponds. Future developments will be responsible for construction of their own basins as outlined in Mitigation Item V.4.B.

Comment 8: Page 10, Section 10. This section should discuss potential impacts and mitigation related to development lighting. Animals depend on the daily cycle of light and dark for behaviors such as hunting, migrating, sleeping, and protection from predators. Light pollution can affect their sensitivity to the night environment and alter their activities. In addition to the undesirable effects of upward facing lighting, the hue of lights can also affect wildlife. LED lighting has become increasingly popular due to its efficiency and long lifespan. However, these bright lights tend to emit blue light, which can be harmful to birds, insects, and fish. The DNR recommends that any projects using LED luminaries follow the MnDOT Approved Products for luminaries, which limits the Uplight rating to 0. A nominal color temperature below 2700K is preferable for wildlife, and so we recommend choosing products that have the lowest number for backlight and glare (all approved products should already be 0 for Uplight).

Response: Comment Noted. Mitigation measure V.10.B was added to reflect this recommendation.

Comment 9: Page 11, Section 12. The DNR appreciates the new addition of the sustainability section. As energy needs and renewable energy goals put further pressure on agricultural lands, some states have started to tap into industrial facilities as a way to combine development with energy production through the use of rooftop solar. Installing solar panels on industrial facilities has the added benefit of producing energy right where it is needed without any additional facility footprint. We encourage the City as well as local energy providers to explore the feasibility of combining these land uses to help meet climate goals as the City plans for the future.

Response: Comment Noted.

Department of Transportation

Comment 1: The proposed improvements at 400th Street and I-35 will need to be closely coordinated with MnDOT and FHWA. A new interchange proposal will require evaluation through MnDOT/Metropolitan Council's Interchange Review Process. Additional information concerning this process can found at <https://www.dot.state.mn.us/project-development/subject-guidance/metro-district-interchange-planning-review/index.html>. The North Branch north bypass concept would provide further justification for a new interchange at this location.

Response: Comment noted. The City will coordinate with MnDOT and FHWA when this project is pursued.

Comment 2: If the city pursues any changes at the TH 95/CR68/Flink Ave intersection, the approaches should remain as close to 90 degrees as possible.

Response: Comment noted.

This concludes the responses to comments on the AUAR Update. If you have questions, please contact me at 612.360.1320 or aharwood@wsbeng.com.

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This concludes the responses to comments on the AUAR Update. If you have questions, please contact me at 612.360.1320 or aharwood@wsbeng.com.



Prepared By:
Jason Ziemer, Community Development Director
Presenter: Jason Ziemer, Community Development Director
Date: 04/11/2024

Board & Commission: Economic Development Authority

Subject: Discuss Proposed Amendments to the EDA Bylaws

Overview / Background

At the February 20, 2024 meeting, Commissioners briefly proposed revisions to the EDA bylaws (attached). The focus of the discussion was tied to two (2) items – possible retention of the Assistant Treasurer position (EDA member) and agenda process.

As noted in the bylaws, the Executive Director, Secretary and Treasurer positions are held by City staff, with the Executive Director and Secretary roles and responsibilities resting with the Community Development Director, and the Treasurer role and responsibility held by the Finance Director. For discussion purposes, the Assistant Treasurer was re-instated with a more defined definition of role. The Treasurer role was also more clearly defined. The agenda formation process was discussed at length, notably how members are able to add items to the agenda. No changes were made to the proposed bylaws.

As it relates to the ongoing question regarding authority vs. advisory: The Economic Development Authority (EDA) is an advisory board to the City Council. In part, Authority is more namesake than definition as to any level of “authority” associated with the EDA. City Code Section §2-154 (Limitations) defines the scope of “authority” of the EDA, of which all actionable decision items are noted as recommendations to the City Council, making the EDA an advisory body. As discussed at the February 2024 meeting, the EDA has certain authority over certain programs, as granted by the City Council. That includes all land purchase transaction decisions tied to the Interstate Business Park. The EDA may also implement decisions (i.e. sign contracts or hire consultants) as provided for by the approved budget. It would also be my anticipation that the EDA would have oversight over business assistance programs, such as the proposed Downtown Storefront Rehabilitation program. The creation of that program

would require Council approval, but the Council could grant "authority" to the EDA to manage it, including funding decisions.

To shed further light on the question, the City Attorney's Office was asked to complete an independent review of documents regarding the creation and operation of the EDA - specifically the level of authority of the EDA. As noted in the attached review, Attorney Robert Kringler established the EDA was formed according to the powers granted to the City by State Statute to create an EDA. That enabling resolution further established the powers of the EDA, as limited by the City Council. Upon further review of all information, Attorney Kringler opined the EDA's role is "advisory only." The City Council may grant certain authority to the EDA, and it has, provided that certain decisions may still require ratification by the City Council via resolution. It was noted the enabling resolution and all related subsequent amending resolutions were codified into the City Code, establishing the EDA as a Commission under Article 5 (Boards, Committees and Commissions). Because the EDA is guided in part by State Statute, Attorney Kringler suggested the EDA enabling resolution (as amended) could be removed from said Article and from the City Code book and allow it to be a stand-alone document.

Attached are the enabling resolution from 1994 and the applicable City Code regarding the EDA. There have been a series of revisions to the enabling resolution since its adoption in 1994. All of those revisions are stated in the City Code as attached.

After further discussion with Chair Sara Paul, with a now full EDA perhaps it makes sense to let the current bylaws - as approved with the previous change to the meeting date - remain in place. There is/was no immediate rush to change the EDA bylaws, and the added time would give our newest members more time to integrate into the EDA and what we do, etc., and perhaps better able to provide thoughts as to the bylaws in future meetings.

Staff Recommendation

Staff recommend continued discussion on the proposed by-laws amendments, and to halt further discussions on changes until a future date.

Recommended EDA Action

None.

Voting Requirements:

Voting Options Simple Majority

**BYLAWS
OF THE
NORTH BRANCH ECONOMIC DEVELOPMENT AUTHORITY
Amended ____, 2024**

1. The Authority

Section 1.1. **Name of Authority.** The name of the Authority shall be the North Branch Economic Development Authority (hereinafter “EDA” or “Authority”), and its governing body shall be referred to hereinafter as “Commission”

Section 1.2. **Office.** The principal office of the Authority shall be at City Hall, 6408 Elm Street, North Branch, Minnesota 55056.

Section 1.3. **Seal.** The Authority shall have an official seal.

2. Organization

Section 2.1 **Members.** The EDA shall consist of a governing body of seven (7) Commissioners. Two (2) of the Commissioners shall be members of the City Council and serve as Commissioners of the EDA for terms coinciding with their terms as members of City Council. All other appointed members serve a six (6) year term. All commissioners shall be appointed by the Mayor with the approval of City Council.

Ex-Officio Members. The EDA Chair shall annually appoint ex-officio members with the approval of the EDA to represent the Chisago County HRA-EDA, North Branch Chamber of Commerce, and North Branch School District #138.

Section 2.2 **Officers.** The officers of the Authority shall consist of a Chair, Vice Chair, a Secretary, a Treasurer, and an Assistant Treasurer. The Chair, Vice Chair and Assistant Treasurer, shall be elected annually at the first meeting of the year. No Commissioner may serve as both Chair or Vice Chair at the same time. The offices of Secretary, Treasurer, and Executive Director shall not be held by a Commissioner.

Section 2.3 **Chair.** The Chair shall preside at all meetings of the Commission and as such the Chair is responsible for making sure that each meeting is conducted according to these by-laws and that matters are dealt with in an orderly and efficient manner. No City Council member shall be Chair.

Section 2.4 **Vice Chair.** The Vice Chair shall preside at any meeting of the Commission in the absence of the Chair and may exercise all powers and perform all responsibilities of the Chair if the Chair cannot exercise or perform the same due to absence or other inability. No City Council member shall be Vice Chair.

- Section 2.5 **Chair Pro Tem.** In the event of the absence or inability of the Chair or Vice Chair to preside at any meeting, the senior most member shall serve as the Chair Pro Tem to preside at such meeting.
- Section 2.6 **Treasurer.** The Treasurer shall be the Finance Director of the City of North Branch. The Treasurer shall provide to the Commission a routine accounting of the Authority's budget and finances, as directed by the Executive Director. . .
- Section 2.7 **Assistant Treasurer.** The Assistant Treasurer shall review Treasurer's reports and any other financial documents as may be deemed necessary by the Treasurer and/or Executive Director.
- Section 2.7 **Secretary.** The Secretary shall be the Executive Director or his/her designee. The Secretary shall keep minutes of all meetings of the Commission and shall maintain all records of the Authority.
- Section 2.8 **Executive Director.** The Executive Director shall be the Community Development Director of the City. The Executive Director shall serve as the primary staff to the EDA, and shall prepare agendas for the EDA and the budget on behalf of the EDA to the City Council, and perform all other economic development activities for the Commission..
- Section 2.9 **Advisory Sub-Committees.** The Authority may by resolution establish one (1) or more advisory sub-committees to the Authority, including, but not limited to: Finance, Marketing and other sub-committees as may be determined. In forming such sub-committees, the Authority shall define their roles and responsibilities. The Executive Director shall coordinate meetings and work plans of the sub-committees as created by the Authority...
- Section 2.10 **Compensation and Reimbursement.** A Commissioner may be paid for attending each regular meeting of the Authority in an amount to be determined by the North Branch City Council.

3. Procedures of the Commission

- Section 3.1. **Annual Meeting.** The annual meeting of the Commission shall be held after appointments made by the Mayor and approved by the City Council at the City Council's annual organizational meeting, typically the first meeting in January each year. The Commission's annual meeting also typically occurs in January each year.
- Section 3.2. **Regular Meeting.** The Commission shall hold regular meetings on the 3rd Tuesday of each month commencing at 11:30 am, or at such other time as the Commission may determine.
- Section 3.3. **Special Meetings.** Special meetings of the Commission may be called by any two (2) Commissioners or by the Executive Director. The Executive Director or City Clerk shall post notice of any special meeting at City Hall no less than three (3) days prior to such special meeting.

- Section 3.4. **Quorum.** A quorum of the Commission shall consist of four (4) Commissioners. If due to vacancies, the Commission has not more than five (5) Commissioners a quorum shall be three (3).. In the absence of a quorum no official action may be taken by, on behalf of, or in the name of the Commission or the Authority.
- Section 3.5. **Adoption of Resolutions.** Resolutions of the Commission 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 Commission shall be governed by the most recent edition of Robert's Rules of Order.
- Section 3.7 **Meeting Agenda.** Regular meetings of the EDA shall generally follow agenda format as attached hereto. .

All requests for items on the meeting agenda will include a memo and background information from the Executive Director and/or other City staff. Two (2) Commissioners of the EDA may submit to the Executive Director items to be added to the agenda. Commissioners requesting items for inclusion on the agenda shall meet with the Executive Director to discuss the topic and provide written background on said request. Such requests must be submitted no less than one (1) week prior to the agenda posting date for the requested meeting. The Executive Director shall have the authority to remove items deemed not appropriate to or outside the scope of the Commission's authority. . After the agenda is published, only the Executive Director may add or delete time sensitive items from the agenda until the day prior to the meeting. After that time, only emergency items may be added. Commissioners may not add items to the agenda during the meeting for discussion and/or action by the EDA.

- Section 3.8 **Public Comment.** A limited forum for individuals to speak with the EDA is provided on the agenda. Public comments during the public comment period are subject to these limitations:
1. Speakers must sign up to speak prior to the meeting to be recognized.
 2. Speakers must be recognized by the Chair before speaking and are limited to three (3) minutes for comment.
 3. When multiple speakers appear to speak on the same topic, comments should not be repetitive. The Chair may request speakers to appoint a spokesperson.
 4. Public Comments shall be limited to not more than 10 minutes of the meeting. The Chair may place additional time limits on Public Comment, if necessary to allow for the conduct of City business. If there is not sufficient time at the meeting to hear all public comments, the comment period may be deferred to the next regular EDA meeting or at a continued meeting.

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 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 City Clerk. The amount of the bond shall be as defined and required by State Statute.
- Section 4.3. **Power and Authority.** The EDA has all the power and duties set forth in Minnesota Statutes §469.090 through §469.108 and other laws, except as limited by these bylaws and City Code.
- Section 4.4. **Financial Statement.** Financial Statements of the Authority must be prepared, presented, approved and filed in accordance with Minnesota Statutes, Sections §469.098 and §469.100 and other relevant statutes as amended or revised.
- Section 4.5. **Budget to City.** The City Council allocates funds yearly for the Authority. The Authority shall submit a recommended budget and related tax levies to the City Council in accordance with established City and Statutory timelines.
- Section 4.6. **Employees.** The Authority may utilize the services a chief engineer, technical experts and agents and other employees under the employment of the City or under contract with the City as it may require and determine their duties, qualifications, and compensation.
- Section 4.7. **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 4.8. **Supplies, Purchasing, Facilities and Services.** To the extent included in the Authority's annual budget, the Authority may purchase the supplies and materials it needs in accordance with the City's purchasing policies and procedures.
- Section 4.9. **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 the Chair and the Executive Director. If the Executive Director is absent or otherwise unable to execute a document the City Administrator may execute the document.
- Section 4.10. **Standards of Conduct, Removal.** Commissioners are subject to the standards of conduct as set forth in the City of North Branch policies and procedures manual as revised and updated from time to time. A Commissioner may be removed by the City Council for inefficiency, neglect of duty, or misconduct in office after notification in writing and a hearing as prescribed in Minnesota Statutes §469.095, Subd. 5.
- Section 4.11. **Amendment of Bylaws.** These Bylaws may be amended by the Commission by simple majority vote of all the Commissioners, provided that any such proposed amendment shall first have been delivered to each Commissioner at least five (5) days prior to the meeting at which such amendment is considered.

**BYLAWS
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NORTH BRANCH ECONOMIC DEVELOPMENT AUTHORITY
Amended ____, 2024**

1. The Authority

Section 1.1. **Name of Authority.** The name of the Authority shall be the North Branch Economic Development Authority (hereinafter “EDA” or “Authority”), and its governing body shall be referred to hereinafter as “Commission”

Section 1.2. **Office.** The principal office of the Authority shall be at City Hall, 6408 Elm Street, North Branch, Minnesota 55056.

Section 1.3. **Seal.** The Authority shall have an official seal.

2. Organization

Section 2.1 **Members.** The EDA shall consist of a governing body of seven (7) Commissioners. Two (2) of the Commissioners shall be members of the City Council and serve as Commissioners of the EDA for terms coinciding with their terms as members of City Council. All other appointed members serve a six (6) year term. All commissioners shall be appointed by the Mayor with the approval of City Council.

Ex-Officio Members. The EDA Chair shall annually appoint ex-officio members with the approval of the EDA to represent the Chisago County HRA-EDA, North Branch Chamber of Commerce, and North Branch School District #138.

Section 2.2 **Officers.** The officers of the Authority shall consist of a Chair, Vice Chair, a Secretary, a Treasurer, and an Assistant Treasurer. The Chair, Vice Chair and **Assistant Treasurer** shall be elected annually at the first meeting of the year. No Commissioner may serve as both Chair or Vice Chair at the same time. The offices of Secretary, Treasurer, and Executive Director shall not be held by a Commissioner.

Section 2.3 **Chair.** The Chair shall preside at all meetings of the Commission and as such the Chair is responsible for making sure that each meeting is conducted according to these by-laws and that matters are dealt with in an orderly and efficient manner. No City Council member shall be Chair.

Section 2.4 **Vice Chair.** The Vice Chair shall preside at any meeting of the Commission in the absence of the Chair and may exercise all powers and perform all responsibilities of the Chair if the Chair cannot exercise or perform the same due to absence or other inability. No City Council member shall be Vice Chair.

- Section 2.5 **Chair Pro Tem.** In the event of the absence or inability of the Chair or Vice Chair to preside at any meeting, the senior most member shall serve as the Chair Pro Tem to preside at such meeting.
- Section 2.6 **Treasurer.** The Treasurer shall be the Finance Director of the City of North Branch. The Treasurer shall provide to the Commission a routine accounting of the Authority's budget and finances, as directed by the Executive Director. . .
- Section 2.7 **Assistant Treasurer.** The Assistant Treasurer shall review Treasurer's reports and any other financial documents as may be deemed necessary by the Treasurer and/or Executive Director.
- Section 2.7 **Secretary.** The Secretary shall be the Executive Director or his/her designee. The Secretary shall keep minutes of all meetings of the Commission and shall maintain all records of the Authority.
- Section 2.8 **Executive Director.** The Executive Director shall be the Community Development Director of the City. The Executive Director shall serve as the primary staff to the EDA, and shall prepare agendas for the EDA and the budget on behalf of the EDA to the City Council, and perform all other economic development activities for the Commission..
- Section 2.9 **Advisory Sub-Committees.** The Authority may by resolution establish one (1) or more advisory sub-committees to the Authority, including, but not limited to: Finance, Marketing and other sub-committees as may be determined. In forming such sub-committees, the Authority shall define their roles and responsibilities. The Executive Director shall coordinate meetings and work plans of the sub-committees as created by the Authority...
- Section 2.10 **Compensation and Reimbursement.** A Commissioner may be paid for attending each regular meeting of the Authority in an amount to be determined by the North Branch City Council.

3. Procedures of the Commission

- Section 3.1. **Annual Meeting.** The annual meeting of the Commission shall be held after appointments made by the Mayor and approved by the City Council at the City Council's annual organizational meeting, typically the first meeting in January each year. The Commission's annual meeting also typically occurs in January each year.
- Section 3.2. **Regular Meeting.** The Commission shall hold regular meetings on the 3rd Tuesday of each month commencing at 11:30 am, or at such other time as the Commission may determine.
- Section 3.3. **Special Meetings.** Special meetings of the Commission may be called by any two (2) Commissioners or by the Executive Director. The Executive Director or City Clerk shall post notice of any special meeting at City Hall no less than three (3) days prior to such special meeting.

- Section 3.4. **Quorum.** A quorum of the Commission shall consist of four (4) Commissioners. If due to vacancies, the Commission has not more than five (5) Commissioners a quorum shall be three (3).. In the absence of a quorum no official action may be taken by, on behalf of, or in the name of the Commission or the Authority.
- Section 3.5. **Adoption of Resolutions.** Resolutions of the Commission 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 Commission shall be governed by the most recent edition of Robert's Rules of Order.
- Section 3.7 **Meeting Agenda.** Regular meetings of the EDA shall generally follow agenda format as attached hereto. .

All requests for items on the meeting agenda will include a memo and background information from the Executive Director and/or other City staff. Two (2) Commissioners of the EDA may submit to the Executive Director items to be added to the agenda. Commissioners requesting items for inclusion on the agenda shall meet with the Executive Director to discuss the topic and provide written background on said request. Such requests must be submitted no less than one (1) week prior to the agenda posting date for the requested meeting. The Executive Director shall have the authority to remove items deemed not appropriate to or outside the scope of the Commission's authority. . After the agenda is published, only the Executive Director may add or delete time sensitive items from the agenda until the day prior to the meeting. After that time, only emergency items may be added. Commissioners may not add items to the agenda during the meeting for discussion and/or action by the EDA.

- Section 3.8 **Public Comment.** A limited forum for individuals to speak with the EDA is provided on the agenda. Public comments during the public comment period are subject to these limitations:
1. Speakers must sign up to speak prior to the meeting to be recognized.
 2. Speakers must be recognized by the Chair before speaking and are limited to three (3) minutes for comment.
 3. When multiple speakers appear to speak on the same topic, comments should not be repetitive. The Chair may request speakers to appoint a spokesperson.
 4. Public Comments shall be limited to not more than 10 minutes of the meeting. The Chair may place additional time limits on Public Comment, if necessary to allow for the conduct of City business. If there is not sufficient time at the meeting to hear all public comments, the comment period may be deferred to the next regular EDA meeting or at a continued meeting.

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 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 City Clerk. The amount of the bond shall be as defined and required by State Statute.
- Section 4.3. **Power and Authority.** The EDA has all the power and duties set forth in Minnesota Statutes §469.090 through §469.108 and other laws, except as limited by these bylaws and City Code.
- Section 4.4. **Financial Statement.** Financial Statements of the Authority must be prepared, presented, approved and filed in accordance with Minnesota Statutes, Sections §469.098 and §469.100 and other relevant statutes as amended or revised.
- Section 4.5. **Budget to City.** The City Council allocates funds yearly for the Authority. The Authority shall submit a recommended budget and related tax levies to the City Council in accordance with established City and Statutory timelines.
- Section 4.6. **Employees.** The Authority may utilize the services a chief engineer, technical experts and agents and other employees under the employment of the City or under contract with the City as it may require and determine their duties, qualifications, and compensation.
- Section 4.7. **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 4.8. **Supplies, Purchasing, Facilities and Services.** To the extent included in the Authority's annual budget, the Authority may purchase the supplies and materials it needs in accordance with the City's purchasing policies and procedures.
- Section 4.9. **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 the Chair and the Executive Director. If the Executive Director is absent or otherwise unable to execute a document the City Administrator may execute the document.
- Section 4.10. **Standards of Conduct, Removal.** Commissioners are subject to the standards of conduct as set forth in the City of North Branch policies and procedures manual as revised and updated from time to time. A Commissioner may be removed by the City Council for inefficiency, neglect of duty, or misconduct in office after notification in writing and a hearing as prescribed in Minnesota Statutes §469.095, Subd. 5.
- Section 4.11. **Amendment of Bylaws.** These Bylaws may be amended by the Commission by simple majority vote of all the Commissioners, provided that any such proposed amendment shall first have been delivered to each Commissioner at least five (5) days prior to the meeting at which such amendment is considered.

STATE OF MINNESOTA

COUNTY OF CHISAGO

CITY OF NORTH BRANCH

Councilmember Anderson offered the following Resolution and moved its adoption.

RESOLUTION NO. 12-12-27-94

A RESOLUTION ENABLING THE CREATION OF AN ECONOMIC DEVELOPMENT AUTHORITY IN THE CITY OF NORTH BRANCH.

BE IT RESOLVED BY THE CITY COUNCIL OF NORTH BRANCH, MINNESOTA:

Section 1 Background: Findings.

- 1.01 The City is authorized by Minnesota Statutes, Chapter 469 (Act) to establish an Economic Development Authority (EDA) to coordinate and administer economic development and redevelopment plans and programs of the City.
- 1.02 It is found and determined by the City Council 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 interests of the health, safety, prosperity, and general welfare of the citizens of the City.
- 1.03 It is further found and determined that the economic development and redevelopment of the City can best be accomplished by the establishment of an EDA at which all persons wishing to be heard expressed their views.
- 1.04 The City Council has in accordance with the Act provided public notice and conducted a public hearing on December 27, 1994, concerning the establishing of an EDA at which all persons wishing to be heard expressed their views.

Section 2 Enabling Resolution.

- 2.01 The Economic Development Authority of the City of North Branch (EDA) is hereby established.

RESOLUTION NO. 12-12-27-94
Page 2 of 3

- 2.02 The EDA consists of a governing body of seven commissioners. Two of the commissioners shall be members of the City Council and serve as Commissioners of the EDA for terms coinciding with their terms as members of the City Council. All commissioners shall be appointed by the Mayor with the approval of the City Council. The EDA has all the powers and duties set forth in Section 469.090 to 469.108 of the Act and other law, except as limited by this resolution.
- 2.03 The following limits apply to the EDA and its operation:
- a. The sale of bonds or other obligations of the EDA must be approved by the City Council.
 - b. The EDA must follow the budget process for the City departments in accordance with City policies, ordinances, and resolutions.
 - c. Development and redevelopment actions of the EDA must be in conformance with the City comprehensive plan and official controls implementing the comprehensive plan.
 - d. The EDA must submit its plans for development and redevelopment to the City Council for approval in accordance with City planning procedures and law.
 - e. The administrative structure and management practices and policies of the EDA must be approved by the City Council.
- 2.04 As provided in the Act it is the intention of the City Council that nothing in this resolution nor any activities of the EDA are to be construed to impair the obligations of the City under any of its contracts or to affect in any detrimental manner the rights and privileges of the holder of a bond or other obligation heretofore issued by the City.

Section 3 Implementation.

- 3.01 The City Council will from time to time and at the appropriate time adopt such ordinances and resolutions as are required and permitted by the Act to give full effect to this resolution.

RESOLUTION NO. 12-12-27-94
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3.02 The Mayor, the Administrator and other 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.

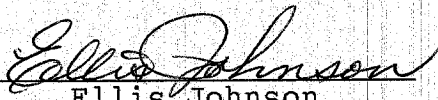
3.03 Nothing in this resolution is intended to prevent the City from modifying this enabling resolution to impose new or different limitations on the EDA as authorized by the Act.

The foregoing motion was duly seconded by Councilmember Alvin and being put to vote members voted: AYE: 5 NAY: 0

ELLIS JOHNSON	<u>AYE</u>	THOMAS ALVIN	<u>AYE</u>
RICHARD ANDERSON	<u>AYE</u>	RODNEY LOFQUIST	<u>AYE</u>
STEVEN VANDEN HEUVEL	<u>AYE</u>		

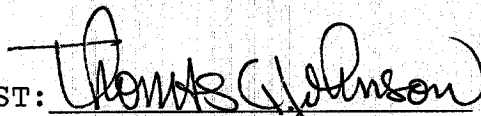
Passed and adopted this 27th of December, 1994.

CITY OF NORTH BRANCH

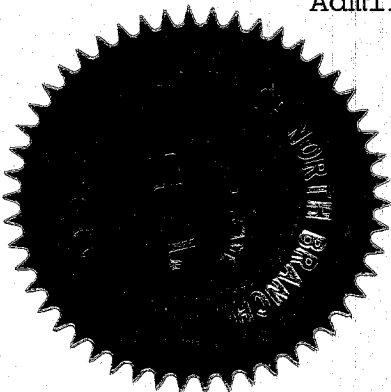


Ellis Johnson
Mayor

ATTEST:



Thomas G. Johnson
Administrator/Clerk



DIVISION 2 ECONOMIC DEVELOPMENT AUTHORITY

[Sec 2-151 Establishment](#)

[Sec 2-152 Composition](#)

[Sec 2-153 Term Of Office](#)

[Sec 2-154 Limitations](#)

[Sec 2-155 Implementation](#)

[Sec 2-156 Removal Of Members](#)

Sec 2-151 Establishment

The economic development authority of the city is hereby established and governed by Minn. Stats. ch. 469.

(Code 1996, § 2.36.010)

Sec 2-152 Composition

The economic development authority consists of a governing body of seven commissioners. Two of the commissioners shall be members of the city council and serve as commissioners of the economic development authority for terms coinciding with their term on office as members of the city council. All commissioners shall be appointed by the mayor with the approval of the city council. The economic development authority has all the power and duties set forth in Minn. Stats. 469.090-469.108 and other laws, except as limited by this chapter.

(Code 1996, § 2.36.020; Ord. No. 158-11, §§ 1, 2, 3-14-2011)

HISTORY

Amended by Ord. 236-15 on 12/8/2015

Amended by Ord. [241-16](#) on 4/12/2016

Sec 2-153 Term Of Office

Appointments made by the Mayor and approved by the Council shall be made at its first meeting in January. Appointees shall serve six-year staggered terms. One or more members' terms will expire annually. Upon expiration of term, the appointee shall continue until reappointed or a successor is appointed. In the event of a vacancy, the Mayor shall appoint with the Council approval a person to complete the unexpired term.

HISTORY

Amended by Ord. 236-15 on 12/8/2015

Amended by Ord. [237-16](#) on 1/15/2016

Amended by Ord. [245-17](#) on 1/3/2017

Sec 2-154 Limitations

The following limits apply to the economic development authority and its operation:

- (a) The sale of bonds or other obligations of the economic development authority must be approved by the city council.
- (b) The economic development authority must follow the budget process for the city departments in accordance with city policies, ordinances, and resolutions.

- (c) Development and redevelopment actions of the economic development authority must be in conformance with the city comprehensive plan and official controls implementing the comprehensive plan.
- (d) The economic development authority must submit its plans for development and redevelopment to the city council for approval in accordance with city planning procedures and law.
- (e) The administrative structure and management practices and policies of the economic development authority must be approved by the city council.
- (f) The exercise of the powers of eminent domain by the EDA is not allowed. Eminent domain proceedings can only be done by the city council.
- (g) A request by one city council member appointed to the EDA to table a request at an EDA meeting does not require a vote and shall be referred directly to the city council at their next available meeting.

(Code 1996, § 2.36.030; Ord. No. 134-09, § 1, 4-27-2009)

HISTORY

Renumbered by Ord. 236-15 on 12/8/2015

Sec 2-155 Implementation

- (a) The city council will from time to time, and at the appropriate time, adopt such ordinances and resolutions as are required and permitted by Minn. Stats. ch. 469 to give full effect to this chapter.
- (b) Nothing in this chapter is intended to prevent the city from modifying this enabling resolution to impose new or different limitations on the economic development authority as authorized by Minn. Stats. ch. 469.

(Code 1996, § 2.36.040)

HISTORY

Renumbered by Ord. 236-15 on 12/8/2015

Sec 2-156 Removal Of Members

A commissioner may be removed by the city council for inefficiency, neglect of duty, or misconduct in office after notification in writing and a hearing as prescribed in Minnesota statutes 469.095 subd. 5.

HISTORY

Amended by Ord. 236-15 on 12/8/2015



Jason Ziemer <jasonz@ci.north-branch.mn.us>

EDA Authority and Limitations - Advisory email from the City Attorney

1 message

Robert J. Kringler <rjkringler@flaherty-hood.com>
To: Jason Ziemer <jasonz@ci.north-branch.mn.us>

Wed, Mar 20, 2024 at 3:50 PM

Hi Jason,

After our discussion last week, we were charged with drafting an advisory email for EDA members regarding the structure, powers, and limitations of the North Branch Economic Development Authority. Please go ahead and share this with the EDA members.

We hope this email can shed some light on the creation of the North Branch EDA, its limitations, and the involvement of the City Council. On a high-level overview, the North Branch EDA has been limited in its authority since it was created, and the City Council maintains the ultimate authority over most of the EDAs core functions.

At its most basic level, the EDA is a creation of the City Council. State statutes grant the City the ability to establish an EDA under certain mechanisms and limitations. The EDA is to be treated as an independent political body that can sue and be sued, but it ultimately serves only the functions that the City Council determines it should play, so long as they are allowed under state law. This means the City Council has a great amount of flexibility and power in determining the role of the EDA, which can lead to understandable confusion as there is a lot of variety in how different city's structure and operate there EDAs.

The following law governs the formation and limitations of the EDA (language highlighted is of particular note based on the question presented):

Minn. Stat. 469.091 ECONOMIC DEVELOPMENT AUTHORITY.

Subdivision 1.Establishment.

A city may, by adopting an enabling resolution in compliance with the procedural requirements of section 469.093, establish an economic development authority that, subject to section 469.092, has the powers contained in sections 469.090 to 469.108 and the powers of a housing and redevelopment authority under sections 469.001 to 469.047 or other law, and of a city under sections 469.124 to 469.133 or other law. If the economic development authority exercises the powers of a housing and redevelopment authority contained in sections 469.001 to 469.047 or other law, the city shall exercise the powers relating to a housing and redevelopment authority granted to a city by sections 469.001 to 469.047 or other law.

Subd. 2.Characteristics.

An economic development authority is a public body corporate and politic and a political subdivision of the state with the right to sue and be sued in its own name. An authority carries out an essential governmental function when it exercises its power, but the authority is not immune from liability because of this.

469.092 LIMIT OF POWERS.

Subdivision 1.Resolution.

The enabling resolution may impose the following limits upon the actions of the authority:

- (1) that the authority must not exercise any specified powers contained in sections 469.001 to 469.047, 469.090 to 469.108, and 469.124 to 469.133 or that the authority must not exercise any powers without the prior approval of the city council;

- (2) that, 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) that the sale of all bonds or obligations issued by the authority be approved by the city council before issuance;
- (4) that the authority follow the budget process for city departments as provided by the city and as implemented by the city council and mayor;
- (5) that all official actions of the authority must be consistent with the adopted comprehensive plan of the city, and any official controls implementing the comprehensive plan;
- (6) that the authority submit all planned activities for influencing the action of any other governmental agency, subdivision, or body to the city council for approval;
- (7) that the authority submit its administrative structure and management practices to the city council for approval; and
- (8) any other limitation or control established by the city council by the enabling resolution.

Subd. 2. Modification of resolution.

The enabling resolution may be modified at any time, subject to subdivision 5, and provided that any modification is made in accordance with this section.

The EDA must be established via an "enabling resolution" passed by the City Council. In that resolution, the Council may impose certain limitations. The law even provides that the Council may limit the powers of the EDA so severely that the EDA cannot exercise any powers without the prior approval of the City Council (the North Branch Enabling Resolution did not go quite this far). The enabling resolution may also be amended by the City Council, at their will, under standard procedures used by the City for resolutions.

The North Branch City Council established the North Branch EDA via the passage of Resolution No. 12-12-27-94, on December 27th, 1994. There have been several amendments to the Enabling Resolution since, however, we have not been provided those amendments to review as of the writing of this email. Although State statutes make clear that the Enabling Resolution itself shall govern here, the North Branch Enabling Resolution and amendments have been codified into the North Branch City Code, see chapter 2, article 5, division 2 titled "Economic Development Authority." We have not reviewed the amendments to the enabling resolution in comparison to what is in City Code. If you would like us to do that, please provide us the above-mentioned amendments.

Here the City Council, via the Enabling Resolution, gave the North Branch EDA all the statutory powers it is allowed, except for the listed-out exceptions. The original Enabling Resolution, in part, reads:

2.02 The EDA consists of a governing body of seven commissioners. Two of the commissioners shall be members of the City Council and serve as Commissioners of the EDA for terms coinciding with their terms as members of the City Council. All commissioners shall be appointed by the Mayor with the approval of the City Council. The EDA has all the powers and duties set forth in Section 469.090 to 469.108 of the Act and other law, except as limited by this resolution.

2.03 The following limits apply to the EDA and its operation:

- a. The sale of bonds or other obligations of the EDA must be approved by the City Council.
- b. The EDA must follow the budget process for the City departments in accordance with City policies, ordinances, and resolutions.
- c. Development and redevelopment actions of the EDA must be in conformance with the City comprehensive plan and official controls implementing the comprehensive plan.
- d. The EDA must submit its plans for development and redevelopment to the City Council for approval in accordance with City planning procedures and law.

e. The administrative structure and management practices and policies of the EDA must be approved by the City Council.

Additionally, found in the code are the following additional limitations. Assuming these were properly enacted (as we have not yet received copies of the amendments to the Enabling Resolution that would give these provisions the force of law)

(f) The exercise of the powers of eminent domain by the EDA is not allowed. Eminent domain proceedings can only be done by the city council.

(g) A request by one city council member appointed to the EDA to table a request at an EDA meeting does not require a vote and shall be referred directly to the city council at their next available meeting.

With respect to this list of limitations, the EDA's role is advisory only. However, the EDA may otherwise exercise all powers authorized to it by state statute.

In sum, this language makes clear that the City Council maintains significant authority over the EDA and its decisions, not only through the appointment of members, but also by requiring City Council approval for many of its core functions. In fact, any Council member who has been appointed to the EDA can table any request in front of the EDA and refer the matter directly to the City Council, in effect giving Council members on the EDA the ability to circumvent the EDA altogether if they so choose.

It is worth noting that the enabling resolution and these code sections are not permanently set in stone, they can be amended through City Council action. Should the Council wish to change these limitations to give the EDA more independence, it can do so. But any amendments to the scope of the EDA's powers and Council oversight must be made in accordance with the governing Statutes, 469.090 through 469.108.

Ultimately if changes are considered, we would recommend some structural changes to bring this in compliance with the law, as the enabling resolution should control as a stand-alone document (similar to a City charter or an organization's Bylaws), and it should not be placed into City Code as would a typical ordinance. We would be happy to advise on that process should you wish. But ultimately, to fully comply with the law we would recommend all amendments to the Enabling Resolution be reflected and restated in one document, made available online (or to the public generally), and removed from the City Code.

Please let us know if you have any specific questions or concerns regarding this, thank you for your time and attention.

-Robert

Robert J. Kringler

Associate Attorney

Flaherty & Hood, P.A.

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St. Paul, MN 55103

(651) 259-1901

rjkringler@flaherty-hood.com



Prepared By:
Jason Ziemer, Community Development Director
Presenter: Jason Ziemer, Community Development Director
Date: 04/11/2024

Board & Commission: Economic Development Authority

Subject: Kickoff Discussion Regarding the Upcoming 2025 EDA Budget

Overview / Background

The Fiscal Year 2025 budget work is fast approaching. City staff are soon starting the internal process of identifying and defining top priorities, opportunities and needs facing each of the different departments. Of all advisory commissions, the Economic Development Authority (EDA) is the only one that has a budget and specific tax levy that supports its work and programs.

In part, it is my goal, as the Interim City Administrator, to work with the City Council and EDA toward a biennial budget approach to City financial planning; this approach is also agreed-to by Finance Director Sharon Wright. This will require significant work on all parts to really understand direction and define priorities, goals and outcomes for 2025, but also 2026 and beyond. This approach will allow us to really road map where we are heading, communicate with the community as to what we are focused on and why, understand outcomes, and what is that cost or those costs for achieving those outcomes.

There has been much conversation regarding the development of a Strategic Plan at both the City Council and EDA levels. Those are priority projects for me. But, for now, we need a starting point, and so I am looking to the EDA to start its discussion on a relatively small scale to start shaping upcoming budgeting and strategic planning discussions.

Attached you will find excerpts from the September 6, 2022 EDA meeting where we discussed amongst other things strengths, obstacles and opportunities; this can be used to recap and inform thoughts. Priorities discussed and included for the current Fiscal Year 2024 budget included the following items. Not included in the 2024 budget (paid from 2023 funds) is the ongoing rental housing study, which is projected to be complete by late Spring 2024.

- EDA and HRA levies at the maximum permitted by State Statute
- Downtown Storefront Rehabilitation program
- Business Park Master Plan
- cost-share Downtown parking assessment (part of Downtown Master Plan)
- marketing and promotional opportunities

Note: The Downtown Master Plan, and corresponding downtown parking analysis, was not included in the final General Fund budget for the Community Development Department.

To prepare for our conversation, I am looking for each EDA member do answer the following questions. It is my goal to discuss and log your points, and organize them for future discussions. As for the questions:

1. What is important to the EDA?
2. Why is it important to the EDA?
3. What is the outcome the EDA is trying to achieve?

As you do this exercise, please consider the current vision of the EDA to help inform your points. I am also attaching the economic development chapter of the City's Comprehensive Plan. Please try to be as specific as possible. For example: business-friendly is a vague concept; please be specific. What does this mean to you? How do we achieve this and know we are business-friendly? These questions will help drive what resources are needed to achieve the outcome and answer the 'why' the EDA makes the decisions it does. Again, this is merely a starting point for discussion and will be used to help further develop priorities, goals, outcomes ... and budget. And toward the eventual creation of Strategic Plan. Thus, we are not discussing numbers at this point.

Staff Recommendation

None.

Recommended EDA Action

None.

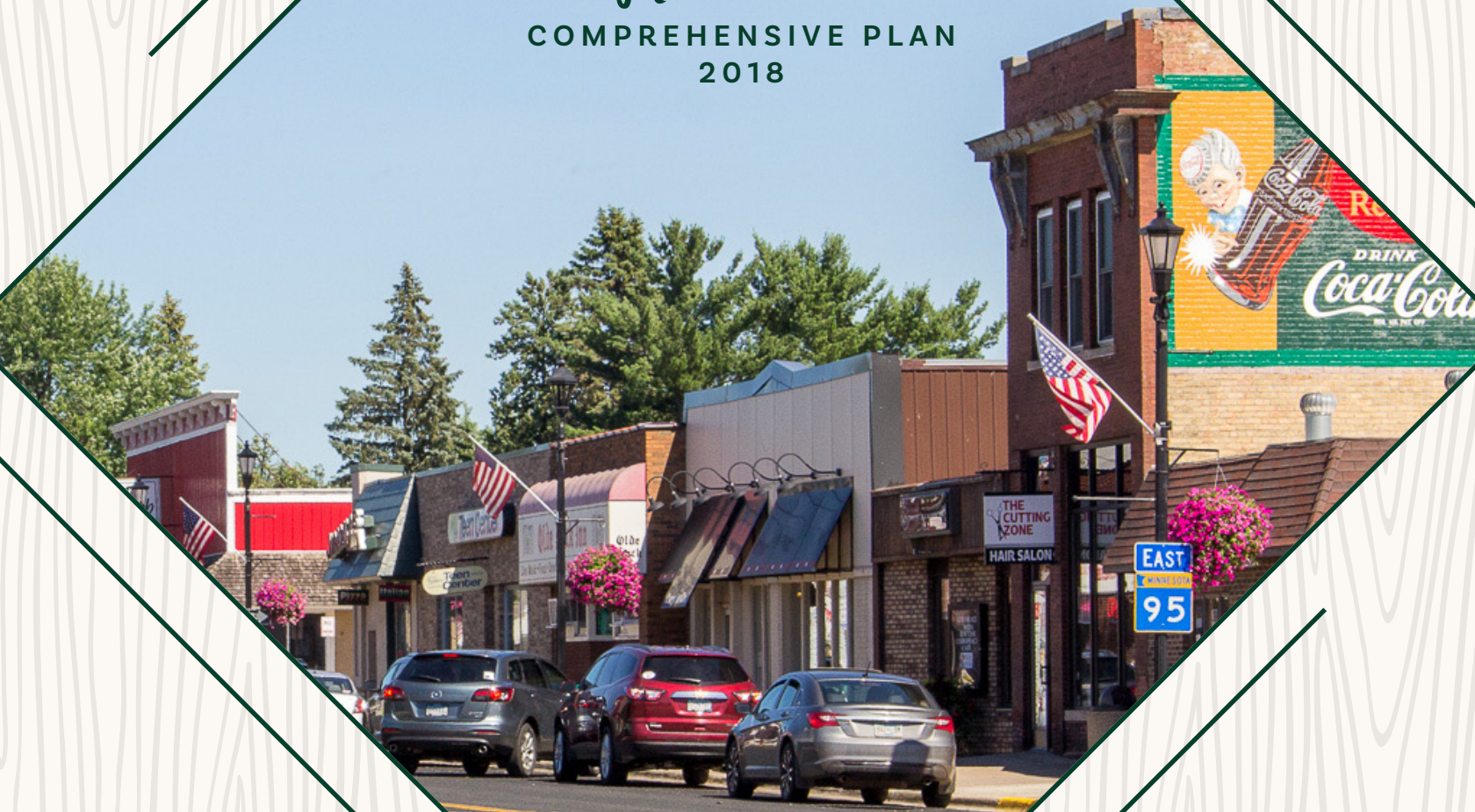
Voting Requirements:

None.

NORTH BRANCH

Minnesota

COMPREHENSIVE PLAN
2018



NORTH BRANCH COMPREHENSIVE PLAN

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Natural Environment, Parks,
Trails, And Recreation

*The purpose of the
Comprehensive Plan is
to serve as a vision and
roadmap for where the
community is headed.*



5

ECONOMIC DEVELOPMENT

Introduction

A strong business community is the cornerstone of a vibrant city. Economic development encompasses the policies and activities that improve the long term economic and social wellbeing of the community. Communities with strong economies have financial resources to support the levels of service that their residents need and desire. Successful communities realize that economic development is about bringing together social, natural, infrastructure, and economic assets in the community to sustain the “whole” community.

The City’s Economic Development Authority recently adopted a strategic plan to guide and inform its decision making over the next 3 – 5 years. The EDA identified the following strategic priorities:

- Expansion of broadband (high speed internet)
- Business growth, including continued land sales and development
- Transportation
- Community
- Housing

Inventory and Analysis

Existing Characteristics of the Economy

A significant number of North Branch residents commute to work, but have indicated via survey and other tools, that they would prefer to work in the city if comparable jobs were available. Therefore, retaining and attracting jobs is an ongoing objective for the City of North Branch. As of 2018 Assessment Year, non-residential property values amounted to \$146,754,700, as follows: commercial \$91,277,300, industrial \$22,953,100 and apartments \$32,524,300. The Minnesota Department of Employment and Economic Development estimates the unemployment rate in Chisago County at 3 percent, higher than the state average of 2.9 percent.

Table 5-A shows the employment and business profile of North Branch. The highest employment industry is health care and social assistance which provides 17.5 percent of all jobs in North Branch. Educational services is the second highest source of employment (13.1 percent), and construction, and other services provide about 12.6 percent each of the community’s total jobs. (Data-USA.com)

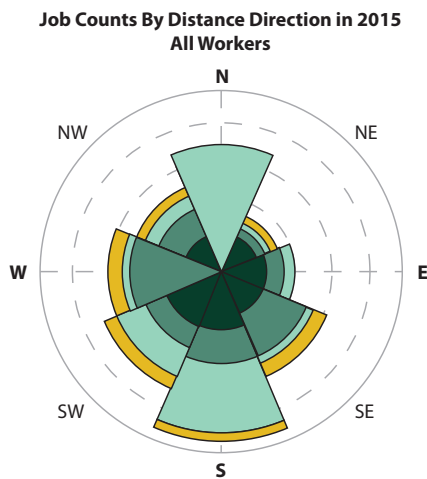
Table 5 –A Business and Employment Statistics

Name	Industry	Approximate # of Employees
North Branch School District	Education	388
Villages of North Branch	Elder Care	185
Andersen Windows	Manufacturing	180
Lakes Region EMS	Emergency Medical Services	92
County Market	Retail	90
Fairview Health System	Health Care	85
Branch Manufacturing	Manufacturing	72
Environmental Stoneworks	Manufacturing	69
Zinpro	Manufacturing	62
ShopKo	Retail	60
Wisconsin Coil Spring	Manufacturing	56

Commuting

According to the US Census as of 2015, 59.4 percent of North Branch residents commute more than 10 miles to work, resulting in an average commute time of 32.3 minutes trip.

Figure 5-1: Commute Distances



Jobs by Distance | Work Census Block to Home Census Block

2015

	Count	Share
Total Primary Jobs	3,366	100.0%
Less than 10 miles	1,368	40.6%
10 to 24 miles	1,148	34.1%
25 to 50 miles	614	18.2%
Greater than 50 miles	236	7.0%

Finance Tools

Community development actions require a framework for financial decision-making. The investment of public dollars to achieve community development objectives should be guided by several key principles:

- Financial resources are limited. The city has limited funding to apply to community development initiatives, so the use of resources must be targeted to achieve the greatest effect on community needs.
- Financial decisions require a long-term perspective. The current use of financial resources may reduce monies available in the future. In evaluating short-term opportunities, it is important to question the long-term impact on community development.
- Public funds should lead to private investment. While this section focuses on public finance actions, the Comprehensive Plan cannot become reality without private investment. The use of public funds should be targeted to actions that encourage private investment in North Branch.

The area of North Branch located north of TH95 received Opportunity Zone designation by the US Department of Treasury. While the tax credit opportunities that this designation allows are a private sector concern, the City will promote this designation as a tool for land sales and development in the City's Interstate Business Park as well as the other undeveloped portions of the City within the designated Opportunity Zone census tract.

Tax Increment Financing

Tax increment financing (TIF) is the primary development finance tool available to Minnesota cities (Minnesota Statutes, Sections 469.174 through 469.179). TIF is simple in concept, but complex in its application. Through tax increment financing, the property taxes created by new development (or redevelopment) are captured and used to finance activities needed to encourage the development. The challenge in using TIF lies with the complex and ever-changing statutory limitations.

Tax Abatement

Tax abatement acts like a simpler and less powerful version of tax increment financing. With TIF, the city controls the entire property tax revenue from new development. Under the abatement statute (Minnesota Statutes, Sections 469.1812 through 469.1815), the city, county and school district have independent authority to grant tax abatement.

Special Assessments

Public improvements are often financed using the power to levy special assessments (Minnesota Statutes Chapter 429). A special assessment is a means for benefiting properties to pay for all or part of the costs associated with improvements, and to spread the impact over a period of years. This tool can be applied to both the construction of new improvements and the rehabilitation of existing improvements.

Grant Programs

Cities can leverage funding from various grant programs to help take on economic development initiatives. There are numerous grant programs available to cities provided by various state and federal agencies related to economic development and downtown redevelopment. The Community Development Block Grant program (CDBG) administered by the U.S. Department of Housing and Urban Development (HUD) provides grants on an annual basis to states and eligible local governments for community development activities. In some cases, communities may choose to use these dollars for business retention and job growth activities. The City should also explore the use of these dollars for downtown redevelopment. The Minnesota Department of Employment and Economic Development is another agency with financial assistance available to local governments for business development, infrastructure, community development and site cleanup and redevelopment. Many other funding sources exist and city staff should monitor and pursue these opportunities when appropriate.





A significant number of North Branch residents commute to work, but have indicated via survey and other tools, that they would prefer to work in the city if comparable jobs were available.

GOAL 1

Encourage economic growth to meet the demand for commercial and industrial development.

Vision for Economic Development

The City of North Branch will remain focused on retaining a high quality of life, while at the same time working to encourage and facilitate job growth in its commercial and industrial sectors.

Goals, Objectives, and Policies

The following section outlines the primary goals for economic development, followed by a series of objectives and policies intended to influence future economic development efforts that align with the community visions in this plan.

OBJECTIVE 1.1

DEVELOP THE INTERSTATE BUSINESS PARK.

Policy 1.1.1

Strive to maximize the community's strategic location as a valuable resource, promoting the Opportunity Zone designation whenever possible.

Policy 1.1.2

Actively target companies, both large and small, that offer good employment prospects, draw from the local labor pool, and are good corporate citizens.

Policy 1.1.3

Work to maintain a labor force in the immediate area that supports the growth of business and industry in the Interstate Business Park, including but not limited to expanding the inventory of affordable housing, providing transportation alternatives and encouraging expansion of services.

Policy 1.1.4

Coordinate with stakeholders and regional partners to identify users of rail and support development of rail spur adjacent to the Interstate Business Park.



OBJECTIVE 1.2

REVITALIZE THE HISTORIC DOWNTOWN AREAS OF NORTH BRANCH.

Policy 1.2.1

Address unique development challenges including the reuse and redevelopment of vacant buildings in the historic downtown areas.

Policy 1.2.2

Explore and implement plans to enhance pedestrian friendly features, promote available parking, and collaborate with Minnesota Department of Transportation to establish safe pedestrian crossings at intersections within the downtown area.

GOAL 2

Balance the use of undeveloped land and infill development throughout the City.

OBJECTIVE 2.1

CONTINUE AND EXPAND REDEVELOPMENT EFFORTS.

Policy 2.1.1

Foster private investment and economic activity without compromising community objectives to maintain and enhance North Branch's natural environment.

Policy 2.1.2

Promote the areas north of TH95 as being designated for Opportunity Zone tax treatment to further enhance private investment in those areas.



OBJECTIVE 3.1

RETAIN AND SUPPORT LOCAL BUSINESS AND INDUSTRY.

Policy 3.1.1

Set attracting new, and retention of existing, businesses and industries as a priority of the City's economic development plan.

Policy 3.1.2

Continue outreach by City Staff and Elected Officials whereby the City representatives meet periodically on an individual basis with businesses and industries to listen to concerns and discuss opportunities for success. During these meetings, identify any perceived or real barriers or obstacles (such as overly restrictive ordinances) that the City could potentially remove or minimize to help industries and businesses prosper, while still protecting the overall health, safety and welfare of the community.

Policy 3.1.3

Coordinate with regional organizations, the North Branch School District, higher education institutions, and others in their efforts to promote training opportunities that can help businesses and industries prosper. If appropriate, co-sponsor and/or offer City facilities and/or meeting space for employee training programs.

Policy 3.1.4

Continue to promote North Branch's high quality of life as a means to help attract new businesses and industries.

Policy 3.1.5

Continue to work with local businesses and industries to ensure needs for expansion and development are adequately met.

Policy 3.1.6

Pursue ways to streamline the development approval process while still maintaining high quality development standards, by using consistent work flow practices, checklists, and hosting developer information sessions regularly.

Policy 3.1.7

Periodically review and promote economic development incentive programs such as Tax Increment Financing (TIF), Tax Abatement, utility energy and water efficiency design and improvement programs, county and state waste and pollution prevention assistance and other regional, state and national loan, grant and incentive programs to support business growth and development.

GOAL 3

Enhance North Branch's reputation as a resource to new and expanding businesses.



Strategic & Work Plan Discussion

Economic Development Authority
09/06/2022



CITY OF
NORTH BRANCH



- Vision

- *“...focus on retaining a high quality of life, while at the same time working to encourage and facilitation job growth...”*

- Objective 1

Develop Interstate Business Park

- Things done/worked on:
 - Ehlers re: business park financials
 - Greater MSP re: City & 30-minute drive time labor market data
 - Industrial developers/brokers
- Things to consider:
 - Re-gauge the Business Park based on current day
 - Re-analyze financials/economics & approach
 - Develop Master Plan

- Vision

- *“...focus on retaining a high quality of life, while at the same time working to encourage and facilitation job growth...”*

- Objective 2

Continue & expand redevelopment efforts

- Only two (2) points
 - Foster private investment
 - Promote areas north of TH94 for Opportunity Zone
- Things to consider:
 - Take a hard look at Downtown (needs, priorities, etc.)
 - Focus on priority development/redevelopment areas
 - Master plan Downtown & priority areas

- Vision

- *“...focus on retaining a high quality of life, while at the same time working to encourage and facilitation job growth...”*

- Objective 3

Retain & support local business & industry

- Main points:
 - Business, Recruitment/Retention & Expansion (BRE)
 - Coordinate training with local entities (i.e. high school, technical schools, etc.)
 - Promote quality of life & business environment
 - Streamline development & promote incentive programs
- Things to consider:
 - Develop tangible aspects of goals; create action plans

EDA Strategic & Work Plan

- EDA Strategic Plan (Adopted 06/07/2018)
 - Expansion of broadband
 - Business growth – continued land sales & development
 - Transportation
 - Community
 - Housing
 - Things to consider:
 - Status of Strategic Plan – Accomplished? Relevant? Missing?

EDA Strategic & Work Plan

- Exercise
 - Accomplishments
 - Obstacles
 - Opportunities
 - Up to five (5) top each



Strengths, Obstacles & Opportunities

Economic Development Authority
09/06/2022



CITY OF
NORTH BRANCH



EDA Discussion

- Identified Strengths, Obstacles & Opportunities
 - Business Park
 - Main point of EDA emphasis
 - Is it #1 priority?
 - What are priorities #2, #3, #4, etc.
 - Downtown

- Identified Strengths, Obstacles & Opportunities
 - Labor Force
 - Needs better definition
 - Changing workforce
 - Manufacturing (on-site) vs. office (remote)*
 - On-site job requirements for some employers*
 - Remote ability – allowing people to live greater distances from work*
 - How does labor force relate to services & businesses in community?

- Identified Strengths, Obstacles & Opportunities

- Housing

- Growth of housing & diversity of housing → increased access to/availability of labor force
- Rise of remote work become community of choice
- Allow wage earners to live “in-between” work places
Give choices & leverage community assets (i.e. schools)
- Parks system
- High build expected to continue; some slow down expected

- Identified Strengths, Obstacles & Opportunities (*cont*)

- Business / Economic

- Rooftops are everything → community-wide & areas specific (i.e. Downtown)
- Housing & labor force growth → business expansion (i.e. Andersen 3rd shift & 255,000 sf expansion)
- Need to tap into available workforce → Seniors, Baby Boomers & Millennials
What is workforce looking for? How can we attract/provide those jobs here?
Oft targeted age middle age groups are employed
Get retirees back into the workforce

- Identified Strengths, Obstacles & Opportunities (*cont*)
 - Schools
 - Positive image
 - Enrollment is growing
 - Parent-student satisfaction growing
 - Viking Bridge program
 - Where does High School “rank” in Minnesota?
 - What is High School / School District known for?
 - Need to promote more

- Identified Strengths, Obstacles & Opportunities (*cont*)
 - Broadband is available
 - How do we get to 'yes' with developers?
 - Perspective is "too far" / too far north
NB → 694 = 36 miles/36 minutes
NB → Mpls = 40 miles/45 minutes
NB → MSP = 45 miles/50 minutes
 - Community on major crossroads & connections – TH94 & I-35
 - *Twin Cities → Duluth ... St. Cloud → Wisconsin*
St. Cloud & Duluth → Level 1 Trade Centers
Cambridge → Regional Trade Center

- Identified Strengths, Obstacles & Opportunities (*cont*)

- EDA

- Focus areas & responsibility
- Determine priorities & work plan
Work plan & priorities will be inclusive of different areas of EDA
- Community promotion & marketing
- Differentiate community
Why is it unique?
How does it stand out?
Why live here?
Why open/expand business here?