

City of Moorhead
Economic Development Authority
Meeting Minutes
March 28, 2011 at 11:30 AM
1st Floor Council Chambers, Moorhead City Hall

Pursuant to due call and notice thereof, a regular meeting of the Economic Development Authority was held in the 1st Floor Council Chambers, Moorhead City Hall, on March 28, 2011, at 11:30 AM.

Roll call of the members was made as follows:

3rd Ward Council Member:	Brenda Elmer	Present
4th Ward Council Member:	Mark Hintermeyer	Present
Board Member:	Werner Golling	<i>Absent</i>
Board Member:	Kay Parries	<i>Absent</i>
Board Member:	Les Bakke	Present
Board Member:	Robert Remark	Present
Board Member:	Jon Riewer	<i>Absent</i>
Board Member:	Gane Skatvold	Present
Board Member:	James Taylor	Present
Board Member:	Mark Wallert	Present
Board Member:	James Welch	Present

Others Present:

Chuck Chadwick, Business Outreach Liaison, MBA	Kristie Leshovsky, City Planner
Pete Doll, Development Services Manager	Michael Redlinger, City Manager
Scott Hutchins, Director of Community Services	Amy Thorpe, Community Services Planner

1. [Call meeting to Order/Roll Call](#)

2. Agenda Amendments

Minutes: None.

3. Approve Minutes

A [February 28, 2011](#)

Motion to Approve made by Brenda Elmer and seconded by Gane Skatvold

Motion Passed: For: 8; Against: 0; Abstain: 0; Absent: 3

4. Citizens Addressing the Board

Minutes: None.

5. [2011 Flood Update - Michael Redlinger, City Manager / Bob Zimmerman, City Engineer](#)

Minutes: City Manager, Michael Redlinger provided the board with an update on the flood preparations within the City of Moorhead.

Legislative matters related to the flood (page 33) were discussed at this time. Hutchins gave a briefing on each of the legislative issues: flood mitigation and disparity reduction credit. He stated that the continuation of the DRC is a top priority for Moorhead and stated that the city will continue to work on keeping DRC for Moorhead.

6. [Adopt Amended EDA By-Laws and Transition Plan - Hutchins](#)

Minutes: Hutchins stated that the board had been working for the past month to modify the EDA Bylaws for the purpose of adding more inclusive categories of membership on the board as well as a few other miscellaneous “house keeping” changes. He stated that there were two parallel activities occurring: amendment of the EDA Bylaws and amendment of the City’s Enabling Resolution. He distributed a new copy of the amended Bylaws which the City Attorney, Brian Neugebauer, had added additional language to clarify the appointment process. [A new copy of the amended Bylaws was added to the online EDA packet.] Hutchins stated that all commissioner appointments will continue to be made by the Mayor for approval by the City Council with the exception of ward appointments which will be brought directly to the City Council for approval.

Hutchins stated that the transition plan took the current membership positions and designated some members to a new category, attempting to align the positions as logically as possible. He stated that the current members would remain in service for the duration of their terms but that when their terms expired, their replacement would need to qualify under the new designation.

Hutchins reviewed the boards suggested additions to the EDA’s mission statement found within the City’s Enabling Resolution which broadened language to reflect the board’s commitment to small business and other business interests.

Council Member Elmer stated that she had been asked by a community member if members of the EDA board were required to be residents of the city of Moorhead. She stated that she did not know the history and asked the board if they were concerned with the residency of board members. The board reviewed the language within their Bylaws related to residency, Article III, Section 2, Paragraph e. which reads,

***“Residency of Commissioners.** At least nine (9) of the eleven (11) Commissioners shall be residents of the City of Moorhead and both or either of the remaining Commissioners may be residents of any other political subdivision outside of the boundaries of the City of Moorhead and within which the Authority may exercise its powers pursuant to Section 8 or 9 of Chapter 341 of the Laws of Minnesota, 1986 (An Enabling Act).”*

Hutchins stated that past boards had determined it may be an asset to have the flexibility to allow a person or two who had a special skill set or perspective and a tie to Moorhead business to serve on the board even if that person resided outside the city. The language in the bylaws is permissive, not mandatory.

Hintermeyer stated that he did see a problem with allowing non-residents to serve on the board and thought it sent the message that Moorhead did not have enough talent to recruit from within. He stated that due to the taxing authority of this board which is subject to approval of City Council, only residents should serve as members. He acknowledged that larger businesses or institutions whose interests should be represented may have non-residents who would otherwise be qualified to serve but that there were also likely Moorhead residents who could be appointed to represent those interests instead.

Welsh asked staff to further explain the following, “*Commissioners may be residents of any other political subdivision outside of the boundaries of the City of Moorhead and within which the Authority may exercise its powers*” To clarify, Hutchins referred members to Section 8 and Section 9 of the 1986 Special Legislation:

Section 8. [Power Outside the City] If the city council of the city of Moorhead and the board of Clay County commissioners adopt resolutions requesting the Moorhead housing and redevelopment authority to exercise its powers in areas outside the city boundaries but within the Clay county, in connection with a specific economic development or redevelopment project, the authority may do so. If the project is located within another city, the city council of that city must also adopt a resolution

requesting the authority to exercise its powers there.

Section 9. [Power Outside the State] The powers granted to the city by section 2 may be exercised with respect to any project located in a city located outside the state but contiguous to the city of Moorhead [Fargo-emphasis added]. In furtherance of the exercise of the powers granted to the city in section 2, and notwithstanding any other provision of law or charter, the city or the authority may enter into a joint powers agreement with another political subdivision located within or without the state or a nonprofit or for-profit organization to provide for the ownership and operation of facilities located outside the state.

Hutchins stated the law was drafted at the time, to provide the City / EDA as broad a range of powers as possible. The law allows the City of Moorhead and the EDA to utilize the powers independently or concurrently. He stated that this was the foundational tool that would be built upon and from that perspective, the idea that a commissioner or two might be from outside the city was viewed as a resource opportunity.

Wallert and Welch each stated that they felt that the language allowed a desirable flexibility.

Hintermeyer stated that if specialized expertise is necessary, the board could go out and hire a professional individual to fill that need and to expect those needs to be covered within the board positions was not necessary.

Taylor stated that the language was probably a remnant and should be changed as long as the board was going through this process to amend the bylaws.

Motion to Approve and Adopt EDA By-Laws and Transition Plan made by Mark Hintermeyer and seconded by Mark Wallert

Motion to Amend made by Mark Hintermeyer and seconded by Brenda Elmer

Amend Article III, Section 2, e) Residency of Commissioners to state that "all Commissioners must be residents of the city of Moorhead."

Amendment Passed: For 8; Against: 0; Abstain: 0; Absent: 3

Motion to Approve and Adopt EDA By-Laws and Transition Plan as Amended made by Mark Hintermeyer and seconded by Mark Wallert

Motion Passed: For: 8; Against: 0; Abstain: 0; Absent: 3

7. [Recommendation for Halliday RFP - Leshovsky](#)

Minutes: Leshovsky provided the board with an update of the Halliday Motel Site, as included in the packet materials.

Board members asked for further explanation of enhancements to building facade. Leshovsky stated that staff had asked for enhancements to the front elevation façade to help the building blend into the neighborhood better. She stated that the applicant had suggested possible enhancements which she showed to the board.

Motion to Recommend Approval to the City Council made by Mark Hintermeyer and seconded by James Taylor

Motion Passed: For: 8; Against: 0; Abstain: 0; Absent: 3

8. [Legislative Update - Hutchins](#)

Minutes: See Item 5 above.

9. Election of Officers

Minutes: Chair Welsh asked for nominations for office. Board members self nominated as follows: Mark Wallert-Chair, Les Bakke-Vice Chair, and Jim Taylor-Secretary.

Motion to Approve Mark Wallert as Chair, Les Bakke as Vice Chair, and Jim Taylor as Secretary made by Brenda Elmer and seconded by Hintermeyer

Motion Passed: For: 8; Against: 0; Abstain: 0; Absent: 3

10. Information / Update

11. Adjourn

Minutes: Meeting adjourned at 12:28.

APPROVED BY:

ATTEST:

Jim Welch
Chair

Gane' Skatvold
Secretary

The proceedings of this meeting are digitally recorded and are available for public review.

Respectfully submitted by:
Amy Thorpe, Community Services Planner