

Joint Development Authority
Monday, October 1, 2018
Arden Hills City Council Chambers

Minutes

5:30 pm

Present:

Joint Development Authority: Chair Jonathan Wicklund, Commissioner Blake Huffman, Commissioner Dave McClung, Commissioner David Grant, Commissioner Rafael Ortega

Also present: Dave Perrault, (Arden Hills); Josh Olson, (Ramsey County)

Roll call taken.

Approval of Agenda

Commissioner Grant requested the MOU, Budget, Delisting, Procedure for Cancelling Meetings and Schedule E be discussed under Old Business.

Chair Wicklund reported the MOU, Schedule E and Delisting would be addressed under Item 6 A and noted the Budget would be addressed under Item 8A. He recommended Item 6B be added to address Procedure for Cancelling Meetings.

Motion by Commissioner McClung seconded by Commissioner Huffman to approve the agenda as amended. Motion carried.

Approval of September 19, 2018 Minutes

Motion by Commissioner Huffman seconded by Commissioner Grant to approve the minutes as presented. Motion carried.

Public Inquiries/Informational

None

Consent Agenda

None

Old Business

Master Development Agreement Summary

Director Olson stated the City, County and Alatus continues to work through issues pertaining to the MDA. He reported no resolutions has been reached regarding the tension points, which included the development fees and other issues.

Commissioner Grant noted the MOU has not been delivered to the City. He reviewed the comments that were made regarding the MOU at the previous JDA meeting. He believed it was in the best interest of this group to discuss the MOU and supported the JDA instructing Alatus to revise the MOU or to send the City a letter rescinding the MOU.

Bob Lux, Alatus, commented the document cannot be rescinded because it was not fully executed. He suggested all of the agreements that will be executed between Alatus, the City, County and JDA be further discussed. He explained if the City would like a valid MOU for the Civic Site, this document could be negotiated between the City, County and Alatus.

Commissioner Grant asked if Alatus could respond to the City in writing that the current MOU was invalid.

Mr. Lux stated he would respond to the City regarding the invalid MOU and that it would not be executed.

Commissioner Grant explained the JPA states the County will act as the Fiscal Agent as defined in Schedule E. He expressed concern with the fact there is no Schedule E in the JPA.

Chair Wicklund commented on a PDF form of the JPA and noted a Schedule E was included. He requested staff provide Commissioner Grant with a copy of this document.

Procedure for Cancelling Meetings

Commissioner Grant reviewed the language within the JPA regarding the procedure that should be followed for cancelled meetings. He explained bylaws and procedures were supposed to be in place.

Chair Wicklund stated he would have to review the bylaws to learn more about meeting cancellation procedures.

Commissioner Grant requested an update on this matter at the next JDA meeting.

Public Hearing

None

New Business

Financial Procedures Update and Budget

Director Olson reported Jenny Bolton from Kennedy & Graven was present to address this item with the JDA.

Jenny Bolton, Kennedy & Graven, discussed the JPA from a big picture standpoint. She stated the overarching concept was that certain costs were identified that would be incurred by the two parties ahead of the development. Those costs were assigned to the two parties and a system was put in place for recovery of these costs. She explained the City would recover its costs through fees, assessments and charges in the development, when development occurs. It was noted the County will recover its fees through land sales. She reported the agreement states not all costs and revenues are known. She commented during the interim period each party was responsible for covering its own costs. She indicated the County was acting as the fiscal agent at this time and noted there were provisions for a budget to be approved.

Ms. Bolton reported an annual budget was in place for 2018 and noted JDA staff had begun working on the 2019 budget. She commented on the language within the JPA regarding quarterly reports and noted staff was looking at updating that procedure in order to stay on track. She discussed the reimbursement policy and noted this policy was not prepared at this point. She indicated the City and County would need to identify how fees will be collected prior to development occurring.

Commissioner Grant asked where the JPA allows the Fiscal Agent to reimburse itself expenses that were within the budget. Ms. Bolton stated this was written into the Bylaws in Section 4.7D.

Commissioner Grant questioned if the Bylaws could contradict the JPA. Ms. Bolton advised the Bylaws were intended to implement or supplement the JPA.

Commissioner Grant commented on a statement from the JPA that read: No disbursements shall be made from such accounts except by check or EFT, nor unless a verified claim for services and or commodities actually rendered or delivered has been submitted to and approved for payment by the JDA. Ms. Bolton stated in the process of approving the Bylaws, and the JDA approved a procedure which was laid out in the Bylaws.

Commissioner Grant questioned how the JDA was to proceed when there was a conflict with the financial procedure. Ms. Bolton stated there was not a total conflict, rather the County was supplementing noting the County was serving as the Fiscal Agent.

Chair Wicklund commented staff upon conversation with Ms. Bolton was working on a process for the annual budget and anticipated the JDA would be reviewing this soon. In addition, staff was working on quarterly reporting and a reimbursement policy. He asked what would be the one issue the JDA needs to address at this time. Ms. Bolton explained the reporting can be handled by staff, along with the budget. She suggested the reimbursement policy be addressed by the JDA along with the arrangement that has to be negotiated within the cooperative agreement between the City and County.

Chair Wicklund questioned if reimbursements were to occur prior to revenues coming in. Ms. Bolton indicated the agreement for the identified costs and revenue sources were for after development.

Commissioner Grant stated he would be reviewing these sections of the JDA and Bylaws in further detail.

Commissioner Grant reviewed the minutes from the last meeting and noted Commissioner Huffman requested further information regarding the delisting of the site. He asked for further information from staff on this matter. Director Olson stated he would be addressing this matter under the Administrative Director's Report.

Communications

None

Development Director's Report

Director Perrault stated he had nothing additional to report.

Administrative Director's Report

Director Olson provided the JDA with background information and an update on delisting of the TCAAP superfund site. He explained the delisting only addressed the soil and not the water. He reported the water would be the Army's obligation. He indicated the Certification of Completion meant the County had achieved its cleanup goals and was ready for development. He stated the County had submitted its delisting materials to the EPA's local office and this information has been passed along to the Federal EPA office. He commented the County could begin grading work in 2019 and would be working closely with environmental regulators.

Commissioner Grant asked how long it would take to delist the property. Director Olson reported he was seeking clarification from the MPCA on this. He indicated the State and Federal EPA would be working on this matter concurrently.

Commissioner Grant commented on the deep water contamination that has occurred on this site and noted shallow water contamination was recently found. He requested further information on this recent finding. Director Olson stated he could investigate this item and would report back to the JDA.

Commissioner Grant requested a budget update. Chair Wicklund reported the Directors would be providing the JDA with a budget update at the next JDA meeting.

Commissioner Updates

Chair Wicklund asked when the JDA wanted to hold their next meeting on October 17th or November 5th.

Commissioner Ortega suggested the October meeting be held unless there was nothing new to discuss.

Commissioner McClung supported keeping the October meeting on the calendar, but did not expect there would be anything to discuss until November.

Commissioner Grant stated he preferred to hold the October meeting in order to assist the JDA in making continual progress.

Commissioner Huffman concurred.

Director Olson stated he would have information for the JDA to address on October 17th.

Future Meeting Schedule

The next meeting will be Wednesday, October 17, 2018, at Arden Hills City Hall.

Meeting adjourned at 6:15 pm.

Approved Jonathan P. Wicklund Chair
Jonathan Wicklund, Chair

Date 10/17/18