

**MINUTES
ECONOMIC DEVELOPMENT AUTHORITY MEETING
AUGUST 15, 2016**

The meeting was called to order at 6:43 p.m.

Present: Commissioners: Kermes, Prudhon, Ruzek; Assistant Treasurer / Secretary: Short; Attorney: Lemmons.

APPROVAL OF AGENDA (Additions/Deletions): Ruzek moved approval of the agenda as submitted. Prudhon seconded. Ayes all.

APPROVAL OF MINUTES OF JULY 18, 2016 (Additions/Deletions): Prudhon moved approval of the Minutes of July 18, 2016. Ruzek seconded. Ayes all.

STODDARD PROPERTY: The Clerk provided a status report on the Stoddard property. He reported that there were two relating issues. One question was if the Town can concede that it has taken the property by regulation and then condemn the entire property in the context of a regulatory taking involving an ordinance that limits building height due to proximity to an airport. Lemmons reported that he reviewed this matter with a condemnation specialist from Kennedy and Graven, the Town's TIF Attorney, who advised that although most towns lack general authority to acquire property, certain metropolitan towns have special authority to acquire by eminent domain property for any purpose for which it is authorized by law to take or hold property by purchase or gift. If the Town is authorized to acquire the Stoddard's property for an airport purpose, it could merely initiate a condemnation action and move to dismiss the inverse condemnation. The Town will have to pay the owner's attorney fees in the inverse condemnation action. Although initiating a condemnation action would likely end the inverse action, there could still be a dispute over the scope of the taking. Courts have recognized that it can be appropriate for municipalities to acquire avigational easements instead of adopting regulatory ordinances to limit height restrictions. Once the Town makes the determination that fee interest is needed, courts will generally defer to the Town's determination, barring arbitrary and capricious conduct. Another question was if the Town can acquire the property by condemnation, if the EDA can pay for the acquisition. Lemmons stated that there is no reason why the EDA could not pay for the acquisition of property being acquired by eminent domain by the Town. It would be merely the source of the funds. Kennedy & Graven, the Town's TIF Attorney could craft an agreement between the Town and EDA that would facilitate

MINUTES
EDA MEETING
AUGUST 15, 2016

the payment and result in the EDA ultimately holding title. The Clerk noted that no resolution is needed at this time.

WHITE BEAR LAKE CHAMBER EVENT HONORING BORIS MIKSIC- SEPTEMBER 26, 2016: The Clerk reported that the WBL Chamber of Commerce will be honoring Boris Miksic on September 26th and would like the Town's support. He reported that Boris Miksic is the owner of Cortec Corporation and was the first business to receive tax increment financing to provide an incentive to acquire land in the Township for Cortec. The EDAB supports the WBL Chamber event honoring Boris Miksic and recommends authorization for purchase of a plaque recognizing Boris Miksic with funding from the Loan Pay Back Account. Available EDAB members will attend the event.

Ruzek moved to authorize an expenditure not to exceed \$200 for purchase of a plaque honoring Boris Miksic. Prudhon seconded. Ayes all.

RECEIPT OF AGENDA MATERIALS AND SUPPLEMENTS: Prudhon moved to receive all of the agenda materials and supplements for tonight's meeting. Ruzek seconded. Ayes all.

The meeting adjourned at 7:00 p.m.

Respectfully Submitted,

William F. Short
Assistant Treasurer/Secretary