

RECEIVED JUL 13 2005

***BUSINESS SUBSIDY POLICY***  
***ESTABLISHING***  
***A BUSINESS SUBSIDY POLICY FOR TRADITIONAL BUSINESS SUBSIDY***  
*and*  
***JOBZ BUSINESS SUBSIDY DEVELOPMENTS***

**Preamble.** Whenever the City invests public funds or agrees to voluntarily forfeit tax or other revenue that benefit private development projects, those projects should create the greatest number of FTE jobs that pay a living wage possible for the residents of the City. City policy makers and economic developers must keep the critical need for living wage FTE jobs the priority whenever public dollars are invested in a private business or development project.

**Business Subsidy Public Purpose.** The public purposes of this policy shall be to accomplish the following on behalf of the City of Crookston:

1. Enhance economic growth in this area
2. Create high quality job growth in this area
3. Retain high quality jobs in this area
4. Stabilize the community

This policy is adopted in compliance with M.S. § 116J.994 Subd. 2. A copy of the policy shall be submitted to the Department of Employment and Economic Development along with the first annual Business Subsidy report.

**Principles of Business Subsidy Implementation.** The City shall target its business subsidy assistance to businesses that demonstrate a clear and ongoing commitment to the community by providing living wage jobs to their employees and to City residents, where applicable, by giving priority to those businesses over businesses that have not traditionally paid living wages.

The City shall focus its business subsidy assistance only to businesses which agree to comply with annual business subsidy reporting requirements as required by Job Opportunity Building Zone (JOBZ) statute M.S. §§ 469.310 - 469.320; and/or as required by the Business Subsidy statute M.S. §§ 116J.993 - 116J.995.

Although the primary purpose of this policy is the creation of living wage jobs, we cannot achieve our economic development goals without a trained and ready workforce and adequate childcare. The City shall commit to assist businesses to obtain trained and work-ready employees through the DEED Workforce Development Centers; the University of Minnesota, MNSCU and other services; and to facilitate access to childcare.

## **I. Business Subsidy**

“JOBZ Business Subsidy” means tax exemptions or tax credits available to a qualified business located in a job zone under the Job Opportunity Building Zone (JOBZ) statute M.S. §§ 469.310 - 469.320. JOBZ Business Subsidies shall include:

1. Exemption from individual income taxes as provided under M.S. § 469.316; and

2. Exemption from corporate franchise taxes as provided under M.S. § 469.317; and
3. Exemption from the state sales and use tax and any local sales and use taxes on qualifying purchases as provided in M.S. § 297A.68, subdivision 37; and
4. Exemption from the state sales tax on motor vehicles and any local sales tax on motor vehicles as provided under M.S. § 297B.03; and
5. Exemption from the property tax as provided in M.S. § 272.02, subdivision 64; and
6. Exemption from the wind energy production tax under M.S. § 272.029, subdivision 7; and
7. The jobs credit allowed under M.S. § 469.318.

“Business Subsidy” means a state or local government agency grant, contribution of personal property, real property, infrastructure, the principal amount of a loan at rates below those commercially available to the recipient, any reduction or deferral of any tax or any fee, any guarantee of any payment under any loan, lease, or other obligation, or any preferential use of government facilities given to a business, and as defined by the Business Subsidy statute M.S. §§ 116J.993 - 116J.995. Business subsidies shall include, but not be limited to:

1. Loan
2. Grant
3. Tax abatement
4. TIF or other tax reduction or deferral
5. Guarantee of payment
6. Contribution of property or infrastructure
7. Preferential use of governmental facilities
8. Land contribution
9. Other specified subsidy.

Business subsidies do not include the following:

1. Assistance of less than \$25,000;
2. Assistance that is generally available to all businesses or to a general class of similar businesses, such as a line of businesses, size, location or similar general criteria;
3. Public improvements to buildings or lands owned by the City that serve a public purpose and do not principally benefit a single business or defined group of businesses at the time the improvements are made;
4. Property polluted by contaminants being redeveloped as defined in M.S. § 116J.552, subd. 3;
5. Assistance provided for the sole purpose of renovating old or decaying building stock or bringing it up to code and assistance to designated historic preservation sites or districts, provided that the assistance is equal to or less than 50% of the total cost of the development;
6. Assistance to provide job readiness and training services;
7. Assistance for housing;
8. Assistance for pollution control or abatement, including assistance from a TIF hazardous substances subdistrict;
9. Assistance for energy conservation;
10. Tax reductions resulting from conformity with federal tax law;
11. Workers compensation and unemployment compensation;
12. Benefits derived from regulation;

13. Indirect benefits derived from assistance to educational institutions;
14. Funds from bonds allocated under M.S., Chapter 47A refunding bonds and 501(c)(3) bonds;
15. Assistance for collaboration between a Minnesota higher education institution and a business;
16. Assistance from a tax increment financing soils condition district as defined under M.S.469.174, subd.19;
17. Redevelopment when the Recipients or Qualified Business' investment in the purchase of the site and in site preparation is 70 percent or more of the assessor's current years estimated market value;
18. General changes in tax increment financing law and other general tax law changes of a principally technical nature;
19. Federal assistance until the assistance has been repaid to and reinvested by the local governmental unit;
20. Funds from dock or wharf bonds issued by a seaway port authority;
21. Business loans or loan guarantees of \$75,000 or less; and
22. Federal loan funds provided through the U.S. Economic Development Administration.

## II. Business Subsidy Criteria

The City recognizes that every proposal is unique. Nothing in these criteria shall be deemed to be an entitlement or shall establish a contractual right to a subsidy. The City reserves the right to modify these criteria from time to time and to evaluate each project as a whole. The following criteria recognize that the award of a business subsidy may serve a variety of public purposes of varying importance depending up on the specific project facilitated by the subsidy. The City may modify any criteria it determines to be unimportant in the case of a particular project, as permitted by the Act.

1. **Increase in Tax Base.** While an increase in the tax base cannot be the sole grounds for granting a subsidy, The City believes it is an important condition for any subsidy.
2. **Jobs and Wages.** It is the City's intent that the grantee creates the maximum number of livable wage jobs at the site. Job retention may be used, but only if job loss is imminent and demonstrable.
3. **Economic Development.** Projects should promote one or more of the following:
  - a. Economic and commercial diversity within the community;
  - b. Removal of blight, including pollution mitigation;
  - c. Retention and reuse of buildings of historical or architectural significance;
  - d. Additional or "spin-off" development within the community;
  - e. Extension of utilities into non-served areas;
  - f. The project must be consistent with the City's Comprehensive Plan;
  - g. The use of the business subsidy should encourage quality construction and promote the highest and best use of land:

- h. The project will promote completion of major public improvement projects within the community with special emphasis given to the installation of trunk sewer and water lines and major transportation projects;
- i. Generally, a subsidy will not be granted to a business that directly competes with a business that is currently operating in the City of Crookston. Exceptions may be granted when the addition of competition could have a positive effect on the community, or meet other goals of the City.

### **III. Requirements of Businesses.**

The City of Crookston shall require all businesses receiving a business subsidy to comply with the following:

1. The business shall attend a properly noticed public hearing that shall be held by the City as provided by M.S. § 116J.994. As provided by M.S. 116J.994, Subd. 5., a public notice shall be published in print and if possible, on the internet, at least 10 days prior to the hearing.
2. The business agrees to continue operating under the conditions of the subsidy agreement for a period of three years beyond the last benefit year.
3. If the qualified business or recipient is relocating from a Minnesota non-JOB Zone location into a JOBZ sub zone the business shall be required to enter into a binding written "Relocation Agreement" between the qualified business and the commissioner of DEED.
4. The business shall identify an operation start date when business operations for the proposed qualified business are planned to begin in the zone. The date when business operations begin is called the "operation start date".

### **IV. Basis of Decision**

When considering projects, the City will consider all relevant factors and will base its decision on the merits of the project and its projected economic benefit to the community. The City will also consider the contributions that the project makes to further the community's overall development plan and its impact on existing business.

Generally, the City will not consider a subsidy which requires more than \$25,000 per job created, or that does not pay at least 110 percent of the Federal department of Health and Human Services poverty guideline for a family of four.

RESOLUTION NO. 23849

At a second Regular Meeting of the City Council of the City of Crookston held on the 27th day of April, 2004, Council Member David W. Genereux offered the following resolution which was seconded by Council Member Harry N. Manole

WHEREAS, the City of Crookston is designated as one of ten Job Opportunity Building Zones (JOBZ) under the State of Minnesota's new program designed to promote economic development in rural areas, and

WHEREAS, the City of Crookston is required to adopt a Business Subsidy Policy as part of the requirements under JOBZ.

NOW, THEREFORE, IT IS RESOLVED by the City Council of Crookston, Minnesota to adopt the attached Business Subsidy Policy.

Council Members	Ayes	Nays	No Vote
Smulan	✓		
Mjoen	✓		
Mykleseth	✓		
Melbye	✓		
Manole		✓	
Vedbraaten	✓		
Genereux	✓		
Sprague	✓		
Osborne			

Upon the call of ayes and nays the vote stood as follows:

Council Members voting in the affirmative: Smulan, Mjoen, Mykleseth, Melbye, Manole, Vedbraaten, Genereux and Sprague

Council Members voting in the negative:

Upon this vote, the Mayor declares this resolution Passed and, if passed, effective upon the Mayor's signature this 27th Day of April

2004, at 8:15 p.m

Attest:

Betty Arvidson Clerk-Treasurer  
Betty J. Arvidson

Donald A. Osborne Mayor  
Donald A. Osborne

Resolution No. 23849

Subject Matter:

**Approve adoption of a Business Opportunity Building Zone (JOBZ) Business Subsidy Policy by the City of Crookston.**

Passed by the City Council of the City of  
Crookston, the 27th  
day of April 2004

**Betty J. Arvidson, City Clerk**

---