

BUSINESS SUBSIDY POLICY

I. PURPOSE AND NEED FOR POLICY

This policy provides the criteria that every business subsidy shall be evaluated against. The business subsidy criteria included in this policy applies to all potential business subsidy recipients. In addition to this policy, every business subsidy will be subject to the requirements of Minnesota (MN) Statutes.

II. POLICY

- A. Every business subsidy shall be subject to the requirements of MN Statutes governing business subsidies and every business subsidy shall be evaluated according to the criteria included in this Business Subsidy Policy, which shall apply to all potential recipients. Wherever the term business subsidy is used in this policy, its definition shall be that as defined in MN Statutes.
- B. A business subsidy must meet a public purpose, which may include, but not be limited to, increasing the tax base. The City of Burnsville (City) and Burnsville Economic Development Authority (Authority) shall consider various public purposes including but not limited to creation or retention of jobs, elimination of blight, neighborhood revitalization, and other development and redevelopment goals established by the City.
- C. Except as described in D and E, a business subsidy must result in wage increase or the creation or retention of jobs, which will pay at least 150-percent of the federally imposed minimum hourly wage, exclusive of benefits, with the wage goals specifically set forth in the business subsidy agreement. The wage goals will be determined as a weighted average on new jobs created as defined in the City of Burnsville Fundability Guidelines for Financial Assistance Form.
- D. Wage increase or job creation or retention is not required for businesses subsidies as long as the grantor identifies an alternate public purpose in addition to tax base increase. If after a public hearing, the increase in wages or creation or retention of jobs is determined not to be a goal, the wage and job goals may be set at zero.
- E. In lieu of job creation or retention, other measurable, specific, and tangible goals shall be established. Examples of tangible goals may include redevelopment, or pollution or soil remediation.
- F. If wage increase or job creation or retention is identified as the public purpose, goals must be established for wage increase or the number of jobs created; in cases where job loss is specific and demonstrable, goals must be established for number of jobs retained. As set forth in the business subsidy agreement, wage increase or job creation or retention (based on wage floor set forth in the agreement) shall be attained within two years of the benefit date.
- G. The Authority, as authorized by the City, shall hold a public hearing after notice is published in the local newspaper, for all requests for business subsidies of \$100,000 or more. The Authority must hold a public hearing for any subsidies under \$100,000 that do not include job and wage goals.

- H. The business subsidy agreement must stipulate that the recipient will continue operations at the site where the subsidy is used for at least five years after the benefit date.
- I. Any development agreement or contract for public assistance as defined in MN Statutes shall contain, at a minimum, the following provisions:
1. Description of the subsidy including the amount and type of subsidy
 2. Identification of the specific tax increment financing district, if tax increment financing assistance is to be provided
 3. Statement of public purposes for the subsidy in addition to tax base increase
 4. Identification of measurable, specific, and tangible goals for the subsidy
 5. Description of the financial obligation of the recipient if the goals are not met
 6. Statement of why the subsidy is needed
 7. Statement of commitment to continue operations for at least five years in the jurisdiction where the subsidy is used - the five year commitment may be waived if the grantor, after a public hearing, approves the recipient's request to move
 8. Identification of the name and address of the parent corporation of the recipient
 9. Identification of all financial assistance by all grantors for the project; and reporting requirements
 10. Identification of specific wage floor for the wages to be paid, if job creation or retention is a goal, of at least the minimum set forth in Item C of this policy, and for at least two years after the benefit date or until the goals are met, whichever is later
- J. When granting a business subsidy, the City or the Authority may deviate from the criteria in this Policy by documenting in writing the reason for the deviation and filing that explanation with the Department of Employment and Economic Development along with the grantor's next annual report on business subsidies. The City or the Authority will not approve a deviation from these criteria unless the applicant provides a written request describing why the deviation is needed to permit the proposed project to proceed, and the grantor determines in its sole discretion that such deviation is reasonable and necessary.
- K. Each business subsidy agreement will require a recipient failing to meet the specified goals by the specified date to pay back the assistance plus interest, or at the request of the City or the Authority, to the account created under MN Statutes, Section 116J.551. Any repayment shall be prorated to reflect partial fulfillment of goals. The interest rate shall be set at no less than the implicit deflator as defined by MN Statutes, Section 116J.994, Subdivision 6. The City or the Authority may after a public hearing, extend the period for meeting job and wage goals for up to one year. The City or the Authority may extend the period for meeting any other goals for any period specified by the City or the Authority, by documenting in writing the reason for the extension and filing that explanation with the Department of Employment and Economic Development along with the grantor's next annual report on business subsidies.
- L. The City and the Authority reserve the right to modify this Policy, from time to time in accordance with MN Statutes.
- M. The following supplemental policies are attached hereto and made part of the Business Subsidy Policy:
- Attachment 1: Tax Increment Financing Policy (Policy No. 1.137)
 - Attachment 2: Tax Abatement Policy (Policy No. 1.138)

III. PROCEDURE

To the extent that a business subsidy requires tax increment financing, it must meet this Business Subsidy Policy and the Tax Increment Financing Policy. To the extent that a business subsidy requires tax abatement assistance, it must meet this Business Subsidy Policy and the Tax Abatement Policy. Any other business subsidy must meet this Business Subsidy Policy.

IV. RESPONSIBILITY AND AUTHORITY

The responsibility and authority for the City and the Authority to adopt a Business Subsidy Policy is established by MN Statutes 116J.993-995, which sets requirements for subsidies allocated to businesses by state or local government agencies. Administrative implementation of this policy shall be the responsibility of the City Manager.

Submitted by: Tammy Omdal Date: December 16, 2008
Reviewed by: Craig Ebeling Date: December 16, 2008

This policy replaces the policy adopted by City Council Resolution No. 5182 on July 21, 2003, amended May 1, 2006 and April 7, 2008. This policy replaces the policy adopted by Economic Development Authority Resolution No. 03-3 on July 21, 2003.

TAX INCREMENT FINANCE POLICY

I. PURPOSE AND NEED FOR POLICY

This policy is to serve as a guideline for the use of tax increment financing (TIF) within all previously adopted and current TIF Districts as well as the creation of new tax increment districts.

II. POLICY

General Policy Background

The City of Burnsville (City) and Burnsville Economic Development Authority (Authority) recognize that local government plays a critical role in enhancing the vitality of our community. This is particularly true as the city reaches full development.

All reasonable means shall be utilized to leverage private business development and redevelopment in the city consistent with this and other policies. Tax increment financing is an important and useful tool in attracting and retaining businesses.

The fundamental principle that makes tax increment financing viable is that it is designed to encourage development that would not otherwise occur. The Authority, as authorized by the City, shall be responsible to determine that (1) a project would not occur "but for" the assistance provided through tax increment financing; and (2) no other development would occur on the relevant site without tax increment assistance, that could create a larger market value increase than the increase expected from the proposed development (after adjusting for the value of the tax increment).

The Authority shall consider tax increment financing in cases that serve to accomplish targeted city goals for development and redevelopment as they may change over time. These goals include, but are not limited to projects that will (1) foster and support redevelopment; (2) result in the creation or retention of a significant number of jobs that pay wages adequate to support households; or (3) projects that will assist with the retention and expansion of businesses, and projects that will expand the city's tax base.

Creation of Tax Increment Financing (TIF) Districts

The Authority shall consider the creation of any of the general types of TIF Districts allowed by MN Statutes or the creation of other types of TIF Districts allowed by Special Legislation, when doing so is consistent with the development and redevelopment goals of the City.

TIF Districts are the specific parcels within a Project Area from which tax increment is captured. MN Statutes currently defines five general types of TIF Districts, which the Authority shall consider:

- 1) Redevelopment District
- 2) Renewal and Renovation District
- 3) Soils Condition District
- 4) Housing District
- 5) Economic Development District

In addition to these five general types of TIF Districts, defined by MN Statutes, the Authority may also consider the creation of TIF Districts as authorized by applicable special tax increment financing legislation.

Tax increment financing is a business subsidy under MN Statutes and is governed by strict legal requirements. Therefore, the City and the Authority shall maintain current Business Subsidy Policies, as required by MN Statutes.

As granted by the City Council, the Authority shall have control and authority over the creation and operation of TIF Districts for the City. The Authority shall consider the creation of a TIF District based on qualifications and term restrictions, as defined in MN Statutes. The Authority shall consider a range of attributes including but not limited to the following:

- Projects consistent with development and redevelopment goals of the city
- Development of office, office/corporate headquarters, office/service/warehouse and manufacturing
- Maximized use of other financial resources
- Projects that provide funding for appropriate public improvements that may benefit numerous development projects
- Low percentage of public investment; high percentage of private investment
- Analysis of detailed business pro forma with reasonable timeline for completion and occupancy
- Project has potential to enhance spin-off development and redevelopment
- Exceeds minimum design standards per Ordinance
- Presents minimal risk to the City of Burnsville
- Maximizes increased tax base and contributes to higher market values
- Number of jobs and pay level of positions will be a consideration but not a requirement if other appropriate public purpose(s) is met
- Redevelopment of aging retail strip center
- Installation of fiber to the premise
- Analysis of Request for Financial Assistance Form (Attachment A)

Available Funding for Private Development within a Current TIF District

Applications for tax increment financing for a project within a current TIF Districts shall be considered for approval provided the current TIF District is generating sufficient tax increment revenue to retire bonds supported by tax increment revenue within the TIF District.

Costs Eligible for Tax Increment Financing Assistance

The Authority shall consider the use of tax increment financing to cover project costs as allowed for under MN Statutes. The types of project costs that are eligible for tax increment financing are as follows:

- Utilities design
- Earthwork/excavation
- Site related permits
- Soils correction

- Architectural and engineering fees directly attributable to site work
- Landscaping
- Streets and roads
- Street/parking lot lighting
- Sidewalks
- Special assessments
- Soils test and environmental studies
- Title insurance
- Landscape design
- Utilities (sanitary sewer, storm sewer, and water, fiber to the premise)
- Street/parking lot paving
- Curb and gutter
- Land acquisition
- Legal (acquisition, financing, and closing fees)
- Surveys
- Sewer Access Charges (SAC) and Water Access Charges (WAC)
- TIF application deposit

This list of eligible costs is subject to acceptance by the Authority and changes in MN Statutes.

Determination of Amount of Assistance

Whether in a new or existing TIF District, the amount of tax increment financing provided to an applicant shall be based on a review of the following:

- Request for Financial Assistance Form (Attachment A)
- Review of Applicants Pro Forma
- Amount of Increment Generated by the Project
- Fundability Guidelines for Financial Assistance Form (Attachment C)

Depending on the public purpose to be met the Fundability Guidelines for Financial Assistance Form may weigh more or less in the review of the application.

The level of assistance shall be evaluated on a case-by-case basis and may reflect an increase or decrease in requested financial assistance. When considering a request for tax increment financing for a project, there shall be consideration of the level of financial assistance provided for other previously approved projects in the TIF District or Project Area.

Forms of Assistance

Tax increment financing shall generally be provided on a “pay-as-you-go” basis wherein the Authority compensates the applicant for a predetermined amount for a stated number of years. The Authority shall have the option to issue a TIF Note with or without interest, where the principal amount of the TIF Note is equal to the amount of eligible project costs incurred and proven by the developer. In all cases, semi-annual TIF payments shall be based on available increment generated from the project. TIF payments shall be made after collection of property taxes.

Another form of assistance that shall be considered only in extraordinary circumstances is an “up-front payment” to the applicant. This may be in the form of a revenue or general obligation bond or an internal loan. (The City would consider revenue bond financing where the terms of the financing are satisfactory to the Authority and City.)

The tax increment generated from the applicant's project is a source of revenue for repayment of the bonds or loan. This form of assistance is not one the Authority or City will generally consider because under this form of assistance the taxpayers assume the risk that the tax increment will be sufficient for repayment of the bonds or interfund loan.

Other Policy Issues

1. Fiscal Disparities

TIF Districts shall not be exempt from the contribution of fiscal disparities. The percentage of revenues required from the project within the TIF District shall be the responsibility of properties within the district unless there is a compelling economic development reason for the City and the Authority to exempt a property or properties within a TIF District from the contribution of fiscal disparities. Any exemption to this policy will be considered on a case by case basis. An exemption may not be possible if MN Statutes requires that fiscal disparities be paid from within a TIF District, as is the case with Economic Development Districts.

2. School District Funding

Annual requests from Independent School District 191 to release excess tax collections from TIF Districts 1 and 2 (Southcross) resulting from the application of school district referenda tax rates to the captured value in TIF Districts shall be evaluated on a case by case basis. It shall be the general policy of the City and the Authority to honor these requests provided there is sufficient positive cash flow in the Authority reserve fund (that is applicable) in excess of those amounts necessary to meet development contractual obligations within the various TIF Districts and Project Area.

III. PROCEDURES

The Authority will require a deposit in the amount of \$5,000 from the applicant to investigate the feasibility of providing assistance to the applicant. If the Authority incurs additional expense beyond the \$5,000 prior to execution of the Developer's Agreement, the Authority shall notify the applicant in writing and the applicant must deposit additional funds for work on the application to continue.

If the project is approved and the applicant proceeds with the project, the applicant's deposit may be reimbursed as an eligible project cost to the extent permissible under MN Statutes.

In addition to the \$5,000 deposit fee, the applicant must submit the following forms and documentation at time of application for the application to be complete and review of the application to begin:

1. Request for Tax Increment Financing Form (Attachment A)
2. Project Pro Forma Documentation (Developed by Applicant)
3. Fundability Guidelines for Financial Assistance Form (Attachment B)

As required by MN Statutes, the City Council must be the governing body to hold the public hearing and make the findings of fact for creation of a TIF District.

IV. APPENDICES

The City and the Authority shall add Appendices to this Policy to provide targeted policy guidance concerning the creation of future TIF Districts for a targeted development or redevelopment purpose. An Appendix shall be added, modified, or deleted from time to time based on actions of the City and the Authority.

- A. Redevelopment of Aging Strip Centers

V. ATTACHMENTS: FORMS

The following forms are referenced in this policy and are included as attachments to this policy.

- A. Request for Tax Increment Financing Form
- B. Fundability Guidelines for Financial Assistance Form

VI. RESPONSIBILITY AND AUTHORITY

MN Statutes, Section 469.174 through 469.179 (Tax Increment Finance Act), as amended authorizes local governments to utilize Tax Increment Financing to assist development and redevelopment of certain parcels within its boundaries.

Submitted by: Tammy Omdal Date: December 16, 2008
Reviewed by: Craig Ebeling Date: December 16, 2008

This policy replaces the policy adopted by City Council Resolution No. 5182 on July 21, 2003, amended May 1, 2006 and April 7, 2008. This policy replaces the policy adopted by Economic Development Authority Resolution No. 03-3 on July 21, 2003.

TAX ABATEMENT POLICY

I. PURPOSE AND NEED FOR POLICY

This policy is to serve as a guideline for the use of tax abatement as a financing tool for projects within the City of Burnsville.

II. POLICY

General Policy Background

The City of Burnsville (City) and Burnsville Economic Development Authority (Authority) recognize that local government plays a critical role in enhancing the vitality of our community. This is particularly true as the city reaches full development. It is the stated goal of the City and the Authority that all reasonable means shall be utilized to leverage private development and redevelopment in the city consistent with the policies described below and the City Council's Ends and Outcomes.

Under Minnesota (MN) Statutes, the City Council is the governing body that must act to approve all tax abatement assistance. It is the policy of the City Council, that for most projects, the Authority shall be asked to make recommendation to the City Council regarding tax abatement assistance.

The tax abatement tool provides the ability to capture and use all or a portion of the property tax revenues within a defined geographic area. In practice, it is a tax "rebate" rather than an exemption from paying property taxes. Tax abatement is an important economic development tool that when used appropriately can be useful to accomplish the city's development and redevelopment goals and objectives. Requests for tax abatement must serve to accomplish the city's targeted goals for development and redevelopment. These goals include, but are not limited to projects that will result in the creation or retention of a significant number of jobs that pay wages adequate to support households, projects that will assist with the retention and expansion of businesses, bring technology (fiber to the premise) as part of redevelopment and projects that will expand the city's tax base. Projects must meet the requirements established by the Business Subsidy Policy of the City and the Authority, to the extent it is applicable, in order to receive abatement.

Projects Eligible for Tax Abatement Assistance

Projects eligible for consideration of property tax abatement include but are not limited to the following:

- Mixed use projects including new and redevelopment projects
- Commercial and industrial redevelopment projects
- Commercial and industrial new developments
- Residential business properties (with some restrictions as defined in this policy)

Tax Abatement Objectives

- A. A property tax abatement must meet at least one of the following public purposes:
 1. Increase or preserve the tax base
 2. Provide employment opportunities in the City of Burnsville
 3. Provide or help acquire or construct public facilities
 4. Help redevelop or renew blighted areas
 5. Help provide access to services for residents of Burnsville
 6. Finance or provide public infrastructure
- B. Projects that include fiber to the premise are deemed to be fulfilling an overall objective of the city to have sites with the best technology available.
- C. The developer/landowner shall be able to demonstrate a market demand for a proposed project.
- D. Tax abatement shall not be used for projects that would place extraordinary demands on city services or for projects that would generate significant environmental impacts.
- E. Because it is not possible to anticipate every type of project, which may in its context and time present desirable community building, development, or redevelopment goals and objectives, the City of Burnsville retains the right in its discretion to approve projects and tax abatements that may vary from the principles and criteria of this policy.

Determination of Amount of Assistance

Tax abatement assistance available shall generally be limited to the incremental taxes generated on the improvements to the property. The City and the Authority may consider a greater level of financial assistance, up to the maximum allowed under MN Statutes, in limited circumstances. The level of assistance will be evaluated on a case-by-case basis and may reflect an increase or decrease in requested financial assistance from the applicant.

The amount of tax abatement assistance provided to an applicant shall be based on a review of the following:

- Request for Financial Assistance Form (Attachment A)
- Review of Applicants Pro Forma
- Amount of Increment (Property Tax Revenue) Generated by the Project
- Fundability Guidelines for Financial Assistance Form (Attachment C)

In any year, the total amount of property taxes abated (citywide) may not exceed (1) ten percent of the - net tax capacity for the taxes payable year to which the abatement applies, or (2) \$200,000, whichever is greater, provided that these limitations are imposed by Minnesota Statutes Section 469.1813, subd 8, and if such limitations are increased by any future legislation, the City may approve abatements up to the maximum amount permitted by law at the time the abatement is approved. The limit does not apply to an uncollected abatement from a prior year that is added to the abatement levy.

The developer/landowner must adequately demonstrate, to the City's sole satisfaction, an ability to complete the proposed project based on past development experience, general reputation, and credit history, among other factors, including the size and scope of the proposed project. The developer/landowner must provide adequate

financial guarantees to ensure completion of the project, including, but not limited to: assessment agreements and letters of credit.

Forms of Assistance

Tax abatement shall generally be provided on a “pay-as-you-go” basis wherein the City compensates the applicant for a predetermined amount for stated number of years. In all cases, semi-annual abatement payments are based on available (as approved by agreement) tax revenue from the property and issued to the applicant after payment of property taxes by the applicant.

Another form of assistance that shall be considered only in extraordinary circumstances is an “up-front payment” to the applicant. This may be in the form of a revenue or general obligation bond or an internal loan. (The City would consider revenue bond financing where the terms of the financing are satisfactory to the City.) The tax abatement generated from the applicant’s project is a source of revenue for repayment of the bonds or loan. This form of assistance is not one the City will generally consider because under this form of assistance the taxpayers assume the risk that the tax increment will be sufficient for repayment of the bonds or the interfund loan.

Duration and Restrictions

- A. The City may grant an abatement for a period no longer than 15 years, except as provided under (B). The City may specify in the abatement resolution a shorter duration.
- B. The City, when proposing to abate taxes for a parcel, may make a written request to Dakota County or a school district in which a parcel is located to grant an abatement of county or school taxes for the property. If one of the other political subdivisions declines, in writing, to grant an abatement or if 90 days pass after receipt of the request to grant an abatement without a written response from one of the political subdivisions, the duration limit for an abatement for the parcel may be increased to 20 years.
- C. The City may not enter into a property tax abatement agreement that provides for abatement of taxes on a parcel, if the abatement will occur while the parcel is located in a tax increment financing district.
- D. Tax Abatement consideration for residential business properties:

Tax abatement requests shall be considered for redevelopment of residential business properties or redevelopment of an aging retail strip center that includes a residential component. In no other case shall tax abatement be considered for new residential property (property that does not presently exist).

If a request for abatement includes redevelopment of residential property, consideration shall be given to the following:

- Redevelopment of rental housing that is over 25 years old
- Mixed use development that includes housing (must be owner occupied)
- No less than an 80 / 20, Private-Public match for total reinvestment, compared with the total cost of all local tax abatement. (Private sources represent any non-local government source; not including federally approved affordable housing tax credits.)
- The case made for the overall public purpose/benefit
- Justification for why the project cannot proceed without public assistance via tax abatement
- Preserves or enhances the quality, aesthetics and management of workforce/affordable housing in the community

- Projects that are approved for abatement by another local taxing jurisdiction (i.e., Dakota County or a local school district)

III. PROCEDURE

The City shall require a deposit in the amount of \$5,000 from the applicant to investigate the feasibility of providing assistance to the applicant. If the City incurs additional expense beyond the \$5,000 prior to execution of the Developer’s Agreement, the City shall notify the applicant in writing and the applicant must deposit additional funds for work on the application to continue.

If the project is approved and the applicant proceeds with the project, the applicant’s deposit may be reimbursed to the extent permissible under MN Statutes.

In addition to the \$5,000 deposit fee, the applicant must submit the following forms and documentation at time of application for the application to be complete and review of the application to begin:

1. Request for Financial Assistance Form (Attachment A)
2. Fundability Guidelines for Financial Assistance Form (Attachment B)
3. Project Pro Forma Documentation (Developed by Applicant)

For the purposes of underwriting the proposal, the developer must provide any requested market, financial, environmental, or other data requested by the City or its consultants.

The City Council must hold a public hearing on the tax abatement, after notice is published in the local newspaper. A resolution shall be adopted that will specify the terms of the abatement.

IV. APPENDICES

The City and the Authority shall add Appendices to this Policy to provide targeted policy guidance concerning the use of tax abatement assistance for a targeted development or redevelopment purpose. An Appendix shall be added, modified, or deleted from time to time based on actions of the City and the Authority.

- A. Redevelopment of Aging Strip Centers

V. ATTACHMENTS: FORMS

The following forms are referenced in this policy and are included as attachments to this policy.

- A. Request for Financial Assistance Form
- B. Fundability Guidelines for Financial Assistance Form

VI. RESPONSIBILITY AND AUTHORITY

MN Statutes, Sections 469.1812 through 469.1815, authorizes a political subdivision to utilize property tax abatement on certain parcels of land within its boundaries. Administrative implementation of this policy shall be the responsibility of the City Manager.

Submitted by: Jenni Faulkner Date: January 17, 2012
 Reviewed by: Craig Ebeling Date: Janaury 17, 2012

This policy replaces the policy adopted by City Council Resolution No. 5182 on July 21, 2003, amended May 1, 2006 and April 7, 2008. This policy replaces the policy adopted by Economic Development Authority Resolution No. 03-3 on July 21, 2003.

APPENDIX A
Redevelopment of Aging Retail Strip Centers

In 2005, the City completed a Governance Process to consider the City's role in redevelopment of aging retail strip centers. The outcome of the Governance Process was the Council identified some key policy statements to guide City involvement in any future redevelopment of an aging retail strip centers. These policy statements are included in this Appendix for reference.

I. GENERAL POLICY GUIDELINES

Creation of Tax Increment Financing (TIF) Districts

The City of Burnsville (City) and Burnsville Economic Development Authority (Authority) shall consider the creation of a TIF District for the purpose of redeveloping an aging retail strip center. Projects eligible for the creation of a TIF District shall have attributes that are consistent with those identified in the Business Subsidy and Tax Increment Financing Policy.

Use of Tax Abatement Financing

The City shall consider the abatement of incremental property taxes for the purpose of redeveloping an aging retail strip center. Projects eligible for abatement of incremental property taxes shall have attributes that are consistent with those identified in the Business Subsidy and Tax Abatement Policy.

Land/Lease Acquisition

In limited circumstances, the City or the Authority may consider the acquisition of an aging retail strip center property/and or leases for the purpose of redevelopment when an owner approaches the City or the Authority requesting this consideration. This would require a funding source and site-specific plan and/or objective. The acquisition for this purpose shall occur through negotiated terms and not through eminent domain.

The City and the Authority shall generally not directly contact owners about the redevelopment of the owner's aging retail strip center, but shall remain open to discussions with owners that approach the City and the Authority on their own.

The City and the Authority shall bring private developers and property owners together to facilitate the consideration of redevelopment of an aging retail strip center when doing so would be consistent with City and the Authority development and redevelopment policies. Facilitation shall involve education of the City's policies, including possible financial assistance options.

Specific Land Uses

The City and the Authority shall consider applications for tax increment financing or tax abatement for redevelopment of an aging retail strip center into a mixed-use project, even if the project shall result in increased density.

The City and the Authority shall not consider applications for tax increment financing or tax abatement for projects that include the development of residential rental property as part of the project. Development projects that include condominiums or townhouses shall be eligible for tax increment financing or tax abatement consideration.

The City and the Authority shall consider applications for tax increment financing or tax abatement for redevelopment of an aging retail strip center where the project will not change the intensity or type of use of the property after the improvements (e.g., façade or site improvements of existing buildings or building tear downs for rebuilds – commercial to commercial).

The City and the Authority shall not consider application for tax increment financing or tax abatement for projects to redevelop what the City or Authority considers a “satellite” to the Burnsville Center Shopping Mall, as determined by the City or Authority, unless specific circumstances warrant further consideration of this policy. Applications shall be considered for the redevelopment of “neighborhood” aging retail strip centers only.

The City and the Authority shall consider as part of an application for tax increment financing or tax abatement assistance to redevelop an aging retail strip center suggestions by the applicant for possible relief from existing City Ordinances to assist in the financial feasibility of the project. Specific requests shall be considered on a case-by-case basis. Approval of a specific request shall not set a precedent for consideration of other requests.

Forms of Assistance

The City and the Authority shall not use the City's bonding capacity, in the form of an “up-front payment” to the applicant, to support redevelopment of aging retail strip center. Any assistance provided for redevelopment of an aging retail strip center shall be on a “pay-as-you-go” basis.

**ATTACHMENT A: FORM
REQUEST FOR FINANCIAL ASSISTANCE FORM**

**CITY OF BURNSVILLE
AND
BURNSVILLE ECONOMIC DEVELOPMENT AUTHORITY
REQUEST FOR FINANCIAL ASSISTANCE**

**TAX INCREMENT FINANCING (TIF)
OR
TAX ABATEMENT**

FORM

FOR

NAME OF APPLICANT

**CITY OF BURNSVILLE
REQUEST FOR FINANCIAL ASSISTANCE FORM**

REQUIRED INFORMATION

1. Provide a brief project description

2. Provide business information

Business Name:
Address:
Telephone:
Contact Name:

3. Provide brief description of the business

4. Provide information on the present ownership of the site

Name:
Address:
Phone Number:
Contact Name:

5. Provide information on the proposed project

Building square footage:
Size of property:
Description of building:
Materials and other additional relevant building information:

6. Provide total estimated project costs

Land Acquisition	\$ _____
Site Development	\$ _____
Building Cost	\$ _____
Equipment	\$ _____
Architectural & Engineering Fees	\$ _____
Legal Fees	\$ _____
Financing Costs	\$ _____
Broker Costs	\$ _____
Contingencies	\$ _____
Other (please specify)	\$ _____
Total	\$ _____

7. Describe amount and purpose for which financing (either tax increment financing or tax abatement financing) is required

8. State specific reasons why the use of tax increment financing or tax abatement assistance is necessary for the project (the "but for" test)

9. List project costs that may be eligible for assistance. Costs that may be eligible for assistance include:

- Utilities Design
- Architectural And Engineering Fees Directly Attributable To Site Work
- Earthwork/Excavation
- Landscaping
- Streets And Roads
- Curb And Gutter
- Land Acquisition
- Legal Costs Associated With Acquisition
- Soil Tests And Environmental Studies
- Title Insurance
- Landscape Design
- Site Related Permits
- Soils Correction
- Utilities (Sanitary Sewer, Storm Sewer and Water, fiber to the premise)
- Parking Lot Paving and Parking Lot Lights
- Sidewalks
- Special Assessments
- Legal Costs Associated With Financing/Closing Attributable To Site
- Surveys
- City/Met Council SAC and WAC Charges
- Application Deposit

10. Provide market value information

Current market value (from Dakota County Assessor): \$ _____

Proposed market value at completion: \$ _____

11. Provide real estate property tax information

Existing real estate taxes of property: \$ _____

Estimated real estate taxes of property upon completion: \$ _____

12. Provide source of financing information

Equity \$ _____

Bank Loan \$ _____

Tax increment assistance (TIF or Abatement) \$ _____

Revenue Bonds \$ _____

Other \$ _____

Total \$ _____

13. Provide name and address of architect, engineer, and general contractor for the project

14. Provide project construction schedule

Estimated construction start date:

Estimated construction completion date:

If phased project: _____ Year _____ % Complete

_____ Year _____ % Complete

15. Describe how the project will meet one or more of the following City of Burnsville or Burnsville Economic Development Authority goals (in addition to increasing tax base).

Please provide measurable, specific, and tangible goals. Goals may include the following: increased wages; creation of jobs that pay wages adequate to support households; and/or job retention where job loss is specific and demonstrable; and/or development or redevelopment projects that are consistent with the City of Burnsville's goals and objectives.

16. Provide a reference from another municipality (if applicable)

17. Provides names of any other municipalities wherein the applicant, or other corporations the applicant has been involved with, has completed developments within the last five years

18. Provide the following required supplemental information:

- Project Pro Formas (one showing with assistance and one without assistance)
- Legal description of the property
- Application fee of \$5,000 payable to the City of Burnsville
- Site plan and building rendering

SUBJECTIVE ANALYSIS

In addition to the required information from above (items 1-19), the following information is requested and will be considered as part of the application approval process:

19. Provide number of years in business
20. Provide number of years located in the City of Burnsville (if applicable)
21. Describe potential for business growth or future development
22. Explain whether the building will be owner-occupied (Yes/No)
23. If rental space, provide the targeted retail rates
24. If building is non-owner occupied, explain whether the lessee will be required to capitalize this lease
25. Provide land costs per acre or square foot
26. Describe the location of proposed facility within Burnsville
27. Describe the general quality of the development
28. Provide the size of parcel being developed
29. Provide the projected building cost per square foot
30. Additional comments

**ATTACHMENT B: FORM
FUNDABILITY GUIDELINES FORM**

**CITY OF BURNSVILLE
AND
BURNSVILLE ECONOMIC DEVELOPMENT AUTHORITY**

**REQUESTS FOR
TAX INCREMENT FINANCING (TIF)
OR
TAX ABATEMENT ASSISTANCE**

FUNDABILITY GUIDELINES FORM

FOR

NAME OF APPLICANT

1. **Ratio of Public versus Private Investment**

\$ _____ Private Investment
 \$ _____ EDA/Public Investment
 \$ _____ Total Investment
 _____ Ratio of public versus private investment

<u>Point Value</u>	<u>Private</u>	<u>Public</u>
+1	Less than \$3	To \$1
+2	Over \$3	To \$1
+3	Over \$4	To \$1
+4	Over \$6	To \$1
+5	Over \$8	To \$1

2. **Number of Current and Estimated New Employees**

<u>Point Value</u>	<u>Number</u>
+1	1 - 15
+2	> 16 - 30
+3	> 31 - 45
+4	> 46 - 75
+5	> 75 Plus

_____ *Current Number of Employees
 _____ *Estimated New Employees (within next 2 - years)
 _____ Total Number of Current and Estimated New Employees
 *Employees should be computed as full-time equivalent positions

3. **Public Investment Per Current Employees**

<u>Point Value</u>	<u>Investment</u>
0	\$7,500+
+1	\$6,000 - \$7,500
+2	\$4,500 - \$6,000
+3	\$3,000 - \$4,500
+4	\$1,500 - \$3,000
+5	\$ 0 - \$1,500

Public Investment (Tax Abatement/Tax Increment) \$ _____
 *Current Number of Employees \$ _____
 Investment Per Employee = \$ _____

*Employees should be computed as full-time equivalent positions

4. **Pay Level of Jobs Created**

<u>Point Value</u>	<u>Pay Range</u>	<u>Dollar Weighting</u>	<u>Total Employees</u>	<u>Weighted Dollar Amount</u>
0	\$0 - 14,999	\$10,000	_____	\$ _____
+1	\$15,000 - 24,999	\$20,000	_____	\$ _____
+2	\$25,000 - 29,999	\$27,500	_____	\$ _____
+3	\$30,000 - 44,999	\$37,500	_____	\$ _____
+4	\$45,000 - 59,999	\$52,000	_____	\$ _____
+5	\$60,000 and Over	\$60,000	_____	\$ _____
		*TOTAL	_____	\$ _____
		WEIGHTED AVERAGE =		\$ _____

*Employees should be computed as full-time equivalent positions. New Employees over and above the number required to be added shall be exempt from this section.

5. **Real Estate/Property Taxes Generated**

<u>Point Value</u>	<u>*Projected Tax Revenues</u>
+ 1	Below \$25,000
+2	\$ 25,000 - \$49,999
+3	\$ 50,000 - \$99,999
+4	\$100,000 - \$249,999
+5	\$250,000 and Over

Projected Tax Revenues \$ _____

*Projected Tax Revenues should be based on the existing property tax system and rates plus legislative future changes if subject to estimation.

6. **Service Impact**

<u>Point Value</u>	<u>Type of Development</u>
+1	Retail
+2	Office Warehouse
+3	Office
+4	Mixed Use
+5	Hi-Tech/Manufacturing
+2	Installation of fiber to the premise

Type of Use _____

7. **Redevelopment Age Multiplier**

<u>Point Value</u>	<u>Age of Building</u>
1.0	New Development
1.0	0 – 5 Years Redevelopment*
1.1	6 – 10 Years Redevelopment*
1.2	11 – 15 Years Redevelopment*
1.3	16 – 20 Years Redevelopment*
1.4	21 – 25 Years Redevelopment*
1.5	26+ Years Redevelopment*

* Redevelopment is defined as the development of a property again to a better condition.

8. **Significant Impact Multiplier**

<u>Point Value</u>	<u>Type of Use</u>
3.0	Mixed Use New Development or Redevelopment
2.5	Commercial/Industrial Redevelopment
2.0	Industrial New Development
1.5	Commercial New Development

WORKSHEET SUMMARY

<u>Worksheet Breakdown</u>	<u>Total Points</u>
1. Ratio of Public versus Private Investment	_____ (1 to 5)
2. Number of Current and Estimated New Employees	_____ (1 to 5)
3. Public Investment per Current Employee	_____ (0 to 5)
4. Pay Level of Positions	_____ (0 to 5)
5. Real Estate/Property Taxes Generated	_____ (1 to 5)
6. Service Impact	_____ (0 to 5)
	SUBTOTAL _____
<u>Multiplier's</u>	
7. Redevelopment Age Multiplier	_____ (1.0 to 1.5)
8. Significant Impact Multiplier	_____ (1.5 to 3.0)
	TOTAL SCORE _____

* To determine the **total score** multiply the Subtotal x Redevelopment Age Multiplier x Service Impact Multiplier.

The information provided herein is true and accurate to the best of my knowledge:

(Signature)

(Date)

Fundability Rating for Tax Abatement

The total score on the project analysis sheet on previous page determines the general term of assistance. The City of Burnsville or Burnsville Economic Development Authority will make any final decision on term.

<u>Point Value</u>	<u>Term of Assistance*</u>
0 - 25	0 Years
26 – 35	3 Years
36 – 45	5 Years
46 – 59	7 Years
**60 and over	10 Years

* Assistance amount will be the incremental taxes only.

** The City or the Authority may consider between 15 – 20 years for projects that score 60 and over.

SINGLE FAMILY PERMIT REBATE

I. PURPOSE AND NEED FOR POLICY

To establish a process to rebate to single family residential property owners the permit and plan review fees for substantial improvements to their homes.

II. POLICY

The City of Burnsville offers an incentive program for single family residential property owners that are making substantial investment into their homes. The program is intended to provide a rebate of the building and plan review fees for projects that increase the value of the structure.

III. PROCEDURES

1. The required permit and plan review fees shall be paid up front upon issuance of the permits. No permit will be issued unless the property taxes and other public obligations such as utilities are current on billing. No other agreement is required.
2. Building permit and related plan review fees will be refunded to the homeowner after issuance of a certificate of occupancy. Even if the permit is paid for by the contractor, the rebate is to be paid to the homeowner.
3. The rebates will apply to Single-family dwellings, Two-family dwellings, and Townhouses owned by individuals and owner occupied.
4. The rebate is for projects that increase the square footage of the livable area of the home such as room additions and 2nd story additions. The rebate is not for decks, garages, accessory structures, interior projects, or cantilevers.
5. The rebate may also be for projects that entail demolition of a home and construction of a new home. In this case, the demo permit may also be rebated.
6. The rebate check will be sent to the homeowners with a Thank You Letter for their investment in Burnsville.
7. This is a pilot project to run for 2 years. After 2014, we will assess the impact to the budget and success of the project before continuing.

IV. RESPONSIBILITY

Upon issuance of the permit, the permit will be flagged by Protective Inspections Division staff as an eligible project. Once a permanent Certificate of Occupancy has been issued and the project closed out, a check request shall be made and Finance Department will process the check accordingly. Protective Inspection Division shall prepare a report at the end of the year highlighting the program results.

V. AUTHORITY

Administrative implementation of policy.

Submitted by: Jenni Faulkner Date: December 6, 2011
Reviewed by: Craig Ebeling Date: December 6, 2011

HOUSING IMPROVEMENT AREA POLICY

I. PURPOSE AND NEED FOR POLICY

The purpose of this policy is to establish the City's position relating to the use of Housing Improvement Area (HIA) financing for private housing improvements. The City has worked through the Governance Process to develop this policy. This policy is the result of rigorous research, review, and thought by the City Council, city staff, and participating associations. This policy shall be used as a guide in processing and reviewing applications requesting HIA financing. The City shall have the option of amending or waiving sections of this policy when determined necessary or appropriate. The City shall have the right to approve or deny an HIA application for any reason, including but not limited to public policy considerations, financial considerations, previous HIA debt, or the extent or quality of a proposed project.

II. POLICY

A. ELIGIBLE USES OF HIA FINANCING

As a matter of adopted policy, the City of Burnsville will consider using HIA financing to assist private property owners only in those circumstances in which the proposed private projects address one or more of the following goals:

1. To promote neighborhood stabilization and revitalization by the removal of blight and/or the upgrading of the existing housing stock in a neighborhood.
2. To correct housing or building code violations as identified by the City Building Official.
3. To maintain or obtain FHA mortgage eligibility for a particular condominium or townhome association within the designated HIA.
4. To increase or prevent the loss of the tax base of the City.
5. To stabilize or increase the owner-occupancy level within a neighborhood or association.
6. To meet an objective of the Ends and Outcomes as adopted by the City of Burnsville.

B. HIA APPROVAL CRITERIA

All HIA financed through the City of Burnsville should meet the following minimum approval criteria. However, it should not be presumed that a project meeting these criteria would automatically be approved. Meeting these criteria creates no contractual rights on the part of any association.

1. The HIA is established for a private townhome or condominium association.
2. The project must be in accordance with the Comprehensive Plan and Zoning Ordinances, or required changes to the Plan and Ordinances must be under active consideration by the City at the time of approval.
3. The HIA financing shall be provided within applicable state legislative restrictions, debt limit guidelines, and other appropriate financial requirements and policies.
4. The project should meet one or more of the above adopted HIA Goals of the City of Burnsville.
5. The term of the HIA shall be the shortest term possible while still making the annual fee affordable to the association members. The term of any bonds or other debt incurred for the area shall mature in 20 years or less.
6. The association in a HIA may be required to provide adequate financial guarantees to ensure the repayment of the HIA financing and the performance of the administrative requirements of the development agreement. Financial guarantees may include, but are not limited to the pledge of the association's assets including reserves, operating funds and/or property.
7. The proposed project, including the use of HIA financing, must be supported by a majority of the owners within the association via a petition. The petition is to be approved by the City prior to circulation and shall include the project description, costs, timeline, and fees to be imposed on each owner. The association should include the results of a membership vote along with the petitions to create the area.
8. The Association must have adopted a financial plan that provides for the Association to finance maintenance, operation and depreciation of the common elements within the Association and a long-range plan to conduct and finance capital improvements therein, which does not rely upon the subsequent use of the HIA tool.
9. HIA financial assistance is last resort financing and should not be provided to projects that have the financial ability to proceed without the benefit of HIA financing. Evidence that the association has sought other financing for the project should be provided and should include an explanation and verification that an assessment by the association is not feasible along with letters from private lenders or other evidence indicating a lack of financing options. Evidence from at least 2 sources (financial institutions) is required.
10. The association must be willing to enter into a development agreement, which may include, but is not limited to, the following terms:

- a) amendment of by-laws, declaration or covenants
- b) professional association management
- c) maintenance schedule (Long Term Capital Plan)
- d) establishment of a reserve fund
- e) annual reporting requirements
- f) conditions of disbursement
- g) required dues increases
- h) notification to new owners of levied fees
- i) third party professional assistance for preparation of construction bid documents and field verification of compliance with construction contracts
- j) preparation of construction documents which include performance and payment bonds and three year warranties
- k) maintenance of contractors performance guarantee for the work

11. The improvements financed through the HIA should primarily be exterior improvements and other improvements integral to the operation of the project, e.g. shared heating equipment, and other common elements. The improvements must be of a permanent nature. Improvements may include, but are not limited to: driveway and parking lots, curb, gutter, sidewalks, retaining walls, exterior light fixtures, roofs, siding, etc.

12. The association shall have construction estimates and bid documents prepared by a duly licensed architect to obtain a minimum of three construction bids from licensed contractors. A contract between the association and the contractor and a contract between association and the architect is required. The city shall review and approve the contracts. The selected construction contractor must provide performance and payment bonds to the association naming the City as co-obligee and furnish proof of insurance certificates naming the City as a co-insured with limits as specified in the construction bid documents.

13. A third party architect/engineer/inspector must be used to inspect the construction and provide updates to the city as to the progress of construction.

14. HIA financing should not be provided to those projects that fail to meet good public policy criteria as determined by the Council, including: poor project quality; projects that are not in accord with the

Comprehensive Plan, zoning, redevelopment plans, and the City policies; projects that provide no significant improvement to the neighborhood and/or the City; and projects that do not provide a significant increase in the tax base and/or prevent the loss of tax base.

15. The financial structure of the project should receive a favorable review by the City. The review will include a review of existing debt and financial performance.

16. The average market value of units in the association should not exceed the maximum home purchase price for existing homes under the State's first time homebuyer program. (In 2004, the metro amount is \$204,183)

17. The County must verify acceptance of the City's resolution and agree to comply with MS 428.

III. PROCEDURE

A. The potential applicant shall meet with appropriate City staff to discuss the HIA process, scope of the project, member participation, time schedule and other information as may be necessary. The HIA Process is detailed on the attached flow chart.

B. The applicant shall complete the Application for the Establishment of Housing Improvement Area. The form should be submitted to the Planning Department along with the other required documents, including a detailed estimate of project costs prepared by a duly licensed architect, a copy of the contract with architect, and a fee payment in the amount established from time to time by city policy.

C. The request shall be reviewed by City staff on a preliminary basis as to the feasibility of the project.

D. Staff will prepare a report for the City Council and the applicant which will include a financial and legal analysis of the project.

E. If the proposal receives a favorable review by City Council, the association must then submit the required petitions (minimum of 51% of owners must sign petition form.) The petition must include specific information about the proposed project, costs not to exceed amounts, timeline, and fees imposed on each owner. The city must approve the petition prior to circulation for signatures. At the time the petitions are received, the City must have the final Association Financial Plan which identifies how both maintenance and operation of the common elements will be paid for a long-range plan to conduct and finance capital improvements. The association must submit any remaining documents including bid documents prepared by a duly licensed architect, a minimum of three construction bids from licensed contractors, and a copy of the construction contract.

F. Upon receipt of an adequate number of valid petitions, the City will have the Plan for the HIA and the proposed Development Agreement prepared.

G. The City will schedule public hearings on the creation of the district and the setting of the fees (two separate public hearings may be required.)

H. The City Council will approve or deny the creation of the HIA and the associated fees. If approved, the Development Agreement will be executed subject to the successful passage of the veto period. (If 35% or more of the owners file a written objection within the veto period, the City cannot provide financing through a Housing Improvement Area.)

I. It is understood that City Staff or City Council may from time to time determine that a different process which is outlined is more appropriate, given the circumstances of each individual request.

IV. RESPONSIBILITY

The applicant shall be responsible for submitting a complete application with established fee in accordance with city policies and providing all of the required supplemental information. Staff will be responsible for reviewing the application and materials and preparing a background for City Council review. The City Council will be responsible for reviewing the background and subsequent materials and making a decision regarding the proposed HIA.

V. AUTHORITY

Administrative implementation of policy.

Minnesota Statutes, Chapter 428A.11 to 428A.21 establishes the City's authority to establish an HIA and within the HIA to make housing improvements, levy fees and assessments, and issue bonds to pay for improvements.

Submitted by Jenni Faulkner, Planner Date May 17, 2004

Reviewed by Craig Ebeling, City Manager Date May 17, 2004