

CITY OF FARIBAULT, MINNESOTA**RESOLUTION NO. 2020-052****RESOLUTION APPROVING CONTRACT FOR PRIVATE DEVELOPMENT WITH
TRYSTAR, INC., FOR CERTAIN PROPERTY IN THE CITY OF FARIBAULT**

BE IT RESOLVED by the City Council (the “City Council”) of the City of Faribault, Minnesota (the “City”) as follows:

Section 1. Recitals.

1.01. Trystar, Inc. (the “Developer”), is considering consolidating its operations in the City and has asked for financial assistance to offset the costs associated with the consolidation to the Met-Con facility located at 15765 Acorn Trail, Faribault, Minnesota, as legally described in Exhibit A attached hereto (the “Development Property”), including the buildout, expansion, and construction of physical improvements (the “Project”).

1.02. By resolution adopted by the City Council on March 24, 2020, the City approved a property tax abatement (the “Abatement”) pursuant to Minnesota Statutes, Sections 469.1812 to 469.1815 (the “Abatement Act”) in the maximum amount of \$260,040.00 to be granted to the Developer to reimburse the Developer for the costs of the Project.

1.03. On March 24, 2020, the City Council conducted a duly noticed public hearing on the Abatement and a proposed business subsidy pursuant to Minnesota Statutes, Sections 116J.993 to 116J.995 (the “Business Subsidy Act”) to be provided to the Developer at which the views of all interested persons were heard.

1.04. On the date hereof, the Board of Commissioners of Rice County, Minnesota (the “County”) will meet to consider abating a portion of the County’s taxes for the benefit of the Developer.

1.05. A form of Contract for Private Development, including an Abatement Agreement, between the City, the County, and the Developer (the “Contract for Private Development”) has been presented to the City Council, which sets forth the terms of the Abatements provided by the City and the County and includes a business subsidy agreement as required by the Business Subsidy Act.

1.06. The Contract for Private Development provides for certain financial assistance that constitutes a “business subsidy” within the meaning of Minnesota Statutes, Section 116J.993 to 116J.995 (the “Business Subsidy Act”).

1.07. The “business subsidy agreement” as required under the Business Subsidy Act is included in the Contract for Private Development.

1.08. The City Council has reviewed the Contract for Private Development, including the business subsidy agreement, and finds that the execution thereof by the Authority and performance of the Authority's obligations thereunder are in the best interest of the City and its residents.

Section 2. Findings.

2.01. The recitals set forth above are incorporated into this Resolution.

2.02. The Contract for Private Development is hereby in all respects authorized, approved and confirmed and the Mayor and City Administrator are hereby authorized and directed to execute and deliver the Contract for Private Development (which incorporates the business subsidy agreement) for and on behalf of the City in substantially the form now on file with the City but with such modifications as shall be deemed necessary, desirable or appropriate, their execution thereof to constitute conclusive evidence of their approval of any and all modifications therein.

Section 3. Implementation.

3.01. The Mayor and the City Administrator are authorized and directed to execute and deliver any additional agreements, certificates or other documents that the City determines are necessary to implement this Resolution.

3.02. The City Council directs City staff to take any appropriate action and to prepare any appropriate documents to facilitate the directives of the City Council as set forth in this Resolution and in performing its obligations under the business subsidy agreement and the Contract for Private Development as a whole.

3.03. The Mayor, City staff, City attorney and City consultants are hereby authorized and directed to take any and all additional steps and actions necessary or convenient in order to accomplish the intent of this Resolution.

Section 4. Effective Date. This resolution is effective upon the date of its adoption.

Approved by the City Council of the City of Faribault, Minnesota, this 24th day of March, 2020.

CITY OF FARIBAULT, MINNESOTA

Kevin F. Voracek
Mayor

Attest:

Timothy C. Murray
City Administrator

EXHIBIT A TO ABATEMENT RESOLUTION

THE PROPERTY

That the real property in the City of Faribault, County of Rice, State of Minnesota, legally described as follows:

That part of the Southeast Quarter (SEL/4) of Section 1 Township 110 North Range 21 West of the fifth Principal Meridian, Rice County, Minnesota, lying East of County Road No.76, now known as Acorn Trail: EXEPTING THEREFROM that part thereof described as follows: Beginning at a point in the South line of said Southeast Quarter (SEL/4) for purposes of this description bearings are assumed and based on said South line being 89°33'57" West), a distance of 963.44 feet Westrly from the Southeast corner of said Southeast Quarter (SEL/4), said point being in the center line of Acorn Trail, thence North 10°36'04" East, along said center line of Acorn Trail, 430.00 feet;thence North 89°33'57" East, 474.90 Feet;thence South 0°26'03" East, 422.05 feet to a point in said South line; thence South 89°33'57" West, 557.21 feet to said point of beginning. SUBJECT TO roads, easements and restrictions of record.

And Also

ALL THAT PART OF THE SOUTHWEST QUARTER (SW1/4) OF SECTION 6 TOWNSHIP 110 NORTH RANGE 20 WEST OF THE FIFTH PRINCIPAL MERIDIAN, RICE COUNTY, MINNESOTA, LYING WEST OF THE RIGHT OF WAY OF THE MINNEAPOLIS, ST. PAUL ROCHESTER AND DUBUQUE ELECTRIC TRACTION COMPANY