

RESOLUTION NO. 23-062

**RILEY PURGATORY BLUFF CREEK WATERSHED DISTRICT
BOARD OF MANAGERS**

**RESOLUTION TO AFFIRM TRADE SECRET INFORMATION STATUS OF CERTAIN
REAL ESTATE PURCHASE DATA**

Manager _____ offered the following resolution and moved for its adoption, seconded by
Manager _____:

WHEREAS on or about May 15, 2023, the Riley Purgatory Bluff Creek Watershed District (District) commenced discussions with Ms. Beth Hustad, President of Trek Development, Inc. concerning the potential acquisition of real property located at 9955 and 9875 Spring Road, and PID 281162232005 in Eden Prairie, Minnesota (hereinafter the “Subject Property”);

WHEREAS on or about July 7, 2023, Ms. Beth Hustad submitted to the District Administrator Terry Jeffery three documents related to the agreement by Trek Development, Inc./TDI Holdings LLC to purchase the Subject Property from John and Carol Standal, and to assign this purchase to Rachel Development, Inc., and requested that these documents be classified as trade secret data under the Minnesota Government Data Practices Act, asserting that:

- 1) I am providing the data to the District;
- 2) It is part of my (TDI Holdings LLC) private business data that I need to maintain as confidential so as to not unduly handicap me/my business in any negotiations I might have with other parties; and
- 3) The data derives independent economic value from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use because if other potential buyers knew what I previously agreed to it would give them unfair advantage in any future negotiations with me and could compromise my financial position in a possible sale;

WHEREAS Mr. Jeffery is designated by the District’s Governance Manual and Data Practices Policy as the District’s Data Practices Compliance Official and Responsible Authority; Mr. Jeffery reviewed the submission by Ms. Hustad and determined that the submitted information met the definition of “trade secret information” pursuant to Section 13.37 of Minnesota Statutes;

WHEREAS the Board of Managers has received advice from legal counsel and wishes to affirm the decision by Mr. Jeffery as the District’s Data Practices Compliance Official and Responsible Authority, specifically that the submissions by Ms. Hustad on July 7 were provided by her; were part of her company’s private business data; and derive independent economic value from not being generally known to and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use because if other potential buyers knew what her company previously agreed to it would give them unfair advantage in any future negotiations with her company and could compromise her company’s financial position in a

possible sale to other parties; and further that Ms. Hustad only made such information available to the District in the context of the District’s possible interest in acquiring the Subject Property;

NOW, THEREFORE, BE IT RESOLVED that the Riley Purgatory Bluff Creek Watershed District Board of Managers hereby affirms that the documents submitted by Ms. Hustad on July 7, 2023, are classified by the District as “trade secret information” pursuant to Section 13.37, subdivision 1(b) of Minnesota Statutes.

The question was on the adoption of the resolution and there were ___ yeas and ___ nays as follows:

Yea Nay Abstain Absent

CRAFTON
DUEVEL
KOCH
PEDERSEN
ZIEGLER

Upon vote, the chair declared the resolution adopted.

Dated: _____, 2023.

Dorothy Pedersen, Secretary

* * * * *

I, Dorothy Pedersen, secretary of the Riley Purgatory Bluff Creek Watershed District, do hereby certify that I have compared the above resolution with the original thereof as the same appears of record and on file with the District and find the same to be a true and correct transcription thereof.

IN TESTIMONY WHEREOF, I set my hand this _____ day of _____, 2023.

Dorothy Pedersen, Secretary