

Date of Hearing & Bill Number: Wednesday, March 11 & HF4077
To: Members of the Elections Finance and Government Operations Committee
From: Melissa Henry
Affiliation: Resident
City of Residence: Pine Island, MN

Dear Chair and Members of the Committee,

My name is Melissa, and I am a resident of Pine Island, Minnesota. I am writing to express my strong support for the proposed legislation that would prohibit municipalities from entering into nondisclosure agreements that restrict the sharing of information with the public.

Local government works best when it operates with transparency and public trust. Residents rely on their elected officials and city staff to provide accurate and timely information about decisions that affect their communities. When municipalities enter into nondisclosure agreements with private developers or other entities, it can limit the ability of those officials to share important information with the very people they represent.

In my community of Pine Island, residents are currently facing a proposed large-scale data center development. Many residents have serious questions about the project, including its potential impacts on land use, infrastructure, energy demand, water use, environmental considerations, and long-term economic effects. However, some city officials have signed nondisclosure agreements with the developer, which restricts what information they are able to share with the public. This situation has created frustration and mistrust within the community. Residents are trying to understand how a major project could affect our town, yet the officials we elected to represent us are limited in what they can say. Even if those officials want to be transparent, the NDA prevents them from providing helpful information.

Public decisions—especially those involving large developments, should not take place behind closed doors. While there may be limited situations where confidentiality is required by state or federal law, those exceptions are already recognized in the language of this bill. Outside of those circumstances, municipalities should not be contractually restricted from communicating with their residents. This proposed law would help restore a basic principle of democratic governance: the public's right to know. By ensuring municipalities cannot sign agreements that silence them, the legislature would strengthen transparency, accountability, and trust between communities and their local governments. Residents deserve to be informed of participants in decisions that shape their towns and cities. Prohibiting nondisclosure agreements for municipalities is a reasonable and important step toward protecting that right.

Thank you for your time and for considering this legislation.

Sincerely,
Melissa Henry
Pine Island, Minnesota

*Please record your written testimony here and return this to wilson.lee@house.mn.gov
as an OCR compliant PDF (optical character recognition)*

Date of Hearing & Bill Number: March 11, 2026; H.F. 4077
To: Members of the Elections Finance and Government Operations Committee
From: Sarah Mooradian, Government Relations & Policy Director
Affiliation (ex. student, parent, advocacy organization): CURE
City of Residence: Minnetonka

Chair Freiberg, Chair Quam, and Committee Members,

CURE is a rurally based, non-profit organization dedicated to protecting and restoring resilient towns and landscapes by harnessing the power of the people who care about them. We appreciate the opportunity to testify in support of H.F. 4077.

Over the past year, CURE has submitted Data Practices Act requests to seven cities, nine state agencies, and the Governor's Office to obtain information about proposed hyperscale data center development across the state and the corresponding lobbying efforts by Big Tech to make these proposals a reality. What we've learned so far is that secrecy is standard practice. Local governments are promoting property for data center development, planning for rezoning or annexation, and even working with data center lobbyists to block legislation, like this bill, that promote transparency. These records show that it takes sometimes up to two years before the public is officially notified that a project is even a data center, and even after that information is revealed, the details of the proposals often remain shrouded in secrecy.

When local governments are approached by multi-billion-dollar corporations promising jobs, tax revenue, and economic development, they may be understandably eager to welcome new development. So, signing a non-disclosure agreement (NDA) may feel like a simple ask in the face of the promise of the economic boost promised by these corporations. But as we're seeing play out in Hermantown, Farmington, Monticello, and other cities across the state, without transparency at the outset Minnesotans lose trust in our government.

For data center developers and operators, this is a race to the bottom for the cheapest land, water, and electricity, and the lowest effective tax rates. This pits our communities against each other to offer the best deals, often to their detriment. By restricting a municipality's ability to sign NDAs, our local governments are given support they need to be able to negotiate for the public's best interest—in full view of the public—with some of the largest, wealthiest, and savviest companies in the world, when they come looking for bargains. Minnesotans and local governments must know about these projects in time to affect the process and ensure that they are not being sold a bill of goods.

For these reasons, CURE urges you to support H.F. 4077.

Sincerely,

/s/ Sarah Mooradian

Government Relations & Policy Director

CURE

117 S 1st Street

Montevideo, MN 56265

(320) 269-2984

sarah@curemn.org

March 10, 2026

To: The Committee of House Elections, Finance and Government Operations
RE: HF 4077- Banning municipalities and city institutions from entering into NDA's
Date: March 11, 2026 1pm
From: Jim Phillips, Hermantown, MN resident
Email: Phillijm56@gmail.com

Dear Committee Members,

As a concerned Hermantown resident of 20 years, I am writing in support of the proposed bill HF 4077 that would ban municipalities and city institutions from entering into Non Disclosure Agreements.

As you are aware, there is a proposed plan in place that would allow Google to build a 1.6 million Sq ft hyperscale data center in the City of Hermantown. I'm sure you are also aware that there are at least 12 other proposed data centers being considered in the State of Minnesota alone with few regulations and guardrails in place that would control the impact of these data centers on the environment and health of the citizens. There are too many pending and unanswered questions that should make everyone very concerned about the future of these centers and because of this, it is the responsibility of city officials, elected by the tax paying citizens, to be 100 percent transparent to the people they represent.

Sadly, this has not been the case with city administrators in Hermantown. City officials did sign NDA's and because of this, a 12 month period elapsed before city residents found out about the proposed hyperscale data center. And even then, it was proposed as "light industrial" and just within the last week, we learned it was Google. Critical information has been kept a secret.

Below, is a paragraph directly from the City of Hermantown's webpage that addresses transparency. City officials have failed to honor their own statement on transparency so critical in these positions that require the trust of their community they serve;

The goal of the Communications and Community Engagement Department is to provide clear, consistent, and reliable information to residents and businesses on City issues that impact their lives and experiences in Hermantown. We practice transparency, open-mindedness, and inclusivity so that we are assisting in the flow of information and participation to and from residents and City officials so that both groups have a clear understanding of what is possible to accomplish together and for what each group is responsible.

Respectively,
Jim Phillips

To members of the Elections Finance and Government Operations Committee:

Please accept this written testimony on behalf of myself and the “Stop the Monticello Data Centers” citizen’s group. I’m writing in support of HF 4077 (Greenman) in the Minnesota Elections, Finance, and Government Operations Committee. We have been fortunate our City Council members and city officials chose not to sign the NDAs they were asked to. The developers of one of the proposed Hyperscale Data Centers did choose to sign them. We feel this is a manipulation tactic to allow the city to have the ability to say they didn’t sign an NDA but still meet with the developer & end users. The NDAs make it very difficult to allow a full clear picture and understanding of what the proposed development will look like. Therefore, it’s also difficult to appropriately create ordinances for the proposed projects. I’m glad our city chose not to sign them, but that being said other city's' officials have signed them. This erodes the trust residents have with their city government. A trust that is necessary. In the past non-disclosure agreements weren't a large issue as they were uncommon. However, they have become more prevalent in the recent past. As more tech companies are looking to build hyper scale data centers in Minnesota, we will continue to see this issue grow. Cities large and small all over the state are experiencing the same issues putting cities at significant odds with their constituents. I again ask you to support the bill HF 4077 (Greenman) prohibiting municipalities from entering into nondisclosure agreements.

Thank you for your time & consideration,

Jenna Van Den Boom

March 11, 2026 HF 4077 A1 Amendment

To: House Elections Finance & Government Operations
From: Deb Birgen, Missouri River Energy Services, Inc. (headquartered in Sioux Falls South Dakota with 26 Minnesota municipal members)

Good afternoon, Chairs Quam and Freiberg, and members of the committee. On behalf of Missouri River Energy Services (MRES), we are submitting this written testimony to express our opposition to HF 4077. MRES is concerned with the proposed A1 amendment which would restrict any municipal or political subdivision of Minnesota from entering into a nondisclosure agreement or other contract restricting the municipality from disclosing information to members of the public.

First, it is important to note MRES is a municipal power agency, providing wholesale supplemental electric power to 61 municipal electric utilities in 4 states: Iowa, Minnesota, North Dakota and South Dakota. MRES is a municipal joint action agency, meaning it is owned by the municipal electric utilities it serves. Organized under Iowa Code Ch. 28E, MRES is a political subdivision of Iowa, and it is also considered a political subdivision of each of the states it has members in, which includes Minnesota.

Additionally, MRES has developed generation assets and transmission assets in all four of these states, plus Wyoming. MRES has financed these assets through tax exempt municipal bonds issued under Minnesota law, through MRES's financing arm, Western Minnesota Municipal Power Agency (Western). Western is organized under Minnesota law and is also considered a political subdivision of Minnesota.

In short, HF 4077 would prohibit MRES and Western, as political subdivisions of Minnesota, from entering into non-disclosure agreements (NDAs). This would have a profound effect on MRES, Western, and the ability to reliably and affordably provide electric power to the municipal electric ratepayers of Minnesota.

1. MRES/Western would be at a competitive disadvantage

In the electric industry, NDAs are unavoidable in the purchase from, or development of electric utility assets. In fact, many project owners will not even discuss an agreement to purchase power from an existing resource without first requiring the execution of an NDA. Similarly, most project developers will not disclose or discuss their technology with a potential purchaser without an NDA being signed. By prohibiting MRES/Western from entering into NDAs, MRES/Western and Minnesota municipal electric utilities would be effectively excluded from participating in the joint development and ownership of assets or the purchase of power from many existing resources. This would mean that, it is likely only rural electric cooperatives (RECs) and investor-owned utilities (IOUs) could be at the table for development of new

transmission or generation assets or the purchase of power from existing resources. MRES/Western would be excluded.

This has the effect of un-leveling the playing field. Also, it would put municipal electric utilities at risk, who would not be able to hedge generation costs or otherwise benefit from jointly owning electric assets through MRES/Western. Their retail ratepayers would be instead subject to the whims of the regional markets.

2. MRES/Western would lose access to industry skill, knowledge

NDA's are required by vendors and developers to ensure that competitors cannot access sensitive information about strategies, pricing, technology, and planned projects. These developers bring a special set of skills and knowledge to asset development that a smaller utility like MRES/Western just does not have "in-house". Without the ability to enter into NDAs, these skilled, highly sought-after developers would no longer be willing to work with MRES/Western on project development or acquisition. For example, if MRES/Western were not able to enter into NDAs with developers, it would not have been able to develop the Marshall Solar Plus project near Marshall, Minnesota. A solar-plus-storage facility would not have been developed in this municipal electric community and Marshall customers, as well as other Minnesota municipal electric customers, would not have benefitted from the project.

3. HF 4077 could have Commerce Clause implications

Western provides the municipal bonding for MRES/Western in all four of its states, helping MRES gain access to the generation and transmission facilities needed to serve its members. By prohibiting Western from entering into NDAs, it would not only exclude MRES/Western from asset development in Minnesota, but in all four states, as well as elsewhere in the country. For example, MRES/Western is currently developing a solar project near Brookings, South Dakota. The project will be funded through tax exempt municipal bonds issued through Western. However, if Western were unable to enter into NDAs, it would not have been able to work with the project developer/installer and the project would not be built. Thus, Minnesota law would have interfered with development in South Dakota, raising commerce clause implications.

Therefore, MRES/Western stands in opposition of HF 4077 as amended by the A1.

Thank you.

Date of Hearing March 11, 2026 & Bill Number: HF4077 (Greenman)

To: Members of the Elections Finance and Government Operations Committee

From: Rebecca Gilbertson and other immediate affected residents

Affiliation: Stop the Hermantown Data Center

City of Residence: Hermantown, Minnesota

I'm writing on behalf of Stop the Hermantown Data Center, LLC, (SHDC). SHDC is a bipartisan, non-profit organization of committed area residents of the City of Hermantown and greater St. Louis and Carlton Counties who formed a grass-roots coalition to require the City of Hermantown to honor its obligations of transparency and integrity when considering such a project.

The proposed hyperscale data center in the rural, agricultural area of Hermantown, Minnesota, is a 1.8 million square foot, 187-acre project, with possibility to expand to 403 acres. Google's announcement of *ownership* of the project on Tuesday, March 3, 2026, came after years of secrecy and clandestine efforts by the City to secure the project without public knowledge, input or adequate environmental assessment.

The proposed project is nearly unanimously contested by area residents, noting that 13 of the 17 parcels included in the proposed development location, or 78%, remain privately owned.

The proposed project location is deeply rooted with history, including generations of family-owned agricultural and farming lands, hundreds-year-old growth oak trees, prairielands, 55 acres of wetlands, abundant wildlife, and designated trout streams.

Directly affected and other area residents of the proposed development did not learn of the project from their elected officials or the developer, but, instead, through an article published by the Star Tribune and only following a data practice act request to the City of Hermantown.

That data practices act request, in addition to others, yielded over 1600 pages documenting extensive planning and preparation of "Project Loon" by the City of Hermantown, hidden its residents and shrouded in secrecy.

Records reflect that Assistant Hermantown City Administrator, Joe Wicklund, signed a "Mutual Non-Disclosure Agreement" on behalf of the "City of Hermantown" with Mortenson Development, Inc. on May 21, 2024. Later data practices act requests reflect additional agreements between Harmony Group, LLC (i.e., Google) and the City of

Hermantown agreeing to pay potential legal fees related to claims against the City for keeping the project secretive.

In summary, the Stop the Hermantown Data Center group is wholly supportive of HF 4077 (Greenman) and other data center reform bills being proposed this legislative session. Given the level of secrecy and lack of transparency, including 22 Non-Disclosure Agreements (NDA) signed in the Arrowhead/NE Minnesota region including the City of Hermantown, the City of Duluth, and St. Louis County elected commissioners, see attached, among others, any effort or attempt to place regulation surrounding development activity of the wealthiest companies in human history who proclaim that they are using green energy while proposing to destroy the pristine environment that is Minnesota, is welcome.

Attachments:

1. City of Hermantown non-disclosure agreement regarding “Project Loon”;
2. *22 county employees signed NDAs for data center project (October 24, 2025)*



Date of Hearing & Bill Number: HF4077

To: Members of the Elections Finance and Government Operations Committee

From: Aubree Derksen

Affiliation (ex. student, parent, advocacy organization): resident, Organizer of Stop the Pine Island Data Center

City of Residence: Pine Island, MN

I am writing to commend efforts to ban NDAs at the municipality level. NDAs were signed by the city administrator, deputy city administrator and city engineer regarding Project Skyway, a 3,000,000sqft data center proposed in my small rural town of Pine Island, MN. I submitted a data request to get copies of any NDAs in September of 2025. The city administrator confirmed over the phone that she'd received my data request and told me that it was not relevant and most of what I requested did not apply. I told the city administrator that NDAs are public information, not private and the city should openly state whether there are NDAs for this project and post the NDA on the city website along with the other project documents (only city council meeting documents were available on the website, not project information). The city administrator then told me she was not familiar with the law and would need to consult an attorney. In early October the developer said no NDAs were signed. By mid October the city was sued by the MN Center for Environmental Advocacy. The city subsequently updated their data request policies and in November 2025 I got copies of the NDAs. When directly asked by residents "who signed NDAs?" the city responded by saying 2 people, the city admin and deputy city admin had signed them with the developer. What they left out is that the city engineer also signed one. The city engineer is contracted to work for the city through a different company so the city and developer did not feel any obligation to disclose that he had signed one too since they don't consider him to be a "real" city employee. The only reason we knew 3 people had signed NDAs, not 2, is because of the data request that I made in September 2025. When residents ask city staff "who signed an NDA?" they're ultimately asking "of those involved with the project and decision making as a whole, who signed an NDA?"

The city engineer has been involved in the data center conversations since it first began in late 2023 and is one of the key players that communicates with the developer, end user and the city staff. There is no data center project without the city engineer. As residents we only just found out about the data center in September 2025 and it was greenlit by the city (final development application approvals) in January 2026. Residents got 4 months of knowing about this project while the city, the city engineer and the developer got over 2 years. Based on this experience I make a recommendation that the ban on NDAs also must apply to contracted staff like the city engineer in my case.

Even though the mayor and city council members did not sign NDAs, the NDA filtered out information that needed to get to the residents. Residents had met with a new city council member who lives in our subdivision to ask him about the project and get answers back in the fall of 2025 after initially finding out about the project. He told us we could ask him as many questions as we wanted but he didn't know the answers and would just have to go back to the city administrator to get the answers so we may as well not ask him and just ask the city administrator. Residents were told by the city attorney during a city council meeting in late 2025 that all questions about the project need to be directed to the city administrator and the council had no legal obligation to answer our questions. The city claims the NDAs do not stop them from releasing information to the public but controlling the information by only having it come through the people that have signed the NDAs essentially makes it as if the city council *had* signed NDAs.

Another important piece is that NDAs violate open meeting laws. In theory, the NDA should prevent the city administrator, for example, from lying about something when directly asked. My city administrator did not even know what the law was for that matter and she's been in the role for 5 years. But there's no obligation for the decision makers to outright disclose information without being asked. If no one is talking openly about a project, or if they're using code names like "Project Skyway" to describe projects then residents like me don't even know that we need to be asking direct questions or what questions to even ask. In the context of large developments like data centers, the developers are using NDAs with private landowners that prohibit them from talking about the project or saying anything negative about the project or the developer. This infringes on the landowner's rights to public process--they are restricted in speaking out at city council meetings or providing public comment on environmental review for example. This further keeps the community at-large in the dark about a massive project that will forever change the town. The city then comes in to say that they don't do anything with private land sales. But the city administrators are the ones doing all the leg work for the annexation, permits, zoning updates etc of this 'private land sale' they supposedly 'have nothing to do with.' Also, during this 'private land sale time' EDAs are approached only with information saying that a developer is already buying up land for an economic growth opportunity for the town. When residents push back we are told that this is just standard city business and how things are done. Please put a stop to this 'standard practice.'

Please record your written testimony here and return this to wilson.lee@house.mn.gov

as an OCR compliant PDF (optical character recognition)

22 county employees signed NDAs for data center project

By: John Ramos

Date:

October 24, 2025

On Oct. 13, 2025, the *Monitor* and other media outlets reported that three St. Louis County Commissioners had signed nondisclosure agreements (NDAs) with Mortenson Development Inc.: Annie Harala, Keith Musolf, and Keith Nelson. These agreements prohibit them from speaking publicly about the proposed [data center project in Hermantown](#).

The data center was already under fire in Hermantown due to that city's lack of transparency. Hermantown officials, too, had previously signed an NDA with Mortenson on May 31, 2024. Many citizens feel that public officials should refrain from keeping secrets about public business.

At the St. Louis County Board meeting on Oct. 14, 2025, Commissioner Ashley Grimm introduced a resolution which would prohibit elected county commissioners from signing NDAs. Because the resolution did not receive a second from any other commissioner, the board avoided voting on the matter. The citizens in attendance were denied an opportunity to share their thoughts on NDAs with the board.

In addition to the three aforementioned commissioners, the *Monitor* has recently confirmed that 22 current St. Louis County employees also signed NDAs with Mortenson.

“Standard practice”?

Not everyone objects to the NDAs. Data center supporters argue that NDAs are necessary because they allow businesses to freely discuss their development plans with public officials.

Duluth Chamber of Commerce President Matt Baumgartner wrote that the controversy was “much ado about nothing” when he issued a statement calling NDAs a “normal and responsible” part of the development process.

[NDAs] allow developers, investors, and local governments to share detailed, often proprietary information that helps determine whether a project is even viable. These early conversations require confidentiality so that both sides can do their due diligence before entering the public arena ...

If a project advances to the point where public investment, incentives, or infrastructure support are being considered, that's when it transitions into the public process. At that stage, transparency, community engagement, and open discussion become essential and expected ...

This is standard practice across Minnesota and the country, helping communities remain competitive in attracting investment while still upholding the principles of transparency and accountability that our public institutions are built upon.

On Oct. 21, the *Monitor* interviewed St. Louis County Director of Economic and Community Development Darren Jablonsky about the county's involvement with the data center project and the Mortenson NDAs. Jablonsky also implied that NDAs were common in county business.

Darren Jablonsky: *Our role is to really help projects along. That's the nature of our business, to help projects continue forward and answer [their questions] the best that we can. We won't have all of the answers, but as the company navigates if they're going to do the project (trying to figure out what the best avenue is [and] if the project's a go or not), we try to answer those questions ... They decide if they're going to move forward with the project, and we won't know until they submit a project proposal. We do thousands of questions a year with all kinds of companies and a lot of them won't disclose stuff. Some of them do. Some of them ask us to keep it private. In some of the larger projects, they ask us to keep it confidential through these types of NDAs.*

When the *Monitor* submitted a Data Practices request for all NDAs signed by county employees for the past five years, the county provided us with 23 NDAs:

- One NDA was signed by Director of Information Technology Jeremy Craker with the company Cohesity, Inc., on Nov. 9, 2021.
- 22 NDAs were signed by senior county staff in 2024 and 2025, all related to the data center project.

The information received fails to support the claim that signing NDAs is a common county practice.

The signatories

The following county employees and elected officials have signed NDAs with Mortenson Development:

Mortenson NDAs signed by St. Louis County Employees

NDA DATE	EMPLOYEE NAME	JOB TITLE
10/21/24	James Foldesi	Public Works Director
10/21/24	Matthew Hemmila	Deputy Public Works Director
10/21/24	Darren Jablonsky	Director of Economic and Community Development
10/21/24	Victor Lund	Traffic Engineer
10/23/24	Kevin Gray	County Administrator
10/23/24	Brad Gustafson	Economic and Community Development Manager
10/23/24	Mark Lindhorst	Senior Planner
10/24/24	Julie Marinucci	Deputy County Administrator
10/24/24	David Yapel	Planning Manager
10/29/24	Nick Campanario	Assistant County Attorney
10/31/24	Thomas Stanley	Senior Attorney
11/19/24	Donald Rigney	Land Use Planning Manager
11/25/24	Michael Busick	Commercial Real Estate Appraiser
11/25/24	Cory Leinwander	Deputy County Assessor
11/25/24	David Sipila	County Assessor
11/25/24	Kristen Swanson	Assistant County Attorney
11/26/24	Mary Garness	Public Records & Property Valuation Director
11/26/24	Keith Musolf	County Commissioner*
12/02/24	Jason Meyer	Land Commissioner
03/12/25	Annie Harala	County Commissioner*
03/12/25	Kim Maki	County Attorney
03/13/25	Keith Nelson	County Commissioner*
06/16/25	Beverly Biele	Data Practices Coordinator
09/05/25	Nate Anderson	Land Manager
09/16/25	Dana Kazel	Communications Manager

* Elected Official



The response

On Oct. 23, the *Monitor* emailed St. Louis County Administrator Kevin Gray and Communications Director Dana Kazel the following:

The Monitor has been following news reports in which various people claim that it is a common practice for government entities to sign NDAs with companies. To confirm this, we requested all NDAs which county employees have signed within the past five years.

We found it is far from common. With the exception of a single NDA signed in 2021 (with Cohesity, Inc.), there were no more NDAs signed until late 2024/early 2025, when 22 county employees and 3 county commissioners signed NDAs relating to the Hermantown data center project.

The first NDA was signed on Oct. 21, 2024, by Public Works Director Jim Foldesi, and more and more people have signed since. As recently as Sept. 5, 2025, Land Manager Nate Anderson signed one; and on Sept. 16, 2025, Dana Kazel signed one.

That represents a year of planning. So many NDAs, spanning many different departments, suggest the project is further advanced than merely the preliminary planning stage.

1) I am curious to know what the county's discussions have involved.

2) I am also curious about Dana's NDA. As the Communications Manager, Dana is the go-between for county administration and the public. It seems problematic that a Communications Manager would sign an NDA prohibiting herself from talking about certain things.

a) Who asked Dana to sign the NDA?

b) Was Dana asked to sign an NDA in response to media coverage of the project elsewhere? That is, was the county trying to avoid media scrutiny?

c) What response was Dana going to give if asked about the project directly?

Director Kazel responded the same day:

I was asked to sign the NDA by Darren Jablonsky, our director of Economic and Community Development. The purpose of me signing was so that I could be made aware of the situation and be part of conversations related to it.

As communications manager, I am part of the leadership team, which means I am included in many conversations. This enables me to assist with messaging when needed, as well as voice the concerns that I would anticipate being raised so that we'd have accurate and helpful information ready to share should this proposal ever move beyond the evaluation stage.

My response to media inquiries has been to direct them to the City of Hermantown and their website because this is a project being considered for their jurisdiction where they are the zoning authority.

After the *Monitor* informed Commissioner Ashley Grimm about the county's response to our NDA data request, she provided the following statement:

I don't know what pressure staff did or did not have to sign nondisclosures, but at the end of the day staff work under the direction of the county board and are overseen by administration. The county board needs to provide leadership and address the issues these NDAs create for public transparency. The majority of the board has thus far refused to provide this leadership, and in some cases has doubled down on their support for nondisclosure agreements. This is not just a disservice to our community, but to our staff. My colleagues need to revisit the ban on NDAs for elected officials and also create clear and good guidance for staff, now that the whole board knows the scope of what NDAs even exist.

<https://duluthmonitor.com/2025/10/24/22-county-employees-signed-ndas-for-data-center-project/>



March 11th, 2026

Co-Chair Freiberg, Co-Chair Quam and Members of the Committee:

On behalf of the Chamber and our more than 6,300 member businesses across Minnesota, I'm writing to share concerns about HF 4077 which would restrict municipalities from entering into nondisclosure agreements. The Chamber supports transparency in government and recognizes the public interest in access to information about government decision-making. However, the proposal as drafted creates a blanket prohibition that could unintentionally undermine economic development negotiations between municipalities and businesses.

When businesses consider expanding, relocating, or locating a new facility, they often must share proprietary financial information, operational plans, and site selection criteria with local governments. These early-stage discussions frequently occur under confidentiality agreements so that companies can evaluate potential locations without revealing sensitive business information to competitors or disrupting ongoing business operations.

Confidentiality can also be important for practical real estate reasons. When the identity of a prospective project developer becomes public during site selection, land prices for needed parcels can increase due to speculation. Projects that require assembling multiple parcels are particularly vulnerable to speculation. Once property owners know the identity of the developer, asking prices can quickly rise. This can substantially increase project costs and, in some cases, jeopardize projects that would otherwise bring jobs, tax base and economic activity to a community.

For these reasons, municipalities across the country routinely use limited nondisclosure agreements during the early stages of economic development negotiations. A blanket prohibition may place Minnesota communities at a competitive disadvantage when seeking to attract or retain business investment.

We respectfully encourage the committee to consider whether a more targeted approach could preserve appropriate government transparency while still allowing municipalities to use narrowly tailored confidentiality provisions when necessary, during legitimate economic development negotiations. Thank you for your consideration.

Sincerely,

Jonathan Cotter
Director, Health Care and Commerce Policy
Minnesota Chamber of Commerce



305 Roselawn Ave E | Suite 200 | St. Paul, MN 55117
Phone: (651) 639-1223 | www.mfu.org

March 10, 2026

Co-Chair Mike Freiberg
Co-Chair Duane Quam
House Committee on Elections Finance and Government Operations
5th Floor Centennial Office Building
St. Paul, MN 55155

RE: MFU support for HF4077 re: nondisclosure agreements

Dear Co-Chair Freiberg, Co-Chair Quam, and members of the committee:

On behalf of Minnesota Farmers Union (MFU), I write to share our support for Rep. Greenman's bill to bar the use of non-disclosure agreements by local officials (HF4077). Our members value the ability to inform public processes and ensure that projects serve their interests as members of the public.

MFU is a grassroots organization that has represented Minnesota's family farmers, ranchers, and rural communities since 1918. In November at our annual state convention, we approved new policy reflecting concerns submitted from numerous counties regarding the development of data centers. Central to these concerns was not only the land, water, and energy use demanded by these projects, but also lack of information about the deliberations and agreements made by their representatives in local government.

We believe in local control. And our members' ability to inform and contribute to public deliberations requires transparency.

We appreciate your attention to this issue and hope Rep. Greenman's bill earns your support. If you have any questions, please contact our Government Relations Director, Stu Lourey, at stu@mfu.org or (320) 232-2047 (C). Thank you for your work on behalf of farmers and all Minnesotans.

Sincerely,

A handwritten signature in black ink that reads "Gary Wertish". The signature is written in a cursive style with a large, looped "G" and "W".

Gary Wertish
President, Minnesota Farmers Union

22 county employees signed NDAs for data center project

By: John Ramos

Date:

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In addition to the three aforementioned commissioners, the *Monitor* has recently confirmed that 22 current St. Louis County employees also signed NDAs with Mortenson.

“Standard practice”?

Not everyone objects to the NDAs. Data center supporters argue that NDAs are necessary because they allow businesses to freely discuss their development plans with public officials.

Duluth Chamber of Commerce President Matt Baumgartner wrote that the controversy was “much ado about nothing” when he issued a statement calling NDAs a “normal and responsible” part of the development process.

[NDAs] allow developers, investors, and local governments to share detailed, often proprietary information that helps determine whether a project is even viable. These early conversations require confidentiality so that both sides can do their due diligence before entering the public arena ...

If a project advances to the point where public investment, incentives, or infrastructure support are being considered, that's when it transitions into the public process. At that stage, transparency, community engagement, and open discussion become essential and expected ...

This is standard practice across Minnesota and the country, helping communities remain competitive in attracting investment while still upholding the principles of transparency and accountability that our public institutions are built upon.

On Oct. 21, the *Monitor* interviewed St. Louis County Director of Economic and Community Development Darren Jablonsky about the county's involvement with the data center project and the Mortenson NDAs. Jablonsky also implied that NDAs were common in county business.

Darren Jablonsky: *Our role is to really help projects along. That's the nature of our business, to help projects continue forward and answer [their questions] the best that we can. We won't have all of the answers, but as the company navigates if they're going to do the project (trying to figure out what the best avenue is [and] if the project's a go or not), we try to answer those questions ... They decide if they're going to move forward with the project, and we won't know until they submit a project proposal. We do thousands of questions a year with all kinds of companies and a lot of them won't disclose stuff. Some of them do. Some of them ask us to keep it private. In some of the larger projects, they ask us to keep it confidential through these types of NDAs.*

When the *Monitor* submitted a Data Practices request for all NDAs signed by county employees for the past five years, the county provided us with 23 NDAs:

- One NDA was signed by Director of Information Technology Jeremy Craker with the company Cohesity, Inc., on Nov. 9, 2021.
- 22 NDAs were signed by senior county staff in 2024 and 2025, all related to the data center project.

The information received fails to support the claim that signing NDAs is a common county practice.

The signatories

The following county employees and elected officials have signed NDAs with Mortenson Development:

Mortenson NDAs signed by St. Louis County Employees

NDA DATE	EMPLOYEE NAME	JOB TITLE
10/21/24	James Foldesi	Public Works Director
10/21/24	Matthew Hemmila	Deputy Public Works Director
10/21/24	Darren Jablonsky	Director of Economic and Community Development
10/21/24	Victor Lund	Traffic Engineer
10/23/24	Kevin Gray	County Administrator
10/23/24	Brad Gustafson	Economic and Community Development Manager
10/23/24	Mark Lindhorst	Senior Planner
10/24/24	Julie Marinucci	Deputy County Administrator
10/24/24	David Yapel	Planning Manager
10/29/24	Nick Campanario	Assistant County Attorney
10/31/24	Thomas Stanley	Senior Attorney
11/19/24	Donald Rigney	Land Use Planning Manager
11/25/24	Michael Busick	Commercial Real Estate Appraiser
11/25/24	Cory Leinwander	Deputy County Assessor
11/25/24	David Sipila	County Assessor
11/25/24	Kristen Swanson	Assistant County Attorney
11/26/24	Mary Garness	Public Records & Property Valuation Director
11/26/24	Keith Musolf	County Commissioner*
12/02/24	Jason Meyer	Land Commissioner
03/12/25	Annie Harala	County Commissioner*
03/12/25	Kim Maki	County Attorney
03/13/25	Keith Nelson	County Commissioner*
06/16/25	Beverly Biele	Data Practices Coordinator
09/05/25	Nate Anderson	Land Manager
09/16/25	Dana Kazel	Communications Manager

* Elected Official



The response

On Oct. 23, the *Monitor* emailed St. Louis County Administrator Kevin Gray and Communications Director Dana Kazel the following:

The Monitor has been following news reports in which various people claim that it is a common practice for government entities to sign NDAs with companies. To confirm this, we requested all NDAs which county employees have signed within the past five years.

We found it is far from common. With the exception of a single NDA signed in 2021 (with Cohesity, Inc.), there were no more NDAs signed until late 2024/early 2025, when 22 county employees and 3 county commissioners signed NDAs relating to the Hermantown data center project.

The first NDA was signed on Oct. 21, 2024, by Public Works Director Jim Foldesi, and more and more people have signed since. As recently as Sept. 5, 2025, Land Manager Nate Anderson signed one; and on Sept. 16, 2025, Dana Kazel signed one.

That represents a year of planning. So many NDAs, spanning many different departments, suggest the project is further advanced than merely the preliminary planning stage.

1) I am curious to know what the county's discussions have involved.

2) I am also curious about Dana's NDA. As the Communications Manager, Dana is the go-between for county administration and the public. It seems problematic that a Communications Manager would sign an NDA prohibiting herself from talking about certain things.

a) Who asked Dana to sign the NDA?

b) Was Dana asked to sign an NDA in response to media coverage of the project elsewhere? That is, was the county trying to avoid media scrutiny?

c) What response was Dana going to give if asked about the project directly?

Director Kazel responded the same day:

I was asked to sign the NDA by Darren Jablonsky, our director of Economic and Community Development. The purpose of me signing was so that I could be made aware of the situation and be part of conversations related to it.

As communications manager, I am part of the leadership team, which means I am included in many conversations. This enables me to assist with messaging when needed, as well as voice the concerns that I would anticipate being raised so that we'd have accurate and helpful information ready to share should this proposal ever move beyond the evaluation stage.

My response to media inquiries has been to direct them to the City of Hermantown and their website because this is a project being considered for their jurisdiction where they are the zoning authority.

After the *Monitor* informed Commissioner Ashley Grimm about the county's response to our NDA data request, she provided the following statement:

I don't know what pressure staff did or did not have to sign nondisclosures, but at the end of the day staff work under the direction of the county board and are overseen by administration. The county board needs to provide leadership and address the issues these NDAs create for public transparency. The majority of the board has thus far refused to provide this leadership, and in some cases has doubled down on their support for nondisclosure agreements. This is not just a disservice to our community, but to our staff. My colleagues need to revisit the ban on NDAs for elected officials and also create clear and good guidance for staff, now that the whole board knows the scope of what NDAs even exist.

<https://duluthmonitor.com/2025/10/24/22-county-employees-signed-ndas-for-data-center-project/>