



**CITY OF MARSHALL
HOUSING AND REDEVELOPMENT AUTHORITY MEETING
A G E N D A
Tuesday, June 25, 2019 at 5:15 PM
Professional Development Room - Marshall Middle School, 401 South
Saratoga Street**

CALL TO ORDER

APPROVAL OF MINUTES

1. Consider approval of the minutes from the special meeting held on April 23, 2019.

PUBLIC HEARING

NEW BUSINESS

2. Commerce Industrial Park Second Addition Option Contract to MMU

ADJOURN TO CLOSED SESSION

ADJOURN



CITY OF MARSHALL AGENDA ITEM REPORT

Meeting Date:	Tuesday, June 25, 2019
Category:	APPROVAL OF MINUTES
Type:	ACTION
Subject:	Consider approval of the minutes from the special meeting held on April 23, 2019.
Background Information:	Staff encourages HRA Members to provide any suggested corrections to the minutes in writing to City Clerk, Kyle Box, prior to the meeting. We then could potentially incorporate proposed amended minutes at the meeting.
Fiscal Impact:	
Alternative/ Variations:	
Recommendations:	that the minutes of the special meeting held on April 23, 2019 be approved as filed with each member and that the reading of the same be waived.

CITY OF MARSHALL
HOUSING AND REDEVELOPMENT AUTHORITY MEETING
MINUTES
Tuesday, April 23, 2019

The special meeting of the Housing and Redevelopment Authority was held on April 23, 2019 in the Professional Development Room at the Marshall Middle School, 401 South Saratoga Street. The meeting was called to order at 5:15 P.M. by Chairman Robert Byrnes. In addition to Byrnes the following members were present: Craig Schafer, Glenn Bayerkohler, John DeCramer, Russ Labat and James Lozinski. Absent: Steven Meister. Staff present included: Sharon Hanson, Executive Director; Dennis Simpson, City Attorney; Annette Storm, Director of Administrative Services and Kyle Box, City Clerk.

Consider approval of the minutes from the special meetings held on February 12 and February 26, 2019.

Motion made by Board Member Lozinski, Seconded by Board Member Labat that the minutes of the special meetings held on February 12 and February 26, 2019 be approved as filed with each member and that the reading of the same be waived. Voting Yea: Chairman Byrnes, Board Member Schafer, Board Member Bayerkohler, Board Member Decramer, Board Member Labat, Board Member Lozinski. The motion **Carried. 6-0**

Commerce Industrial Park Second Addition Land Transfer for Public Roadway and Utility Easement Purposes

The final plat of Commerce Industrial Park was adopted by Marshall City Council in 2016. Since that time, the property has been designed and constructed in accordance with plans and specifications as developed by consulting engineers Bolton & Menk.

The development plans include the construction to the connection of Michigan Road/Pacific Avenue and Trunk Highway 68. The construction of Michigan Road, installation of utilities on Michigan Road and construction of stormwater detention and treatment ponds for the entire site except for a small area in the northwest corner of the subdivision.

The development of the project has been assisted in funding through Business Development Public Infrastructure (BDPI) grant from State of Minnesota DEED agency. After the construction of the infrastructure referred to above, the property was re-platted pursuant to action taken by Marshall City Council in 2019. The re-platted Commerce Industrial Park Second Addition has been recorded in the office of the Lyon County Recorder.

The City of Marshall is presently seeking "shovel ready" certification from DEED. It is believed that shovel ready certification will assist the City of Marshall in the promotion and potential sale and development of the property. Shovel ready certification requires that an ALTA survey be provided. In the process of obtaining an ALTA survey, it was determined that there were minor discrepancies in the description of the property. The as-built Michigan roadway varied slightly from the plat of Commerce Industrial Park Second Addition. It is therefore proposed that the identified property on the attached documents be deeded from property owner HRA to the City of Marshall. Subsequent to transferring of the property by deed, the deeded property would be dedicated for use as public roadway and streets as designated on the attached deed. Public utility easements would also be amended as described and would also be dedicated to public use pursuant to the description on the plat.

Motion made by Board Member Schafer, Seconded by Board Member Labat to approve Resolution No. 194, Second Series authorizing the proper Authority officials to transfer ownership of property owned in Commerce Industrial Park Second Addition to the City of Marshall. Voting Yea: Chairman Byrnes, Board Member Schafer, Board

Member Bayerkohler, Board Member Decramer, Board Member Labat, Board Member Lozinski. The motion **Carried. 6-0**

ADJOURN

At 5:20 P.M., Motion made by Board Member Schafer, Seconded by Board Member Lozinski to adjourn.
Voting Yea: Chairman Byrnes, Board Member Schafer, Board Member Bayerkohler, Board Member Decramer,
Board Member Labat, Board Member Lozinski. The motion **Carried. 6-0**

Robert J. Byrnes
Chairman

ATTEST:

Sharon Hanson
Executive Director



CITY OF MARSHALL AGENDA ITEM REPORT

Meeting Date:	Tuesday, June 25, 2019
Category:	CONSENT AGENDA
Type:	ACTION
Subject:	Commerce Industrial Park Second Addition Option Contract to MMU
Background Information:	<p>On September 26, 2017, the HRA granted a 50 year exclusive option to MMU for the perspective future development of water treatment facility. Option contract has been approved and has been signed by HRA and MMU. That option contract however was never filed of record but has been held at MMU.</p> <p>The recent re-platting of the Commerce Industrial Park has changed the legal description of the property subject to the option contract with MMU. Therefore, I believe it is necessary to have an amended option contract put together correctly describing the re-platted property subject to the exclusive option contract. Attached is amended option contract indicating that the property subject to the option has been re-platting and is described as Lot 2 in Block 7, Commerce Industrial Park Second Addition. The presently re-platted property as described as Lot 2, Block 7 is the same property that was previously described as Lot 2 and a portion of Lot 1 in Block 4 of Commerce Industrial Park Addition. Recommending approval of the amended option contract with the further recommendation that amended option contract be filed of record.</p>
Fiscal Impact:	None.
Alternative/ Variations:	None recommended.
Recommendations:	Consider and approve proper officials to execute Amended Option Contract to MMU regarding real estate located in Commerce Industrial Park Second Addition.

AMENDED OPTION CONTRACT

WHEREAS, the Housing and Redevelopment Authority in and for the City of Marshall, Minnesota, a municipal corporation, and Marshall Municipal Utilities, a municipal entity, previously entered into an exclusive 50 year option contract dated September 26, 2017, a copy of which is attached hereto and identified as Exhibit A; and

WHEREAS, the original option contract identified property subject to the option as being located within the Commerce Park Addition to the City of Marshall, Lyon County, Minnesota; and

WHEREAS, said property has recently been re-platted and the description of the property subject to the option contract has hereby been amended.

NOW, THEREFORE, IN CONSIDERATION WHEREOF, the parties hereto agree that the terms and conditions of the original Option Contract dated September 26, 2017, hereby apply to the same property which is hereby been re-platted and is now described as follows:

Lot Two (2) in Block Seven 74), Commerce Industrial Park Second Addition to the City of Marshall, Lyon County, Minnesota, according to the recorded plat thereof.

Further, the parties agree that all terms and conditions of said exclusive 50 year Option Contract apply to the re-platted property as described herein.

IN WITNESS WHEREOF:

HOUSING AND REDEVELOPMENT AUTHORITY IN AND FOR THE CITY OF MARSHALL

By: _____
Robert J. Byrnes
Its: Chairman

By: _____
Sharon Hanson
Its: Executive Director

STATE OF MINNESOTA)
)ss.
COUNTY OF LYON)

The foregoing instrument was acknowledged before me this ____ day of _____, 2019, by Robert J. Byrnes and Sharon Hanson, the Chairman and Executive Director of Housing and Redevelopment Authority, in and for the City of Marshall, Minnesota, a municipal corporation under the laws of the State of Minnesota, on behalf of the Authority.

NOTARIAL STAMP OR SEAL (OR OTHER TITLE OR RANK)

SIGNATURE OF PERSON TAKING ACKNOWLEDGMENT

OPTIONEE, Marshall Municipal Utilities, hereby accepts this option and agrees to each and all of its terms.

MARSHALL MUNICIPAL UTILITIES

By: Brad Roos
Its: General Manager

STATE OF MINNESOTA)
)ss.
COUNTY OF LYON)

The foregoing instrument was acknowledged before me this ____ day of _____, 2019, by Brad Roos, General Manager of Marshall Municipal Utilities, a municipal entity under the laws of the State of Minnesota, on behalf of the Utility.

NOTARIAL STAMP OR SEAL (OR OTHER TITLE OR RANK)

SIGNATURE OF PERSON TAKING ACKNOWLEDGMENT

THIS INSTRUMENT WAS DRAFTED BY:

QUARNSTROM & DOERING, P.A.
By: Dennis H. Simpson
109 South Fourth Street
Marshall, MN 56258
(507) 537-1441

EXHIBIT A

OPTION CONTRACT

For and in consideration of the sum of One and no/100 (\$1.00) Dollar and other good and valuable consideration, (\$1.00) in hand paid, the receipt whereof is hereby acknowledged, Housing and Redevelopment Authority in and for the City of Marshall, a municipal corporation, and its successors and assigns, hereby grants unto Marshall Municipal Utilities, a municipal entity, and its successors and assigns, an Exclusive Option for fifty (50) years from the 26th day of September, 2017 to purchase, for the sum of said One and no/100 (\$1.00) Dollar (already paid) the following-described lands situated in the County of Lyon and State of Minnesota, to-wit:

Lot Two (2) and the Easterly 551.76 feet of Lot One (1) all in Block Four (4), Commerce Industrial Park Addition to the City of Marshall, Lyon County, Minnesota, according to the recorded plat thereof.

Upon the following terms and conditions, to-wit: \$1.00 Cash, the receipt of which is hereby acknowledged, and the balance \$0. Said optionee, MMU shall signify its intention to take said property by due notice in writing, and shall perform the conditions and comply with the terms of this Option, all within the time above specified. The failure to give such notice, and failure to comply with the terms and perform the conditions herein, within the time specified, shall terminate this Option, and all rights thereunder, without further act or notice whatsoever, time being the essence of this agreement.

In case said notice shall be given in due time, but transaction is not completed, then an additional 180 days shall be given in which to examine titles, make conveyances and close the transaction.

IN WITNESS WHEREOF:

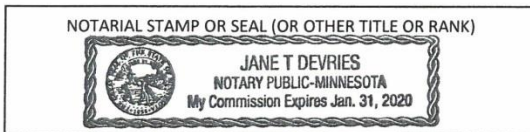
HOUSING AND REDEVELOPMENT AUTHORITY IN AND FOR THE CITY OF MARSHALL

By: [Signature]
Robert J. Byrnes
Its: Chairman

By: [Signature]
Sheila Dubs
Its: Interim Executive Director

STATE OF MINNESOTA)
)ss.
COUNTY OF LYON)

The foregoing instrument was acknowledged before me this 26 day of Sept, 2017, by Robert J. Byrnes and Sheila Dubs, the Chairman and Interim Executive Director of Housing and Redevelopment Authority, in and for the City of Marshall, a municipal corporation under the laws of the State of Minnesota, on behalf of the Authority.



[Signature]
SIGNATURE OF PERSON TAKING ACKNOWLEDGMENT

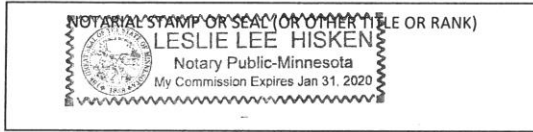
OPTIONEE, Marshall Municipal Utilities, hereby accepts this option and agrees to each and all of its terms.

MARSHALL MUNICIPAL UTILITIES

[Signature]
By: Brad Roos
Its: General Manager

STATE OF MINNESOTA)
)ss.
COUNTY OF LYON)

The foregoing instrument was acknowledged before me this 3rd day of October 2017, by Brad Roos, General Manager of Marshall Municipal Utilities, a municipal entity under the laws of the State of Minnesota, on behalf of the Utility.



Leslie Lee Hisken
SIGNATURE OF PERSON TAKING ACKNOWLEDGMENT

THIS INSTRUMENT WAS DRAFTED BY:

QUARNSTROM & DOERING, P.A.
By: Dennis H. Simpson
109 South Fourth Street
Marshall, MN 56258
(507) 537-1441