



**CITY OF MARSHALL
HOUSING AND REDEVELOPMENT
AUTHORITY MEETING
A G E N D A**

**Tuesday, March 10, 2020 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 February 25, 2020.

PUBLIC HEARING

NEW BUSINESS

- [2.](#) [Public](#) Hearing for Sale of HRA Owned Property to Marshall Municipal Utilities

ADJOURN TO CLOSED SESSION

ADJOURN



CITY OF MARSHALL AGENDA ITEM REPORT

Meeting Date:	Tuesday, March 10, 2020
Category:	APPROVAL OF MINUTES
Type:	ACTION
Subject:	Consider approval of the minutes from the special meeting held on February 25, 2020.
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 February 25, 2020 be approved as filed with each member and that the reading of the same be waived.

**CITY OF MARSHALL
HOUSING AND REDEVELOPMENT AUTHORITY MEETING
M I N U T E S
Tuesday, February 25, 2020**

The special meeting of the Housing and Redevelopment Authority was held on February 25, 2020 in the Professional Development Room at the Marshall Middle School, 401 South Saratoga Street. The meeting was called to order at 3:45 P.M. by Chairman Robert Byrnes. In addition to Byrnes the following members were present: Craig Schafer, Glenn Bayerkohler, John DeCramer, Russ Labat, James Lozinski. Absent: Steve Meister. Staff present included: Sharon Hanson, Executive Director; Dennis Simpson, City Attorney; and Brad Roos, General Manager Marshall Municipal Utilities.

Consider approval of the minutes from the special meeting held on November 26, 2019.

Motion made by Board Member DeCramer, Seconded by Board Member Lozinski that the minutes of the special meeting held on November 26, 2019 be approved as filed with each member and that the reading of the same be waived. Voting Yea: Byrnes, Schafer, Bayerkohler, Decramer, Labat, Lozinski. Nay: None. Absent: Meister. The motion **Carried. 6-0-1**

Set Public Hearing for Sale of HRA Owned Property to Marshall Municipal Utilities.

Marshall Municipal Utilities presently has an option to purchase property described as Lot Two in Block 7 Commerce Industrial Park Second Addition to the City of Marshall. MMU has given written notice of its intention to exercise the option to purchase property.

Minnesota Statutes Section 469.029 subd. 2 requires that the HRA conduct a public hearing prior to the sale of any publicly owned land. It is recommended that HRA call for a public hearing to be held on Tuesday, March 10, 2020 to consider the sale of publicly owned property.

The Option Contract grants to MMU the right to purchase the identified property for price of \$1.00 and other good and valuable consideration. The \$1.00 has previously been paid at the time the option contract was signed.

Motion by Schafer, seconded by Lozinski to set the HRA public hearing for March 10 at 5:15 p.m., Marshall Middle School, for the sale of HRA land located at Lot Two in Block 7 Commerce Industrial Park Second Addition to Marshall Municipal Utilities, per Exhibit A, Option Contract, Recorded Document No. 218867. Voting Yea: Byrnes, Schafer, Bayerkohler, Decramer, Labat, Lozinski. Nay: None. Absent: Meister. The motion **Carried. 6-0-1**

Adjourn Meeting

At 3:50 P.M., hearing no further business, Chairman Byrnes adjourned the meeting.

Robert J. Byrnes
Chairman

ATTEST:

Sharon Hanson
Executive Director



CITY OF MARSHALL AGENDA ITEM REPORT

Meeting Date:	Tuesday, March 10, 2020
Category:	NEW BUSINESS
Type:	ACTION
Subject:	Conduct Public Hearing Regarding the Sale of Public Property Owned by HRA
Background Information:	<p>City of Marshall is the owner of property described as Lot 2 in Block 7 Commerce Industrial Park Second Addition to the City of Marshall. HRA has previously granted to Marshall Municipal Utilities an exclusive option regarding the purchase of said property. MMU has given timely notice to exercise the option to purchase Lot 2 in Block 7 Commerce Industrial Park Second Addition. Pursuant to Minnesota Statutes, HRA has called for a public hearing to be held on Tuesday, March 10, 2020. It is recommended that the public hearing be opened for the purpose of discussion regarding proposed sale of property. At the conclusion of the discussion of the public hearing it is recommended that the public hearing be closed and that the HRA then consider matters brought up at the public hearing to make a determination regarding the proposed sale of property.</p>
Fiscal Impact:	<p>The option contract grants to MMU the exclusive right to purchase the identified property for a price of \$1.00 and other good and valuable consideration. The \$1.00 has previously been paid at the time the option contract was signed.</p>
Alternative/Variations:	<p>No alternative actions recommended. The option agreement has previously been executed by both HRA and MMU.</p>
Recommendations:	<p>It is recommended that at the conclusion of the public hearing, that the HRA proceed to except the offer to sell the property in compliance with the option agreement previously granted. MMU has been a financial partner with HRA regarding the development of Commerce Park and Commerce Park Second Addition.</p>

**HOUSING AND REDEVELOPMENT AUTHORITY
IN AND FOR THE CITY OF MARSHALL, MINNESOTA**

RESOLUTION NO. _____, SECOND SERIES

RESOLUTION APPROVING THE SALE OF CITY-OWNED PROPERTY TO MARSHALL MUNICIPAL UTILITIES

The Housing and Redevelopment Authority in and for the City of Marshall, MN (HRA) is the present fee owner of property now identified as Commerce Industrial Park Second Addition to the City of Marshall, Lyon County, Minnesota, according to the recorder plat thereof; and

WHEREAS, HRA previously granted an exclusive option to Marshall Municipal Utilities (MMU) granted to MMU the right to purchase property originally described as Lot 2 and the Easterly 551.76 ft. of Lot 1, all in block 4 in Commerce Industrial Park Addition to the City of Marshall, Lyon County, Minnesota; and

WHEREAS, said original Commerce Industrial Park was re-platted and premises subject to the exclusive option to MMU is now defined as Lot 2 in Block 7 Commerce Industrial Park Second Addition to the City of Marshall, Lyon County, Minnesota, according to the recorder plat thereof; and

WHEREAS, amended option contract with the amended legal description was property executed by both HRA and MMU and was filed in the office of the Lyon County Recorder on July 24, 2019 and is recorded as document number 218867; and

WHEREAS, MMU has provided written notice to HRA exercising its exclusive right to purchase said property described as Lot 2 in Block 7 Commerce Industrial Park Second Addition. Said written notice is dated February 19, 2020; and

WHEREAS, HRA has called for public hearing to consider the sale of property and has published notice of said public hearing as required by Minnesota Statutes §469.029 subd. 2; and

WHEREAS, said public hearing was held pursuant to published notice on March 10, 2020.

NOW, THEREFORE in consideration thereof the Housing and Redevelopment Authority in and for the City of Marshall hereby resolves as follows:

1. It is resolved that the real property described as Lot 2 in Block 7 Commerce Industrial Park Second Addition to the City of Marshall, Lyon County, Minnesota according to the recorder plat thereof shall be sold to Marshall Municipal Utilities and that all appropriate officials are authorized to sign the appropriate documents necessary to convey fee title to Marshall Municipal Utilities.
2. It is so Resolved.

Passed and Adopted by the Board of Commissioners this 10th day of March, 2020

HOUSING AND REDEVELOPMENT
AUTHORITY IN AND FOR THE
CITY OF MARSHALL, MINNESOTA

By: Robert J. Byrnes
Its: Chair

ATTEST:

By: Sharon Hanson
Its: Executive Director

STATE OF MINNESOTA)
)ss
COUNTY OF LYON)

The foregoing instrument was acknowledged before me this ____ day of _____,
2020, by Robert J. Byrnes and Sharon Hanson, the Chair and Executive Director of Housing and
Redevelopment Authority in and for the City of Marshall, Minnesota, a public body corporate and politic
and political subdivision under the laws of the State of Minnesota, Grantors, on behalf of the Authority.

NOTARIAL STAMP OR SEAL (OR OTHER TITLE OR RANK)

THIS INSTRUMENT WAS DRAFTED BY:

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



113 South Fourth Street • Marshall, Minnesota 56258-1223
Telephone: 507-537-7005 • Fax: 507-537-6836 • www.marshallutilities.com

February 19, 2020

Marshall Housing and Redevelopment Authority
Sharon Hanson Executive Director
City Offices
344 W. Main
Marshall, MN 56258

Re: Option to purchase land

Dear Sharon:

The MMU Commission has directed me to exercise the Option pursuant to the attached Amended Option Contract for lot 2 block 7 in Commerce Park. Please work with the City Attorney and HRA/City Council to affect the purchase of said lot.

The 2020 use of the lot is not scheduled to change and can continue to be leased for agricultural purposes with whomever the HRA and/or City selects. The future uses of the lot may include hosting a solar array in the 2-5-year horizon and in a longer view, the future water treatment plant. The use for a water plant would be after the current plant completes its useful life. That could be 50 years from now. The fact that the raw water line lies adjacent make the lot valuable for that purpose.

The Right of First Refusal (ROFR) on the adjacent portion of lot 1 block 7 in Commerce Industrial Park expires December 31, 2022. MMU expects that the ROFR will terminate at that time unexercised.

Sincerely,

A handwritten signature in blue ink that reads 'Brad Roos'.

Brad Roos
General Manager

Encl:

CC: Bob Byrnes and Dennis Simpson (email)

218867

OFFICE OF COUNTY RECORDER
LYON COUNTY MINNESOTA

CERTIFIED, FILED, AND/OR
RECORDED ON

07/24/2019 01:55:01 PM

MICHELLE DESMET
COUNTY RECORDER



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 (7), 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.

ref 218143

IN WITNESS WHEREOF:

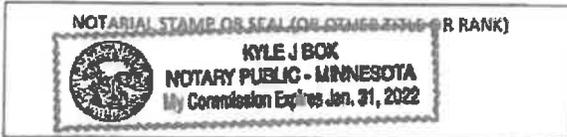
HOUSING AND REDEVELOPMENT AUTHORITY IN AND FOR THE CITY OF MARSHALL

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

By: [Signature]
Sharon Hanson
Its: Executive Director

STATE OF MINNESOTA)
)ss.
COUNTY OF LYON)

The foregoing instrument was acknowledged before me this 05 day of June, 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.



[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

Brad Roos

By: Brad Roos
Its: General Manager

STATE OF MINNESOTA)
)ss.
COUNTY OF LYON)

The foregoing instrument was acknowledged before me this 23 day of July, 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.



Greta Henning
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

(Not previously recorded)

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 24 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

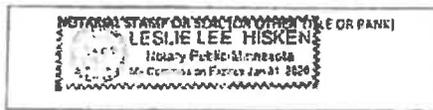
OPTIONEE, Marshall Municipal Utilities, hereby accepts this option and agrees to each and all of its terms

FOR MARSHALL MUNICIPAL UTILITIES

[Signature]
By: Brad Roos
Its: General Manager

STATE OF MINNESOTA)
)ss.
COUNTY OF LYON)

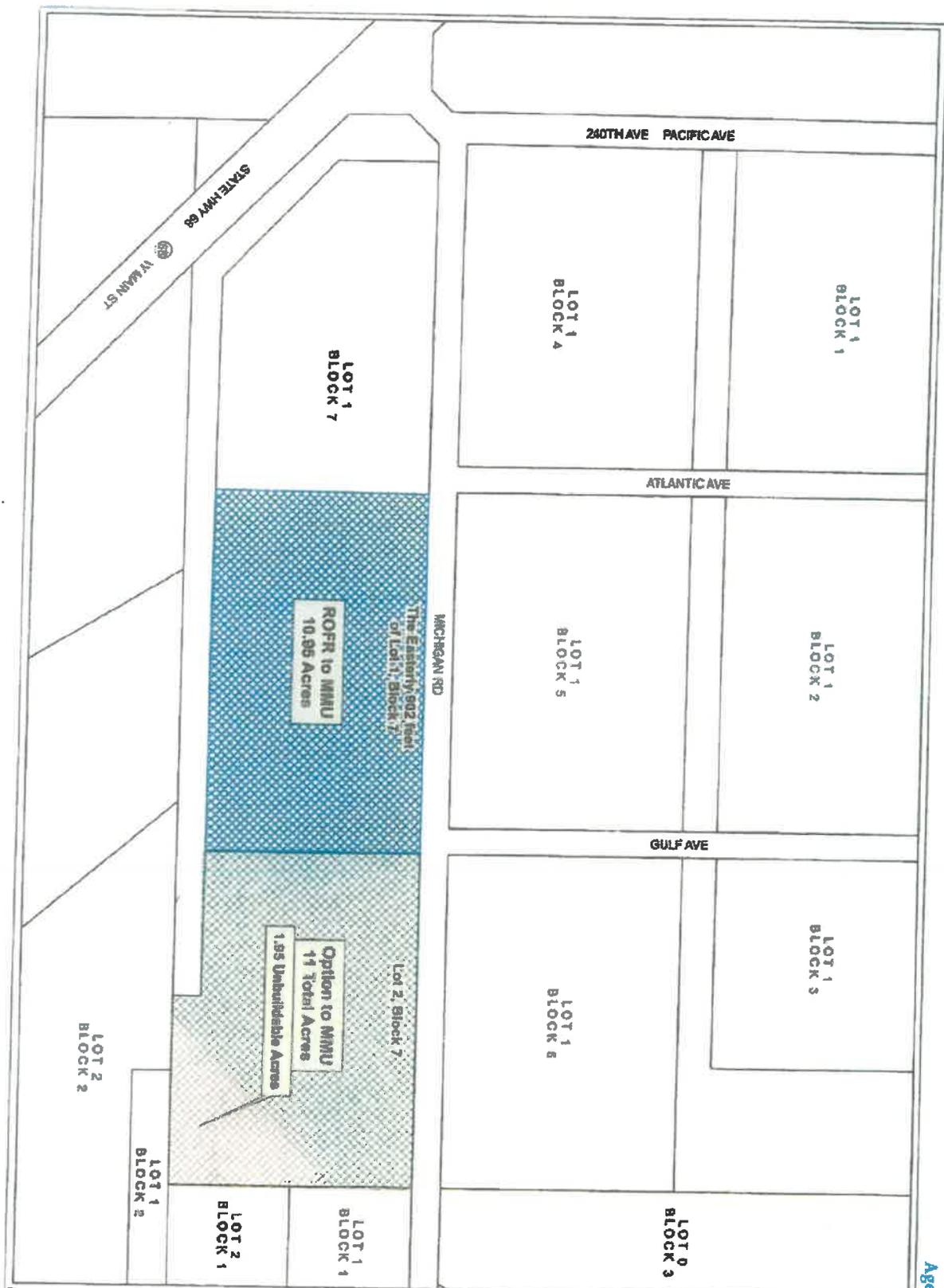
The foregoing instrument was acknowledged before me this 31st day of October, 2017, by Brad Roos, General Manager of Marshall Municipal Utilities, a municipal entity under the laws of the State of Minnesota, on behalf of the Utility.



Leslie Lee Hiskens
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) 637-1441

Marsha Commerce Industrial Park



-  Option to MMU
-  ROFR to MMU
-  Unbuildable Property



Map prepared by Syco World