



**CITY OF MARSHALL**  
**Housing and Redevelopment Authority**  
**Meeting**  
**A g e n d a**  
**Monday, August 29, 2022 at 4:00 PM**  
**344 W Main, City Hall**

**CALL TO ORDER**

**APPROVAL OF MINUTES**

1. Consider approval of the minutes from the meeting held on June 28, 2022.

**PUBLIC HEARING**

**NEW BUSINESS**

2. Helena Agri-Enterprises, LLC – Addendum to Purchase Agreement

**ADJOURN TO CLOSED SESSION**

**ADJOURN**

## HRA AGENDA ITEM REPORT

|                                     |  |
|-------------------------------------|--|
| <b>Meeting Date:</b>                | Monday, August 29, 2022  |
| <b>Category:</b>                    | APPROVAL OF MINUTES  |
| <b>Type:</b>                        | ACTION   |
| <b>Subject:</b>                     | Consider approval of the minutes from the meeting held on June 28, 2022.   |
| <b>Background Information:</b>      |  |
| <b>Fiscal Impact:</b>               |  |
| <b>Alternative/<br/>Variations:</b> | Inform if there are corrections.   |
| <b>Recommendations:</b>             | That the minutes of the meeting held on June 28, 2022, 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, June 28, 2022**

The special meeting of the Housing and Redevelopment Authority was held on June 28, 2022 in the Council Chambers at City Hall, 344 West Main Street. The meeting was called to order at 5:00 P.M. by Chairman Robert Byrnes. In addition to Byrnes the following members were present: Craig Schafer, Steve Meister, John DeCramer, Russ Labat, and James Lozinski. Absent: None. Staff present included: Sharon Hanson, Executive Director; Dennis Simpson, City Attorney; Jason Anderson, Director of Public Works/ City Engineer; E.J. Moberg, Director of Administrative Services; Lauren Deutz, Economic Development Director; Sheila Dubs, Human Resource Manager; and Steven Anderson, City Clerk.

**Consider approval of the minutes from the special meeting held on June 14, 2022**

Motion made by Board Member DeCramer, Seconded by Board Member Lozinski that the minutes of the special meeting held on June 14, 2022, 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 Meister, Board Member DeCramer, Board Member Labat, Board Member Lozinski. The motion **Carried. 6-0**

**Public Hearing – HRA Sale of Land in Sonstegard Addition Block 1, Lot 2 (27-804002-0)**

Economic Development Authority (EDA) Director Lauren Deutz presented information on a proposal from James Brock Trucking to develop a 60 x 100 ft facility on approximately 1.2 acres of land located on Lake Road in the Sonstegard Addition. Site plans are currently being developed by Bladholm Construction. The facility would include up to 10 employees (8 drivers and two full-time office staff) to serve the trucking needs of the Runnings Distribution Center. Land proposal includes: 1.2 acres of Block 1, Lot 2 in the Sonstegard Addition (Parcel 27-804002-0) for \$25,000.

Councilmember DeCramer stated that the Economic Development Authority approved the recommendation for the sale of the land.

Motion by Board Member Schafer, seconded by Board Member DeCramer to close the HRA Public Hearing. Voting Yea: Chairman Byrnes, Board Member Schafer, Board Member Meister, Board Member DeCramer, Board Member Labat, Board Member Lozinski. The motion **Carried. 6-0**

Motion by Board Member DeCramer, seconded by Board Member Schafer to approve the sale by the HRA of approximately 1.2 acres of a land split in Parcel No. 27-804002-0 to Jim Brock Trucking Real Estate LLC for \$25,000. Voting Yea: Chairman Byrnes, Board Member Schafer, Board Member Meister, Board Member DeCramer, Board Member Labat, Board Member Lozinski. The motion **Carried. 6-0**

**Adjourn**

At 5:04 P.M., Motion made by Board Member Lozinski, Seconded by Board Member Labat to adjourn. Voting Yea: Chairman Byrnes, Board Member Schafer, Board Member Meister, Board Member DeCramer, Board Member Labat, Board Member Lozinski. The motion **Carried. 6-0**

---

Robert J. Byrnes  
Chairman

ATTEST:

---

Sharon Hanson  
Executive Director

## HRA CITY OF MARSHALL AGENDA ITEM REPORT

|                                     |   |
|-------------------------------------|---|
| <b>Meeting Date:</b>                | Monday, August 29, 2022   |
| <b>Category:</b>                    | NEW BUSINESS  |
| <b>Type:</b>                        | ACTION  |
| <b>Subject:</b>                     | Helena Agri-Enterprises, LLC – Addendum to Purchase Agreement   |
| <b>Background Information:</b>      | <p>The City of Marshall and Helena Agri-Enterprises, LLC have previously entered into a purchase agreement wherein the City of Marshall will acquire Helena property located adjacent to State Highway 19 on the Westerly property limits of the City of Marshall. Closing on the acquisition of property has not occurred, because Helena Agri-Enterprises, LLC is presently working on remediation of agricultural chemical issues located on the property.</p> <p>There have been recent discussions concerning additional testing and remediation of agricultural chemicals located in, around and under the dry fertilizer Quonset presently in a state of disrepair on the property. Discussions between staff and elected officials have resulted in an agreement with Helena to equally split the costs for the demolition and removal of the dry fertilizer Quonset building. That additional testing and remediation can proceed. Proposal for demolition and removal of the building, and asbestos abatement on site has resulted in a bid of \$128,800.00. The City has agreed to pay one-half of that amount being \$64,400.00.</p> <p>Attached is an Addendum to the Purchase Agreement obligating both parties to pay according to the agreement. Helena Agri-Enterprises, LLC has signed the agreement. It is recommended that the HRA also approve the addendum.</p> <p>City staff has had discussions with MnDOT Aeronautics regarding a future grant proposal which would authorize payment of land acquisition and demolition costs associated with this property. City staff is hopeful that the grant solicitation will be submitted from the state within the next two months so that the City may obtain grant funds for the acquisition and demolition costs incurred with this project.</p> |
| <b>Fiscal Impact:</b>               | Up to \$64,400.00 of demolition removal and asbestos abatement costs.   |
| <b>Alternative/<br/>Variations:</b> | None.   |
| <b>Recommendations:</b>             | Approve Addendum to Purchase Agreement.   |

## ADDENDUM TO PURCHASE AGREEMENT

This Addendum ("Addendum") to the Purchase Agreement dated October 3, 2019, by and between Helena Chemical Company, a Delaware corporation, now known as Helena Agri-Enterprises, LLC, a Delaware limited liability company ("Seller") and the Housing and Redevelopment Authority, in and for the City of Marshall, a Minnesota municipal corporation, ("Buyer"), is entered into this \_\_\_\_ day of August, 2022.

WHEREAS, the Purchase Agreement dated October 3, 2019 ("Purchase Agreement"), requires that Seller complete the Remediation, subject to approval by the Minnesota Department of Agriculture (MDA), as a condition of Buyer's obligation to purchase the Property;

WHEREAS, the Purchase Agreement indicates that the closing on the acquisition of Property would occur in such time when the Seller has received from MDA, a "no further action" or similar letter indicating that Seller has completed the Remediation pursuant to MDA's satisfaction;

WHEREAS, the parties have agreed that Seller, subject to the terms and conditions set forth herein, shall demolish and remove the existing dry fertilizer building, its' concrete floor and concrete foundation from the Property; and

WHEREAS, Buyer and Seller each agree to be responsible for one-half of the demolition and removal costs associated with the dry fertilizer building, its' concrete floor and foundation to be shared equally by the parties hereto subject to the financial limitations as follows.

Now, THEREFORE, the parties hereby agree as follows:

1. Buyer agrees to contribute one-half of the demolition removal costs of the dry fertilizer building, its' concrete floor and foundation in a total amount not to exceed \$64,400.00.
2. The parties agree that the additional payment for the demolition and removal of the dry fertilizer building, its' concrete floor and foundation shall be paid as an additional cost to Seller at closing.
3. Paragraph 3 of the Purchase Agreement is amended to include an additional subparagraph d:
  - d.) In addition to the Purchase Price, at Closing, Buyer shall reimburse Seller one-half of the demolition and removal costs associated with the dry fertilizer building, its' concrete floor and foundation up to an amount not to exceed \$64,400.00.
4. Any terms not defined herein shall have the meaning set forth in the Purchase Agreement.
5. All other terms and conditions of the Purchase Agreement between the parties hereto remain in full force and effect.
6. This Addendum is not a novation of terms of the Purchase Agreement. It is so agreed.

**The Rest of this Page has been Intentionally Left Blank.  
Signature Page to Follow.**

**HELENA AGRI-ENTERPRISES, LLC  
(F/K/A HELENA CHEMICAL COMPANY)**

By: *J. Murphy*  
Joan T. Murphy  
Its: General Counsel & Assistant Secretary – Helena Agri-Enterprises

STATE OF TENNESSE       )  
  )ss  
COUNTY OF SHELBY       )

The foregoing instrument was acknowledged before me this 15<sup>th</sup> day of August, 2022, by Joan T. Murphy, the General Counsel & Assistant Secretary of Helena Agri-Enterprises, LLC, a Delaware corporation, as Seller.

NOTARIAL STAMP OR SEAL (OR OTHER TITLE OR RANK)



*Margie Ferguson*

SIGNATURE OF PERSON TAKING  
ACKNOWLEDGMENT

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

By: \_\_\_\_\_  
Robert J. Byrnes  
Its: Chair

By: \_\_\_\_\_  
Sharon Hanson  
Its: Executive Director

STATE OF MINNESOTA       )  
  )ss  
COUNTY OF LYON       )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2022, by Robert J. Byrnes and Sharon Hanson, the Chair and Executive Director of the 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 municipal corporation.

NOTARIAL STAMP OR SEAL (OR OTHER TITLE OR RANK)

\_\_\_\_\_  
SIGNATURE OF PERSON TAKING  
ACKNOWLEDGMENT