



**HAMBURG CITY COUNCIL AGENDA**  
**OCTOBER 10, 2023**

1. **Call Public Hearing to Order at 7:00 PM**
  - **Land Use Application for Variance for Austin Schultz (361 Maria Ave)**
2. **Move to Close Public Hearing**
3. **Call City Council Meeting to Order**
  - **Pledge of Allegiance**
4. **Public Comment** *(Individuals may address the City Council about any non-agenda item(s) of concern. Speakers must state their name, address, and limit their remarks to three minutes. The City Council may not take official action on these items and may refer the matter to staff for a future report or direct that the matter be scheduled for a future meeting agenda.)*
5. **Agenda Review (Added Items) and Adoption**
6. **Consent Agenda** *(NOTICE TO PUBLIC: All those items listed as part of the Consent Agenda will be approved by a single motion, unless a request to discuss one of those items is made prior to that time. Anyone present at the meeting may request an item to be removed from the consent agenda. Please inform the Council when they approve the agenda for this meeting.)*
  - **Approve Payment of Added September 2023 Claims (\$6,024.75)**
  - **Approve Payment of October 2023 Claims (\$36,108.50)**
  - **Approve Minutes for April, May, July, & August 2023**
  - **Approve Temporary On-Sale Liquor License for Hamburg Lions Club**
    - **December 9, 2023**
  - **Delinquent Utility Bill Report**
7. **Southern Valley Alliance (Katie Schaumann)**
  - **Domestic Violence Awareness Month (October)**
8. **Old City Business**
  - **Land Use Application (Variance) for 361 Maria Avenue**
    - **Approve Resolution Number 2023-10**
  - **Minor Subdivision (PID's 45.0282010, 45.0282500, 45.0282510)**
  - **City Clerk-Treasurer Vacation (October 12-27)**
9. **New City Business**
  - **2011 Ford Ranger (Advertisement for Bids)**
  - **New City Truck Accessories**
  - **Master Arbitrage Services Contract (Ehlers)**



***HAMBURG CITY COUNCIL AGENDA  
OCTOBER 10, 2023***

**10. City Council Reports**

- Councilmember Mitch Polzin (Streets)
- Councilmember Eric Poppler (Parks)
- Councilmember Jessica Weber (Buildings)
- Councilmember Tim Tracy (Water/Sewer)
- Mayor Chris Lund

**11. Adjourn City Council Meeting**

**COMMUNITY HALL & PARK ACTIVITIES**

**OCTOBER**

- 7 – Wedding Reception (Hall)
- 14 – Wedding Reception (Hall)
- 21 – Quinceanera (Hall)
- 29 – Anniversary (Park)

**COMMUNITY CENTER (FIRE HALL) ACTIVITIES**

**OCTOBER**

- 2 – Mayor In Time – 5:00 PM
- 2 – Hamburg Lions Board Meeting
- 2 – HFD Training
- 10 – Hamburg City Council Meeting
- 10 – Young America Township Meeting
- 16 – Hamburg Lions Club
- 28 – Hamburg Fire Dept. (Relief Association) Meeting



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## MEMORANDUM

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**DATE:** October 10, 2023

**TO:** Honorable Mayor and City Council Members  
Jeremy Gruenhagen, City Administrator

**FROM:** Corrin Bemis, Consultant Planner

**SUBJECT: Variance Request – Public Hearing Required**

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**Council Should Consider the Following:**

Motion to adopt Resolution 2023-10 approving the proposed front setback variance at 361 Maria Avenue (PID #45.7000040) to allow for the construction of a front deck and steps leading to the front entryway. The City Council is being asked to determine if variance requests for flexibility on the required front setback should be approved. The evaluation of the proposal should be based on Section C. Subdivision 5 – Variances of the Hamburg Zoning Ordinance.

**Background**

The Applicant, Austin Schultz, is requesting a front variance at 361 Maria Avenue to construct a front deck facing Maria Avenue. The subject property's two front entryways are raised approximately two feet from the ground. The property owner recently removed cement steps that were used to access the front entryways because the steps did not comply with building code requirements. The applicant has stated that the railings were too short and coming loose from the pavers used to create the steps, causing hazards for those attempting to use the steps. The applicant is now proposing a deck with wooden steps to connect the front doors and provide entry into the home. The subject property is located in the R-1 Single Family District and is guided for Low Density Residential in the Land Use chapter of the Hamburg 2040 Comprehensive Plan.



### **Plan Review**

The Applicant is requesting one variance to decrease the required front setback. The front setback would be decreased by 6 feet from the required 15 feet to the proposed 9 feet. While the required front yard setback for new construction on minor arterial or collector roadways is 50 feet, Chapter 160A, Section D, Subd. 3 of the Hamburg Zoning Code includes a front yard setback exception that states the minimum front yard setback may be reduced to the average of the front yard setbacks of the existing neighboring dwellings, but in no case shall be less than 15 feet.

The existing subject property meets the minimum lot size requirements for the R-1. The minimum required lot size is 10,000 square feet and the subject property is 10,858 square feet. With the proposed constriction of the deck, the setback from the edge of the deck to the front property line would be 9 feet. This would be in violation of the zoning code, where the minimum front setback is 15 feet. However, both doors at the front of the house are not usable without steps, hence the request for variance. The proposal meets all other requirements of the R-1 Zoning District.

### **Variance Review**

The City Council may grant a variance in instances where strict enforcement of the Zoning Ordinance would cause undue hardship because of circumstances unique to the subject property. The proposal should be consistent with the spirit and intent of the Zoning Ordinance. Undue hardship is defined as:

1. The property in question cannot be put to a reasonable use if used under conditions allowed by the ordinance,
2. The plight of the landowner is due to circumstances unique to the property not created by the landowner, and
3. The variance, if granted, would not alter the essential character of the neighborhood.

Economic consideration alone shall not be considered an undue hardship if reasonable use of the property already exists. Undue hardship also includes but is not limited to inadequate access to direct sunlight for solar energy systems.

### **Findings of Fact**

The City Council must make a finding as to whether the proposed development would adversely affect the surrounding neighborhood or the community as a whole based on the aforementioned factors. Staff offers the following findings for consideration:

1. A single-family dwelling is a permitted use within the R-1 Zoning District.
2. The proposed development would decrease the required front yard setback to 9 feet from the required 15 feet.
3. Variances are only permitted when they are in harmony with the general purposes and intent of the ordinance.
4. The proposed development would not alter the essential character of the neighborhood because adding a deck on to the existing structure on the subject property would be consistent and compatible with the neighborhood.
5. The proposed deck would be located approximately the same distance from the front setback line as the deck on a neighboring property.

6. Steps are needed to access the front entryways of the subject property because the doors are raised approximately two feet off the ground.
7. The variance request is not based on economic considerations alone.

### **Notice and Public Comments**

Notice was published in the newspaper on September 29, 2023. Consultant Staff has not received any letters, e-mails, or telephone calls from property owners or residents regarding this planning case. A public hearing for the proposed variance is being held at the City Council meeting on October 10, 2023.

### **Council shall Consider**

Staff has provided the following motion language options for the City Council to consider.

1. Approval: Motion to adopt resolution 2023-10 approving the proposed front setback variance at 361 Maria Avenue, based on the report submitted to the City Council on October 10, 2023.
2. Approval with Conditions: Motion to adopt resolution 2023-10 approving the proposed front setback variance at 361 Maria Avenue with the following conditions, based on the report submitted to the City Council on October 10, 2023.
  1. A building permit shall be issued prior to the commencement of construction.
  2. The proposed building shall conform to all other standards and regulations in the City Code.
3. Denial: Motion to *deny* resolution 2023-10 for the proposed front setback variance at 361 Maria Avenue: *the City Council should specifically reference the reasons for the denial and why those reasons cannot be mitigated.*
4. Table: Motion to *table* resolution 2023-10 for the proposed front setback variance at 361 Maria Avenue: *the City Council should identify a specific reason and/or information request should be included with a motion to table.*

### **Attachments**

- A. Resolution 2023-10
- B. Land Use Application and Attachments

**CITY OF HAMBURG, MINNESOTA  
RESOLUTION NUMBER 2023-10**

***A RESOLUTION APPROVING A VARIANCE AT 361 MARIA AVENUE***

**WHEREAS**, the City of Hamburg received an application for a front yard setback variance at 361 Maria Avenue, and

**WHEREAS**, the applicant, Austin Schultz, is proposing to construct a front deck on the subject property facing Maria Avenue, and

**WHEREAS**, the Zoning Ordinance provides guidance to the City of Hamburg, and

**WHEREAS**, the subject property is located in the R-1 Zoning District and is guided for Low Density Residential in the 2040 Land Use Plan, and

**WHEREAS**, the required front setback in the R-1 District may be reduced to the average of the front yard setbacks of the existing adjacent dwellings, but in no case shall be less than 15 feet, and

**WHEREAS**, the applicant is requesting a 6-foot decrease to allow for a 9-foot front setback where the existing setback is 15 feet from the front property line, and

**WHEREAS**, a variance may be granted in instances where strict enforcement of the Zoning Ordinance would cause undue hardship because of circumstances unique to the subject property, and

**WHEREAS**, the proposed development would not alter the essential character of the neighborhood because a single-family dwelling on the subject property would be consistent and compatible with the neighborhood, and

**WHEREAS**, the proposed deck would be located approximately the same distance from the front set back line as the deck on a neighboring property, and

**WHEREAS**, steps are needed to access the front entryways of the subject property because the doors are raised approximately two feet off the ground; and

**WHEREAS**, the City of Hamburg has scheduled a public hearing, and notice of the proposed variance was published in the newspaper on September 28, 2023.

"The City of Hamburg is an Equal Opportunity Employer and Provider."



**THEREFORE, BE IT RESOLVED**, that the City Council of the City of Hamburg hereby adopts Resolution 2023-10 approving the proposed variance for a 9-foot front setback at 361 Maria Avenue with the following conditions:

1. A building permit shall be issued prior to the commencement of construction.
2. The proposed building shall conform to all other standards and regulations in the City Code.

**I CERTIFY THAT** the above resolution was adopted by the City Council of Hamburg, Carver County, Minnesota this 10th day of October 2023.

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Chris Lund, Mayor

***ATTEST:***

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Jeremy Gruenhagen, City Clerk/Treasurer

“The City of Hamburg is an Equal Opportunity Employer and Provider.”



# City of Hamburg Land Use Application

**Applicant Information:**

Name Austin Schultz	Address 361 Maria Ave	City Hamburg	State/Zip MN 55339
Home Phone	Email hemicuda1995@yahoo.com	Cell 952-994-2011	Other Phone

**Location of Property:** (attach a separate sheet if necessary)

Street Address if known: 361 Maria Ave	Addition: Truwe's Addition
Property ID# 45.7000040	Lot: 6 & 7                      Block:
Type of Use:	Property Size: (acres or square feet)

**Property Owner Information:**

Do you Own the Property? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (if no please fill in the information below)			
Owners Name(s)	Address	City	State/Zip
Home Phone	Fax	Cell	Other Phone

**Land Use Request & Fee Amt:** (please check any that apply)

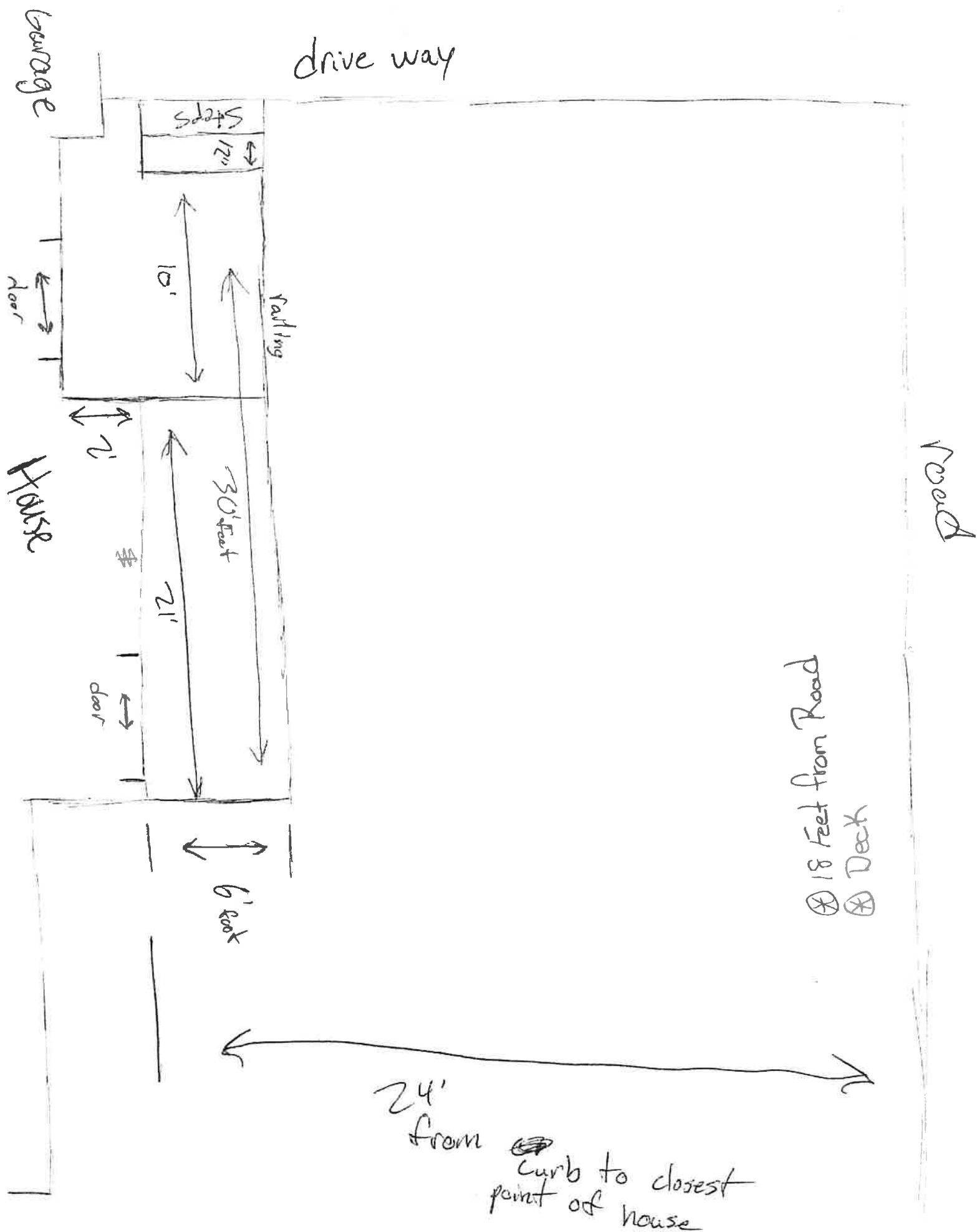
<input checked="" type="checkbox"/>	Variance	\$300.00	Minor Subd 3 or less - \$300.00
<input type="checkbox"/>	Conditional Use	\$300.00	Subd. Sketch Plan - No Fee
<input type="checkbox"/>	Land Disturb/Fill	\$50.00	Subd Prel. Plat - \$300/+\$5 per lot
<input type="checkbox"/>	Rezoning	\$300.00	Subd Final Plat - \$300/+\$5 per lot
<input type="checkbox"/>	Comp Plan Amend	\$300 ea.	Park Dedication Fees - 10% Land or \$300 per lot
<input type="checkbox"/>	Other: _____		Subd Deposit for Prof. fees - \$1,000.00

Brief Description of Request (Please attach a site plan showing existing and proposed feature. Attach separate sheets if necessary, including Variance Rationale, if necessary):

See attached documents

**NOTICE OF FEES:** The Property Owner and Applicant shall reimburse the city for all costs that it incurs in reviewing, investigating, and administering the application for land use permit[s] in amounts provided in the Fee Schedule. Such Costs may include, but are not limited to, direct city payroll and overhead costs, fees paid to consultants and other professionals, including attorneys and engineers, and the cost of printing, mailing and supplies. These Fees are due immediately upon billing by the City. Bills shall be mailed to the address above and shall also be emailed. The city shall provide, upon request, an itemized statement of the various costs incurred by the city. The city may deny final action on a land use application and/or rescind prior action until all Fees are paid; unless the provisions of Minn. Stat. 462.353, Subd. 4(d) are utilized and the deposit contemplated therein is made. The city may require additional deposits, if deemed necessary.





drive way

Garage

Steps

12"

10'

falling

door

House

2'

30' feet

12'

door

6' foot

24'

from

curb to closest point of house

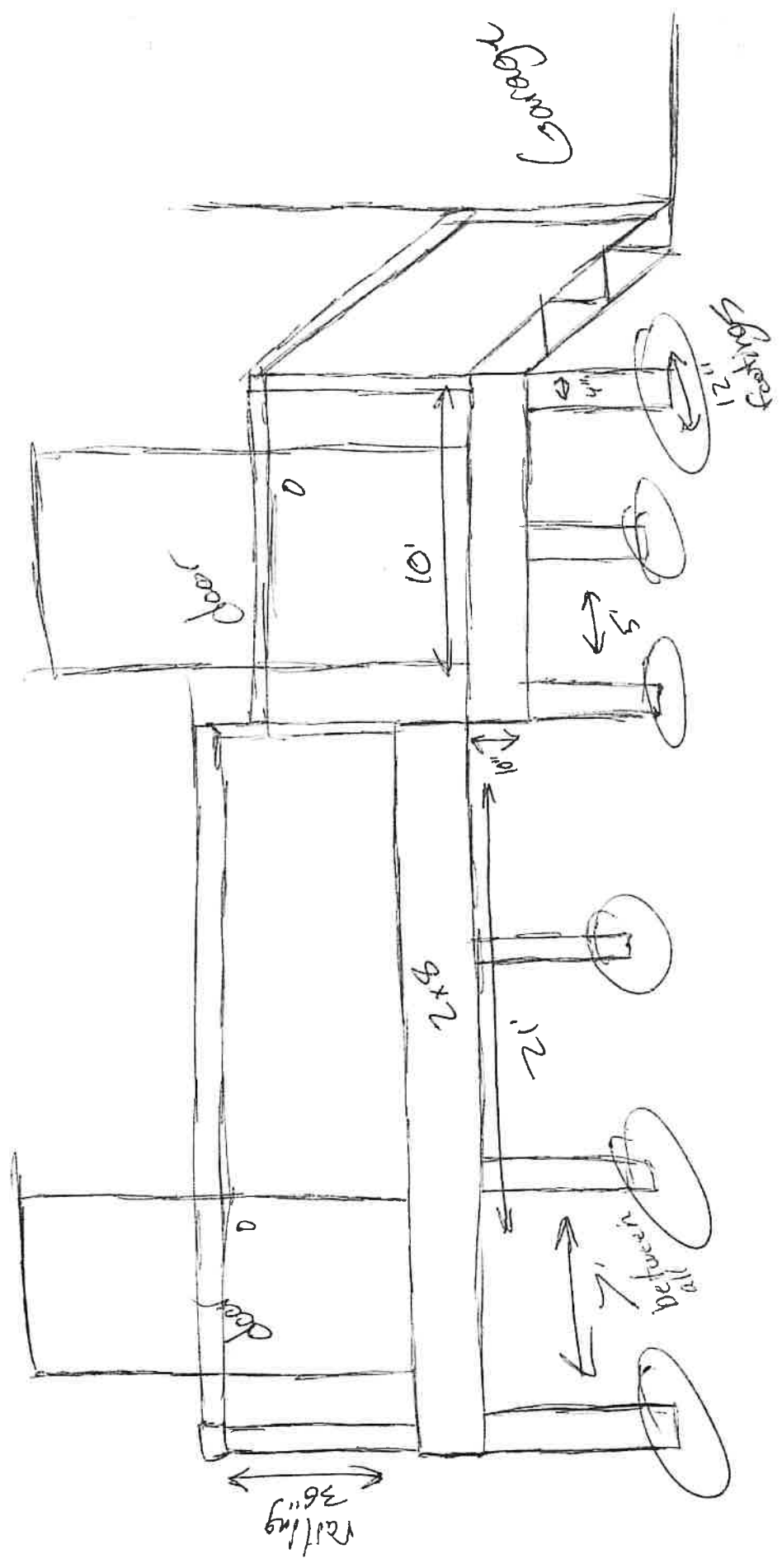
18 Feet from Road

⊗

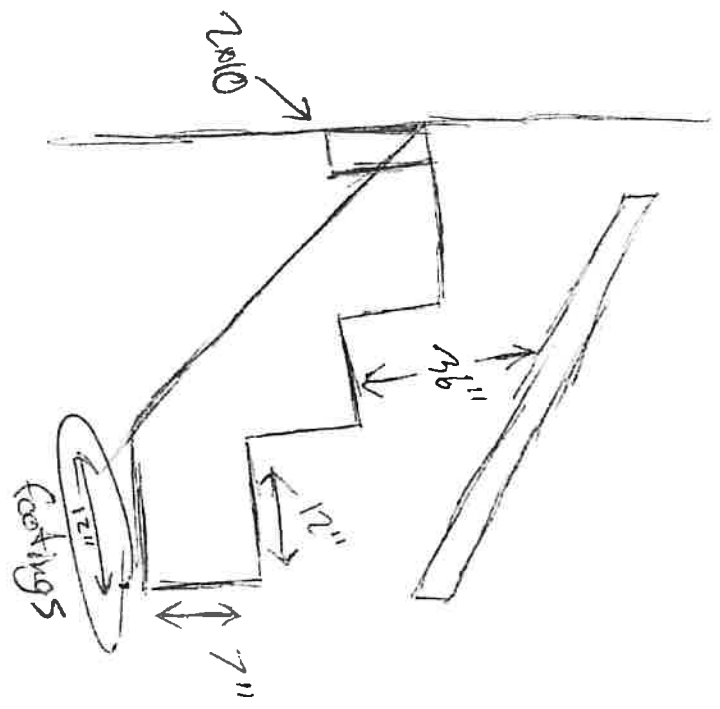
Deck

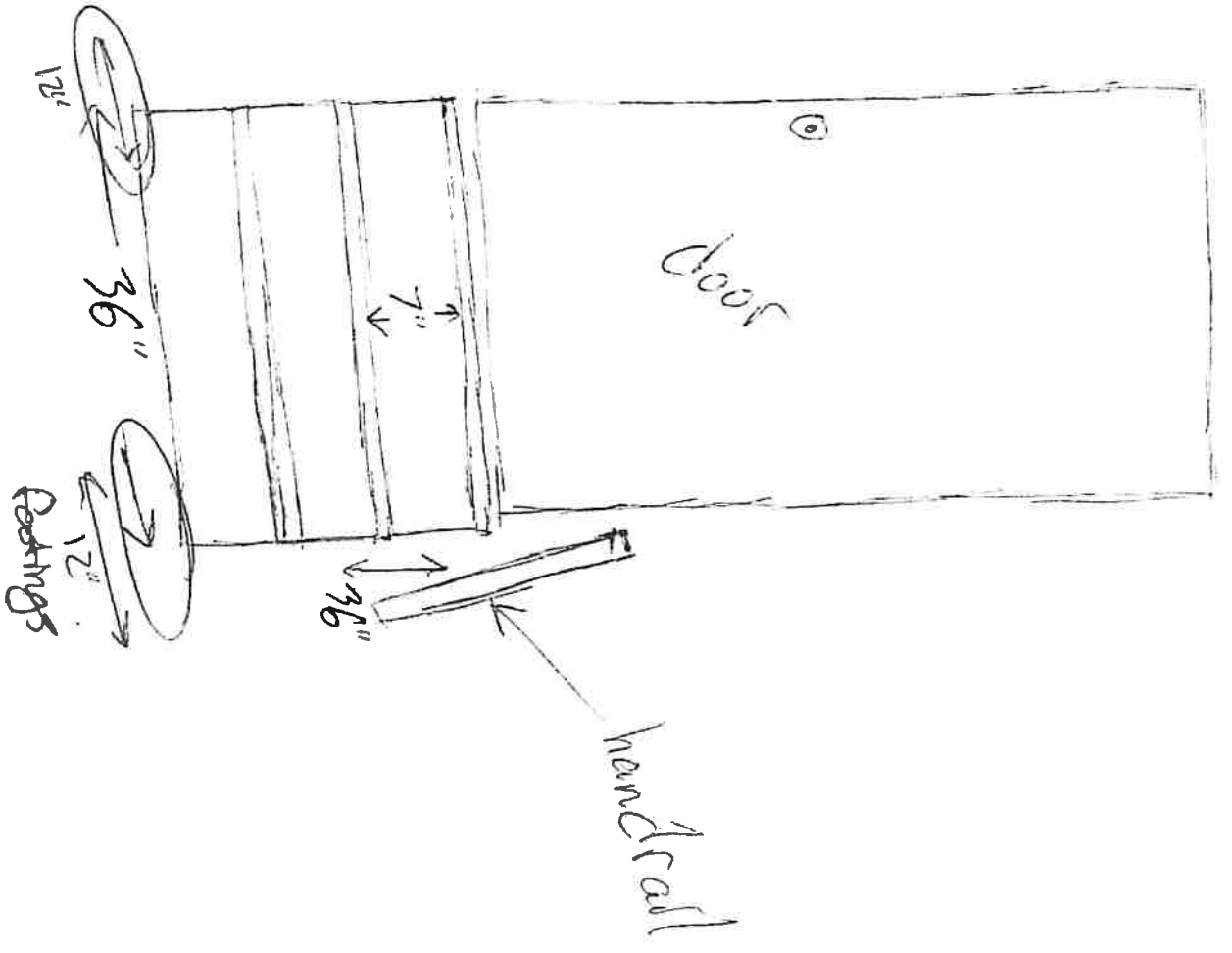
⊗

Road



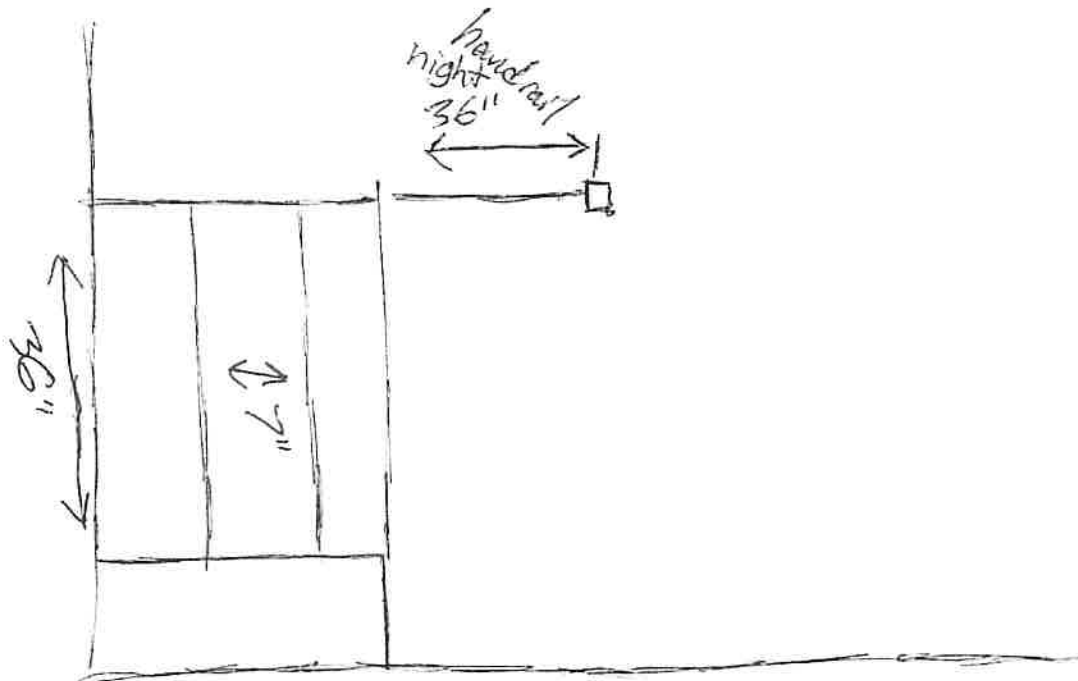
1st door  
side view



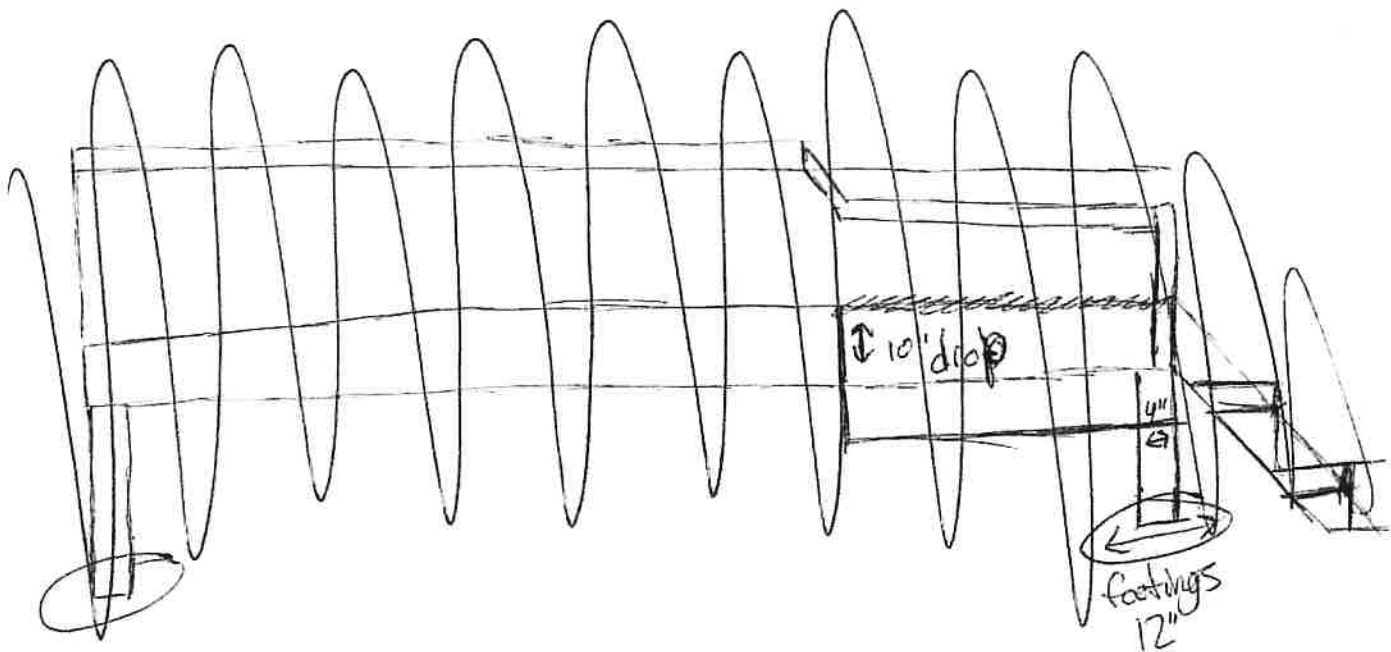


1st door

# Steps



Garage





Jeremy Gruenhagen &lt;cityadmin@cityofhamburgmn.com&gt;

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## Front Steps for 361 Maria Avenue

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**Austin Schultz** <hemicuda1995@yahoo.com>  
To: Jeremy Gruenhagen <cityadmin@cityofhamburgmn.com>

Thu, Aug 31, 2023 at 6:50 PM

Good Afternoon Jeremy,

Answers are in red below and document is attached:

My deck would not exceed the closeness to the curb that our neighbor to the West of me currently has including the steps.

The applicant will need to provide some information on why they couldn't add a back porch instead. Is there a topographical limitation of the property? A significant tree?

There are already stairs on the back of the house that allow use of the back door. A deck has a valid use in order to utilize the front door and provide additional safe exits from the home in the event of an emergency.

Is the size of the front porch needed? I am thinking along the lines of "minimal necessary variance", meaning is this the needed amount of porch to deal with the practical difficulty?

Yes, the size is needed in order to connect the two front doors to a platform for exit/entry into the home. Also with width, as stated above, it will not be any wider than the current steps to my neighbor to the West of me.

I understand that it looks like they dug out something in the front with the intent to put a porch- what was there before? Why was what was there before not working for the homeowner and why will the new porch alleviate their difficulties?

There were cement steps on the doors in the front before. That is what you see was removed. They were removed because they were not up to code. The railing was too short and coming loose from the pavers used to create the steps which caused a hazard.

[Quoted text hidden]



**LAND USE APPLICATION (1).docx**

36K



Jeremy Gruenhagen &lt;cityadmin@cityofhamburgmn.com&gt;

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**Front Steps for 361 Maria Avenue**

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**Harry Davis** <Harry.Davis@bolton-menk.com>  
To: Jeremy Gruenhagen <cityadmin@cityofhamburgmn.com>  
Cc: "hemicuda1995@yahoo.com" <hemicuda1995@yahoo.com>

Tue, Sep 12, 2023 at 11:23 AM

Jeremy,

If I was submitting a variance and using other examples in the neighborhood, I would try to provide:

- A written narrative addressing each of the criteria for a variance and proving 'practical difficulties' why the proposed is needed.
- Clear site plan showing property lines, the house location, the proposed deck, and showing dimensions. Scaled plans are better.
- Elevations of the deck showing how it integrates into the front façade of the house.
- Pictures of the site to help support the narrative
- County GIS, Google Maps, or any other mapping alternative to show other properties in the immediate vicinity and details on how far they are from the road for a similar condition to the one being proposed

Does that help?

Harry

**Harry Davis, AICP**

Planner II

**Bolton & Menk, Inc.**

12224 Nicollet Avenue

Burnsville, MN 55337

Mobile: 952.529.0053

**Bolton-Menk.com**

**From:** Jeremy Gruenhagen <cityadmin@cityofhamburgmn.com>  
**Sent:** Tuesday, September 12, 2023 11:03 AM  
**To:** Harry Davis <Harry.Davis@bolton-menk.com>  
**Cc:** hemicuda1995@yahoo.com  
**Subject:** Re: Front Steps for 361 Maria Avenue

Harry,



Jeremy Gruenhagen <cityadmin@cityofhamburgmn.com>

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## Front Steps for 361 Maria Avenue

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**Austin Schultz** <hemicuda1995@yahoo.com>

Tue, Sep 12, 2023 at 8:30 PM

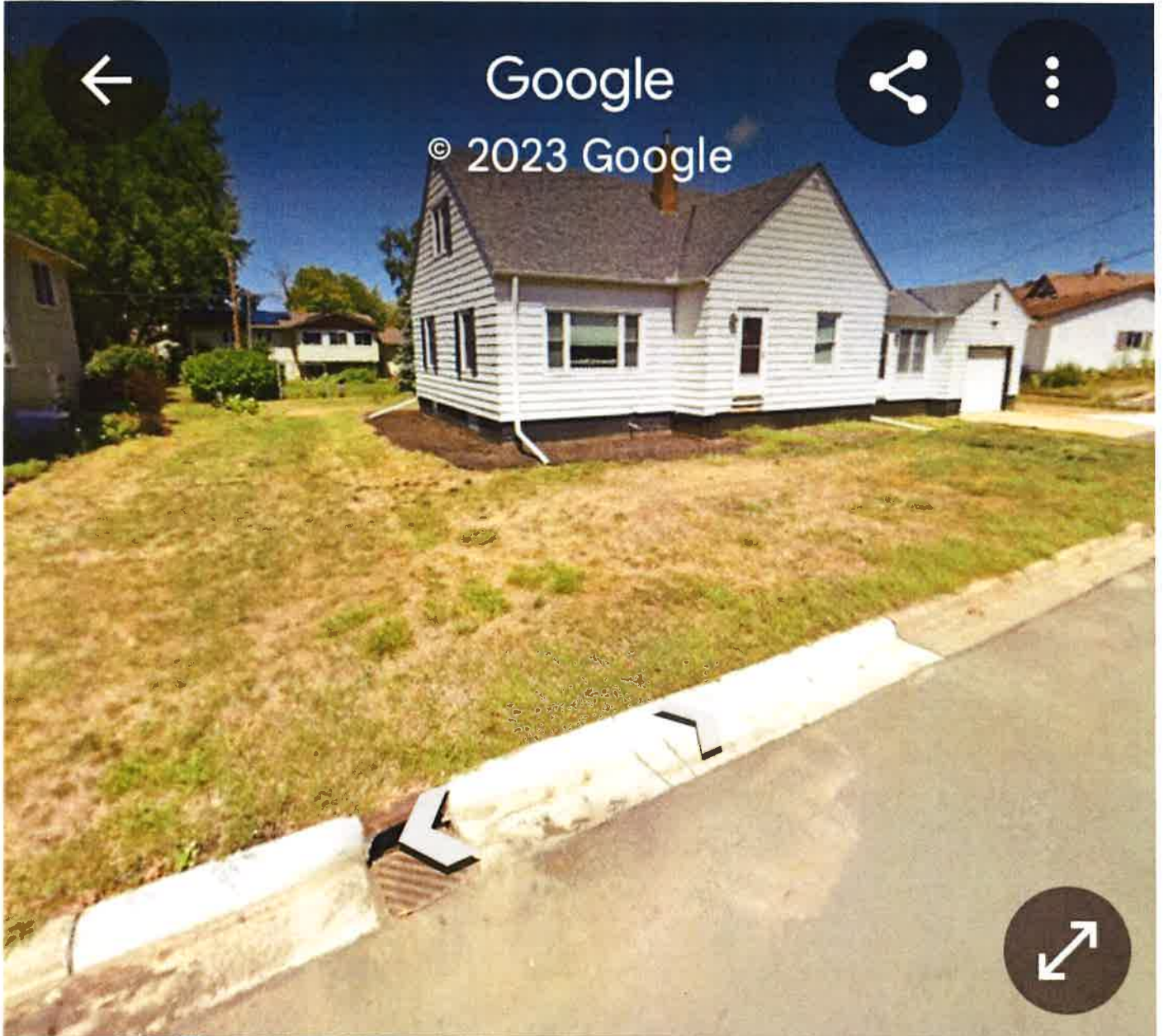
Reply-To: Austin Schultz <hemicuda1995@yahoo.com>

To: cityadmin@cityofhamburgmn.com, Harry Davis <Harry.Davis@bolton-menk.com>

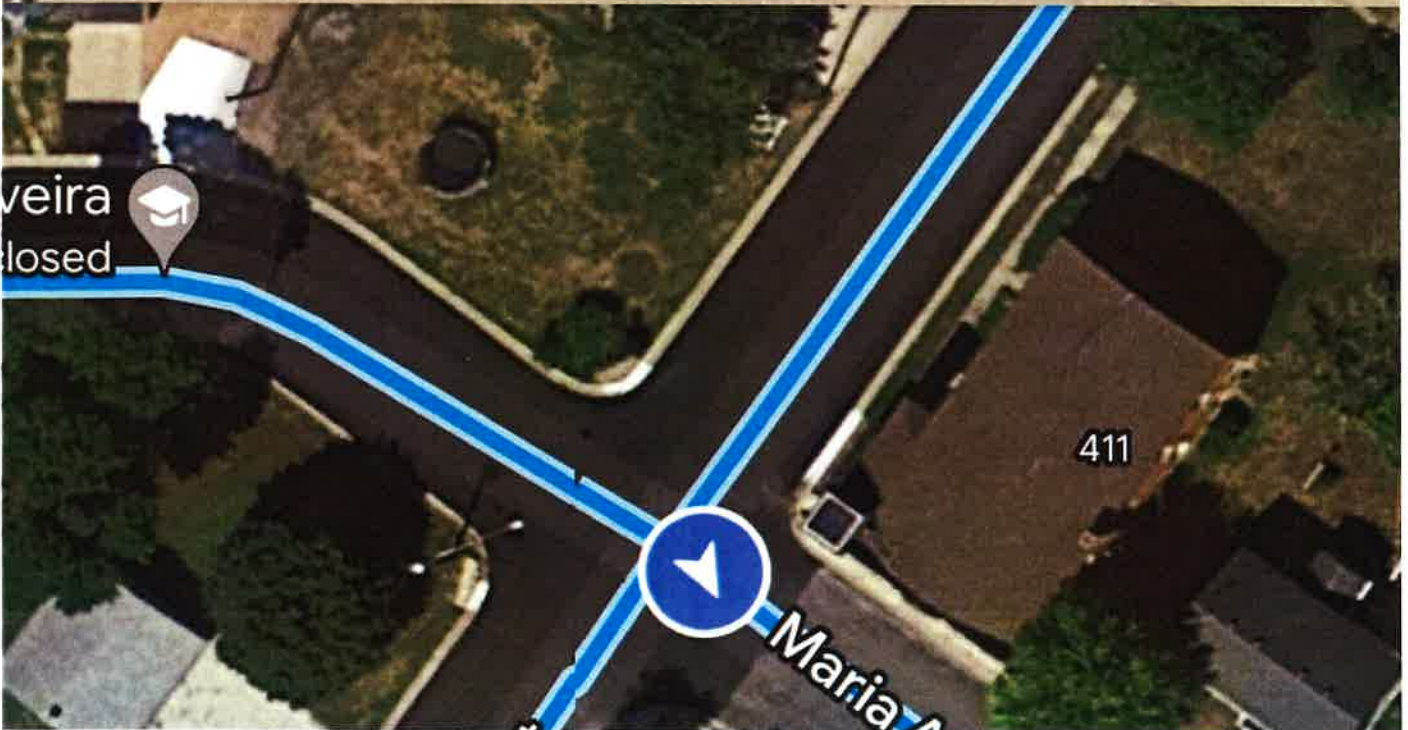
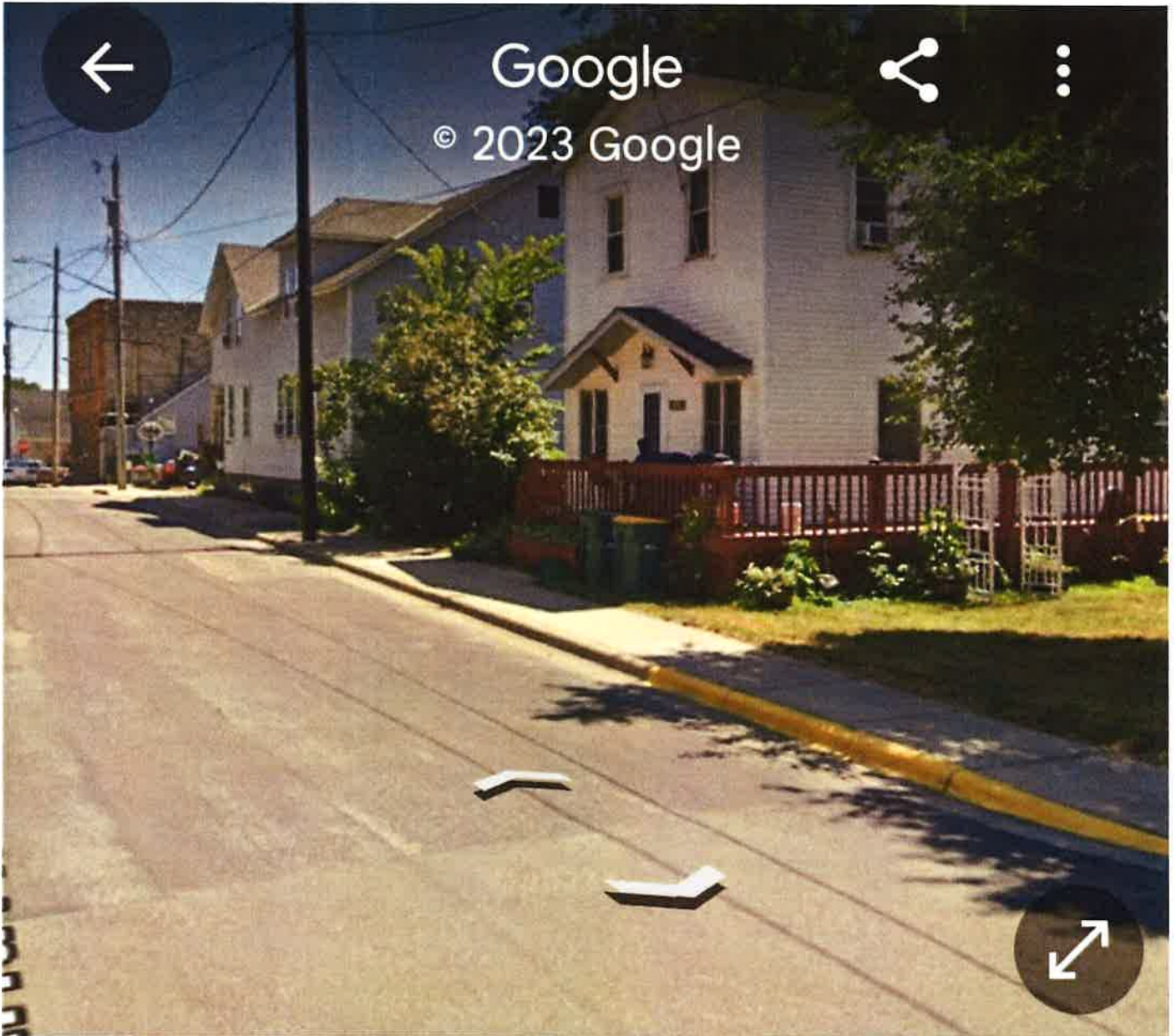
I have already answered bullet points 1, 2, and 4. For bullet point 5, I attached pictures of my house, my neighbor directly next to me showing how far out the deck would go as it wouldn't exceed the distance from the curb that step is. Also included pictures of properties surrounding mine with decks that are even closer to the street.

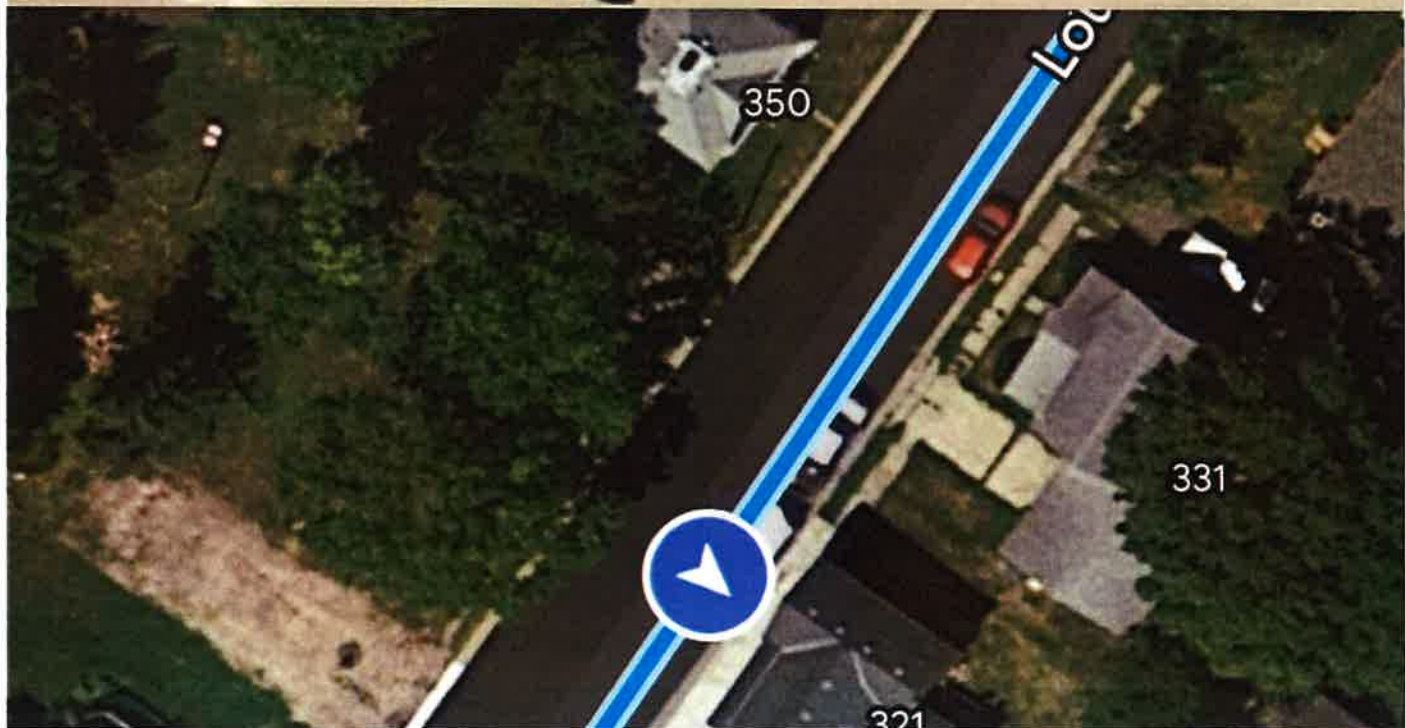
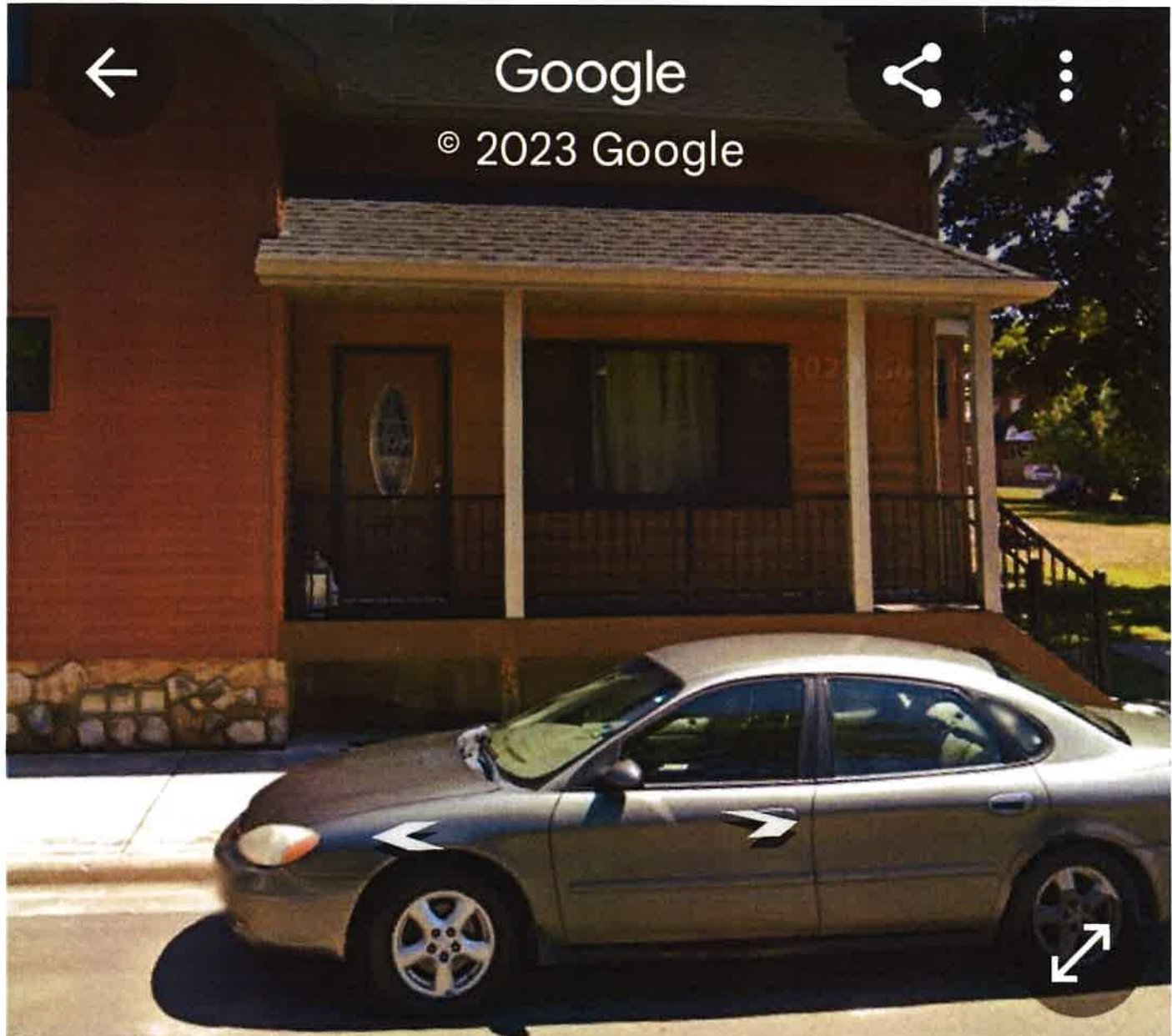
Based on the picture of the front of my house the need should be clear to answer bullet point 3.











2023 September Claims List

CHECK #	VENDOR	FUND	CLAIM DESCRIPTION	AMOUNT	APPROVED	
ACH	EFTPS	Divided	Fed, Social Security, MC - August 2023	\$3,452.28	9/26/2023	(\$0.01)
ACH	MN Dept. of Revenue	Divided	State Withholding Tax Payment - August 2023	\$667.00	9/12/2023	
ACH	PERA	Divided	PERA Withholding - August 2023	\$560.86	9/12/2023	
ACH	PERA	Divided	PERA Withholding - August 2023	\$643.68	9/12/2023	
ACH	PERA	Divided	PERA Withholding - September 2023	\$544.88	9/26/2023	(\$0.20)
ACH	PERA	Divided	PERA Withholding - September 2023	\$531.64	9/26/2023	
ACH	HealthPartners	Divided	Health Insurance for September 2023	\$2,939.87	9/12/2023	
ACH	Cintas	General Govt Bldgs.	Rags/Mops/Towels for July to August 2023	\$198.96	9/26/2023	
ACH	Verizon Wireless	Divided	City Cell Phone/Tablets Data Plan	\$128.96	10/10/2023	
ACH	Kwik Trip	Park	Gas for City Vehicles	\$282.47	9/26/2023	
ACH	Security Bank & Trust	General Gov't	ACH Service Fees for July 2023	\$45.70	9/12/2023	
ACH	Google	General Gov't	Email Accounts (14) Administered by Google G Suite	\$201.60	9/12/2023	
ACH	Xcel Energy	Divided	XCEL ENERGY-MN XCELENERGY 00130099230	\$156.28	10/10/2023	
ACH	Xcel Energy	Divided	XCEL ENERGY-MN XCELENERGY 00051366837	\$15.27	10/10/2023	
ACH	Xcel Energy	Divided	XCEL ENERGY-MN XCELENERGY 00053491855	\$1,251.26	10/10/2023	
ACH	Xcel Energy	Divided	XCEL ENERGY-MN XCELENERGY 00053491844	\$1,011.24	10/10/2023	
ACH	ZOOM	General Gov't	Video Conferencing 9/06/2023 - 10/05/2023	\$17.17	9/12/2023	
DC	Hamburg Post Office	Water/Sever/General Gov't	Forever and Post Card Stamps	\$234.00	9/12/2023	
DC	Hamburg Post Office	Water	Water Samples	\$37.40	10/10/2023	
DC	Amazon	Hall	Hand Towel Rolls	\$104.00	9/12/2023	
DC	Amazon	Govt Buildings	Briggs and Stratton 1737941YP Motor/Chute Deflector	\$87.40	9/12/2023	
DC	Amazon	Hall	Ultrasac Black HD Garbage Bags (86 Bags)	\$23.97	9/12/2023	
DC	Amazon	Sewer	Dawn Dish Soap for LS	\$18.25	9/12/2023	
DC	Amazon	Hall	Cocktail Straws	\$5.93	9/26/2023	
DC	Amazon	General Govt Bldgs./Hall	Garden Hose Fings & Washers, Cocktail Straws	\$20.42	9/26/2023	
DC	Amazon	Hall	Turbo Bee 12oz Cups (1000 Cups)	\$59.99	9/26/2023	
DC	Amazon	Govt Buildings	Cable Hookup, Fuse Holder, Rocker Switch	\$36.97	9/26/2023	
DC	Amazon	Hall	Tork Hand Towel Rolls (6)	\$50.00	10/10/2023	
DC	Amazon	Sewer	Hotstart Engine Heater	\$119.99	10/10/2023	
DC	Amazon	Sewer	2 Pack of Dawn Dish Soap	\$18.25	10/10/2023	
DC	Amazon	Hall	Tork Hand Towel Rolls (6)	\$70.71	10/10/2023	
DC	The Home Depot	Hall/General Govt Bldgs.	Bathroom Faucet, Cordless LED Stick Light	\$140.04	9/26/2023	
DC	US Postal Service	General Gov't	September 18, 2023 Newsletter	\$78.01	9/26/2023	
DD	Jeremy Gruenhagen	Divided	August Wages	\$2,213.32	9/12/2023	
DD	Jan Shoemaker	Divided	Wages 8/14/23 to 8/27/23	\$982.79	9/12/2023	
DD	Jason Buckentin	Divided	Wages 8/14/23 to 8/27/23	\$1,841.50	9/12/2023	
DD	Steve Frensko	Divided	Wages 8/14/23 to 8/27/23	\$512.10	9/12/2023	
DD	Jeremy Gruenhagen	Divided	September Wages	\$2,213.32	9/26/2023	
DD	Jeremy Gruenhagen	Divided	September Wages	\$2,213.32	9/26/2023	
DD	Jan Shoemaker	Divided	Wages 8/28/23 to 9/10/23	\$944.98	9/26/2023	
DD	Jason Buckentin	Divided	Wages 8/28/23 to 9/10/23	\$1,816.16	9/26/2023	
DD	Steve Frensko	Divided	Wages 8/28/23 to 9/10/23	\$379.64	9/26/2023	
DD	Jan Shoemaker	Divided	Wages 9/11/23 to 9/24/23	\$960.24	10/10/2023	
DD	Jason Buckentin	Divided	Wages 9/11/23 to 9/24/23	\$1,761.25	10/10/2023	
DD	Steve Frensko	Divided	Wages 9/11/23 to 9/24/23	\$443.90	10/10/2023	
21740	212 Equipment	FD	Honda Generator with Light	\$209.97	9/12/2023	
21741	Bolton & Menk	General Gov't	Planning Services for 7-8-23 to 8-18-23	\$600.00	9/12/2023	
21742	Bound Tree Medical, LLC.	FD	Medical Supplies	\$81.15	9/12/2023	
21743	Carver Link	General Gov't	Internet Services August 2023	\$120.00	9/12/2023	
21744	Century Fence Company	Hall	Retaining Wall Fence	\$5,994.00	9/12/2023	
21745	Coordinated Business Systems,	General Gov't	Monthly Equipment Base Rate for 8-01-23 to 8-31-23	\$58.11	9/12/2023	
21746	Core & Main	Water	(3) Water Meters and Supplies	\$775.40	9/12/2023	
21747	Dammann Seed Sales	Hall	Athletic Turf Mixture (5) #25lb. Bags for Hall	\$350.00	9/12/2023	
21748	Dan Oelfke Construction, LLC	CC	Roofing, Flashing, add Snow Stop & Deflector to CC	\$2,569.41	9/12/2023	
21749	Dereck Wolter	Water	Final Utility Bill Refund	\$149.85	9/12/2023	
21750	ECM Publishers, Inc.	General Gov't	September 12 Public Hearing Minor Subdivision	\$42.00	9/12/2023	
21751	Gopher State One Call	Water/Sewer	August 2023 Locates	\$25.65	9/12/2023	
21752	Home Solutions	Hall, Park, CC, Gov't Bldgs.,	Misc. Supplies	\$230.73	9/12/2023	
21753	Jason Buckentin	General Gov't	Mileage Reimbursement (54 Miles)	\$35.37	9/12/2023	
21754	League of MN Cities Ins. Trust	Divided	Municipality P & C Insurance Renewal 7/15/23 to 7/15/24	\$20,229.00	9/12/2023	
21755	League of MN Cities	General Gov't	Annual Membership Dues/Mayor Dues	\$863.00	9/12/2023	
21756	Loffler Companies, Inc.	General Gov't	August Comps	\$82.03	9/12/2023	
21757	Melchert-Hubert-Sjodin, PLLP	General Gov't	Legal Fees for August	\$334.00	9/12/2023	
21758	Menards	Hall/Park	Supplies & Parts	\$119.02	9/12/2023	
21759	Mini Biff Inc.	Park	Handicap Mini Biff Rental	\$164.22	9/12/2023	
21760	MNSPECT, LLC	Public Safety	(6) Building Permits	\$507.48	9/12/2023	
21761	UNCMN Tap Line	Hall	Clean Cooler Lines	\$50.00	9/12/2023	
21762	W.W.O.T.A. Inc	Water/Sewer	Water/Wastewater Training & Assistance for August 2023	\$920.00	9/12/2023	
21763	Wm Mueller & Sons, Inc.	Streets/Hall	Fuel and Black Dirt	\$353.83	9/12/2023	
21764	Xtreme Electrical	Hall	Lighting Retrofit & Relocate Pipe and Wiring	\$9,806.20	9/12/2023	

**2023 September Claims List**

21765	C. Emery Nelson	Water	Food Grade Oil (2)	\$87.00	9/26/2023
21766	Canon Financial Services, Inc.	General Gov't	Canon Copier Gov't Contract for September 2023	\$33.13	9/26/2023
21767	Home Solutions	General Govt Bldgs./Hall	Whirlpool Refrigerator, Misc. Hardware	\$810.41	9/26/2023
21768	Lano Equipment	General Govt Bldgs.	Toolcat Repairs - New Tires, Replace Filters, Oil, Switch	\$2,010.94	9/26/2023
21769	Lee's Refrigeration	Hall	Walk-in Cooler Repaired Defrost Timer	\$449.75	9/26/2023
21770	Melchert-Hubert-Sjodin, PLLP	General Gov't	Legal Fees for August	\$971.60	9/26/2023
21771	MN Fire Service Cert Board	Public Safety (FD)	Recercification for FF1, FF2, Instructor, Officer	\$236.25	9/26/2023
21772	Minnesota Pump Works	Sewer	Lift Station Inspections	\$880.00	9/26/2023
21773	Municipal Emergency Services, Inc.	Public Safety (FD)	3' x 500' Reinforced Caution Tape (6) - Fire Gear (3 Sets)	\$9,822.95	9/26/2023
21774	NAPA Auto Parts	General Govt Bldgs.	Shop Supplies	\$26.97	9/26/2023
21775	Plunkett's Pest Control Inc.	General Gov't	City Hall and Fire Department Service Date 09/05/2023	\$170.23	9/26/2023
21776	S.E.H. Inc.	Streets	Water Main Improvement Project (Old WTP) Technician	\$547.30	9/26/2023
21777	West Metro Mechanical	Hall	New Gas Line for Unit Heater/Clean Up Outside Gas Line	\$750.00	9/26/2023
21778	Wm Mueller & Sons, Inc.	Streets/Park	Fuel for City Vehicles & Ball Park	\$99.72	9/26/2023
21779	Voided	Voided	Voided - Printer Error	Voided	9/26/2023
21780	Rosedale Chevrolet	General Govt Bldgs.	2024 Cheverolet 2500 HD Truck	\$55,268.97	9/26/2023
				\$147,072.61	
			September Claims	\$59,960.60	9/12/2023
			Added September Claims	\$81,087.26	9/26/2023
			Added September Claims	\$6,024.75	10/10/2023
			Total September Claims	\$147,072.61	

**2023 October Claims List**

CHECK #	VENDOR	FUND	CLAIM DESCRIPTION	AMOUNT	APPROVED
ACH	EFTPS	Divided	Fed, Social Security, MC - September 2023	\$4,343.16	10/10/2023
ACH	MN Dept. of Revenue	Divided	State Withholding Tax Payment - September 2023	\$846.00	10/10/2023
ACH	PERA	Divided	PERA Withholding - September 2023	\$522.91	10/10/2023
ACH	PERA	Divided	PERA Withholding - September 2023	\$843.68	10/10/2023
ACH	Google	General Gov't	Email Accounts (14) Administered by Google G Suite	\$201.60	10/10/2023
ACH	HealthPartners	Divided	Health Insurance for September 2023	\$2,939.87	10/10/2023
ACH	Kwik Trip	Park/Streets	Gas for City Vehicles	\$254.57	10/1/2000
ACH	METRONET	FD/Hall/Water	Fiber Phone Service for 9/16/23 to 10/15/23	\$74.77	10/10/2023
ACH	Security Bank & Trust	General Gov't	ACH Service Fees for September 2023	\$71.20	10/10/2023
ACH	ZOOM	General Gov't	Video Conferencing 10/06/2023 - 11/05/2023	\$17.17	10/10/2023
DC	Amazon	General Govt Bldgs.	Car Stereo, Antenna, Speaker	\$61.94	10/10/2023
DC	Amazon	General Govt Bldgs.	Basics Multipurpose Copy Paper, HDMI to VGA Adapter	\$57.93	10/10/2023
DC	Amazon	Sewer	Light Bulb, 120V, 0.025 Amp (Pack of 10)	\$11.22	10/10/2023
DC	Amazon	General Govt Bldgs.	Running Boards for Chevy Silverado	\$419.99	10/10/2023
DC	Amazon	General Govt Bldgs.	6 Pack High Power Outdoor Flood Lights	\$39.99	10/10/2023
DC	Amazon	Sewer	2 Pack of Dawn Dish Soap	\$13.82	10/10/2023
DC	Hamburg Post Office	Water/Sever	Post Card Stamps (2 rolls)	\$102.00	10/10/2023
21781	Coordinated Business Systems, L	General Gov't	Monthly Equipment Base Rate for 9-01-23 to 9-30-23	\$58.11	10/10/2023
21782	ECM Publishers, Inc.	General Gov't	October 10 Public Hearing Variance	\$52.50	10/10/2023
21783	Hawkins Chemical	Water	Azone 15 - EPA Reg. No. 7870-5. 90 gal	\$970.96	10/10/2023
21784	Kevin Subart	Water	Final Utility Bill Refund	\$20.52	10/10/2023
21785	Loffler Companies, Inc.	General Gov't	September Copies	\$106.17	10/10/2023
21786	Lorri Gales	Public Safety (FD)	Reimbursement of AED	\$648.00	10/10/2023
21787	Mini Biff Inc.	Park	Handicap Mini Biff Rental	\$164.22	10/10/2023
21788	MNSPECT, LLC	Public Safety	(6) Building Permits	\$2,676.63	10/10/2023
21789	MVTL Labs, Inc.	Water	Wastewater Lab Fees	\$123.75	10/10/2023
21790	NAPA Auto Parts	General Govt Bldgs.	Shop Towies, 2yr Warranty Battery	\$199.32	10/10/2023
21791	Neon Ink, LLC	Streets	City Truck Decals	\$313.13	10/10/2023
21792	Per Mar Security Services	Water/Sewer	Base Alarm Monitoring for WTP/Sewer TP	\$104.40	10/10/2023
21793	Security Bank & Truct Co	Debt Services	Equipment Certificate of Indebtedness (2018 Fire Engine)	\$24,168.00	10/10/2023
21794	Viking Bottling Co.	Hall/Park	Pop for Hall/Park	\$190.00	10/10/2023
21795	Waste Management, Inc.	Sanitation	30 Yard Flat Waste Container for May	\$296.04	10/10/2023
21796	W.W.O.T.A. Inc	Water/Sewer	Water/Wastewater Training & Assistance for September 2023	\$1,573.75	10/10/2023
21797	Wm Mueller & Sons, Inc.	Streets	Fuel for City Vehicles	\$176.93	10/10/2023
				\$36,108.50	



## **HAMBURG CITY COUNCIL MEETING**

*April 11, 2023*

**Mayor Lund called the Hamburg City Council Meeting to order at 7:01 PM. Those in attendance were: Councilmembers Eric Poppler, Jessica Weber, Mitch Polzin, and Tim Tracy. City Clerk Jeremy Gruenhagen and Deputy Clerk Jan Shoemaker. Resident Mark Martinsen and Tim Rohwer and Jim Winkels from Vivid Homes.**

**Public Comment - No Public Comment**

### **Agenda Review (Added Items) and Adoption**

**MOTION: Councilmember Eric Poppler moved to adopt the Agenda as written. Seconded by Councilmember Mitch Polzin. Motion was approved by all members present.**

### **Consent Agenda**

- Approve January 2023 Added Claims List (\$169.30)
- Approve Payment of March 2023 Added Claims (\$7,072.13)
- Approve Payment of April 2023 Claims (\$51,370.76)
- Approve Minutes for September 20, 2022, November 17, 2022 & December 8, 2022
- Approve Cash Flow Statement for January 2023
- Approve Time-Off Request for Jeremy Gruenhagen
- Delinquent Utility Bills Report

**MOTION: Councilmember Jessica Weber moved to approve the Consent Agenda as written. Seconded by Councilmember Tim Tracy. Motion was approved by all members present.**

### **Mark Martinson (480 Henrietta Avenue)**

- Land Use Application for Variance Request
  - Jim Winkels (Vivid Homes) requested a variance approval for a home owned by Mark Martinsen. His home was damaged due to snow and rain that caused the roof to collapse. His insurance company construction engineer deemed the home as a total loss. It has exceeded the policy limit and is not able to be repaired. Due to the current foundation is close to the sidewalk and bar next door it is best to rebuild. They can turn the home a 90-degree angle to face Henrietta. They will remove the existing home, excavate the basement foundation, remove the existing garage, and put a new home in the middle of the lot. They have designed plans for a new home that would best fit the lot with the insurance company's approval. They will order the survey and complete the drawings from the builder's draftsmen of the actual home. They will present the final





## **HAMBURG CITY COUNCIL MEETING**

*April 11, 2023*

drawings at the May 9<sup>th</sup> City Council Meeting. When the excavation begins, they will install safety measures round the new build for public safety.

- **MOTION: Councilmember Jessica Weber moved to hold a Public Hearing for the variance request on May 9, 2023 for Mark Martinsen, 480 Henrietta Avenue. Seconded by Councilmember Tim Tracy. Motion was approved by all present**
  
- **Old City Business**
  - Fire Hydrants
    - City Clerk Gruenhagen discussed adding a Fire Hydrant on the corner of Brad and Donald estimated to cost \$4,000 to \$6,000 (hydrant) prior to the Brad Street Project.
  - Offensive Behavior Training – May 1<sup>st</sup> @ 6:30 PM
    - The training will be with the Council, City Staff and the Hamburg Fire Department.
    - **MOTION: Councilmember Eric Poppler moved to hold a Special Meeting on May 1, 2023 at 6:30 PM. Seconded by Councilmember Mitch. Motion. Motion was approved by all present.**
  - Xcel Energy Transmission Line Rebuild (Green Isle to NYA)
    - City Clerk Gruenhagen lead the discussion on the rebuild of the Xcel Energy Transmission Line from Green Isle to NYA. Hamburg should have no service interruption.
  - Clark Environmental Mosquito Management Program
    - City Clerk Gruenhagen lead the discussion for the Mosquito Management Program, about 15 treatments per year with a three-year contract.
    - **MOTION: Councilmember Jessica Weber made a motion to have Clark Environmental Mosquito Management Program for the 2023-2025 seasons. Seconded by Councilmember Eric Poppler. Motion was approved by all present.**
  - Fence for City Lot (PID 45.0282010)
    - City Clerk Gruenhagen lead the discussion on installing a maintenance free 6' fence to the top of hill.
  - PT Seasonal Help for Mowing
    - Accepting applications through end of April.

### **New City Business**

- State of MN Joint Powers Agreement (BCA)
  - Approve Resolution Number 2023-04
  - City Clerk Gruenhagen shared this allows the city access to the bureau of criminal apprehensive website to check records, background checks, etc.



**HAMBURG CITY COUNCIL MEETING**  
*April 11, 2023*

- **MOTION: Councilmember Tim Tracy made a motion to approve State of MN Joint Powers Agreement (BCA), Resolution Number 2023-04. Seconded by Councilmember Jessica Weber. Motion was approved by all present.**
- Approve City On-Sale/Off-Sale/Special Sunday Liquor Licenses for Know It All's Bar & Grill LLC.
  - **MOTION: Councilmember Tim Tracy made a motion to approve the On-Sale/Off-Sale/Special Sunday Liquor Licenses for Know It All's Bar & Grill LLC for approval until June 30, 2023. Seconded by Councilmember Eric Poppler. Motion was approved by all present.**

**City Council Reports**

- Councilmember Mitch Polzin (Streets)
  - Street Project (Water Gate Valve) on Park Ave complete.
- Councilmember Eric Poppler (Parks) – nothing to report
- Councilmember Jessica Weber (Buildings) – nothing to report
- Councilmember Tim Tracy (Water/Sewer) – nothing to report
- Mayor Chris Lund
  - Newsletter will be sent out this week.
  - Update on our resident, he is in rehab treatment under supervisor. When he returns to town, the Sheriff will be notified.
  - The Garage Sale will remain in June this year.

**Adjourn City Council Meeting**

**MOTION: Councilmember Tim Tracy moved to adjourn the City Council Meeting at 7:30 PM. Seconded by Councilmember Jessica Weber. Motion was approved by all present.**

Amended/Approved on September 29, 2023

  
\_\_\_\_\_  
Jeremy Gruenhagen  
City Clerk/Treasurer



***HAMBURG CITY COUNCIL MEETING  
MAY 9, 2023***

**Acting Mayor Tim Tracy called the Public Hearing to order at 7:05 pm.**

**Public Hearing**

- Jim Winkels from Vivid Homes provided an update on the variance request for Mark Martinsen (480 Henrietta Avenue). Vivid Homes will obtain the final plans for Mr. Martinsen's home. The plan placement on top of the survey will be completed next week. And a final survey with the appropriate dimensions on top of the survey. The surveys will be complete by the May 23, 2023 meeting.

**MOTION: Councilmember Eric Poppler made a motion to continue the Public hearing on May 23, 2023 for the variance request for Mark Martinsen (480 Henrietta Avenue). Seconded by Councilmember Mitch Polzin. Motion was approved by all present.**

**MOTION: Councilmember Eric Poppler moved to close the Public Hearing at 7:07 pm. Seconded by Councilmember Mitch Polzin. Motion was approved by all present.**



**HAMBURG CITY COUNCIL MEETING**  
**MAY 9, 2023**

**Acting Mayor Tracy called the Hamburg City Council Meeting to order at 7:07. Those in attendance were Councilmembers Eric Poppler and Mitch Polzin, City Clerk Jeremy Gruenhagen, Deputy Clerk Jan Shoemaker, Carver County Commissioner John Fahey, and Jim Winkels from Vivid Homes. Resident in attendance: Mark Martinsen.**

**Public Comment - No Public Comment**

**Agenda Review (Added Items) and Adoption**

**MOTION: Councilmember Eric Poppler moved to adopt the Agenda as written. Seconded by Councilmember Mitch Polzin. Motion was approved by all present.**

**Consent Agenda**

- Approve Payment of Added March 2023 Claims (\$119.83)
- Approve Payment of Added April 2023 Claims (\$18,372.42)
- Approve Payment of May 2023 Claims (\$46,004.23)
- Approve Minutes for January 10, 2023, February 14, 2023, February 21, 2023 & March 21, 2023
- Approve Resolution Number 2023-05 (HFDRA Lawful Gambling)
- Approve Cash Flow Statement for February 2023
- Delinquent Utility Bills Report

**MOTION: Councilmember Mitch Polzin moved to approve the Consent Agenda as written. Seconded by Councilmember Eric Poppler. Motion was approved by all present.**

**Carver County Commissioner John P Fahey**

- Commissioner Fahey provided an update on Carver County:
  - Highway 212 is fully funded from Cologne to Norwood-Young America. There will be a bridge at Bongards that will go north and south. The project will start in 2024, projected to be completed by November 2025. Highway 212 will remain open during the road project. The four-lanes that surround Cologne will have the shoulders fixed and repair some cement. They will change the "J" cut turn at 284 for the turn lanes are not big enough for big trucks.
  - Metronet has been doing work to the east to move forward with the CarverLink broadband fiber optic network.
  - There were 39 food distribution events in 2022.
  - The Lake Waconia Regional Park started construction on the Waterfront Service Center project.
  - The Sheriff's Office has created a program that allows residents to register



## ***HAMBURG CITY COUNCIL MEETING*** ***MAY 9, 2023***

their security cameras with the Sheriff's Office.

- The county continues to have a AAA bond rating.
- The population growth continues. Carver County is the fast-growing county in the state. As well as the healthiest county in the state.
- The County Road 50 Shoulder and Widening Project Hamburg (W) to County Road 33. Anticipate project schedule start June 2023. Full closure for probably a month or two. Lane closures elsewhere

### **Old City Business**

- Land Use Application for Mark Martinsen (480 Henrietta Avenue) Variance Request(s)
  - **MOTION: Councilmember Eric Poppler continue the land use application for the variance to May 23, 2023 at 6:00 pm. Seconded by Councilmember Mitch Polzin. Motion was approved by all present.**
- Water Improvements (Old Water Tower)
  - City Clerk Gruenhagen provided information that they are looking to start in two to three weeks. A pre-con meeting is scheduled for May 25, 2023. He will have more information for the June Council Meeting. The project will include removing the fill pipe and manhole below the frost line to avoid the need for the heater. Disconnect the water that went into the old tower and redo the water main lines. City to keep the pump house for storage.
  - After the pre-con meeting the engineer will go thru town to review the streets to update the 5-year plan, look at the Hall for redoing the driveway and fencing on the north side, and Have the engineer provide options for the Park to regrade, level and reseed. They will also have Mueller's proved options and an estimate. Jason will also look into renting a rake that connects to the bobcat that could even out the area (about three football fields). Also look at trees that might need to be removed.
- PT Seasonal Help for Mowing  
They had four candidates test drive the mower. All four candidates had no issues with the park and the mower. The Personal Committee will conduct interviews to have someone hired in the next couple of weeks.

### **New City Business**

- NYA Area Guide (City Ad)
  - City Clerk Gruenhagen shared that the City has typically done a quarter page ad to advertise the Hall.
  - **MOTION: Councilmember Eric Poppler moved to maintain our quarter page ad in the NYA Area Guide. Seconded by Councilmember Mitch Polzin. Motion was approved by all present.**



***HAMBURG CITY COUNCIL MEETING  
MAY 9, 2023***

- Hold Second Meeting for May 23, 2023 @ 6:00 PM
  - **MOTION: Councilmember Mitch Polzin moved to hold second meeting for May 23, 2023 at 6:00 pm. Seconded by Councilmember Eric Poppler. Motion was approved by all present.**

**City Council Reports**

- Councilmember Mitch Polzin (Streets) reported a few residents have expressed concerns regarding the alleys. Would it be possible to pave certain alleys. Focus on the problem alleys. City Clerk Gruenhagen will have the engineer look at the alleys for a recommendation and Mueller's for an estimate to short pave where the washout is.
- Councilmember Eric Poppler (Parks) reported Council already discussed the uneven ground at the Park and PT Seasonal Help for mowing
- Councilmember Jessica Weber (Buildings) was Absent.
- Councilmember Tim Tracy (Water/Sewer) had nothing to report.
- Mayor Chris Lund) was Absent.

**MOTION: Councilmember Eric Poppler moved to adjourn the City Council Meeting at 7:34pm. Seconded by Councilmember Mitch Polzin. Motion was approved by all present.**

Amended/Approved on September 29, 2023

  
\_\_\_\_\_  
Jeremy Gruenhagen  
City Clerk/Treasurer



***HAMBURG CITY COUNCIL MEETING  
MAY 23, 2023***

**Mayor Lund called the Public Hearing to order at 6:00 pm.**

**Public Hearing**

- Jim Winkels from Vivid Homes provided an update on the variance request for Mark Martinsen (480 Henrietta Avenue). Mr. Winkels presented the Certificate of Survey. City Clerk Gruenhagen stated that since the survey presented to the City is different from the initial layout of the home a new public hearing will need to be scheduled and notices sent out to the affected properties with the current layout of the home (survey) and the variances requested from the city setback requirements.

**MOTION: Councilmember Eric Poppler moved to close the Public Hearing at 6:12 pm. Seconded by Councilmember Mitch Polzin. Motion was approved by all present.**



**HAMBURG CITY COUNCIL MEETING**  
**MAY 23, 2023**

**Mayor Lund called the Hamburg City Council Meeting to order at 6:12 p.m. Those in attendance were Councilmembers Tim Tracy, Eric Poppler, Jessica Weber, and Mitch Polzin. City Clerk Jeremy Gruenhagen, Deputy Clerk Jan Shoemaker, Jim Winkels and Tim Rohwer from Vivid Homes were also present.**

**Public Comment - No Public Comment**

**Agenda Review (Added Items) and Adoption**

**MOTION: Councilmember Jessica Weber moved to adopt the agenda as written. Seconded by Councilmember Eric Poppler. Motion was approved by all present.**

**Consent Agenda**

- **Approve Payment of Added May 2023 Claims (\$32,012.40)**
- **Approve Cash Flow Statement for March 2023**
- **Approve Vacation Request (Jeremy Gruenhagen)**

**MOTION: Councilmember Mitch Polzin moved to approve the Consent Agenda as written. Seconded by Councilmember Eric Poppler. All In Favor. Motion was approved by all present.**

**Old City Business**

- **Land Use Application for Mark Martinsen (480 Henrietta Avenue) Variance Request(s)**
  - **MOTION: Councilmember Tim Tracy moved to hold a Public Hearing for the land use application (variance request) for 480 Henrietta Avenue on June 13, 2023 at 7:00 pm. Seconded by Councilmember Jessica Weber. All in Favor. Motion was approved by all present.**
- **Water Improvements (Old Water Tower)**
  - **City Clerk Gruenhagen informed council that a pre-con meeting will be held on May 25, 2023 at 9:00 a.m. More information to follow.**
- **PT Seasonal Help for Mowing**
  - **The Personal Committee conducted interviews and agreed to recommend the hiring of Steve Frensko for the PT Seasonal Help Position.**
  - **MOTION: Councilmember Tim Tracy moved to hire Steve Frensko for the PT Seasonal Help at \$15.00/Hour. Seconded by Councilmember Jessica Weber. All IN Favor. Motion was approved by all present.**
- **Parcel 45.02010100 (Vacant Lot)**
  - **Council discussed various options for use of the parcel. The Council will also seek input from the public.**





**HAMBURG CITY COUNCIL MEETING**  
**MAY 23, 2023**

**New City Business**

- Approve Liquor License Renewals
  - Hamburg Baseball Club - Wine License (\$100)
  - Know It All's Bar & Grill - On/Off Sale & Special Sunday (\$1,500)
  - **MOTION: Councilmember Eric Poppler moved to approve the Liquor Licenses for the Hamburg Baseball Park and Know It All's Bar & Grill. Seconded by Councilmember Mitch Polzin. All in Favor. Motion was approved by all present.**
- Volleyball Court/Park Tables (Park)
  - Council discussed removing the Volleyball Court in the Park and replacing the wooden spools in the Park with maintenance free tables.
- Stop Signs on Donald/George & Louisa/Sophia
  - Council had to objections to adding stop signs at these intersections and replacing various other street signs in town.
- Juneteenth Holiday (Change to Employee Handbook)
  - **MOTION: Councilmember Eric Poppler moved to approve and add the Juneteenth Holiday to the Employee Handbook as a paid day off per State Statute. Seconded by Councilmember Mitch Polzin. All in Favor. Motion was approved by all present.**
- City Clerk-Treasurer Hours (October 2022 to March 2023)
  - Compensation for Extra Hours Worked outside Normal Duties
  - City Clerk Gruenhagen reported that he worked a total of 75 hours outside his normal work duties when the city was short staffed from October 2022 to March 2023. Council thanked him for his extra work keeping the city running.
  - **MOTION: Councilmember Tim Tracy moved to pay City Clerk Gruenhagen for the extra 75 hours worked at his current rate of pay. Seconded by Councilmember Eric Poppler. All in Favor. Motion was approved by all present.**

**City Council Reports**

- Councilmember Mitch Polzin (Streets) reported on getting costs to pave alleys in town.
- Councilmember Eric Poppler (Parks) had nothing further to report.
- Councilmember Jessica Weber (Buildings) had nothing further to report.
- Councilmember Tim Tracy (Water/Sewer) asked about the use of the current lawnmowers and cost to replace.
- Mayor Chris Lund thanked Councilman Tracy for running the last meeting.



***HAMBURG CITY COUNCIL MEETING  
MAY 23, 2023***

**Mayor Chris Lund moved to close the Council Meeting at 6:37 p.m. pursuant to Minnesota State Statute Section 13D.05, Subd. 2(b) to consider preliminary considerations of allegations made against individuals subject to the City's Authority. Seconded by Councilmember Eric Poppler. All in Favor. Motion was approved by all members present.**

**Mayor Lund moved to reopen the City Council Meeting at 7:07 p.m. Seconded by Councilmember Eric Poppler. All in Favor. Motion was approved by all members present.**

**MOTION: Councilmember Eric Poppler moved to instruct City Attorney Kelly Dohm to draft a letter addressing the allegations made against individuals subject to the City's Authority as discussed during the closed meeting. Seconded by Councilmember Jessica Weber. All in Favor. Motion was approved by all present.**

**MOTION: Councilmember Eric Poppler moved to adjourn the City Council Meeting at 7:08 pm. Seconded by Councilmember Mitch Polzin. All in Favor. Motion was approved by all present.**

Amended/Approved on September 29, 2023

  
\_\_\_\_\_  
Jeremy Gruenhagen  
City Clerk/Treasurer



***HAMBURG CITY COUNCIL***  
***JULY 11, 2023***

**Mayor Chris Lund called the Hamburg City Council Meeting to order at 7:00 PM. Those in attendance were: Councilmembers Eric Poppler, Mitch Polzin, and Tim Tracy, City Clerk Jeremy Gruenhagen, Deputy Clerk Jan Shoemaker, Brad Falteysek from Abdo and Tim Dreier from Hamburg Hunting & Fishing Club.**

**Public Comment** - No Public Comment

**Agenda Review (Added Items) and Adoption**

**MOTION: Councilmember Eric Poppler moved to adopt the Agenda as written. Seconded by Councilmember Mitch Polzin. Motion was approved by all present.**

**Consent Agenda**

- Approve Payment of Added June Claims (\$3,675.13)
- Approve Payment of July 2023 Claims (\$36,126.01)
- Approve Resolution Number 2023-07 (Recognizing National Pregnancy & Infant Loss Remembrance Day on October 15<sup>th</sup>)
- Delinquent Utility Bills Report

**MOTION: Councilmember Eric Poppler moved to approve the Consent Agenda as written. Seconded by Councilmember Mitch Polzin. Motion was approved by all present.**

**Hamburg Hunting & Fishing Club (Tim Dreier)**

- Hall Rental April 6, 2024
- The Hamburg Hunting & Fishing Club has reserved the Community Hall on April 6, 2024. Tim Dreier provided information on their conservation event with an inspirational conservation speaker from Alaska. They have requested the rental fee to be waived.
- **MOTION: Councilmember Eric Poppler moved to waive the Community Hall rental fee for the Hamburg Hunting & Fishing Club event on April 6, 2023. Second by Seconded by Councilmember Mitch Polzin. Motion was approved by all present.**

**Abdo Solutions – Brad Falteysek**

- 2022 Financial Audit
- Brad Falteysek reviewed in detailed the results of the independent financial audit for 2022.

**Old City Business**

- Water Improvements (Old Water Tower)
  - Anticipated to start the end of this week or beginning of next week.



**HAMBURG CITY COUNCIL**  
**JULY 11, 2023**

- Parcel 45.2010100 (Vacant Lot) – Land Use
  - Mayor Lund suggested the use for 10 chicken runs and auction off to residents. It would be up to the residents to maintain. This would be a public place for Health Inspectors to access. Another suggestion was a community garden. No decision was made for the use of the vacant lot.
- Parcel 45.0282010 – Minor Subdivision
  - City Clerk Gruenhagen reported he the Certificate of Survey for the Minor Subdivision. Track #1 shows the Trebesch's property and Track #2 the City's property. A minor subdivision is required to record the properties. The City will take the lead on the minor subdivision to ensure completion. Estimated cost for about \$400. The Council agreed to move forward with the minor subdivision.
- Community Hall Repairs
  - Metal Steps (Removed/Replace)
    - Council agreed to remove the metal steps
  - Paint Hall Ramp
    - Jason has agreed to paint the ramp with some kind of grit on the floor boards. Due to the condition of the wood, staining is not an option.
  - Driveway/Steps (North Side of Hall)
    - Council reviewed estimates for the concrete project.
    - **MOTION: Councilmember Tim Tracy moved to go forward with 30 Concrete, Inc. bid of \$24,012.51 for the driveway/concrete project. Seconded by Councilmember Eric Poppler. Motion was approved by all present.**
  - Hall Back Steps
    - Received two bids for the replacement of the Hall Back Steps, Dan Oelfke Construction, \$5,579.92 and Mike Tracy Construction, \$6,700.00.
    - **MOTION: Councilmember Mitch Polzin moved to go forward with Dan Oelfke Construction to rebuild the back step at the Hall. Seconded by Councilmember Eric Poppler. Councilmember Tim Tracy abstained. Motion was approved by Councilman Eric Poppler, Mitch Polzin and Mayor Christ Lund.**
  - Hall Lights (Bar Side) Estimates
    - The Hamburg Lions Club donated \$4,800 for replacing the lights on the east side of hall. Received bids for the Hall lights from Xtreme Electrical and Robb's Electric with the cost the same. There are two other areas that need to be taken care of; add an 8' strip with LED lamps in the Shop and replace lights over the Bar while they are there. Received bids from Xtreme (\$800) and Robb's (\$1,500).
    - **MOTION: Councilmember Mitch Polzin moved to go forward with Xtreme Electrical for the electrical lighting projects proposed at the Hamburg Community Hall. Seconded by Councilmember Tim Tracy.**



**HAMBURG CITY COUNCIL**  
**JULY 11, 2023**

**Motion was approved by all present.**

- Outside Wiring Estimates
  - Reroute the outside wiring on the North side of the Hall to inside before the Driveway Project is completed. Received two bids from Robb's Electric for \$2,650 and Xtreme Electric for \$2,250.
    - **MOTION: Councilmember Tim Tracy moved to go forward with Xtreme Electrical Estimate for \$2,250 to reroute the outside wiring to inside the Hall. Seconded by Councilmember Eric Poppler. Motion was approved by all present.**
- Fence for Parcel 45.0282010
  - Received bids for a fence between the City's property and Trebesch's property. Council approved to add the fence on the property line. City Clerk Gruenhagen will discuss with Steve Trebesch for approval to place the fence on the property line. Received bids from Dan Oelfke Construction for \$7,825 and Mike Tracy Construction for \$9,390.
  - **MOTION: Councilmember Eric Poppler moved to go forward with Dan Oelfke Construction bid of \$7,825 to install a fence on the property line between the City's property and Trebesch's property. Seconded by Councilmember Mitch Polzin. Councilmember Tim Tracy abstained. Motion was approved by Councilmember Eric Poppler, Mitch Polzin and Mayor Chris Lund.**
- Add an ice guard/snow stop on east side of roof of fire hall.
  - Received bids from Dan Oelfke Construction for \$889.49 and Mike Tracy Construction for \$1,050.
  - **MOTION: Councilmember Mitch Polzin moved to go forward with Dan Oelfke Construction bid of \$889.49 to install an ice guard/snow stop on east side of roof of fire hall. Seconded by Councilmember Mitch Polzin. Councilmember Tim Tracy abstained. Motion was approved by Councilmember Eric Poppler, Mitch Polzin and Mayor Chris Lund.**
- Night to Unite – August 1, 2023
  - City Clerk Gruenhagen received contact from residences to promote Night to Unite. He created a flyer to give out to residences interested to distribute. He is asking for Council approval on the flyer. Only comment was to add "while supplies last".

**New City Business**

- iPad for Public Works
  - The iPad will aide Jason with day-to-day rounds that he can keep in the truck. Also, the City has a Lead and Copper Program which Jason will need to go into al residents' houses to determine the type of pipe coming into the home. The city has to inventory the type of pipe coming into the house. He can use the iPad to take pictures and add an address. We need to access



**HAMBURG CITY COUNCIL**  
**JULY 11, 2023**

everyone's house or try too; if we do not get into the house or cannot confirm we have to document that the address is noncompliant. Must have an inventory of the type of pipe (plastic, lead, galvanized, copper) coming into the house by next Fall. iPad/Tablet cost is about \$400. Council approved to move forward with purchase of iPad/Tablet within budget.

- QuickBooks Program
  - QuickBooks is used for all of the City's financials. QuickBooks has stopped supporting the disk program. They have moved to an online program with a monthly fee. If we were to change software programs, all are the same, online and a monthly fee. Plus, a considerable amount of time to move the financial history to new software program. Cost is \$510/year. The Council agreed to move forward with the QuickBooks online program.

**MOTION: Councilmember Eric Poppler moved to close the meeting at 7:57 PM for the purpose of 6 Month Employee Evaluation. Seconded by Councilmember Tim Tracy. Motion was approved by all present.**

**MOTION: Councilmember Mitch Polzin moved to reopen July 11, 2023 City Council Meeting at 8:11 PM. Seconded by Councilmember Eric Poppler. Motion was approved by all present.**

Meeting recap, closed the City Council Meeting for the purpose of 6 Month Employee Evaluation for Deputy Clerk Jan Shoemaker.

**MOTION: Councilmember Tim Tracey moved to increase the pay for Deputy Clerk Jan Shoemaker \$1.00 per hour as discussed upon employment based on a successful 6-month review. Seconded by Councilmember Eric Poppler. Motion was approved by all present.**

**City Council Reports**

- Councilmember Mitch Polzin (Streets) had nothing to report on streets. He has not been contacted on the wondering German Shepherd. The City did contact the CSO who talked to the owner who have no interest in the dog. He also reached out to a resident outside of town who has been feeding the dog but does not provide shelter. The CSO is trying to find shelter or someone to adopt. We have not seen the dog recently. No further action at this time.
- Councilmember Eric Poppler (Parks) had nothing to report on parks. He has been contacted with complaints regarding traffic on Jacob St and the amount speeders and missing stop signs. On both ends of Jacob there are 30 MPH Signs. Law enforcement need to patrol Jacob St and ticket as needed.
- Councilmember Jessica Weber (Buildings) was absent.
- Councilmember Tim Tracy (Water/Sewer) had nothing to report on water/sewer.



***HAMBURG CITY COUNCIL***  
***JULY 11, 2023***

He mentioned some pot holes on Martha St and William Street. The city will review and repair as needed.

- Mayor Chris Lund reported a City Newsletter will be sent out this week; It will highlight National Night Out/Night to Unite. Hawks Baseball Club will host Regions this year the first two weekends of August, Thu, Fri, Sat and Sun. There will be a lot of people in town.

**Adjourn City Council Meeting**

**MOTION: Councilmember Eric Poppler moved to adjourn the City Council Meeting at 8:22 PM. Seconded by Councilmember Mitch Polzin. Motion was approved by all present.**

Amended/Approved on October 6, 2023

  
\_\_\_\_\_  
Jeremy Gruenhagen  
City Clerk/Treasurer



**HAMBURG CITY COUNCIL**  
**AUGUST 8, 2023**

**Mayor Chris Lund called the Hamburg City Council Meeting to order at 7:00 PM. Those in attendance were: Councilmembers Eric Poppler, Mitch Polzin, Tim Tracy and Jessica Weber; City Clerk Jeremy Gruenhagen, Deputy Clerk Jan Shoemaker, Public Works Jason Buckentin and Resident Mike Stuewe.**

**Public Comment** - No Public Comment

**Agenda Review (Added Items) and Adoption**

**MOTION: Councilmember Eric Poppler moved to approve the Agenda as written. Seconded by Councilmember Mitch Polzin. Motion was approved by all present.**

**Consent Agenda**

- Approve Payment of Added June 2023 Claims **(\$1,250.00)**
- **Approve Payment of Added June 2023 Claims (\$0.17)**
- Approve Payment of July 2023 Claims (\$157,938.12)
- Approve Payment of August 2023 Claims (\$34,800.29)
- Approve Time-Off Request (Jason Buckentin)
- Approve Time-Off Request (Jeremy Gruenhagen)
- Approve May 2023 Cash Flow Statement
- Approve 2024 Prosecution Contract
- Approve Temporary On-Sale Liquor License for Hamburg Lions  
September 9, 2023
- Delinquent Utility Bills Report

**MOTION: Councilmember Jessica Weber moved to approve the Consent Agenda as written. Seconded by Councilmember Tim Tracy. Motion was approved by all present.**

**Hamburg Fire Department**

- Night to Unite – August 1, 2023
  - National Night Out was a success. Turnout was about 150-200 people. Council thanked the Hamburg Lions Club for giving away four bikes, Emanuel Lutheran Church for doing the “Crazy Hair”, and games, and the Norwood-YA Stiftungsfest Royalty for handing out Freezies.

**Old City Business**

- County Road 50 Stop Signs (Henrietta/Jacob & RR)
  - City Clerk Gruenhagen reported the county will be adding stop signs at Henrietta/Jacob & on RR Street this week.
- Water Improvements (Old Water Tower)
  - City Clerk Gruenhagen reported all of the improvements have been





**HAMBURG CITY COUNCIL**  
**AUGUST 8, 2023**

- completed.
- Parcel 45.2010100 (Vacant Lot) – Land Use
    - There was not much positive feedback on the chicken coop run concept. Others were open to a community garden. They would need to be raised bed. Biggest issue is there is no water available on the lot. Council will continue to consider potential uses of the vacant lot.
  - Parcel 45.0282010 – Minor Subdivision
    - City will hold a Public Meeting at the September 12, 2023 Council meeting. City planners will attend the Public Meeting. City Clerk Gruenhagen will be working with the planners prior to the meeting to layout options on zoning.
    - **MOTION: Councilmember Mitch Polzin moved to set Public Hearing for September 12, 2023 for the Minor Subdivision for Parcel 45.0282010. Seconded by Councilmember Jessica Weber. Motion was approved by all present.**
  - Community Hall Repairs
    - Fence/Driveway/Steps (North Side of Hall)
      - City obtained two estimates from Century Fence for \$5,994 and Midwest Fence & Mfg. for \$5,995.
      - **MOTION: Councilmember Eric Poppler moved to accept the bid from Century Fence for \$5,994.00 for the retaining wall fence. Seconded by Councilmember Mitch Polzin. Motion was approved by all present.**
    - Cement Pads at Hall (8'x41' & 17'x31')
      - City obtained two estimates from 30 30 Concrete for \$5,343.75 and Route 1 Concrete for \$5,965.
      - **MOTION: Councilmember Tim Tracy moved to accept the bid from 30 30 Concrete Inc. for \$5,343.75 for the two patios 17x31 and 8x41. Seconded by Councilmember Jessica Weber. Motion was approved by all present.**
    - The metal steps have been removed. Next week 30 30 Concrete will start pouring concrete.
    - Hall Lights (East Side) have been completed.
    - Benches
      - The Washington Lakers 4-H Club donated two metal benches. They are not weather proof and best for indoor use. If the City has no use for them then they would be donated to the Sibley County Fair.
      - Council discussed purchasing By the Yard maintenance free outdoor benches. The Hamburg Hunting and Fishing Club will donate one bench. Mayor Lund will see if the Hamburg Lion Club will donate another bench.
  - Park Repairs (Ball Fields)
    - Looking to shorten the baseball/softball fields by about 15 feet by



**HAMBURG CITY COUNCIL**  
**AUGUST 8, 2023**

shortening the infield by adding dirt and seed. Looking to complete this over the next two budget years.

- Lawn Mower
  - New mover is \$14,000-\$15,000, current mower has a low trade in value. Council discussed using the current mover until it stops working. In the future, look at purchasing a new mower and trade it in every few years.

**New City Business**

- Chevy 1 Ton Repairs
  - Transmission issues. About \$3,000 to repair the transmission.
  - **MOTION: Councilmember Tim Tracy moved to repair the transmission on the Chevy 1 Ton not to exceed \$4,000.00. Seconded by Councilmember Jessica Weber. Motion was approved by all present**
- Public Nuisance Violations
  - About 7 to 8 Public Nuisance Violations have been documented and letters sent out. About half have taken care of the nuisance and others have made some progress while others have done nothing. Staff will send one more letter and if not corrected by the next Council meeting a final letter will be sent to declare a nuisance and then sent to prosecution if not completed by the next meeting.
- Hydrant (Brad Street/David Avenue)
  - City received bids from Schneider Excavating & Henning Excavating.
  - **MOTION: Councilmember Tim Tracy moved to accept the bid from Henning excavation for \$15,250.00 for the hydrant at Brad Street and David Avenue. Seconded by Councilmember Jessica Weber. Motion was approved by all present**
- Allow the Use of Diamond Piers (Footings)
  - **MOTION: Councilmember Eric Poppler moved to allow the use of Diamond Piers in the City of Hamburg. Seconded by Councilmember Mitch Polzin. Motion was approved by all present**
- Cannabis Ordinance
  - City Clerk Gruenhagen will check with other cities on what kind of ordinance they have implemented for cannabis use in public. Mayor Lund will reach out to other Mayors. They will bring the results to the Council on how to move forward.
- Town Hall Meeting (Congressman Tom Emmer) – August 16<sup>th</sup> @ 6:00 PM
  - Mayor Lund mentioned Congressman Emmer is opening a satellite office in Chaska.



***HAMBURG CITY COUNCIL***  
***AUGUST 8, 2023***

**Zummerfest**

Councilmember Mitch Polzin gave an update on Zummerfest.

- Hamburg Fire Department Relief Association is bringing back Zummerfest to Hamburg on September 23, 2023 in Bi-Centennial Park.
- HFDRA is looking to rent the Park Buildings.
  - **MOTION: Councilmember Eric Poppler moved to waive the Park Rental Fee for Zummerfest. Seconded by Councilmember Tim Tracy. Motion was approved by all present.**
- Know It All's Bar & Grill will manage the alcohol. Need to decide if the event will be a City Festival or under Know It All's Catering License.
- Looking to close part of Railroad Street for a street dance. City Clerk Gruenhagen will review what is need to close the street.
- The East parking lot and walking path will be the Rib Fest.
- The West parking lot will be a Classic Car Show in the morning followed by the Tractor Pull.
- The Peddle Pull will be near the Food Building, same as before.

**City Council Reports**

- Councilmember Mitch Polzin (Streets) had nothing to report
- Councilmember Eric Poppler (Parks) had nothing to report
- Councilmember Jessica Weber (Buildings) had nothing to report
- Councilmember Tim Tracy (Water/Sewer) had nothing to report
- Mayor Chris Lund – City Newsletter will go out this week.

**Sign up for the Pond Closing the last four weekends**

- August 12 –Tim Tracy
- August 26 – Eric Poppler
- September 9 – Jessica Weber
- September 23 – Mitch Polzin

**Adjourn City Council Meeting**

**MOTION: Councilmember Jessica Weber moved to adjourn the City Council Meeting at 7:55 PM. Seconded by Councilmember Eric Poppler. Motion was approved by all present.**

Amended/Approved on October 6, 2023

  
\_\_\_\_\_  
Jeremy Gruenhagen  
City Clerk/Treasurer



Minnesota Department of Public Safety  
Alcohol and Gambling Enforcement Division  
445 Minnesota Street, Suite 1600, St. Paul, MN 55101  
651-201-7507 TTY 651-282-6555  
**APPLICATION AND PERMIT FOR A 1 DAY  
TO 4 DAY TEMPORARY ON-SALE LIQUOR LICENSE**

Name of organization	Date organized	Tax-exempt number	
Hamburg Lions	1982		
Organization Address (No PO Boxes)	City	State	Zip Code
	Hamburg	MN	55339
Name of person making application	Business phone	Home phone	
Robert J Gregonis		952.367.7089	
Date(s) of event	Type of organization <input type="checkbox"/> Mircodistillery <input type="checkbox"/> Small Brewer		
12.09.2023	<input type="checkbox"/> Club <input type="checkbox"/> Charitable <input type="checkbox"/> Religious <input type="checkbox"/> Other non-profit		
Organization officer's name	City	State	Zip Code
Chris Lund	Hamburg	MN	55339
Organization officer's name	City	State	Zip Code
Robert Gregonis	Hamburg	MN	55339
Organization officer's name	City	State	Zip Code

Location where permit will be used. If an outdoor area, describe.

Hamburg Community Hall

If the applicant will contract for intoxicating liquor service give the name and address of the liquor license providing the service.

Hamburg Community Hall

If the applicant will carry liquor liability insurance, please provide the carrier's name and amount of coverage

West Bend Mutual Insurance 1 million, DPS 2 million aggregate

APPROVAL

APPLICATION MUST BE APPROVED BY CITY OR COUNTY BEFORE SUBMITTING TO ALCOHOL AND GAMBLING ENFORCEMENT

City of Hamburg City or County approving the license	Date Approved
No fee Fee Amount	Permit Date
Event in conjunction with a community festival <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Cityadmin@cityofhamburgmn.com City or County E-mail Address
566 Current population of city	
Jeremy Gruenhagen Please Print Name of City Clerk or Count Official	Signature City Clerk or County Official

**CLERKS NOTICE: Submit this form to Alcohol and Gambling Enforcement Division 30 days prior to event  
No Temp Applications faxed or mailed. Only emailed.**

**ONE SUBMISSION PER EMAIL, APPLICATION ONLY.**

**PLEASE PROVIDE A VALID E-MAIL ADDRESS FOR THE CITY/COUNTY AS ALL TEMPORARY  
PERMIT APPROVALS WILL BE SENT BACK VIA EMAIL. E-MAIL THE APPLICATION SIGNED BY  
CITY/COUNTY TO AGE.TEMPORARYAPPLICATION@STATE.MN.US**

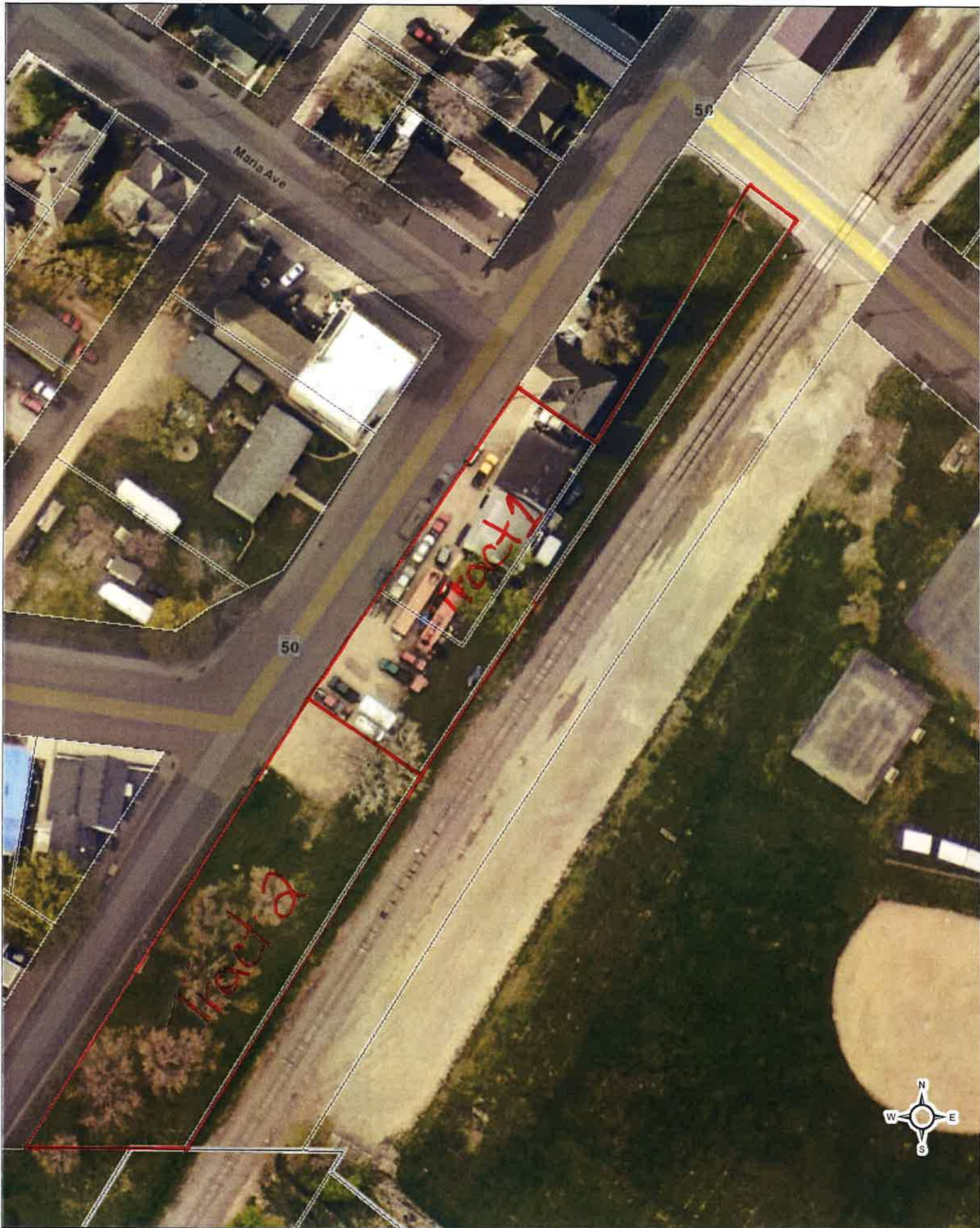
**City of Hamburg MN**  
**Accounts Receivable Past Due Report**

At Least 1 Day Past Due

As Of October 10, 2023

<u>By Amount Due Range</u>			<u>By Past Due Range</u>		
<u>Customers</u>	<u>Past Due</u>	<u>Amount</u>	<u>Customers</u>	<u>Past Due</u>	<u>Amount</u>
9	\$000.00 - \$100	492.03	13	1 to 30	1,598.46
6	\$100.01 - \$200	1,046.16	3	over 30	880.08
4	\$200.01 - \$400	1,318.97	0	over 60	0.00
0	\$400.01 - \$600	0.00	1	over 90	378.62
<u>2</u>	over 120 days	<u>1,891.32</u>	<u>2</u>	over 120	<u>1,891.32</u>
21		<b>Total</b> 4,748.48	19	<b>Total</b>	4,748.48

<u>Customer #</u>	<u>Past Due</u>	<u>By Customer #</u>				
		<u>1 to 30</u>	<u>over 30</u>	<u>over 60</u>	<u>over 90</u>	<u>over 120</u>
10-02480-02	96.48	96.48	0.00	0.00	0.00	0.00
10-03619-00	122.06	122.06	0.00	0.00	0.00	0.00
10-05361-00	95.84	95.84	0.00	0.00	0.00	0.00
10-05421-00	38.07	38.07	0.00	0.00	0.00	0.00
10-06152-00	212.77	212.77	0.00	0.00	0.00	0.00
10-06190-01	382.05	208.74	173.31	0.00	0.00	0.00
10-07625-00	345.53	174.06	171.47	0.00	0.00	0.00
10-09321-00	10.19	10.19	0.00	0.00	0.00	0.00
10-09420-00	113.58	113.58	0.00	0.00	0.00	0.00
10-09451-00	1,842.92	0.00	0.00	0.00	0.00	1,842.92
10-10171-00	77.67	77.67	0.00	0.00	0.00	0.00
10-11745-00	48.40	0.00	0.00	0.00	0.00	48.40
10-11851-01	164.13	164.13	0.00	0.00	0.00	0.00
10-11890-00	99.71	99.71	0.00	0.00	0.00	0.00
10-14320-00	73.76	73.76	0.00	0.00	0.00	0.00
10-14410-00	378.62	87.33	89.10	95.22	106.97	0.00
10-15821-00	152.50	151.71	0.79	0.00	0.00	0.00
10-17610-00	155.53	155.53	0.00	0.00	0.00	0.00
10-17613-00	168.29	168.29	0.00	0.00	0.00	0.00
10-17615-00	0.31	0.31	0.00	0.00	0.00	0.00
10-17621-00	170.07	170.07	0.00	0.00	0.00	0.00
	<b>4,748.48</b>	<b>2,220.30</b>	<b>434.67</b>	<b>95.22</b>	<b>106.97</b>	<b>1,891.32</b>



This map was created using Carver County's Geographic Information Systems (GIS), it is a compilation of information and data from various City, County, State, and Federal offices. This map is not a surveyed or legally recorded map and is intended to be used as a reference. Carver County is not responsible for any inaccuracies contained herein.

Map Date: 01/27/2022

**ADVERTISEMENT FOR BIDS  
CITY OF HAMBURG, MINNESOTA**

**2011 FORD RANGER**

**NOTICE IS HEREBY GIVEN;** the City of Hamburg has for sale a 2011 Ford Ranger 4x2 2.3 Liter Engine (4 Cylinder) with tool box and automatic transmission with 55,000 miles. Brand New Battery. This vehicle is being sold "as is". To see or view the vehicle please call City Offices to request photos or schedule a viewing.

Sealed Bids will be received in the Office of the City Clerk at Hamburg City Hall, 181 Broadway Avenue, Hamburg, MN, 55339 until 4:30 p.m. on the 14<sup>th</sup> day of November 2023, at which time they will be publicly opened and read.

Bids shall be directed to the City Clerk securely sealed and endorsed upon the outside as follows: "BID FOR 2011 FORD RANGER".

The Vehicle will be available to the successful bidder upon full payment.

The City of Hamburg reserves the right to accept or reject any variations or exceptions, to accept or reject any or all bids and to award the Bid(s) in the best interests of the City.

Jeremy Gruenhagen  
City Clerk/Treasurer



Jeremy Gruenhagen <cityadmin@cityofhamburgmn.com>

## Arbitrage Reporting - City of Hamburg, MN

Joel Melstrom <JMelstrom@ehlers-inc.com>

Thu, Jan 6, 2022 at 10:34 AM

To: Jeremy Gruenhagen <cityadmin@cityofhamburgmn.com>

Jeremy-

Thanks for reaching out. Arbitrage Reporting in a nutshell is an IRS expectation to provide a report that you did not yield a higher rate of return by investing your bond proceeds (Construction fund, debt service fund, etc...) that the bondholder's rate of return on purchasing the Bonds. If you did, you have to pay the IRS the difference. The report is required to be done by all Tax-Exempt Bonds and should be done every 5-year date of the life of the Bonds or until the proceeds are spent.

There are 2 parts to the Arbitrage Report which is Rebate which the City exempt from since you met the small-issuer exemption to rebate (under \$5 million annually) and yield reduction which in your tax certificate says you have a 3-year temporary period (which states you plan on spending the construction fund within 3 years). Our report will confirm that and if the IRS ever knocks on your door they will ask for the report proving nothing is owed to the IRS. It also states in that same tax certificate that you will do the arbitrage reporting.

Let me know if that makes sense, if not it might be easier to jump on a call to discuss. I have attached a proposed contract with a report date on the 3-year date (12/30/2022) to show everything is spent and the debt service fund is maintaining a bona fide debt service fund. Please review and send back a signed (page 3) contract at your earliest convenience and please feel free to reach out to me with questions or concerns.

Joel

### Joel Melstrom

Senior Arbitrage Consultant

O: (651) 697-8594 | [ehlers-inc.com](http://ehlers-inc.com)



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[Quoted text hidden]



Arbitrage Master Contract-(19B).pdf

142K



January 5, 2022

MASTER ARBITRAGE SERVICES CONTRACT FOR:

# The City of Hamburg, Minnesota



Prepared by:

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Ehlers

3060 Centre Pointe Drive

Roseville, Minnesota 55113

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**BUILDING COMMUNITIES. IT'S WHAT WE DO.**



January 5, 2022

The City of Hamburg, Minnesota  
181 Broadway Ave  
PO Box 248  
Hamburg, Minnesota 55339-9405

Re: Letter of Engagement to Retain Ehlers as Arbitrage Consulting and Monitoring Agent Related to the Arbitrage Provisions of the Internal Revenue Code of 1986 and Related Treasury Regulations

All tax-exempt Obligations ("Obligations") issued by or on behalf of the City of Hamburg, Minnesota ("Issuer") are subject to the arbitrage provisions of the Internal Revenue Code of 1986 and related Treasury regulations ("Tax Code). To comply with the statute and regulations the Issuer must undertake certain analyses. Ehlers & Associates, Inc. ("Ehlers") can provide arbitrage consulting and monitoring services that comply with the Tax Code and include the necessary reports and or analyses.

This Letter of Engagement ("Letter") is being presented to memorialize and clarify the terms of the Issuer's engagement of Ehlers as the Issuer's Arbitrage Consulting and Monitoring Agent. In this regard, Ehlers agrees to provide Issuer with those services described in Appendix A ("Services"). Ehlers shall be entitled to compensation by the Issuer also as described in Appendix A.

This Letter shall be effective as of the date of its execution by the Issuer and shall remain in effect for the life of each obligation defined herein as the "Term". Notwithstanding the foregoing, this Letter may be terminated by either party upon sixty (60) days prior written notice. All outstanding Ehlers projects will be completed and invoiced prior to the deemed termination date.

To perform the engagement, Issuer agrees to provide Ehlers all documents and information as are deemed necessary to fulfill the Issuer's reporting requirements related to the Tax Code, and within the applicable timeframe. Issuer agrees to provide Ehlers with timely and accurate information regarding pertinent cash and investment activity as well as pertinent revenue and expenditure activities for all funds related to the required service ("Arbitrage Information").

The Issuer is obligated to pay arbitrage due within sixty (60) days of the related installment date. All installment date analysis information must be provided to Ehlers within thirty (30) days of Issuer's receipt of any such request from Ehlers. The

Issuer is ultimately responsible for the completion and filing of IRS Form 8038-T or 8038-R. Issuer, and not Ehlers, shall be responsible for payment of any arbitration payment due and any interest or penalty for failure to make timely payments.

Ehlers shall deem all Arbitration Information provided to it by the Issuer to be accurate and free of defect, as well as not containing any material misstatements, falsehoods, or omissions of fact. Issuer acknowledges that Ehlers shall be entitled to rely on all Arbitration Information provided by the Issuer without further investigation as to its completeness or accuracy.

Issuer shall indemnify, hold harmless and defend Ehlers from and against any damages, **costs or other liabilities (including reasonable attorneys' fees) arising from or relating to any breach of this Letter by Issuer**, including, but not limited to, damages, costs and other liabilities arising out of any Arbitration Information received and **distributed by Ehlers. Further, in no event shall Ehlers' total aggregate liability under this Letter be more than the amount of fees paid by Issuer to Ehlers during the Term then in effect notwithstanding anything contained herein.** In addition, Issuer acknowledges that Ehlers shall not be responsible and/or liable for any errors, misstatements or omissions associated with any arbitration report or filing form, or for the correction thereof, that was prepared or distributed by any party other than Ehlers.

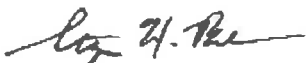
This Letter constitutes the entire agreement between the parties and is intended to supersede all agreements, whether oral or written, between the parties that were entered into relative to the subject matter hereof prior to the effective date of this Letter. No amendment or modification of this Letter shall be deemed valid unless made in writing and signed by both parties.

**This Letter covers the Issuer's current outstanding Obligations and any future Obligations** that Ehlers is informed about. If the Issuer agrees to contract with Ehlers for Arbitration Services, the Issuer must inform Ehlers in writing if they do not want Ehlers to provide Arbitration services on any currently outstanding and/or future individual Obligations. The Ehlers Election Form for declining the specific obligation(s) is provided in Appendix B.

If our engagement under the terms of this Letter is acceptable, please sign this Letter in the appropriate signature block below and return a signed copy to us for our records. If, however, you do not wish to engage our services, please note that election and return a copy of this Letter to us.

Please contact me if you have any questions or would like to discuss our engagement further. Sincerely,

EHLERS & ASSOCIATES, INC.

  
Stephen H. Broden

Managing Director, Arbitration

SO ACCEPTED BY ISSUER

Issuer hereby accepts this Letter and engages Ehlers to provide the services noted herein and executes this Letter as of the date noted below:

By: \_\_\_\_\_ Title: \_\_\_\_\_

Name: \_\_\_\_\_ Date: \_\_\_\_\_

SO DECLINED BY ISSUER

Issuer hereby acknowledges that it will be responsible for updating and submitting all necessary arbitration reports and filings as may be required of Issuer without the assistance of Ehlers. Issuer further acknowledges and agrees that Ehlers assumes no responsibility for the compilation and/or submission of any such arbitration reports or filings.

By: \_\_\_\_\_ Title: \_\_\_\_\_

Name: \_\_\_\_\_ Date: \_\_\_\_\_

## APPENDIX A

### EHLERS ARBITRAGE CONSULTING AND MONITORING AGENT SERVICES AND FEES

Ehlers' **arbitrage consulting and monitoring services are designed to assist the Issuer** in meeting its Tax Code obligations. Depending on the size of a transaction and the total amount of debt outstanding at the time of issuance, different debt issues may be subject to different reporting requirements. Ehlers will provide the services identified **below, which are reflective of the Issuer's requirements with the Tax Code. In no event** will Ehlers assist Issuer with assessing whether information provided or omitted as part of an analysis will be accepted by the IRS when subject to an audit. If the Issuer accepts this letter and engages Arbitrage Consulting and Monitoring Agent, Ehlers shall provide the following services and charge the following fees:

#### Background

Since 1986, the Internal Revenue Service ("IRS") has enforced the **arbitrage provisions** of the Internal Revenue Code of 1986 and related Treasury Regulations which requires issuers and borrowers of tax-exempt obligations to confirm exemptions and make timely arbitrage payments. Issuers and borrowers often work with third party service providers who can assist with confirmation of exemptions, payments due, payments that should be recovered, and proper processing of related violations. Full arbitrage monitoring reporting entities must:

- ✓ Maintain adequate training on the requirements and methods associated with the arbitrage provisions.
- ✓ Retain records for the life of every obligation plus three (3) tax years or the extended period to the life of a refunding obligation plus three (3) tax years. Records must include documents that support the spending of all obligation gross proceeds.
- ✓ File IRS 8038-T forms within sixty (60) days of the IRS installment date for an obligation.
- ✓ File IRS 8038-R forms with two (2) years of the final maturity date for an obligation.
- ✓ **Enter the IRS' Voluntary Closing Agreement Program ("VCAP")** when violations are not able to be corrected by other means.

#### Arbitrage Consulting Services

##### Description of Services

Ehlers agrees to provide Issuer with a specific education on the Tax Code provisions which may include arbitrage, accounting, record retention, or even more specific subsections of the Tax Code. **Training includes organized review of the IRS' current** agent training materials, publications, presentations and related information. Training can be done on-site or offsite via video teleconference.

Ehlers can separately agree to provide Issuer with a specific education on the Tax Code provisions that pertain to current or future Issuer Obligations.

## Description of Fees

Ehlers will charge Issuer a fee of \$300 per hour to provide the arbitrage consulting services set forth above. Ehlers will invoice Issuer for the amount due. The invoice is due and payable by the Issuer within 60 days of the invoice date.

## Arbitrage Monitoring Services

### Description of Services

Issuer engages Ehlers to provide the following services in connection with the **preparation and distribution of Issuer's arbitrage reports, preparation of IRS filing forms, recommendations in connection with all Obligations of the Issuer subject to the Tax Code and for which arbitrage reports or filings are required.** During the Term of the engagement, Ehlers shall provide the services hereinafter described with respect to all existing Obligations subject to the Tax Code and having arbitrage requirements. Ehlers shall provide these services for and any future Obligations that Ehlers is informed about. The Issuer must inform Ehlers in writing if they do not want Ehlers to provide Arbitrage services on any currently outstanding and/or future individual Obligations (see Appendix B for the Ehlers Election Form). Ehlers agrees to provide the following services to Issuer:

1. Review the following documents for each obligation:
  - a. Information Return for Tax-Exempt Governmental Obligations (Form 8038-G)
  - b. Tax Compliance Certificates
  - c. Official Statements
  - d. Addendum to Official Statements, if any
  - e. Closing Memorandums, if any
  - f. Post Sales Reports, if any
  - g. Verification Reports, if any
  - h. Prior Arbitrage Calculations, if any
  - i. Trust Indentures, if any
  - j. Credit Enhancement Agreements, if any
  
2. Calculate the Issuer's arbitrage liability under Section 148(f) of the Internal Revenue Code of 1986, as amended and applicable Treasury regulations in connection with each obligation, including:
  - a. Obtain nonpurpose investment transaction data for all funds related to each obligation
  - b. Review and analyze nonpurpose investment transaction data as required based on the aforementioned documents
  - c. Compute/verify the amount of spend-down penalties payable to the IRS for Obligations applying such provisions
  - d. Confirm the arbitrage yield for each obligation
  - e. Compute/verify the amount of excess earnings, if any, on nonpurpose investments and the value of those earnings as of the

- applicable computation date
  - f. Determine the rebate amounts and rebate payments due to the IRS, if any
  - g. Compute/verify the yield reduction payments due on yield restricted nonpurpose investments, if any
  - h. Assist with the purchase of State and Local Government Series of U.S. Treasuries for yield restriction of the investments, if necessary
  - i. Prepare arbitrage reports, including computational methods and assumptions used in the analysis and conclusions supporting the calculation
  - j. Prepare IRS Form 8038-T or 8038-R, if required
  - k. Obtain a legal opinion for the arbitrage reports and IRS Form 8038-T or 8038-R, if required
  - l. Deliver arbitrage reports, along with legal opinion and IRS Form 8038-T or 8038-R, if applicable
- 3. Maintain a system for computing and tracking the arbitrage liability and future arbitrage computation dates, as necessary.
- 4. Evaluate and make recommendations on record keeping practices for those funds and accounts subject to arbitrage compliance.
- 5. Apprise Issuer of any changes in the arbitrage regulations that may occur during the term of this Agreement.
- 6. Issuer acknowledges that, in its sole discretion, Ehlers may contract with third parties selected by Ehlers for the performance of some of the services to be performed hereunder.

### Description of Fees

Ehlers will charge Issuer a base fee per bond year per obligation to determine spending exceptions, bona fide debt service fund exemptions, penalty calculations, rebate amounts and yield reduction payments for all funds related to the Obligations. Depending on the structure of the transaction, certain complexities may require computational work that extends beyond the scope of a standard arbitrage calculation. Conversely, the amount of computational work required to prepare future arbitrage calculations may decrease due to the rapid expenditure of gross proceeds. In such instances, Ehlers will charge additional fees and/or offer discounts in accordance with the fee schedule set forth below.

Base Fee: \$2,250 per bond year

#### Typical Additions to Base Fee:

Commingled funds transferred proceeds, debt service excess, or universal cap analysis	\$200 per hour
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IRS Form 8038-T preparation \$500 per form

Atypical Additions to Base Fee:

Variable rate bond analysis \$200 to \$500 per hour

IRS Form 8038-R preparation \$500 to \$1,000 per form

Discounts to Base Fee:

Discretionary discounts To be determined by Ehlers

Proposed budget by Issue:

1.) 2019B - \$1,500.00\* to do the Interim Arbitrage Report on 12-30-2022.

*\*This adjustment replaces the Base Fee with the amount listed above for each affected obligation.*

Ehlers will invoice Issuer for the amount due. The invoice is due and payable by the Issuer within 60 days of the invoice date.

Future Fee Changes

Ehlers reserves the right to adjust fees during the Term of the engagement without prior consent of the Issuer, but not more than annually. Prior to any fee adjustments, the Issuer will be notified in writing of the revised fees and their effective date.



APPENDIX B

Election Regarding Arbitrage Monitoring Services

The City of Hamburg, Minnesota  
181 Broadway Ave  
PO Box 248  
Hamburg, Minnesota 55339-9405  
Attention: City Clerk-Treasurer

For the following Obligation(s)

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Obligation Par Amount and Legal Name

**The City of Hamburg, Minnesota ("Issuer") has issued the above-referenced obligation(s) which is/are subject to the arbitrage provisions of the Internal Revenue Code of 1986 and related Treasury regulations. Issuer has elected not to retain Ehlers & Associates, Inc. ("Ehlers") to assist it in complying with the aforementioned arbitrage requirements. Ehlers shall have no liability to Issuer with respect to Issuer's actions or omissions involving the arbitrage provisions of the Internal Revenue Code of 1986 and related Treasury regulations.**

Executed this \_\_\_\_ day of \_\_\_\_\_, 20\_\_

By:  
Title: \_\_\_\_\_

Name:  
Date: \_\_\_\_\_