



500 Fourth Ave. NE
Austin, MN 55912-3773

www.ci.austin.mn.us

507-437-9940
Fax: 507-434-7197

AGENDA
PORT AUTHORITY
WEDNESDAY, JANUARY 22, 2025
CONFERENCE ROOM A
4:30 PM

1. Roll Call
2. Election of Officers
3. Approval of Minutes of the December 18, 2024 Meeting
4. Approve of Claims for Payment October 11, 2024 – January 3, 2025 (Tom Dankert)
5. A) Closed session under Minn.Stat. § 13D.05, subd. 3(c) for the purpose of consideration of NuTek renewal of the Option to Purchase and Right of First Refusal agreement.

B) Closed session under Minn.Stat. § 13D.05, subd. 3(c) for the purpose of consideration of Right of First Refusal and Option to Purchase on parcels 08.035.0050 and 08.035.0020.

Return to open session
6. Any possible action on consideration of NuTek renewal of the Option to Purchase and Right of First Refusal agreement.
7. Any possible action on consideration of Right of First Refusal and Option to Purchase on parcels 08.035.0050 and 08.035.0020.
8. Discuss Port Authority property improvement of 25-acre parcel and 13-acre parcel.
9. Executive Director Report (Craig Clark)
10. Any Other Business
11. Adjourn



AUSTIN PORT AUTHORITY

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TO: Port Authority Board Members
FROM: Tom Dankert, Secretary ^{TJD}
DATE: January 3, 2025
RE: Election of Officers - 2025
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Attached are the by-laws for the Austin Port Authority. Included is the requirement for the annual election of officers that must occur at our annual meeting. The current officers are as follows:

- President – Jason Baskin
- Vice President – Jeff Austin
- Treasurer – Lee Bjorndal
- Secretary and Assistant Treasurer – Tom Dankert

Craig Clark is the Executive Director of the Austin Port Authority and no motion is needed for him to continue in that role.

Please do not hesitate to give me a call if you have any questions.

**By-Laws and Rules of Procedure of
Port Authority Commission of the City of Austin**

Article I.

The Commission

Section 1. Name of Commission. The name of the Commission shall be the Austin Port Authority.

Section 2. Seal of Commission. The official seal of the Commission shall be in the form affixed hereto.

Section 3. Seal of Commission: Place of Meetings. The office of the Commission shall be at such place in Austin, Minnesota as the Commission may from time to time designate by resolution. Regular and special meetings of the Commission shall be open to the public and shall be held at the office of the Commission; provided, however, that upon five days written notice to the commissioners of the place of such meeting, any regular or special meetings may be held at such other place as the notice shall designate.

Article II.

Officers

Section 1. Officers. The officers of the Commission shall be a president, a vice president, a treasurer, a secretary, an assistant treasurer, and such others as from time to time are provided by official action of the Commission. The president, vice president, and treasurer shall be elected from among the commissioners. A commissioner may not serve as president and vice-president at the same time. The other offices may be held by one commissioner. The offices of secretary and assistant treasurer need not be held by a commissioner.

Section 2. President. The president shall have the duties and powers usually attendant upon the office of the president, and such other duties and powers as may be prescribed by statute and as may be provided from time to time by the Commission. The president shall preside at all meetings of the Commission. At each meeting he/she shall make such reports to

the Commission as deemed necessary or as may be required, and perform such other duties as are incident to the office or as are required of him/her by the Commission.

Section 3. Vice President. The vice president shall perform the duties of the president when the president is absent or incapacitated and/or because of death or resignation of the president, until a new president is elected.

Section 4. Secretary. The secretary shall perform the duties of the office of secretary of the Commission.

Section 5. Treasurer and Assistant Treasurer. The treasurer shall receive and be responsible for all moneys of the Commission; shall also be responsible for the acts of the assistant treasurer. The treasurer shall disburse the same only on check signed by the mayor and city recorder, and each check shall state the name of the payee and the nature of the claim for which the same is issued. The treasurer shall keep an account of the source of all receipts; and the nature, purpose and authority of all disbursements; and at least once each year, at times to be determined by the Commission, shall file with the secretary a detailed financial statement of the Commission. The Commission's detailed financial statement must show all receipts and disbursements, their nature, the money on hand, the purposes to which the money on hand is to be applied, the Commission's credits and assets, and its outstanding liabilities. The Commission shall examine the statement together with the treasurer's vouchers. If the Commission finds the statements and vouchers correct, it shall approve them by motion and enter the motion in its records. The treasurer shall preside at all meetings of the Commission in the absence of the president and vice president. The assistant treasurer shall have the powers and perform the duties of the treasurer in the event of the absence or disability of the treasurer.

Section 6. Execution of Instruments. All deeds, contracts, promissory notes, warrants and other instruments, excepting bonds issued by the Commission and excepting checks authorized by the Commission shall be signed by the president or vice president and secretary of the Commission, or in the event the action approving execution of the instrument shall so provide, the same may be signed by other officers duly authorized thereto by such action. Checks shall be signed by the mayor and city recorder. Except where otherwise provided by law, the Bonds of the Commission shall be signed by the person or persons designated in the resolution authorizing the issuance of said Bonds.

Article III.

Terms of Officers

All officers of the Commission shall be elected at each annual meeting of the Commission and shall serve in whatever capacity they are chosen, for a term of one year and until their successors are elected and qualify. In the event the annual meeting is continued and the election held at such continued meeting, all officers elected shall serve until the next annual meeting and until their successors are elected and qualify.

Article IV.

Vacancies

Should the office of the president, vice president, secretary, treasurer or assistant treasurer become vacant, the Commission shall elect a successor at a regular meeting or a special meeting called for such purpose, and such election shall be for the unexpired term of said office.

Article V.

Executive Director and Additional Personnel

An executive director shall be appointed by the Commission at such compensation, for such term and with such duties as the Authority shall determine by resolution. The Commission may from time to time employ such additional personnel as it deems necessary to exercise its power, duties and functions as prescribed by Chapter 469 of the Laws of Minnesota and all other laws applicable thereto. The compensation of such personnel shall be determined by the Commission upon recommendation of the executive director.

Article VI.

Annual Meetings

The annual meeting of the Authority shall be held on the fourth Wednesday of January of each year at 4:30 pm; provided, however, that the date of the annual meeting may be postponed to the next regular or special meeting of the Commission.

Article VII.

Regular Meetings

The commission shall meet on the fourth Wednesday of the months of January, April, July and October at 4:30 pm, unless the same shall be a legal holiday in which event the meeting shall be held on the next succeeding secular day. Said meetings may be set for another day or another time upon a majority of commissioners responding to the executive director as to their availability and intent to attend. The meetings shall be held at the principal office of the Commission unless a different location of said meeting is specified in the notice as provided in Section 3 of Article I.

Article VIII.

Special Meetings

Special meetings of the commissioners may be called by the president, the executive director, or any two commissioners in a writing filed with the executive director or secretary who shall then mail, email or personally deliver to all members notice of the time and place of such meeting at least one day before the meeting.

Article IX.

Adjourned Meeting

Any meetings of the Commission may be adjourned from time to time to a specified time and place without additional notice published or otherwise.

Article X.

Quorum

The powers of the Commission shall be vested in the commissioners thereof in office at any one time; a majority of whom shall constitute a quorum for all purposes, but a lesser number may adjourn a meeting from time to time until a quorum is obtained. When a quorum is in attendance, action may be taken by the Authority upon a vote of a majority of the commissioners present, except as otherwise provided for by law or in these bylaws.

Article XI.

Order of Business

At the regular meetings of the Commission, the following shall be the order of business:

- 1. Roll call**
- 2. Approval of the minutes of the previous meeting**
- 3. Finance**
- 4. Report of executive director**
- 5. Old business**
- 6. New business**
- 7. Adjournment**

Upon direction of the president or on motion of two members of the Commission, all resolutions shall be in writing and shall be filed in the journal of the proceedings of the Commission.

Roberts Rules of Order shall apply to all proceedings of this Commission except where inconsistent with these bylaws, the enabling ordinance or applicable statutes.

The Commission shall comply with the Open Meeting Law of the State of Minnesota.

Article XII.

Manner of Voting

The voting on all questions coming before the Commission shall be by the president calling of the voice vote on the question and shall be entered upon the minutes of each meeting. The president and all members of the Commission at every meeting of the Commission shall be entitled to vote. A roll call on any question before the Commission may be taken upon demand of one or more members of the Commission. Real property owned by the Commission must not be sold, exchanged, or have its title transferred without approval of two-thirds of Commission members following notice to all of them. All commissioners must have five days' written notice of a regular or special meeting at which a sale, conveyance, exchange, or transfer of property is to be voted on. The notice must contain a complete description of the affected real estate. The resolution authorizing the real estate transaction is not effective unless a quorum is present. A commissioner need not vote on all questions, but may abstain from voting on a question.

Article XIII.

Committees

The president of the Commission shall appoint such committees and subcommittees as may be determined are necessary. These committees shall report all recommendations to the Commission for further action.

Article XIV.

Contracts

The Commission shall advertise for and let contracts in the same manner as provided for by Chapter 469 of the Laws of Minnesota and the laws amendatory thereto.

Article XV.

The Bylaws and Rules of Procedure of the Commission shall be amended by a vote of a majority of the Commissioners only when said proposed amendment has been submitted in writing to the Commissioners a reasonable period of time prior to the meeting at which said amendment is to be considered.

Adopted: August 17, 1987 at a regular meeting of the Austin Port Authority.

Amended: January 27, 2010 at a regular meeting of the Austin Port Authority.

President

Attest:

Secretary

MINUTES
PORT AUTHORITY SPECIAL MEETING
WEDNESDAY, DECEMBER 18, 2024
4:30 P.M.
CITY COUNCIL CHAMBERS

Members Present: Commissioners Jason Baskin, Jeff Austin, Lee Bjorndal, Kris Heichel, Michael Bednar, and Tim Ruzek.

Members Absent: Commissioner Geoff Smith.

Staff Present: Port Authority Attorney Craig Byram, Port Authority Executive Director Craig Clark and Port Authority Secretary Tom Dankert.

Others Present: None.

President Baskin called the meeting to order at 4:00 p.m.

Item #2. – Approval of minutes of the October 23, 2024 regular meeting: Motion by Commissioner Heichel, seconded by Commissioner Bjorndal to approve the minutes of the October 23, 2024 regular meeting. Carried 6-0.

Item #3. – Closed session under Minn State. 13D.05, subdivision 3(c) to develop or consider offers or counteroffers for the purchase or sale of real or personal property. Property identification number 08.027.0120: Moved by Commissioner Austin, seconded by Commissioner Bednar to close the meeting at 5:05 p.m. Carried 6-0.

See DVD of closed meeting.

Motion by Commissioner Bjorndal, seconded by Commissioner Austin to open the closed meeting. Carried 6-0.

Item #4. Adjournment: With no further business, motion by Commissioner Austin, seconded by Commissioner Heichel to adjourn the meeting at 5:47 pm. Carried 6-0.

Approved: _____

President: _____

Secretary: _____

Claims for Payment

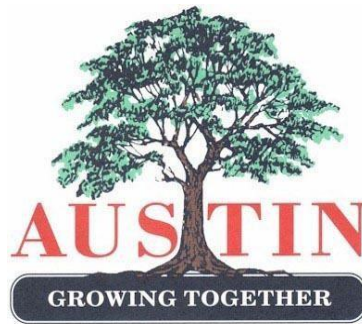
Note: Payment amount may not reflect the actual amount due to data sequencing and/or data selection.

Council Check Summary

10/11/2024 - 1/3/2025

Check #	Date	Amount	Supplier / Explanation	PO#	Doc No	Inv No	BU	Obj	Sub	Subledger	Account Description	BU Description	Co	Dept	D	
85460	12/19/2024		100143 AUSTIN HOUSING & REDEVELOPMENT													
		5,000.00	2024 HY-VEE TIF	TD200323	144301	HY-VEE	64000	2080			Intergovernmental Payables	Oak Park Mall	64000	115		
		5,000.00														
64000 Oak Park Mall - Port Authority																
		5,000.00														
84945	10/24/2024		102509 CHARTER COMMUNICATIONS													
		39.99	WALKER BLDG	00120759	143261	175464801101424	46560	6321			Communications	Port Authority Walker Bui	66000	115		
		39.99														
84978	10/24/2024		100675 HOVERSTEN JOHNSON BECKMAN HOVEY													
		525.00	PORT AUTH GENERAL REPRESENTATIVE	00020298	143271	181628	46510	6309			Professional Services	Port Authority General	66000	115		
		525.00														
85076	11/7/2024		100160 AUSTIN UTILITIES													
		6.73	19383-011 1300 27 AVE NW		143710	OCTOBER 2024	46510	6386			Utilities	Port Authority General	66000	115		
		6.73														
85080	11/7/2024		108535 BASKIN, JASON													
		35.00	OCTOBER 2024 PORT AUTH MEET		143585	OCTOBER 2024 PORT AUTH MEET	46510	6306			Personnel Services	Port Authority General	66000	115		
		35.00														
85083	11/7/2024		100994 BEDNAR, MICHAELL													
		35.00	OCTOBER 2024 PORT AUTH MEET		143586	OCTOBER 2024	46510	6306			Personnel Services	Port Authority General	66000	115		
		35.00														
85084	11/7/2024		104907 BJORN DAL, LEE													
		35.00	OCTOBER 2024 PORT AUTH MEET		143589	OCTOBER 2024	46510	6306			Personnel Services	Port Authority General	66000	115		
		35.00														
85091	11/7/2024		100263 CRC INC													
		7.58	CENTRAL STATION SECURITY	00005327	143595	160496	46560	6402			Repair and Maint. - Structur	Port Authority Walker Bui	66000	115		
		7.58														
85113	11/7/2024		107348 HEICHEL, KRIS													
		35.00	OCTOBER 2024 PORT AUTH MEET		143601	OCTOBER 2024	46510	6306			Personnel Services	Port Authority General	66000	115		
		35.00														
85146	11/7/2024		110639 QUADIENT FINANCE USA INC													
		4.08	PORT		143706	3608	46510	6322			Postage and Freight	Port Authority General	66000	115		
		4.08														
85151	11/7/2024		103347 RUZEK, TIM													
		35.00	OCTOBER 2024 PORT AUTH MEET		143614	OCTOBER 2024	46510	6306			Personnel Services	Port Authority General	66000	115		
		35.00														
85156	11/7/2024		107550 SMITH, GEOFF													
		35.00	OCTOBER 2024 PORT AUTH MEET		143644	OCTOBER 2024	46510	6306			Personnel Services	Port Authority General	66000	115		

City of Austin Austin,
Craig Clark, Phone:
City Administrator



500 Fourth Avenue N.E.
Minnesota 55912-3773
507-437-9941
craigc@ci.austin.mn.us
www.ci.austin.mn.us

TO: Mayor and Council Members

FROM: Craig D. Clark, Administrator

RE: Improve 13 and 25 acre property for ease of haying and reduce maintenance costs

During our interim period for land that the Port Authority owns for development, we utilize agricultural lease's for purposes of maintaining the property. This is the case for Creekside as well as our 13-acre site near the Kwik Trip truck stop. As the result of a commercial lease these properties become taxable and our net lease amount essentially covers our tax liability but we get the auxiliary benefit of keeping the property in a presentable manner that such as allow for volunteer trees to take over our development property.

The City recently bid ash tree removals as part of the Emerald Ash Borer infestation challenge that is hitting much of our area including our city. This bid process produced some favorable bid numbers and presents an opportunity for us to clean up our 13-acre and 25-acre sites that have volunteer trees within them. The 25-acre site has so many trees it is not able to be hayed while the 13 acre site has some general encumbrances. Because of the 25 acre site being neglected for many years and a lack of being able to put it into hay we have had to maintain the property with our parks staff as time allows.

Keeping the property in order allows for a better realization of eventual commercial development we seek. With this understanding I asked the contractor Carr's Tree Service, who will be in town to remove ash trees, if they would give us a number for removal of the scrub trees and grind the stumps so it would be more suitable for an agricultural lease. I'm asking for Board approval to allocate some of our reserves for this purpose. The bid is for \$20,000 (Exhibit 1) and does have latitude as identifying the trees on the property line were in a bit of question.

Port Authority action is requested to authorize \$20,000, with some discretion to address those few items that are consistent with our goal, for removal and grinding of the stumps with Carr's Tree Service.

Carr's Tree Service - Dodge Center

Waiting for confirmation

ESTIMATE #10325-E

Jan 10, 2025 Rev. 1



To:

City of Austin
 (507) 437-9940
 500 4th Avenue Northeast, Austin, Minnesota, 55912

From:

Carr's Tree Service - Dodge Center (Dustin Chomjak)
 (888) 470-3355
 carrsts@carrstreeservice.com
 P.O. Box 250, Ottertail, Mn, 56571

PROPOSED WORK

PRICE

1. General Land Cleanup

\$ 16,000.00

Tree removal for the 3 parcels for the city of Austin off of 14th st ne.

Stage two separate chip piles. One on each side of the road, on the edge or parcels.
Mow small brush with forestry mower.

Remove all logs from site.

Price is subject to change, depending on scope of work performed due to potential for more or less trees.

2. Stump Grinding (Optional)

\$ 4,000.00

Grind stump 6" below grade. Grind only. No clean up

CONFIRM

Acceptance of proposal: The above prices, specifications and conditions are satisfactory and hereby accepted. Carr's Tree Service - Dodge Center is authorized to do the work as specified. Terms and conditions of Carr's Tree Service - Dodge Center.