

## Airport Ordinance Summary

433 (1946)

671 amending 433 (1974)

805 amending 671 (1983)

856 amending 671 (1987)

900 amending Section 305 of Brainerd City Code (1991)

1022 amending 900 (1996)

1181 amending Section 305 of Brainerd City Code

AN ORDINANCE AUTHORIZING AND DIRECTING THE EXECUTION OF AN AGREEMENT BETWEEN THE CITY OF BRAINERD AND THE COUNTY OF CROW WING, MINNESOTA, FOR ACQUISITION OF THE NECESSARY LANDS AND FOR THE JOINT CONSTRUCTION AND OPERATION OF AN AIRPORT BY SAID CITY AND COUNTY AND SETTING OUT THE TERMS OF SUCH AGREEMENT, ALL PURSUANT TO CHAPTER 303, SECTION 20, LAWS OF 1945.

The City Council of Brainerd do ordain:

Section 1. The Mayor and Clerk are authorized and directed to execute and deliver the following agreement between the City of Brainerd and the County of Crow Wing:

Whereas the City of Brainerd, hereinafter referred to as the city, and the county of Crow Wing, Minnesota, hereinafter referred to as the county, have had under discussion, through their legislative bodies, the establishment of a joint city-county airport,

And Whereas, such joint arrangement seems the most desirable plan for furnishing airport service to the city and the county,

And Whereas, such a plan is authorized by Laws 1945, Ch. 303, Sec. 20,

NOW, THEREFORE, It is mutually agreed as follows:

1. In General. The city and county agree each with the other to participate as hereinafter provided in the acquisition of a tract of land for the purpose of constructing and operating an airport thereon and to construct, maintain and operate the airport jointly as hereinafter provided.

2. Contributions to Capital Costs. The city and County, subject to qualifications hereinafter set out, shall contribute equally to that portion of the cost of acquisition of the airport site and the capital costs of construction, improvement and development of the airport not covered by State and Federal contributions thereto. All preliminary expenses incurred hereunder prior to the acquisition of the airport site not covered by State and Federal contributions thereto shall be borne equally by the City and the County. An undivided one-half interest in

land already acquired for airport purposes by the city in Sections 4, 5, 8 and 9, Township 45, Range 30, Crow Wing County, Minnesota, shall be deeded, without cost, to the county.

3. Airport Commission. There is hereby created the Brainerd-Crow Wing County Airport Commission. The commission shall consist of 5 members as follows: 2 members chosen by the City Council and 3 members chosen by the Board of County Commissioners. Of the members first appointed, one chosen by the City Council and one chosen by the County Board shall serve for terms ending November 1st., 1947; the other chosen by the city shall serve until November 1st., 1948; the remaining two chosen by the County Board shall serve until November 1st., 1948 and November 1st., 1949, respectively. Thereafter all members shall serve for terms of three years; the City Council and the County Board making appointment of their respective members as their terms expire. Both original and successive appointees shall serve until their successors are appointed and qualified. Vacancies shall be filled for the unexpired portion of the term by the appropriate appointing body. Members shall receive such compensation as the City Council and the County Board shall determine. The commission shall choose one of its members as Chairman and one to act as temporary secretary. In the event the volume of work handled by the commission shall require it, a paid secretary may be employed by the commission.

4. Powers of Commission. The commission, except as herein-after provided, shall acquire necessary property for, establish, construct, enlarge, improve, maintain, equip, operate, and regulate the airport and other air navigation facilities and airport protection privileges to be jointly acquired, controlled and operated under this agreement. The commission may exercise on behalf of the county and city all the powers of each of such municipalities granted by Laws 1945, Ch. 303, except as otherwise provided in this agreement and in Laws 1945, Ch. 303, Sec. 20. Rules and regulations provided for by Laws 1945, Ch. 303, sec. 17, subd. 3, may be proposed by the commission but shall be enacted only by the council and county board, pursuant to the provisions of Laws 1945, Ch. 303, Sec. 20.

No real property and no airport, other air navigation facility, or air protection privilege acquired under this agreement shall be disposed of by the commission by sale, lease or otherwise except by authority of both the city council and the board of county commissioners; but the commission may lease, space, area or improvements and grant concessions on airport<sup>s</sup> for aeronautical purposes, or purposes incidental thereto subject to the provisions of Laws 1945, Ch. 303, sec. 17, subd. 4. This commission shall have authority to hire or retain all employees and professional services that may be necessary in accomplishing the purposes for which it was appointed.

5. Real Property. The commission on behalf of the city and county may procure options on real property suitable for the site of the proposed airport. No real property, airport, restricted landing area, air protection privilege, or personal property costing in excess of \$1000.00 shall be acquired and no condemnation proceedings shall be instituted except after authority to do so has been granted in each individual case by the city council and the county board. Condemnation proceedings shall be instituted in the names of the city and county jointly. The provisions of Laws 1945, Ch. 303, sec. 11, subd. 2, shall apply to such proceedings. Real property acquired under this agreement shall be held by the city and county as tenants in common. The city shall own a 50 per cent interest and the county shall own a 50 per cent interest in the property acquired hereunder.

6. Budget. (a) The commission shall each year prior to August 1 prepare a budget for airport finances for the ensuing calendar year. The budget shall be in two parts and shall be substantially balanced. Part I shall show the following items for the airport improvement fund established by Paragraph 7:

- (A) Estimated revenues, divided as follows:
- (1) Federal and State grants;
  - (2) Contribution from City;
  - (3) Contribution from County;
  - (4) Miscellaneous revenues.

(B) Estimated expenditures, divided as follows:

- (1) Personal services;
- (2) Services other than personal;
- (3) Supplies and materials;
- (4) Equipment;
- (5) Real Estate and improvement;
- (6) Miscellaneous expenditures.

Part II shall show the following items for the current airport fund created in Paragraph 7:

(A) Estimated revenues, divided as follows:

- (1) Federal and State grants and reimbursements;
- (2) Contribution from City;
- (3) Contribution from County;
- (4) Earnings from concessions, leases and charges made for the use of airport facilities;
- (5) Miscellaneous revenues.

(B) Estimated expenditures, divided as follows:

- (1) Personal services;
- (2) Services other than personal;
- (3) Supplies and materials;
- (4) Equipment;
- (5) Real Estate and improvement;
- (6) City Bond retirement fund;
- (7) County Bond retirement fund.

(b) Such budget shall be submitted not later than September 1st to the city council and the county board. Part I of the budget shall be for the information of the city council and county board to assist in their financial planning. Part II of the budget shall be submitted for action by the city council and county board. The final decisions of the city council and county board as to the requested contributions in Part II shall be reported back to the commission which shall adjust the budget if necessary. The city shall pay 50 per cent of the total contributions paid into the current airport fund by the city and county each year. If either the city council or the county board fixes its contribution at less than the amount requested by the commission, the contribution of the other shall be decreased proportionately, unless the latter shall decide to pay a larger portion of the total contribution than is required by this agreement. The expenditure allowances as finally adjusted and approved by the commission shall control the year's spending program except that excess revenues received may be spent upon the approval of three members of the commission. The commission shall not itself levy taxes or borrow money; and it shall not approve any claims or incur any obligations for expenditure unless

there is unencumbered cash in the appropriate airport fund to the credit of the commission with which to pay the same. Any surplus in revenues over the cost of maintenance and operating expenses of the properties acquired under this agreement may be transferred by the commission to the city and county in the same proportion as they are required by this paragraph to contribute for maintenance and operation.

7. Finances. For the purpose of financing the necessary expenditures in carrying out the provisions of this agreement, there are hereby created in the city accounts and treasury two special funds to be called respectfully the joint airport improvement fund and the joint current airport fund. Into the joint airport improvement fund shall be placed the various revenues enumerated in Part I of the budget provided for in paragraph 6 and from it shall be paid claims for various airport expenditures as so enumerated. Into the joint current airport fund shall be placed the various revenues enumerated in Part II of the budget provided for in paragraph 6 and from it shall be paid claims for various airport expenditures as so enumerated. All receipts belonging to the commission shall be deposited intact in a bank account to the credit of the airport funds and no disbursement shall be made from this bank account except by check nor unless a verified claim for services and commodities actually rendered or delivered has first been submitted to and approved for payment by the commission as authenticated by signature of the chairman and secretary. The city clerk shall account for the fund and the custody of the cash and the bank checking account shall be in the hands of the City Treasurer. These officers shall make reports to the commission at reasonable intervals as determined by the commission. For purposes of budgeting, accounting and reporting the fiscal year of the commission and the fund shall be April 30. An audit of the funds shall be made annually. Such audit may be made independently of or in conjunction with any audit which may be made of the funds of the city. Any employee of the commission who handles cash in the process of collection shall furnish a surety bond in such amount as is determined by the commission.

8. Reports. The commission shall, as soon as possible after the end of each fiscal year, prepare and present to the city council and the county board a comprehensive annual report of its activities and finances. The commission shall also prepare and present to federal and state officials such reports as may be required by law, regulation, or contract.

9. Termination. This agreement shall be in full force and effect for the term of 5 years from the date hereof and thereafter for like periods of 5 years until terminated by written notice from either party to the other party at least one year prior to the expiration of any such period. Notwithstanding termination, powers of the commission under this agreement shall continue to the extent necessary to maintain and operate the airport until disposition under paragraph 10 of the property acquired under this agreement.

10. Disposition of Property Upon Termination. As soon as practicable after termination of this agreement, the city council and county board shall dispose of all property acquired under the agreement, including surplus funds, in any manner they shall then agree upon. If no agreement as to disposition is reached within three months after termination of this agreement, the city council shall, within 30 days thereafter, appoint some person, who may be a city official, as its representative; the county shall similarly appoint a representative; and the Minnesota Commissioner of Aeronautics shall appoint a third person, who shall together constitute an advisory board on disposition of the airport property. This board shall as soon as possible prepare and recommend to the city council and county board a complete plan for the disposition of all property acquired under this agreement, and such plan shall provide for the continuation of the use of the property as a public airport, if practicable. Upon termination of this agreement each party shall provide for the payment of principal and interest on its outstanding bonds issued as a result of this agreement, and in the absence of another arrangement mutually agreed upon each party shall assume the payment of debts and liabilities incurred by the commission in the same proportion as it is required to contribute to

to the joint current airport fund under section 6 b.

11. Enforcement. Specific performance of the provisions of this agreement may be enforced against either party by the other party.

12. Amendments. This agreement may be amended in any particular by following the procedure used for the adoption of the agreement.

IN WITNESS WHEREOF the City of Brainerd has caused this agreement to be signed in its corporate name by its mayor and clerk and sealed with the corporate seal of the city, and the County of Crow Wing has caused this agreement to be signed in its corporate name by the chairman of the Board of County Commissioners and the County Auditor and sealed with the official seal of the county.

Dated This \_\_\_\_\_ day of \_\_\_\_\_, 1946.

City of Brainerd

By Frank B. Johnson  
Mayor

Walter Fall  
City Clerk


County of Crow Wing

By \_\_\_\_\_  
Chairman of Board of  
County Commissioners

F. M. Hagberg  
County Auditor

Section 2. This ordinance shall take effect and be in force one week from and after its publication.

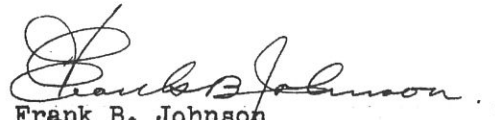
Passed this 3rd day of September, 1946.


  
Levi Johnson  
President of the Council



Approved this 4th day of September, 1946.

(SEAL)

  
Frank B. Johnson  
Mayor

  
Attest: Walter Fall  
City Clerk

Published:

ORDINANCE NO. 671

AN ORDINANCE AMENDING ORDINANCE NO. 433  
REGARDING AIRPORT COMMISSION

The City Council of the City of Brainerd does ordain:

SECTION 1. That Section 1, Subdivisions 3, 6 and 7 of Ordinance No. 433 be amended by striking said subdivisions and inserting in lieu thereof the following:

"Section 1. Subdivision 3. Airport Commission. There is hereby created the Brainerd-Crow Wing County Airport Commission. The Commission shall consist of five members as follows: two members shall be appointed by the City Council, one of which shall be a Councilman; two members shall be appointed by the Crow Wing County Commissioners, one of which shall be a County Commissioner; one lay member shall be appointed jointly by the City Council and the Crow Wing County Commissioners. The Council and Commissioner members shall be appointed annually and the three lay members shall be appointed for terms as follows: one member to serve until December 31, 1974, one member to serve until December 31, 1975 and one member to serve until December 31, 1976; thereafter, all lay members shall serve for a term of three years.

Also to serve on the Airport Commission will be the Airport Manager as an ex-officio member who will serve as the Secretary to the Commission. The appointments of the respective members to the Airport Commission, either at time of expiration of term or resignation, shall be the responsibility of each governing body as indicated by the original appointments. Both original and successive appointees shall serve until their successors are appointed and qualified. Members shall receive such compensation as the City Council and the County Board shall determine. The Chairman and Vice-Chairman of the Airport Commission shall be chosen from the lay members. The elective members shall not be eligible to serve as Chairman or Vice-Chairman.

Subdivision 6. Budget. (A) The Commission shall each year prior to August 1 prepare a budget for airport finances for the ensuing calendar year. The budget shall be substantially balanced. The budget shall follow the format as established.

(1) Estimated revenues, divided as follows:

- (a) Federal and state grants;
- (b) Contribution from City;
- (c) Contribution from County;
- (d) Miscellaneous revenues.

(2) Estimated expenditures, divided as follows:

- (a) Personal services;
- (b) Services other than personal;
- (c) Supplies and materials;
- (d) Equipment;
- (e) Real estate and improvement;
- (f) Miscellaneous expenditures;
- (g) City bond retirement fund;
- (h) County bond retirement fund.

Such budget shall be submitted not later than September 1 to the City Council and the County Board. The final decisions of the City Council and the County Board as to the requested additional contributions shall be reported back to the Commission. The City shall pay 50 percent of the total contributions paid into the current airport fund by the City and County each year. If either the City Council or the County Board fixes its contributions at less than the amount requested by the commission, the contribution of the other shall be decreased proportionately, unless the latter shall decide to pay a larger portion of the total contribution than is required by this agreement. The expenditure allowances as finally adjusted and approved by the Commission shall control the year's spending program except that excess revenues received may be spent upon the approval of three members of the Commission. The Commission shall not itself levy taxes or borrow money; and it shall not approve any claims or incur any obligations for expenditure unless there is unencumbered cash in the appropriate airport fund to the credit of the Commission with which to pay the same. Any surplus in revenues over the cost of maintenance and operating expenses of the properties acquired under this agreement may be transferred by the Commission to the City and County in the same proportion as they are required by this paragraph to contribute for maintenance and operation.

Subdivision 7. Finances. For the purpose of financing the necessary expenditures in carrying out the provisions of this agreement, there is hereby created in the City accounts and treasury a special fund to be called Airport Fund. All receipts belonging to the Commission shall be deposited intact in a bank account to the credit of the Airport Fund and no disbursement shall be made from this bank account except by check nor unless a verified claim for services and commodities actually rendered or delivered has first been submitted to and approved for payment by the Commission as authenticated by signature of the Chairman and Secretary. The City Clerk shall account for the fund and the custody of the cash and the bank account shall be in the hands of the City Treasurer. These officers shall make reports to the Commission at reasonable intervals as determined by the Commission. For purposes of budgeting, accounting and reporting the fiscal year of the Commission and the fund shall be April 30. An audit of the funds shall be made annually. Such audit may be made independently of or in conjunction with any audit which may be made of the funds of the City. Any employee of the Commission who handles cash in the process of collection shall furnish a surety bond in such amount as is determined by the Commission.

IN WITNESS WHEREOF, the City of Brainerd has caused this agreement to be signed in its corporate name by its Mayor and Clerk and sealed with the corporate seal of the City and the County of Crow Wing has caused this agreement to be signed in its corporate name by the Chairman of the Board of County Commissioners and the County Auditor and sealed with the official seal of the County.

Dated this 1<sup>st</sup> day of April, 1974.

CITY OF BRAINERD

By: Tom O'Brien  
TOM O'BRIEN  
Mayor

By: Richard M. Johnson  
RICHARD M. JOHNSON  
City Clerk

COUNTY OF CROW WING

By: Otto W. Schalow  
OTTO SCHALOW  
Chairman of Board of County  
Commissioners

By: Giner R. Anderson  
GINER R. ANDERSON  
County Auditor

SECTION 2. This ordinance shall take effect and be in force one week  
from and after its publication.

Adopted this 6<sup>th</sup> day of May, 1974.

Thomas Anderson  
THOMAS ANDERSON  
President of the Council

Approved this 7<sup>th</sup> day of May, 1974.

Tom O'Brien  
TOM O'BRIEN  
Mayor

Attest: Richard M. Johnson  
RICHARD M. JOHNSON  
City Clerk

AN ORDINANCE AMENDING ORDINANCE NO. 671  
REGARDING AIRPORT COMMISSION

The City Council of the City of Brainerd does ordain:

SECTION 1. That Section 1 of Ordinance No. 671 amending Section 1 of Ordinance No. 433 be amended by striking said Section 1 of Ordinance No. 671 and inserting in lieu thereof the following.

"SECTION 1. Subdivision 3. Airport Commission. There is hereby created the Brainerd-Crow Wing County Airport Commission. The Commission shall consist of six (6) members as follows: three members shall be appointed by the City Council, one of which shall be a councilman; three members shall be appointed by the Crow Wing County Commissioners, one of which shall be a county commissioner. The council and commission members shall be appointed annually and the four lay members shall be appointed for terms as follows: the Council of the City of Brainerd shall appoint one member to serve until December 31, 1983, and one member to serve until December 31, 1985. The Crow Wing County Commissioners shall appoint one member to serve until December 31, 1984 and one member to serve until December 31, 1985. Thereafter, all lay members shall serve for a term of three (3) years.

Also to serve on the Airport Commission will be the Airport Manager as an ex-officio member. The appointments of the respective members to the Airport Commission, either at time of expiration or time of resignation, shall be the responsibility of each governing body as indicated by the original appointments. Both original and successive appointees shall serve until their successors are appointed and qualified. Members shall receive such compensation as the City Council and County Board shall determine. The Chairman and Vice-Chairman of the Airport Commission shall be chosen from the lay members. The elected members shall not be eligible to serve as Chairman or Vice-Chairman. The position of Chairman shall alternate between the county and city lay representatives on an annual basis. The Chairman shall not vote on any issue other than to break a tie vote."

SECTION 2. This amendment of Ordinance No. 671 and Ordinance No. 433 hereby has the joint concurrence of the governing bodies of the City of Brainerd and the County of Crow Wing as evidence that this Ordinance shall be jointly executed by the appropriate officers in behalf of the City of Brainerd and the appropriate officers in behalf of the County of Crow Wing.

Dated this 2nd day of May, 1983.

CITY OF BRAINERD

By 

C. Elmer Anderson, Mayor

By Richard M. Johnson  
Richard M. Johnson, CMC  
City Clerk/Treasurer

COUNTY OF CROW WING

By Mary Koep  
Mary Koep  
Chairman of the Board of  
County Commissioners

By Conrad A. Bye  
Conrad A. Bye  
County Auditor

SECTION 3. This Ordinance shall take effect and be in force  
one week from and after its publication.

Adopted this 2nd day of May, 1983.

Mildred M. Michaelis  
MILDRED M. MICHAELIS  
President of the Council

Approved this 3rd day of May, 1983.

G. Elmer Anderson  
G. ELMER ANDERSON  
Mayor

ATTEST: Richard M. Johnson  
RICHARD M. JOHNSON, CMC  
City Clerk/Treasurer

AN ORDINANCE AMENDING ORDINANCE NO. 671  
REGARDING AIRPORT COMMISSION

No. 856

The City Council of the City of Brainerd does ordain:

SECTION ONE. That Subdivision 3 of Section 1 of Ordinance No. 671 amending Section 1 of Ordinance No. 433 be amended by striking the last two sentences of said Subdivision 3 of Section 1 of Ordinance No. 671 and inserting in lieu thereof the following:

"Section 1. Subdivision 3. The position of Chairman may, at the discretion of the Commission, alternate between the county and city lay representatives on an annual basis. The Chairman shall not vote on any issue other than to break a tie vote."

SECTION TWO. This amendment of Ordinance No. 671 and Ordinance No. 433 hereby has the joint concurrence of the governing bodies of the City of Brainerd and the County of Crow Wing. This ordinance shall be jointly executed by the appropriate officers in behalf of the City of Brainerd and the appropriate officers in behalf of the County of Crow Wing.

Dated this 3RD day of MARCH, 1987.

CITY OF BRAINERD

By Mildred M. Michaelis  
Mildred M. Michaelis  
Mayor

By Richard M. Johnson  
Richard M. Johnson, CMC  
City Clerk/Treasurer

APPROVED AS TO FORM AND LEGALITY:

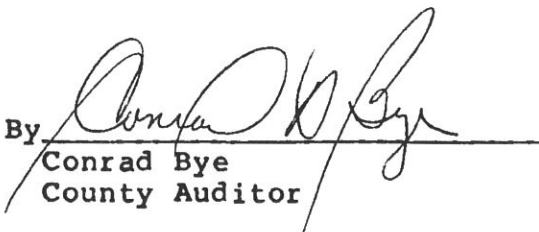
[Signature]  
COUNTY ATTORNEY

THIS 10th DAY OF MARCH, 1987.

COUNTY OF CROW WING

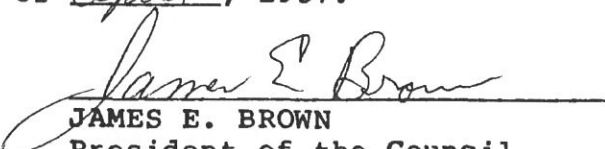
By Steve D. Sievek  
STEVE D. SIEVEK  
Chairman of the Board of  
County Commissioners

By

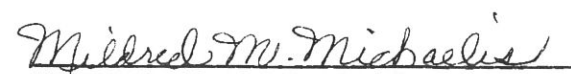
  
Conrad Bye  
County Auditor

SECTION THREE. This ordinance shall take effect and be in force one week from and after its publication.

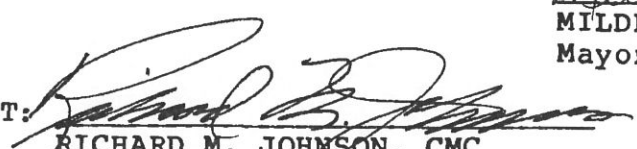
Adopted this 6 day of April, 1987.

  
JAMES E. BROWN  
President of the Council

Approved this 7 day of April, 1987.

  
MILDRED M. MICHAELIS  
Mayor

ATTEST:

  
RICHARD M. JOHNSON, CMC  
City Clerk/Treasurer



ORDINANCE AMENDING  
SECTION 305 OF THE  
BRAINERD CITY CODE  
REGARDING BOARDS AND  
COMMISSIONS FOR THE CITY  
OF BRAINERD

ORDINANCE NO. 900

THE CITY COUNCIL OF THE CITY OF BRAINERD DOES ORDAIN:

SECTION ONE. That Section 305.01, Subd. 2 of the Brainerd City Code is hereby amended by adding Subsection h) as follows:

"h) Brainerd - Crow Wing County Regional Airport Commission:

SECTION TWO. That Section 305 of the Brainerd City Code be amended by adding paragraph 305.19 as follows:

"305.19 Brainerd - Crow Wing County Regional Airport Commission.

1. In General. The City of Brainerd, hereinafter City, and the County of Crow Wing, hereinafter County, agree each with the other to participate as hereinafter provided in the acquisition of tracts of land for the purpose of constructing and operating an Airport thereon and to construct, maintain, and operate the Airport jointly as hereinafter provided. Said Airport shall be known as the Brainerd - Crow Wing County Regional Airport/Walter F. Wieland Field, hereinafter referred to as the Brainerd - Crow Wing County Regional Airport.

2. Contribution to Capital Costs. The City and County, subject to qualifications hereinafter set out, shall contribute equally to that portion of the cost of acquisition of the airport site and the capital costs of construction, improvement and development of the airport not covered by State and Federal contributions hereto. All preliminary expenses incurred hereunder prior to the acquisition of the airport site not covered by State and Federal Contributions thereto shall be borne equally by the City and the County. An undivided one-half interest in land already acquired for airport purposes by the City in Sections 4, 5, 8 and 9, Township 45, Range 30, Crow Wing County, Minnesota, shall be deeded, without cost, to the County.

3. Airport Commission. There is hereby created the Brainerd - Crow Wing County Regional Airport Commission. The Commission shall consist of six (6) members as follows: three (3) members shall be appointed by the City Council, one of which shall be a Councilperson; three (3) members shall be appointed by the Crow Wing County Commissioners, one (1) of which shall be a County Commissioner. The Council and the Commission members shall be appointed annually and the four (4) lay members shall be appointed for terms as follows: The Council of the City of Brainerd shall appoint one (1) member to serve until December 31, 1983 and one (1) member to serve until December 31, 1985. The Crow Wing County Commissioners shall appoint one (1) member to serve until December 31, 1984 and one (1) member to serve until December 31, 1985. Thereafter, all lay members shall serve for a term of three (3) years.

Also to serve on the Airport Commission will be the Airport Director as an ex-officio member. The appointments of the respective members to the Airport Commission, either at the time of expiration or at the time of resignation, shall be the responsibility of each governing body as indicated by the original appointments. Both original and successive appointees shall serve until their successors are appointed. Members shall receive such compensation as the City Council and the County Board shall determine. The Chairperson and Vice-Chairperson of the Airport Commission shall be chosen from the lay members. The elected members shall not be eligible to serve as Chairperson or Vice-Chairperson. The position of Chairperson may, at the discretion of the Commission, alternate between the County and the City lay representatives on an annual basis. The Chairperson shall not vote on any issue other than to break a tie vote.

4. Powers of the Commission. The Commission, except as hereinafter provided, shall acquire necessary property for, establish, construct, enlarge, improve, maintain, equip, operate, and regulate the airport and other air navigation facilities and airport protection privileges to be jointly acquired, controlled and operated under this agreement. The Commission may exercise on behalf of the County and City all the powers of each of such municipalities granted by Laws 1945, Ch. 303, except as otherwise provided in this agreement and in Laws 1945, Ch. 303, Sec. 20. Rules and regulations provided for by Laws 1945, Ch. 303, Sec. 17, Subd. 3, may be proposed by the Commission but shall be enacted only by the Council and County Board, pursuant to the provisions of Laws 1945, Ch. 303, Sec. 20. No real property and no airport, other air navigation facility, or air protection privilege acquired under this agreement shall be disposed of by the Commission by sale, lease or otherwise except by authority of both the City Council and the Board of County Commissioners; but the Commission may lease space, area or improvements and grant concessions on airports for aeronautical purposes, or purposes incidental thereto subject to the provisions of Laws 1945, Ch. 303, Sec. 17, Subd. 4. This Commission shall have authority to hire or retain all employees and professional services that may be necessary in accomplishing the purposes for which it was appointed.

5. Real Property. The Commission on behalf of the City and County may procure options on real property suitable for the site of the proposed airport. No real property, airport, restricted landing area, air protection privilege, or personal property costing in excess of \$1,000.00 shall be acquired and no condemnation proceedings shall be instituted except after authority to do so has been granted in each individual case by the City Council and County Board. Condemnation proceedings shall be instituted in the names of the City and County jointly. The provisions of Laws 1945, Ch. 303, Sec. 11, Subd. 2, shall apply to such proceedings. Real property acquired under this agreement shall be held by the City and County as tenants in common. The City shall own a 50 percent interest and the County shall own a 50 percent interest in the property acquired hereunder.

6. Budget. The Commission shall each year prior to August 1 prepare a budget for airport finances for the ensuing calendar year. The budget shall be substantially balanced. The budget shall follow the format as established.

1. Estimated revenues, divided as follows:
  - a) Federal and state grants;
  - b) Contribution from City;
  - c) Contribution from County;
  - d) Miscellaneous revenues.
2. Estimated expenditures, divided as follows:
  - a) Personal services;
  - b) Services other than personal;
  - c) Supplies and materials;
  - d) Equipment;
  - e) Real estate and improvement;
  - f) Miscellaneous expenditures;
  - g) City Bond Retirement Fund;
  - h) County Bond Retirement Fund.

Such budget shall be submitted not later than September 1 to the City Council and the County Board. The final decisions of the City Council and the County Board as to the requested additional contributions shall be reported back to the Commission. The City shall pay 50% of the total contributions paid into the current airport fund by the City and County each year. If either the City Council or the County Board fixes its contributions at less than the amount requested by the Commission, the contribution of the other shall be decreased proportionately, unless the latter shall decide to pay a larger portion of the total contribution than is required by this agreement. The expenditure allowance as finally adjusted and approved by the Commission shall control the year's spending program except that excess revenues received may be spent upon the approval of three members of the Commission. The Commission shall not itself levy taxes or borrow money; and it shall not approve any claims or incur any obligations for expenditures unless there is unencumbered cash in the appropriate airport fund to the credit of the Commission with which to pay the same. Any surplus in revenues over the cost of maintenance and operating expenses of the properties acquired under this agreement may be transferred by the Commission to the City and the County in the same proportion as they are required by this paragraph to contribute for maintenance and operation.

7. Finances. For the purpose of financing the necessary expenditures in carrying out the provisions of this agreement, there is hereby created in the City accounts and treasury a special fund to be called Airport Fund. All receipts belonging to the Commission shall be deposited intact in a bank account to the credit of the Airport Fund and no disbursement shall be made from this bank account except by check nor unless a verified claim for services and commodities actually rendered or delivered has first been submitted to and approved for payment by the Commission as authenticated by signature of a commissioned member from the City and the County. The City shall account for the Fund and the custody of the cash and the bank account shall be in the hands of the City Treasurer. These officers shall make reports to the Commission at reasonable intervals as determined by the Commission. For purposes of budgeting, accounting and reporting, the fiscal year of the Commission and the Fund shall commence on January 1. An audit of the Fund shall be made annually. Such audit may be made independently of or in conjunction with any audit which may be made of the funds of the City. The

Airport Commission shall maintain employee dishonesty insurance coverage for all employees of the Airport Commission.

8. Reports. The Commission shall, as soon as possible after the end of each calendar year, prepare and present to the City Council and County Board a comprehensive annual report of its activities. The Commission shall also prepare and present to Federal and State officials such reports as may be required by law, regulation or contract.

9. Termination. In the event the City or County repeal this Ordinance, the powers of the Commission under this Ordinance shall continue to the extent necessary to maintain and operate the airport until disposition of the property acquired under this Ordinance has been completed pursuant to subdivision 10 hereof.

10. Disposition of Property Upon Termination. As soon as practicable after termination of this agreement, the City Council and County Board shall dispose of all property acquired under the agreement, including surplus funds, in any manner they shall then agree upon. If no agreement as to disposition is reached within three months after termination of this agreement, the City Council shall, within 30 days thereafter, appoint some person, who may be a City official, as its representative; the County shall similarly appoint a representative; and the Minnesota Commissioner of Aeronautics shall appoint a third person, who shall together constitute an advisory board on disposition of the airport property. This board shall as soon as possible prepare and recommend to the City Council and County Board a complete plan for the disposition of all property acquired under this agreement, and such plan shall provide for the continuation of the use of the property as a public airport, if practicable. Upon termination of this agreement each party shall provide for the payment of principal and interest on its outstanding bonds issued as a result of this agreement, and in the absence of another arrangement mutually agreed upon each party shall assume the payment of debts and liabilities incurred by the Commission in the same proportion as it is required to contribute to the joint current airport fund under section 6.

11. Enforcement. Specific performance of the provisions of this agreement may be enforced against either party by the other party.

12. Amendments. Ordinances Numbers 433, 671, 805 and 856 are hereby repealed.

Dated this 7th day of May, 1991.

CITY OF BRAINERD

By: Bonnie K. Cumberland  
Bonnie K. Cumberland  
Mayor

By: Daniel J. Vogt  
Daniel J. Vogt  
City Administrator

COUNTY OF CROW WING

By: Steve D. Sievek  
Steve D. Sievek  
Chairman of Board of County  
of Commissioners

By: Roy A. Luukkonen  
Roy A. Luukkonen  
County Auditor

SECTION THREE. This Ordinance shall take effect and be in force one week from and after its publication.

Adopted this 6th day of May, 1991.

James E. Wallin  
James E. Wallin  
President of the Council

Approved this 7th day of May, 1991.

Bonnie K. Cumberland  
Bonnie K. Cumberland  
Mayor

ATTEST:

Daniel J. Vogt  
Daniel J. Vogt  
City Administrator

SEAL

Approved as to Form and Legality this 30 day of May, 1991.

By: John Remington Graham  
John Remington Graham  
Crow Wing County Attorney

Published: June 7, 1991

AN ORDINANCE AMENDING ORDINANCE NO. 900  
REGARDING THE AIRPORT COMMISSION

ORDINANCE NO. 1022

THE CITY COUNCIL OF THE CITY OF BRAINERD DOES ORDAIN:

SECTION ONE. That Subdivision 3 of Section 2 of Ordinance 900 be amended by striking the word "Director" in the first sentence of paragraph 2 of said Subdivision 3 of Section 2 of Ordinance 900 and inserting in lieu thereof the word "Manager;" and by striking the last sentence of paragraph 2 of said Subdivision 3 of Section 2 of Ordinance 900 and inserting in lieu thereof the following:

All members present, including the Chairperson and Vice-Chairperson, shall have the right to vote on all issues. All official business must be conducted at a meeting with at least four (4) members present. No vote shall be taken at a meeting where less than four (4) members are present.

SECTION TWO. This amendment of Ordinance 900 hereby has the joint concurrence of the governing bodies of the City of Brainerd and the County of Crow Wing. This ordinance shall be jointly executed by the appropriate officers on behalf of the City of Brainerd and the appropriate officers on behalf of the County of Crow Wing.

Dated this 19th day of August, 1996.

CITY OF BRAINERD

By: Bonnie K. Cumberland  
Bonnie K. Cumberland  
Mayor

By: Daniel J. Vogt  
Daniel J. Vogt  
City Administrator/Clerk-Treasurer



By: Paul M. Thiede  
Paul M. Thiede  
Chairman, Board of County  
Commissioners

By: Roy A. Luukkonen  
Roy A. Luukkonen  
County Auditor

SECTION THREE. This Ordinance shall take effect and be in force  
one week from and after its publication.

Adopted this 19th day of August, 1996.

James E. Wallin  
James E. Wallin  
President of the Council

Approved this 20th day of August, 1996.

Bonnie K. Cumberland  
Bonnie K. Cumberland  
Mayor

ATTEST: Daniel J. Vogt  
Daniel J. Vogt  
City Administrator/Clerk-Treasurer

SEAL

Approved as to form and legality this 27 day of August,  
1996.

By: Donald F. Ryan  
Donald F. Ryan  
Crow Wing County Attorney

O R D I N A N C E  
NO.1181

AN ORDINANCE AMENDING SECTION 305  
OF THE BRAINERD CITY CODE CHANGING THE NAME OF THE  
BRAINERD-CROW WING COUNTY REGIONAL AIRPORT COMMISSION

THE CITY COUNCIL OF THE CITY OF BRAINERD DOES ORDAIN:

SECTION ONE. That Section 305.01, Subd. 2h of the Brainerd City Code be hereby amended by deleting the whole thereof and inserting in lieu thereof the following:

"h) Brainerd Lakes Regional Airport Commission."

SECTION TWO. That the title of Section 305.19 be amended by deleting the whole thereof and inserting in lieu thereof the following: "Brainerd Lakes Regional Airport Commission."

SECTION THREE. That Section 305.19, Subd. 1 of the Brainerd City Code be amended by deleting the whole thereof and inserting in lieu thereof:


"1. In General. The City of Brainerd, hereinafter City, and the County of Crow Wing, hereinafter County, agree each with the other to participate as hereinafter provided in the acquisition of tracts of land for the purpose of constructing and operating an Airport thereon and to construct, maintain, and operate the Airport jointly as hereinafter provided. Said Airport shall be known as the Brainerd Lakes Regional Airport/Walter F. Wieland Field, hereinafter referred to as the "Brainerd Lakes Regional Airport."

SECTION FOUR. That Section 305.19, Subd. 3 of the Brainerd City Code be amended by striking the words "Brainerd - Crow Wing County Regional Airport Commission" and inserting the words "Brainerd Lakes Regional Airport Commission."

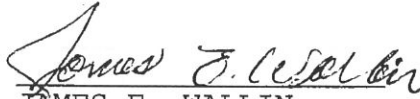
SECTION FIVE. This ordinance shall take effect and be in full force one week from and after its publication.



Adopted this 16<sup>th</sup> day of December, 2002.

  
LUCY R. NESHEIM  
President of the Council

Approved this 17th day of December, 2002.

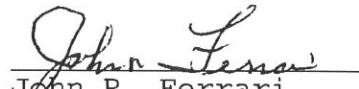
  
JAMES E. WALLIN  
Mayor

ATTEST:   
DANIEL J. VOGT  
City Administrator

PUBLISHED: December 20, 2002


COUNTY OF CROW WING

DEC 31 2002

  
John R. Ferrari  
Chairman of Board  
of County Commissioners

  
Roy A. Luukkonen  
County Auditor

Approved as to Form and Legality this 8<sup>th</sup> day of  
January, 2003.

By:   
Donald Ryan  
Crow Wing County Attorney