



CITY OF LE SUEUR
REQUEST FOR COUNCIL ACTION

TO: Mayor and City Council

FROM: Jasper Kruggel, City Administrator

SUBJECT: Le Sueur Municipal Airport Commission City Code Amendment Ordinance – First Reading

DATE: For the City Council Meeting of Monday, March 18, 2019

PURPOSE/ACTION REQUESTED

Conduct the first reading of an ordinance updating sections of Chapter 33 in the City of Le Sueur Municipal City Code.

SUMMARY

After conducting a review of the Le Sueur City Code regarding the Le Sueur Municipal Airport Commission, there appears to be some ambiguity regarding the membership numbers on the commission. The conflict resides between two sections of City Code Chapter 33; a redline version of these updates along with a clean version has been attached to this agenda item, along with an ordinance in a draft form reflecting those changes.

PURPOSE/ACTION REQUESTED

Staff is requesting that the City Council provide feedback on the attached edits and ordinance amending various sections of Chapter 33 of the Le Sueur Municipal City Code. It is also requested that City Council perform the first reading of the attached ordinance by either reading the ordinance or waiving the reading of the ordinance which requires a unanimous vote.

The second reading of this ordinance is proposed to occur on March 25th, and if the ordinance is adopted at that time, a publication will occur in the Le Sueur County News and said ordinance will take effect seven days thereafter.

MUNICIPAL AIRPORT COMMISSION

§ 33.018 TERM AND QUALIFICATIONS OF COMMISSIONERS; CONSULTATIONS.

(A) This section provides for a total of five Commissioners. The five Commissioners shall be appointed by the City Council of the city and shall consist entirely of citizens who are qualified voters of the city, County of Le Sueur and State of Minnesota. The City Council shall duly appoint the Chairperson of said Commissioners. The terms of office of the Chairperson and other Commissioners shall be as provided in division (B) below.

(B) The Chairperson of the Le Sueur Municipal Airport Commission shall serve as said Chairperson until the expiration of their term of office as Commissioner. Five Commissioners shall serve the following terms of office:

(1) Upon appointment by the City Council of the city on the Commission in 2011, two members shall serve for a period of one year.

(2) Upon appointment by the City Council of the city on the Commission in 2011, two members shall serve for a period of two years.

~~(3) Upon appointment by the City Council of the city on the Commission in 2011, one member shall serve for a period of three years.~~

(34) All terms of office for every member thereafter shall be for a period of three years. The Council shall so designate which Commission members will serve the shortened terms for those commissioners serving a term less than three years at the onset of 2011.

(1973 Code, § 2-30) (Ord. 223, passed 4-6-1945; Ord. 270, passed 3-1-1965; Ord. 295, passed 6-9-1969; Ord. 527, passed 2-28-2011)

§ 33.019 POLICIES GOVERNING; GENERAL POWERS AND DUTIES; AREA OF AIRPORT.

The following provisions are hereby enacted and adopted for the purpose of managing and controlling the finances and making all needful rules and regulations to maintain good order and the protection of the airport, airport property and equipment, and persons stationed at or using the airport, and the city generally.

(A) The City Council shall have the control and management of the finances and of all of the property, including real estate, and shall establish, enforce, order, modify, amend and repeal all ordinances, bylaws, rules and regulations for the governing of the Airport Commission.

(B) A depository shall be established by the City Council, and all funds received as rents or profits shall be placed therein and all money drawn therefrom shall be approved by the City Council in accordance with the Charter.

(C) The duties of the Airport Commission will be to determine the aeronautical policies of the airport, subject, however, to the approval of the City Council. It will further be the duty of the Airport Commission to maintain order and to make and determine emergency decisions that cannot await the approval of the City Council.

(D) It will be the duty of the ~~Commission~~ City Council to take full and complete charge of the following described city property and rent or lease the same for a term of years, not to exceed five years:

(1) The east half of the Northwest Quarter (E1/2 of NW 1/4) of Section Eleven (11) Township One Hundred Eleven (111), Range Twenty-Six (26), excepting therefrom a ten (10) acre tract of land described as follows, to-wit: Beginning at the northeast corner of Section Eleven (11); thence south one thousand one hundred (1,100) feet along the section line; thence west at right angle two hundred sixty-six (266) feet; thence north at right angle three hundred forty (340) feet; thence west at right angle one hundred eighty-eight (188) feet; thence north at right angle seven hundred sixty (760) feet; thence east at right angle four hundred fifty-four (454) feet to place of beginning, consisting of seventy (70) acres more or less, all in the City of Le Sueur, County of Le Sueur, and State of Minnesota;

(2) Also, part of NW 1/4, NE1/4, Section 11-111-26, beginning at the southeast corner of the tract; thence north 45 degrees 19 minutes, west, 1,871.4 feet to the northwest corner of the tract; thence north 89 degrees—57 minutes east along the north line of the tract, 710.4 feet; thence

south 45 degrees—19 minutes east, 871.7 feet to the east line of the tract; thence south 0 degrees 02 minutes east along the east line of the tract 703.6 feet to the place of beginning and containing 15.74 acres, more or less;

(3) Also, part of SW1/4, SE1/4, Section 2-111-26, beginning at the southwest corner of the tract; thence north 0 degrees—23 minutes west along the west line of the tract, 708.0 feet; thence south 45 degrees—19 minutes east, 1,005.8 feet to the south line of the tract; thence south 89 degrees—57 minutes west along the south line of the tract, 710.4 feet to the place of beginning and containing 5.77 acres, more or less;

(4) Also, part of SE1/4, SW1/4, Section 2-111-26, beginning at the southeast corner of the tract, thence north 45 degrees—19 minutes west, 673.0 feet; thence north 44 degrees—41 minutes east, 500.0 feet; thence south 45 degrees—19 minutes east, 171.8 feet to the east line of the tract; thence south 0 degrees—23 minutes east along the east line of the tract, 708.0 feet to the place of beginning and containing 4.84 acres, more or less; and

(5) Any other property that may hereafter be acquired for airport purposes.

(E) The lease shall include, as part of the consideration, a public liability policy, or its equivalent, safeguarding and forever hold the city blameless financially against damages as a result of personal injuries, death or property damage.

(F) The Commission shall designate and appoint one of its members as secretary, who shall keep a journal or record of all rules, records and proceedings of the Commission, and the same shall be entered on the Airport Commission journal, kept especially for that purpose.

(1973 Code, § 2-31) (Ord. 223, passed 4-6-1945; Ord. 270, passed 3-1-1965)

MUNICIPAL AIRPORT COMMISSION

§ 33.018 TERM AND QUALIFICATIONS OF COMMISSIONERS; CONSULTATIONS.

(A) This section provides for a total of five Commissioners. The five Commissioners shall be appointed by the City Council of the city and shall consist entirely of citizens who are qualified voters of the city, County of Le Sueur and State of Minnesota. The City Council shall duly appoint the Chairperson of said Commissioners. The terms of office of the Chairperson and other Commissioners shall be as provided in division (B) below.

(B) The Chairperson of the Le Sueur Municipal Airport Commission shall serve as said Chairperson until the expiration of their term of office as Commissioner. Five Commissioners shall serve the following terms of office:

(1) Upon appointment by the City Council of the city on the Commission in 2011, two members shall serve for a period of one year.

(2) Upon appointment by the City Council of the city on the Commission in 2011, two members shall serve for a period of two years.

(3) All terms of office for every member thereafter shall be for a period of three years. The Council shall so designate which Commission members will serve the shortened terms for those commissioners serving a term less than three years at the onset of 2011.

(1973 Code, § 2-30) (Ord. 223, passed 4-6-1945; Ord. 270, passed 3-1-1965; Ord. 295, passed 6-9-1969; Ord. 527, passed 2-28-2011)

§ 33.019 POLICIES GOVERNING; GENERAL POWERS AND DUTIES; AREA OF AIRPORT.

The following provisions are hereby enacted and adopted for the purpose of managing and controlling the finances and making all needful rules and regulations to maintain good order and the protection of the airport, airport property and equipment, and persons stationed at or using the airport, and the city generally.

(A) The City Council shall have the control and management of the finances and of all of the property, including real estate, and shall establish, enforce, order, modify, amend and repeal all ordinances, bylaws, rules and regulations for the governing of the Airport Commission.

(B) A depository shall be established by the City Council, and all funds received as rents or profits shall be placed therein and all money drawn therefrom shall be approved by the City Council in accordance with the Charter.

(C) The duties of the Airport Commission will be to determine the aeronautical policies of the airport, subject, however, to the approval of the City Council. It will further be the duty of the Airport Commission to maintain order and to make and determine emergency decisions that cannot await the approval of the City Council.

(D) It will be the duty of the City Council to take full and complete charge of the following described city property and rent or lease the same for a term of years, not to exceed five years:

(1) The east half of the Northwest Quarter (E1/2 of NW 1/4) of Section Eleven (11) Township One Hundred Eleven (111), Range Twenty-Six (26), excepting therefrom a ten (10) acre tract of land described as follows, to-wit: Beginning at the northeast corner of Section Eleven (11); thence south one thousand one hundred (1,100) feet along the section line; thence west at right angle two hundred sixty-six (266) feet; thence north at right angle three hundred forty (340) feet; thence west at right angle one hundred eighty-eight (188) feet; thence north at right angle seven hundred sixty (760) feet; thence east at right angle four hundred fifty-four (454) feet to place of beginning, consisting of seventy (70) acres more or less, all in the City of Le Sueur, County of Le Sueur, and State of Minnesota;

(2) Also, part of NW 1/4, NE1/4, Section 11-111-26, beginning at the southeast corner of the tract; thence north 45 degrees 19 minutes, west, 1,871.4 feet to the northwest corner of the tract; thence north 89 degrees—57 minutes east along the north line of the tract, 710.4 feet; thence south 45 degrees—19 minutes east, 871.7 feet to the east line of the tract; thence south 0 degrees 02 minutes east along the east line of the tract 703.6 feet to the place of beginning and containing 15.74 acres, more or less;

(3) Also, part of SW1/4, SE1/4, Section 2-111-26, beginning at the southwest corner of the tract; thence north 0 degrees—23 minutes west along the west line of the tract, 708.0 feet; thence south 45 degrees—19 minutes east, 1,005.8 feet to the south line of the tract; thence south 89 degrees—57 minutes west along the south line of the tract, 710.4 feet to the place of beginning and containing 5.77 acres, more or less;

(4) Also, part of SE1/4, SW1/4, Section 2-111-26, beginning at the southeast corner of the tract, thence north 45 degrees—19 minutes west, 673.0 feet; thence north 44 degrees—41 minutes east, 500.0 feet; thence south 45 degrees—19 minutes east, 171.8 feet to the east line of the tract; thence south 0 degrees—23 minutes east along the east line of the tract, 708.0 feet to the place of beginning and containing 4.84 acres, more or less; and

(5) Any other property that may hereafter be acquired for airport purposes.

(E) The lease shall include, as part of the consideration, a public liability policy, or its equivalent, safeguarding and forever hold the city blameless financially against damages as a result of personal injuries, death or property damage.

(F) The Commission shall designate and appoint one of its members as secretary, who shall keep a journal or record of all rules, records and proceedings of the Commission, and the same shall be entered on the Airport Commission journal, kept especially for that purpose.

(1973 Code, § 2-31) (Ord. 223, passed 4-6-1945; Ord. 270, passed 3-1-1965)

CLEAR

ORDINANCE NO. XXX

AMENDING CITY CODE CHAPTER 33
REGULATING THE CITY OF LE SUEUR MUNICIPAL AIRPORT COMMISSION

THE LE SUEUR CITY COUNCIL DOES ORDAIN

City Code Chapter 55 is adopted as follows:

CHAPTER 33: MUNICIPAL AIRPORT COMMISSION

§ 33.018 TERM AND QUALIFICATIONS OF COMMISSIONERS; CONSULTATIONS.

- (A) This section provides for a total of five Commissioners. The five Commissioners shall be appointed by the City Council of the city and shall consist entirely of citizens who are qualified voters of the city, County of Le Sueur and State of Minnesota. The City Council shall duly appoint the Chairperson of said Commissioners. The terms of office of the Chairperson and other Commissioners shall be as provided in division (B) below.
- (B) The Chairperson of the Le Sueur Municipal Airport Commission shall serve as said Chairperson until the expiration of their term of office as Commissioner. Five Commissioners shall serve the following terms of office:
- (1) Upon appointment by the City Council of the city on the Commission in 2011, two members shall serve for a period of one year.
 - (2) Upon appointment by the City Council of the city on the Commission in 2011, two members shall serve for a period of two years.
 - (3) All terms of office for every member thereafter shall be for a period of three years. The Council shall so designate which Commission members will serve the shortened terms for those commissioners serving a term less than three years at the onset of 2011.

§ 33.019 POLICIES GOVERNING; GENERAL POWERS AND DUTIES; AREA OF AIRPORT.

The following provisions are hereby enacted and adopted for the purpose of managing and controlling the finances and making all needful rules and regulations to maintain good order and the protection of the airport, airport property and equipment, and persons stationed at or using the airport, and the city generally.

- (A) The City Council shall have the control and management of the finances and of all of the property, including real estate, and shall establish, enforce, order, modify, amend and repeal all ordinances, bylaws, rules and regulations for the governing of the Airport Commission.

(B) A depository shall be established by the City Council, and all funds received as rents or profits shall be placed therein and all money drawn therefrom shall be approved by the City Council in accordance with the Charter.

(C) The duties of the Airport Commission will be to determine the aeronautical policies of the airport, subject, however, to the approval of the City Council. It will further be the duty of the Airport Commission to maintain order and to make and determine emergency decisions that cannot await the approval of the City Council.

(D) It will be the duty of the City Council to take full and complete charge of the following described city property and rent or lease the same for a term of years, not to exceed five years:

- (1) The east half of the Northwest Quarter (E1/2 of NW 1/4) of Section Eleven (11) Township One Hundred Eleven (111), Range Twenty-Six (26), excepting therefrom a ten (10) acre tract of land described as follows, to-wit: Beginning at the northeast corner of Section Eleven (11); thence south one thousand one hundred (1,100) feet along the section line; thence west at right angle two hundred sixty-six (266) feet; thence north at right angle three hundred forty (340) feet; thence west at right angle one hundred eighty-eight (188) feet; thence north at right angle seven hundred sixty (760) feet; thence east at right angle four hundred fifty-four (454) feet to place of beginning, consisting of seventy (70) acres more or less, all in the City of Le Sueur, County of Le Sueur, and State of Minnesota;
- (2) Also, part of NW 1/4, NE1/4, Section 11-111-26, beginning at the southeast corner of the tract; thence north 45 degrees 19 minutes, west, 1,871.4 feet to the northwest corner of the tract; thence north 89 degrees—57 minutes east along the north line of the tract, 710.4 feet; thence south 45 degrees—19 minutes east, 871.7 feet to the east line of the tract; thence south 0 degrees 02 minutes east along the east line of the tract 703.6 feet to the place of beginning and containing 15.74 acres, more or less;
- (3) Also, part of SW1/4, SE1/4, Section 2-111-26, beginning at the southwest corner of the tract; thence north 0 degrees—23 minutes west along the west line of the tract, 708.0 feet; thence south 45 degrees—19 minutes east, 1,005.8 feet to the south line of the tract; thence south 89 degrees—57 minutes west along the south line of the tract, 710.4 feet to the place of beginning and containing 5.77 acres, more or less;
- (4) Also, part of SE1/4, SW1/4, Section 2-111-26, beginning at the southeast corner of the tract, thence north 45 degrees—19 minutes west, 673.0 feet; thence north 44 degrees—41 minutes east, 500.0 feet; thence south 45 degrees—19 minutes east, 171.8 feet to the east line of the tract; thence south 0 degrees—23 minutes east along the east line of the tract, 708.0 feet to the place of beginning and containing 4.84 acres, more or less; and

(5) Any other property that may hereafter be acquired for airport purposes.

(E) The lease shall include, as part of the consideration, a public liability policy, or its equivalent, safeguarding and forever hold the city blameless financially against damages as a result of personal injuries, death or property damage.

(F) The Commission shall designate and appoint one of its members as secretary, who shall keep a journal or record of all rules, records and proceedings of the Commission, and the same shall be entered on the Airport Commission journal, kept especially for that purpose.

This Ordinance becomes effective from and after its passage and seven (7) days after its publication. This Ordinance was passed by the Common Council on **March 25, 2019**.

ATTEST:

Greg Hagg
Mayor

Stacy Lawrence
Communications/HR Director & City Clerk