

City of Barnesville
City Council Special Meeting
May 20, 2002

Mayor Gene Prim called this special meeting to order at 4:15 p.m. in the Barnesville City Hall Chambers with council members Chad Hagen, Roger Cooper, Larry Davis Jr., Kim Simonsen, Charles Martinson, and Jerry Ames present. Also present were City Administrator Ray Miller, Pam Aakre from the Record Review, and Angie Ernst.

05-20-02-01 Motion by Mr. Cooper and second by Mr. Davis to approve the following resolution:

WHEREAS, pursuant to resolution of the council adopted April 8, 2002, a report has been prepared by, Larson-Peterson with reference to the improvement of Stoneridge street and underground utilities and this report was received by the council on May 13, 2002, and

WHEREAS, the report provides information regarding whether the proposed project is necessary, cost-effective, and feasible,

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BARNESVILLE, MINNESOTA:

1. The council will consider the street and underground improvements in accordance with the report, and the assessment of abutting property for all or a portion of the cost of the improvements pursuant to Minnesota Statutes, Chapter 429 at an estimated total cost of improvement of \$423,800.
2. A public hearing shall be held on such proposed improvements on the 10th day of June, 2002, in the council chambers of the city hall at 6 pm, and the clerk shall give mailed and published notice of such hearing and improvements required by law.

Adopted by the Council this 20th day of May, 2002.
Carried.

05-20-02-02 Motion by Mr. Martinson and second by Mr. Davis to approve the second reading and publication of the following ordinance:

2002-4

AN ORDINANCE TO ADOPT A REDISTRICTING PLAN ESTABLISHING THE WARD BOUNDARIES FOR THE CITY OF BARNESVILLE

WHEREAS, the Barnesville City Charter requires the adoption of a redistricting plan utilizing the 2000 Federal Census population data; and

WHEREAS, Minnesota State Law requires cities adjust their wards either within 60 days of the legislature's redistricting or by April 30, 2002; and

WHEREAS, the Barnesville City Council held a public hearing on April 8, 2002 relative
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to the proposed plan establishing the ward boundaries for the City of Barnesville;

NOW, THEREFORE, BE IT ORDAINED by the City Council, of the City of Barnesville as Follows:

Section 1: Pursuant to the Barnesville City Charter of the Barnesville City Council does hereby adopt a redistricting plan (exhibit A) establishing new ward boundaries for the City of Barnesville.

Section 2: The City Clerk be and is hereby directed to transmit a copy of the ward map to the Clay County Auditor and Secretary of State.

Section 3: Pursuant to Minnesota State Law (M.S. 205.84, subd..2), the redistricting plan for the City of Barnesville shall become effective September 10, 2002.

PASSED by the City Council of the City of Barnesville this 13th day of May, 2002.
Carried.

05-20-02-03 Motion by Mr. Davis and second by Mr. Cooper to approve the second reading and publication of the following ordinance:

2002-5

AN ORDINANCE TO PROMOTE AND CONSERVE THE PUBLIC SAFETY, HEALTH, PEACE, CONVENIENCE, AND WELFARE TO PROVIDE REGULATION ON USE OF THE CITY OF BARNESVILLE MUNICIPAL AIRPORT; AND TO PRESCRIBE THE PENALTY FOR VIOLATION THEREOF.

WHEREAS, The City of Barnesville is empowered by Minnesota Statute 360.038, subdivision 3, to adopt rules, regulations and ordinances for the management, government, and use of the Barnesville Municipal Airport; and

WHEREAS, The City of Barnesville constructed, equipped, and maintains, at its own expense, the municipal airport facility, and

WHEREAS, The City of Barnesville wishes to provide certain regulations for the use and operation of said municipal airport facility,

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Barnesville as follows:

ordinance shall have the meanings ascribed to them in this section:

1.1 AIRPORT. Barnesville Municipal Airport, a publicly-owned but private airport as defined in Minnesota Rules 8800.1300, Subparagraph 3; That is, a restricted airport at which the persons who may use the airport are determined by the owner of the airport, namely, the city of Barnesville.

1.2 AIRCRAFT. Any vehicle designed to fly, glide, float, or sail in the air while carrying one or more persons, including but not limited to; airplanes, helicopter, hot air balloons, gliders, hang gliders, and powered gliders.

1.3 AIRCRAFT PARKING FEES. The fees, established (or as from time to time amended) by the City Council in accordance with Minnesota Statute 360.038. Subdivision 6, to be charged the operation of transient aircraft parking at the airport. A copy of the applicable fee schedule to be posted at the airport and is to be furnished on request to the operator of transient aircraft incident to use of said facility.

1.4 TRANSIENT AIRCRAFT. Aircraft making use of the airport for personal use limit not based on the airport.

1.5 AERIAL SPRAY APPLICATOR. Any person who operates an aircraft to spray fungicides, insecticides or herbicides upon crops and other plants or insects from the aircraft.

1.6 CHEMICALS. Any substance produced by a chemical process, and used to kill or control plant growth or insects.

1.7 AVIATION FUEL AND PETROLEUM PRODUCTS. Any aviation fuel, aviation gasoline, jet fuel, or other petroleum products used in the fueling of aircraft.

1.8 FUELING FACILITY. Any temporary or permanent structures, pumps or tanks for the storage and/or sale of aviation fuel and petroleum products. Fueling facility includes private tanks and pumps for personal use. Fueling facility shall also include tanker or truck deliveries directly to aircraft at or upon the Barnesville Municipal Airport.

1.9 COMMERCIAL USE FOR AERONAUTICAL PURPOSES. The use of the airport for profit business operations, including specifically but not exclusively; flight instructions; aircraft sales; airframe and/or power plant repair, servicing and inspection; aircraft; aircraft rental; aircraft fuel and fuel dispensing service; air taxi service; air charters; flying clubs; air freight service; aerial spray applicator's chemical loading and unloading operations; and aerial spray applicators fueling and refueling operations when

when a chemical cargo is onboard the aircraft.

1.10 OTHER COMMERCIAL USE. Any for-profit business operation which is not a Commercial Use For Aeronautical Purposes, including specifically but not exclusively; auto body repairs; manufacturing operations; and the subletting of hanger space.

1.11 PRIVATE USE FOR AERONAUTICAL PURPOSES. Any use of airport facilities in such way that the airport facilities are indispensable to the activity, and which use is not for-profit or is casual or intermittent, and to which the airport facilities are not indispensable, including specifically but not exclusively; aircraft storage, personal repairs on private aircraft; practicing landings or take-offs; medical evaluations by air ambulance; and civil air patrol.

1.12 OTHER PRIVATE USE. Any private use which is not for-profit or is casual or intermittent, and to which the airport facilities are not indispensable, including specifically but not exclusively; storage of automobiles, boats, trailers, and recreational vehicles.

1.13 CONTROLLED MODEL AIRCRAFT. Any miniature, representation or imitation of any aircraft capable of carrying one or more persons and operated or controlled by radio signal or attached wire.

SECTION 2. OPERATOR REGULATIONS. All operations of aircraft, while using the Barnesville Municipal Airport, shall abide by the following regulations:

2.1 No person or persons shall load or unload chemicals or fuel, or clean or wash aircraft involved with aerial spray applications at the Barnesville Municipal Airport.

2.2 No person or persons shall store or dispose of chemicals at the Barnesville Municipal airport.

2.3 All pilots shall use standard patterns on take-off and landing at the Barnesville Municipal Airport.

2.4 Pilots shall be responsible for any damage to the Barnesville Municipal Airport property and buildings resulting from their operations.

2.5 All pilots must give right of way to incoming aircrafts.

2.6 All pilots shall have in their possession a pilot's license from the Federal Aviation Administration to operate such aircraft together with a certificate of insurance

of insurance evidencing liability insurance coverage for the operation of such aircraft

in amounts, as a minimum, set by the City Council.

SECTION 3. FUELING PROHIBITIONS. NO person or persons shall directly or indirectly dispense fuel or petroleum products to transient aircraft at the Barnesville Municipal Airport; nor shall a fueling facility, either temporary or permanent, be established or maintained at the Barnesville Municipal Airport.

SECTION 4. AIRPORT REGULATIONS. The following regulations shall apply to the Barnesville Municipal Airport:

4.1 Commercial Use for Aeronautical Purposes, as defined in subsection 1.9 above, and Other Commercial Use, as defined subsection 1.10 above, shall be prohibited.

4.2 Private Use for Aeronautical Purposes, as defined in subsection 1.11 above, shall be authorized and encouraged so long as said use is not in conflict with the public interest as determined by the City Council.

4.3 Other Private Use, as defined in subsection 1.12 above, shall be prohibited, except that a person who is using the airport for Private Uses for Aeronautical Purposes may also use the airport facilities for Other Private Uses so long as the Other Private Uses are clearly secondary to the Aeronautical Uses.

4.4 Aerial operations by the Aerial Spray Applicator, as defined in subsection 1.5 above whether into, at or from the Barnesville Municipal Airport, on either a temporary or permanent basis, are prohibited.

SECTION 5. USE OF THE AIRPORT BY TRANSIENT AIRCRAFT, Subject to the other provisions of this ordinance, the parking of the transient aircraft incident to operations into, designated by the Airport Manager and such parking shall be subject to the direction and approval of the Airport Manager or City Clerk for payment of applicable parking fees.

SECTION 6. PROHIBITION OF CONTROLLED MODEL AIRCRAFT. No person shall operate radio-controlled or wire-guided model aircraft at the Barnesville Municipal Airport.

SECTION 7. FEES The City Council may establish, and from time to time, revise the fees to be charged for the use be incorporated into, and shall thereby become part of this ordinance and may include the following:

7.1 LANDING FEES. For the use of the runway, taxiway, and aprons at the

City's airport, shall pay landing use fee charges for each landing or an aircraft parking fees established by the City Council.

7.2 AIRCRAFT PARKING FEES. For the use of aircraft parking or tie-down areas at the municipal airport, the operators of all aircraft making use of these areas shall pay, or make arrangements to pay the Airport Manager or the City Clerk the appropriate amount in accordance with a schedule of aircraft parking fees established by the City Council.

SECTION 8. SEVERABILITY. If any section, subsection, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

SECTION 9. PENALTY. Any violation of any provision of this ordinance shall be a misdemeanor and shall also be a violation of the terms or any lease of airport property. Any person violating any provision of this ordinance shall, upon conviction thereof, be fined an amount not to exceed \$700.00 and/or imprisoned in the county jail for Clay County for a period not to exceed ninety (90) days.

SECTION 10. INJUNCTIVE RELIEF. Notwithstanding the penalty provision of this ordinance, nothing herein shall prevent the City of Barnesville from applying to the District Court of Clay County, Minnesota, to obtain appropriate injunctions to prevent further violations of the terms of this ordinance.
Carried.

Mr. Davis stated that the X was removed from the airport runway, and the markers moved out. City Administrator Ray Miller stated that the airport insurance is still active and does not need to be reactivated.

Mayor Prim adjourned the meeting at 4:22 p.m.

Submitted by:

Attest:

Angela Ernst
Minutes Recorder

Eugene Prim
Mayor