

Section 305 – Boards and Commissions

305.01 General. Subdivision 1. Governing Law. The various Boards and Commissions established pursuant to law, by the City Charter, or by this Code and the members and officers thereof have the respective powers and duties assigned to them, and are appointed for terms as specified in the law, code section, or charter provision applicable to them. Members in office on the December 31, 1983 shall remain in office for the respective terms to which they were appointed.

Subd. 2 Boards and Commissions. The Boards and Commissions of the City are as follows:

- a) Board of Health;
- b) Park and Recreation Board;
- c) Library Board;
- d) Planning Commission;
- e) Joint Fire and Police Civil Service Commission;
- f) Water and Light Board;
- g) Brainerd Lakes Regional Airport Commission.

(Amended Ord. 900 – 1991, Ord. 1181 – 2002, Ord. 1261 – 2005)

305.05 Board of Health. Subdivision 1. Membership. The Board of Health consists of three members whose appointments are made as provided in the City Charter. One member of the Board shall be a physician who shall be the executive of the board and the City Health Officer. Members of the Board shall service without compensation except that the City Health Officer shall receive a yearly salary for services as determined by the City Council.

Subd. 2 Powers; Duties. The board shall have general jurisdiction, control, and supervision over all matters affecting the public health and welfare of the inhabitants of the City. The Board shall exercise all powers and perform or cause to be performed all duties assigned to or required of it by law, this Code, and directives of the City Council.

Subd. 3 City Health Officer. It shall be the duty of the City Health Officer to execute the lawful orders of the Board and those duties imposed by law.

Subd. 4 Reports. Not later than September 1st of each year, the Board shall report to the Mayor and Council setting forth its activities during the preceding year together with a budget of any necessary expenses for programs for the ensuing year. No expenditures of funds by the Board are authorized unless contained in a budget duly approved by the Council.

305.07 Park and Recreation Board. Subdivision 1. Membership. The Park and Recreation Board consists of five members appointed by the Mayor and confirmed by the City Council. Members of the Board serve without compensation. The Board shall choose one of its members as chairman and one as recording secretary. In the event the volume of work handled by the Board so requires, a paid secretary may be employed by the Board.

Subd. 2 Meetings. The Board shall meet at the call of the Chairman or at the request of any two members. A regular meeting date may be established, if desired, by a majority of the Board Members.

Subd. 3 Duties. The Board shall establish the recreation policy and conduct the supervise recreation areas, facilities, services, and programs for all types of public recreation, and shall conduct activities and pay for the necessary supervision incidental thereto, on the grounds and properties owned, leased, or controlled by the City, or on other properties with the consent of the owners or authorities who control the property.

Subd. 4 Employees; Programs. The Board shall establish the qualification for employment and may employ and determine the compensation of a trained and qualified Director of Recreation, and such other assistants, supervisors, directors, play leaders, or other employees that may be necessary, in its judgment, for the efficient administration, conduct, and development of the public recreation program, within the monies provided for such purposes by the City. The Board shall coordinate services with other governmental programs, solicit and train volunteers, purchase supplies and equipment, develop and maintain facilities, procure or lease public or private properties, areas or facilities that may be required for programs, provided, however, that no property shall be procured by lease or otherwise for more than one year without the approval of the City Council. All expenditures shall be within the monies appropriated by the City for such purposes, together with donations, gifts, bequests of any money or any funds from earnings. All money received from donations, bequests, or earnings shall be deposited in a special account managed by the Board.

Subd. 5 Budget. The Board shall annually prior to September 1st, prepare a budget for recreation purposes for the ensuing fiscal year, subject to the approval of the City Council. The Board shall be financed by any annual appropriation from the City Council. Such funds shall be placed in an account known as the recreation fund. The Clerk-Treasurer shall account for the fund and custody of the cash shall be in the hands of the Clerk-Treasurer. The Board is authorized to receive gifts, bequests, and donation. Such funds shall, also, be deposited in the recreation fund. No disbursements shall be made from said account unless claim for services and commodities actually rendered or delivered has first been submitted to and approved for payment by the Board as authenticated by signature of the Chairman and Secretary of the Board.

Subd. 6 Annual Report. The Board shall, in the month of September of each year, prepare and present to the City Council an annual report of its activities and finances.

305.09 Planning Commission. Subdivision 1. Statutory Responsibility. The Planning Commission has been established pursuant to the Minnesota Municipal Planning Act and has the powers and duties assigned to it by that Act and by this Code. The Planning Commission is designated as the planning agency to the City pursuant to the act.

Subd. 2 Membership. The Planning Commission consists of seven members appointed for terms of three years. Six members shall be appointed by the City Council and may be removed by a 5/7's vote of the Council. The Council shall select one member for the Commission from among its own members, whose term shall be determined by the Council. Members of the Commission shall hold their offices until their successors are appointed and qualified. Vacancies on the Commission shall be filled by the Council for the unexpired portion of the term.

The City Engineer and the City Attorney shall be ex officio members of the Commission for advisory purposes only. They shall not be considered members of the Commission for purposes of a quorum and they do not have the right to vote.

Subd. 3 Organization Meetings. The Commission shall elect a chairman from among its appointed members for a term of one year. The Commission may create and fill such other offices as it may determine.

Subd. 4 Preparation of City Plan. The Commission shall prepare, adopt, and revise from time to time a comprehensive plan for the physical development of the City, including proposed public buildings, street arrangements and improvements, public utility services, parks, playgrounds, and other similar developments, the use of property, the density of population, and other matters relating to the physical development of the City. Such plan may be prepared in sections, each of which shall relate to, a major subject of the plan, as outline in the Commission's program of work.

Subd. 5 Means of Executing Plan. Upon the adoption of the City Plan or any section thereof, the Commission shall recommend to the City Council reasonable and practicable means for putting into effect such plan or section thereof in order that the same will serve as a pattern and guide for the orderly physical development of the City and as a basis for the efficient expenditures of the funds thereof relating to the subjects of the plan. Such means shall consist of a zoning plan, the control of subdivision plats, a plan of future streets, coordination of the normal public improvements of the City, a long term program of capital expenditures and such other matters as will accomplish the purposes of this subsection.

Subd. 6 Official Map of Street Extensions. The Commission, with the assistance of the City Engineer, may, and upon instruction by the City Council, shall prepare an official map of the platted and unplatted portions of the City and adjoining territory, or portions thereof, indicating upon such map the proposed future extension or widening of streets of the City within such existing platted and developed territory or across such unplatted territory.

305.13 Joint Fire and Police Civil Service Commission. (Discontinued Ord.- 1522 2021)

305.15 Board of Sinking Fund Commissioners. The Board of Sinking Fund Commissioners have the duties and serve for the terms specified in Section 56 of the City Charter.

305.17 Board of Water and Light Commissioners. The Board of Water and Light Commissioners have the duties and service for the terms specified in Chapter 11 of the City Charter.

305.19 Brainerd Lakes Regional Airport Commission. Subdivision 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."

Subd. 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 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.

Subd. 3 Airport Commission. There is hereby created the Brainerd Lakes 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

Brainerd City Code

305.19 Subd. 3 continued

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 Manager 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 the 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. 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.

Subd. 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 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.

Subd. 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, 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.

Brainerd City Code

305.19 Subd. 6

Subd. 6 Budget. The Commission shall each year prior to August 1st 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 1st 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.

Subd. 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.

Subd. 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.

Subd. 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.

Subd. 10 Disposition of Property Upon Termination. As soon as practicable after termination of this agreement, the City Council and the 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.

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

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

(Amended Ord. 900 – 1991, Ord. 1022 – 1996, Ord. 1181 – 2002)