



HIBBING CITY COUNCIL
Workshop
Wednesday, October 23, 2024
5:00 PM

Councilor Chris Whitney	City Administrator Greg Pruszinske
Councilor Justin Fosso	City Clerk-Dep Admin Candie Seppala
Councilor John Schweiberger	Finance Dir - Treasurer Sheena Mulner
Councilor James Bayliss	City Attorney Andy Borland
Councilor Jay Hildenbrand	Chief of Police Steve Estey
Councilor Jennifer Hoffman Saccoman	City Engineer Jesse Story
Mayor Pete Hyduke	

I. DISCUSSIONS TO INCLUDE

1. Tax Rebate for development projects on CHAA owned property
2. Joint Aiport Zoning Board
3. Makeup of the Airport Authority Board

JOINT POWERS AGREEMENT
FOR DEVELOPMENT OF INDUSTRIAL PARK
ON CHISHOLM-HIBBING AIRPORT AUTHORITY PROPERTY

THIS AGREEMENT, entered into this 24 day of January, 2006, by and between the Hibbing Economic Development Authority, a public body, corporate and politic, of the State of Minnesota, hereinafter referred to as "HEDA", the Chisholm Economic Development Authority, a public body, corporate and politic, of the State of Minnesota, hereinafter referred to as "CEDA", and the Chisholm-Hibbing Airport Authority, a public body, corporate and politic, of the State of Minnesota, hereinafter referred to as "CHAA", with this agreement being made pursuant to the authority conferred upon the members by Minnesota Statutes, Section 471.59.

WITNESSETH:

WHEREAS, The Hibbing - Chisholm area is in need of economic development to diversify the local economy especially in the area of manufacturing; and,

WHEREAS, The Chisholm-Hibbing Airport, owned and operated by the CHAA, provides an ideal location for such economic development being a viable airport on State Highway No. 37 with links to major highways No. 53 and No. 169 and with major utilities in place; and,

WHEREAS, The members hereto are each willing to contribute their time and effort to cooperate in the economic development of property around the Chisholm-Hibbing Airport including construction of

industrial buildings on CHAA property in furtherance of their mutual goals of increasing jobs and more fully utilizing the airport facility now serving the communities.

NOW, THEREFORE, the members hereto agree as follows:

1. The purpose of this Agreement is for the members to cooperate in the economic development of property around the Chisholm-Hibbing Airport including construction of industrial buildings on CHAA property in furtherance of their mutual goals of increasing jobs and more fully utilizing the airport facility now serving the communities.

2. The members, through their respective employees and agents, will actively recruit existing local businesses to expand their business near the airport and to recruit businesses outside of the immediate area to relocate or expand their operations near the airport.

3. The members, through their respective employees and agents, may construct Speculative Industrial Buildings to induce businesses to relocate near the airport and may also construct or assist in the construction of industrial buildings on CHAA property to meet the needs of businesses seeking to locate near the Chisholm-Hibbing Airport.

4. The CHAA will donate real estate upon which a Speculative Industrial Building or other industrial buildings may be constructed.

5. When adequate funds are in hand or committed for the construction of a Speculative Industrial Building on CHAA property, the members hereby designate CHAA to solicit bids for the Speculative Industrial Building, following the Uniform Municipal Contracting Law.

6. When a prospective tenant for a Speculative Industrial Building is secured, the build-out costs shall be approved by the unanimous vote of all three members of this Joint Powers Agreement. The members hereby designate CHAA to solicit bids for such build-out costs, following the Uniform Municipal Contracting Law.

7. If an industrial building is to be constructed for a particular tenant, the costs of constructing such an industrial building shall be approved by the unanimous vote of all three members of this Joint Powers Agreement. The members hereby designate CHAA to solicit bids for such construction costs, following the Uniform Municipal Contracting Law.

8. If there is not a unanimous vote of the members to fund the build-out costs of a Speculative Industrial Building or the construction costs of an industrial building, one or more of the members may elect to proceed without the participation of the other member or members and the member(s) proceeding with the build-out shall be solely responsible for any build-out costs.

9. All real property owned by the CHAA is now exempt from real estate taxes; however, should a Speculative Industrial Building or other industrial building ever generate real estate taxes, the City of Hibbing, by acknowledging this Memorandum, agrees to transfer the City's portion of all such real estate taxes to the Economic Development Fund of the CHAA unless the Chisholm Economic Development Authority is not a participant in the build-out or construction.

10. CHAA is the owner of the real property upon which a Speculative Industrial Building or other industrial building will be built and will continue to own the land and building, once the building is constructed, and accordingly CHAA shall be responsible for insuring the building and the premises, for all necessary repairs and maintenance of the building and premises, and for all utilities until such time as said real property or any part thereof may be sold or leased to a third party.

11. This Agreement may be terminated by mutual agreement of the members unless there is a debt obligation to the Iron Range Resources in connection with a Speculative Industrial Building or other industrial building on CHAA property for which one or more of the members is responsible.

12. Any alterations, amendments, deletions or waivers of the provisions of this Agreement shall be valid only when reduced to writing and duly signed by the members.

13. It is understood and agreed that the entire agreement of the members is contained herein and that this Agreement supercedes all oral agreements and negotiations between the members relating to the subject matter hereof as well as any previous agreements presently in effect between the members.

HIBBING ECONOMIC DEVELOPMENT
AUTHORITY

BY: *Marvin Vuicich*
Marvin Vuicich
Its President

BY: *Duane Northagen*
Duane Northagen
Its Executive Director

CHISHOLM ECONOMIC DEVELOPMENT
AUTHORITY

BY: _____
Its _____

BY: _____
Its _____

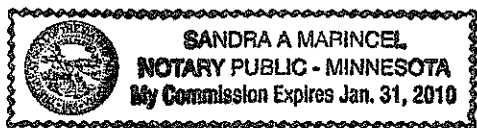
CHISHOLM-HIBBING AIRPORT AUTHORITY

By _____
Its _____

By _____
Its _____

STATE OF MINNESOTA)
) ss
COUNTY OF ST. LOUIS)

The foregoing instrument was acknowledged before me this 3rd day
of March, 2006, by **Marvin Vuicich** and **Duane Northagen**, the
President and Executive Director, respectively, of the Hibbing Economic
Development Authority, for and on behalf of said Authority.



Sandra A. Marincel
Notary Public
My commission expires Jan. 31, 2010.

HIBBING ECONOMIC DEVELOPMENT
AUTHORITY

BY: _____
Marvin Vuicich
Its President

BY: _____
Duane Northagen
Its Executive Director

CHISHOLM ECONOMIC DEVELOPMENT
AUTHORITY

BY: _____
Its _____

BY: _____
Its _____

CHISHOLM-HIBBING AIRPORT AUTHORITY

By _____
Its _____

By _____
Its _____

STATE OF MINNESOTA)
) ss
COUNTY OF ST. LOUIS)

The foregoing instrument was acknowledged before me this ____ day
of _____, 2006, by **Marvin Vuicich** and **Duane Northagen**, the
President and Executive Director, respectively, of the Hibbing Economic
Development Authority, for and on behalf of said Authority.

Notary Public
My commission expires Jan. 31, 2010.

CHISHOLM ECONOMIC DEVELOPMENT
AUTHORITY

BY: _____
Its _____

BY: _____
Its _____

BY [Signature]
Its President

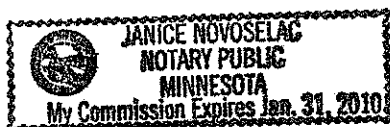
By [Signature]
Its Exec. Director

The foregoing instrument was acknowledged before me this ____ day of _____, 2006, by **Marvin Vuicich** and **Duane Northagen**, the President and Executive Director, respectively, of the Hibbing Economic Development Authority, for and on behalf of said Authority.

5

STATE OF MINNESOTA)
) ss
COUNTY OF ST. LOUIS)

The foregoing instrument was acknowledged before me this 23rd day
of February, 2005, by John G. Chisholm and Janice A. Novoselac
the Mayor and City Clerk, respectively,
of the Chisholm Economic Development Authority, for and on behalf of
said Authority.



Janice Novoselac
Notary Public
My commission expires Jan. 31, 2010.

STATE OF MINNESOTA)
) ss
COUNTY OF ST. LOUIS)

The foregoing instrument was acknowledged before me this ____ day
of _____, 2005, by _____ and _____, the
_____, and _____, respectively, of
the Chisholm-Hibbing Airport Authority, for and on behalf of said
Authority.

Notary Public
My commission expires Jan. 31, 2010.

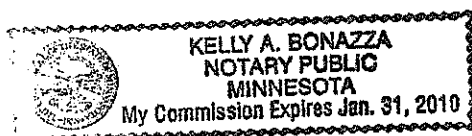
STATE OF MINNESOTA)
) ss
COUNTY OF ST. LOUIS)

The foregoing instrument was acknowledged before me this ____ day of _____, 2005, by _____ and _____, the _____ and _____, respectively, of the Chisholm Economic Development Authority, for and on behalf of said Authority.

Notary Public
My commission expires Jan. 31, 2010.

STATE OF MINNESOTA)
) ss
COUNTY OF ST. LOUIS)

The foregoing instrument was acknowledged before me this 15th day of February, 2005, by Jon T. Timpone and David Danielson, the President and Executive Director, respectively, of the Chisholm-Hibbing Airport Authority, for and on behalf of said Authority.



Kelly A Bonazza

Notary Public
My commission expires Jan. 31, 2010.

MEMORANDUM OF UNDERSTANDING

CONSTRUCTION OF SPECULATIVE INDUSTRIAL BUILDING ON CHISHOLM-HIBBING AIRPORT AUTHORITY PROPERTY

On ~~January~~ ^{February 14} 7, 2006, the undersigned entered into a Joint Powers Agreement to cooperate in the economic development of property around the Chisholm-Hibbing Airport including construction of industrial buildings on Chisholm-Hibbing Airport Authority (CHAA) property in furtherance of their mutual goals of increasing jobs and more fully utilizing the airport facility now serving the communities. As a first project towards these ends, the members of the Joint Powers Agreement have discussed with Iron Range Resources (IRR) the construction of a Speculative Industrial Building on CHAA property. The IRR is willing to provide a non-recourse loan of \$795,000 to construct the shell of an approximately 30,000 square foot Speculative Industrial Building, provided the respective members of the Joint Powers Agreement commit to funding up to a like amount of \$795,000 for the build-out costs of the Speculative Industrial Building. The individual members of the Joint Powers Agreement have collectively applied to IRR for the loan funds necessary to construct the shell of the Speculative Industrial Building. The following outlines the commitment of the respective members of the Joint Powers Agreement:

1. The members hereby ratify and affirm their collective application to the Iron Range Resources for the funds needed to construct the shell for a Speculative Industrial Building of

Memorandum of Understanding
Speculative Industrial Building
January 6, 2006

approximately 30,000 square feet at the Chisholm-Hibbing Airport, which is limited to \$795,000.

2. The members shall select one of the members to be representative payee for any funds received for the purpose of constructing the shell of the Speculative Industrial Building.

3. The members hereby ratify and affirm their selection of Roger Saccoman to do the design and construction management of the shell of the Speculative Industrial Building and any subsequent build-out.

4. The CHAA will donate the real estate upon which the Speculative Industrial Building will be constructed which real property has an agreed upon value of \$50,000.

5. When adequate funds are in hand or committed for the construction of the shell of the Speculative Industrial Building on CHAA property, the members hereby designate CHAA to solicit bids for the Speculative Industrial Building, following the Uniform Municipal Contracting Law.

6. When a prospective tenant for the Speculative Industrial Building is secured, the build-out costs shall be approved by the unanimous vote of all three members of the Joint Powers Agreement. The members hereby designate CHAA to solicit bids for such build-out costs, following the Uniform Municipal Contracting Law.

7. If there is not a unanimous vote of the members to fund the build-out costs, one or more of the members may elect to proceed without the participation of the other member or members and the

member(s) proceeding with the build-out shall be solely responsible for any build-out costs.

8. Each of the respective members hereby commits to funding up to \$795,000 for the build-out costs for the Speculative Industrial Building if it is a participant in the build-out project.

9. All real property owned by the CHAA is now exempt from real estate taxes; however, should the Speculative Industrial Building ever generate real estate taxes, the City of Hibbing, by acknowledging this Memorandum, agrees to transfer the City's portion of all such real estate taxes to the Economic Development Fund of the CHAA unless the Chisholm Economic Development Authority is not a participant in the build-out.

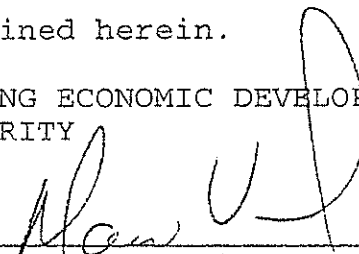
10. CHAA is the owner of the real property upon which the Speculative Industrial Building will be built and will continue to own the land and building, once the building is constructed, and accordingly CHAA shall be responsible for insuring the building and the premises, for all necessary repairs and maintenance of the building and premises, and for all utilities.

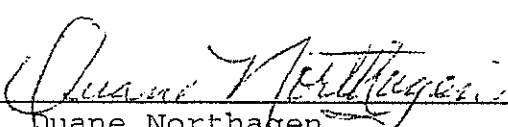
The IRR loan would be repaid over twenty (20) years with net rents from the Speculative Industrial building (net rents being the rent reduced by eligible expenses including repayment of any debt issued for the build-out costs). The IRR will subordinate its non-recourse loan for the shell of the Speculative Industrial Building, if necessary, so

Memorandum of Understanding
Speculative Industrial Building
January 6, 2006

that the costs advanced by the members may be paid off prior to the obligation to the IRP. The IRR is willing to loan funds for the Speculative Industrial Building based on the commitment of the members contained herein.

HIBBING ECONOMIC DEVELOPMENT
AUTHORITY

By 
Marvin Vuicich
Its President

By 
Duane Northagen
Its Executive Director

CHISHOLM ECONOMIC DEVELOPMENT
AUTHORITY

By _____
Its _____

By _____
Its _____

CHISHOLM-HIBBING AIRPORT
AUTHORITY

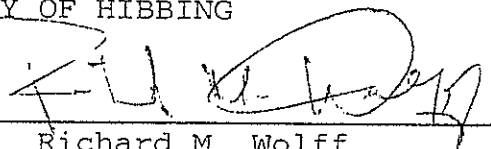
By _____
Its _____

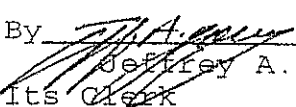
By _____
Its _____

IRON RANGE RESOURCES

By _____
Its _____

CITY OF HIBBING

By 
Richard M. Wolff
Its Mayor

By 
Jeffrey A. Young
Its Clerk

Memorandum of Understanding
Speculative Industrial Building
January 6, 2006

that the costs advanced by the members may be paid off prior to the obligation to the IRR. The IRR is willing to loan funds for the Speculative Industrial Building based on the commitment of the members contained herein.

HIBBING ECONOMIC DEVELOPMENT
AUTHORITY

By _____
Marvin Vuicich
Its President

By _____
Duane Northagen
Its Executive Director

CHISHOLM ECONOMIC DEVELOPMENT
AUTHORITY

By _____
Its _____

By _____
Its _____

CHISHOLM-HIBBING AIRPORT
AUTHORITY

By _____
Its President

By _____
Its Executive Director

IRON RANGE RESOURCES

By _____
Its _____

CITY OF HIBBING

By _____
Richard M. Wolff
Its Mayor

By _____
Jeffrey A. Young
Its Clerk

Memorandum of Understanding
Speculative Industrial Building
January 6, 2006

that the costs advanced by the members may be paid off prior to the obligation to the IRR. The IRR is willing to loan funds for the Speculative Industrial Building based on the commitment of the members contained herein.

HIBBING ECONOMIC DEVELOPMENT
AUTHORITY

By _____
Marvin Vuicich
Its President

By _____
Duane Northagen
Its Executive Director

CHISHOLM ECONOMIC DEVELOPMENT
AUTHORITY

By John H. Chisholm
Its Mayor

By David L. Carlstrom
Its City Clerk / Treasurer

CHISHOLM-HIBBING AIRPORT
AUTHORITY

By _____
Its _____

By _____
Its _____

IRON RANGE RESOURCES

By _____
Its _____

CITY OF HIBBING

By _____
Richard M. Wolff
Its Mayor

By _____
Jeffrey A. Young
Its Clerk

Memorandum of Understanding
Speculative Industrial Building
January 6, 2006

CERTIFICATION

STATE OF MINNESOTA

COUNTY OF St. Louis

Carl Schneider, being first duly sworn, deposes and says that he/she is the Treasurer of the Municipality of Chisholm-Hibbing Airport Authority, in the County of St. Louis, State of Minnesota; that he/she certifies and states that:

1. The Speculative Industrial Building Project will be completed as set forth in the Application; and
2. Shall include copies of all invoices for Project Costs including all assets purchased with the Loan Proceeds.


Signature

Subscribed and sworn to before me

This 3rd day of October, 2006


NOTARY PUBLIC

My Commission Expires : 1-31-2010



AMENDMENT
TO
MEMORANDUM OF UNDERSTANDING

WITNESSETH this Agreement amongst the undersigned as of the dates written here-
below.

WHEREAS, the parties entered into a Memorandum of Understanding dated February
14, 2006 as to Construction of Speculative Industrial Building on Chisholm-Hibbing Airport
Authority Property, and

WHEREAS, the parties do now wish to amend said Agreement in light of present
circumstances.

NOW, THEREFORE, IT IS STIPULATED AND AGREED AS FOLLOWS:

1. Paragraphs 1 through 8 of the Memorandum of Understanding shall now be null
and void with no further effect.
2. Paragraph 9 of the Memorandum of Understanding shall be modified to provide
as follows:

*All real property owned by the CHAA is now exempt from real estate
taxes; however, should the Speculative Industrial Building ever generate
real estate taxes, the City of Hibbing, by acknowledging this
Memorandum or modification, agrees to transfer the City's portion of
all such real estate taxes to the Economic Development Fund of the
CHAA until such building is sold by CHAA.*

3. Paragraph 10 of the Memorandum of Understanding shall remain except for the
addition of the following language, "*unless said obligations are assumed by a tenant per lease*".

By this modification, CHAA remains the sole responsible entity for the initial non-
recourse loan from IRRR, and will be sole responsible entity for any future build-out loan
relative to development of the Speculative Industrial Building through IRRR. Neither City or

their Economic Development Authorities shall have any past or further responsibility as to said property obligations or loans, nor interest in or control over the property or its subsequent development, rental, sale or disposition.

**HIBBING ECONOMIC
DEVELOPMENT AUTHORITY**

By: Michael Egan
Its: President
By: [Signature]
Its: Executive Director

**CHISHOLM ECONOMIC
DEVELOPMENT AUTHORITY**

By: _____
Its: President
By: _____
Its: Executive Director

**CHISHOLM-HIBBING
AIRPORT AUTHORITY**

By: Shaun Germolus
Its: Executive Director

**IRON RANGE RESOURCES
REHABILITATION**

By: _____
Its: _____

CITY OF HIBBING

By: Rick Cannata
Its: Mayor

By: Tom Dicklich
Its: City Administrator

their Economic Development Authorities shall have any past or further responsibility as to said property obligations or loans, nor interest in or control over the property or its subsequent development, rental, sale or disposition.

**HIBBING ECONOMIC
DEVELOPMENT AUTHORITY**

By: _____
Its: President

By: _____
Its: Executive Director

**CHISHOLM ECONOMIC
DEVELOPMENT AUTHORITY**

By: Michael A. [Signature]
Its: President

By: [Signature]
Its: Executive Director

**CHISHOLM-HIBBING
AIRPORT AUTHORITY**

By: [Signature]
Shaun Germolus
Its: Executive Director

**IRON RANGE RESOURCES
REHABILITATION**

By: _____
Its: _____

CITY OF HIBBING

By: _____
Richard Cannata
Its: Mayor

By: _____
Tom Dicklich
Its: City Administrator

AMENDMENT
TO
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Memorandum or modification, agrees to transfer the City's portion of
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CHAA until such building is sold by CHAA.***

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recourse loan from IRRR, and will be sole responsible entity for any future build-out loan
relative to development of the Speculative Industrial Building through IRRR. Neither City or

their Economic Development Authorities shall have any past or further responsibility as to said property obligations or loans, nor interest in or control over the property or its subsequent development, rental, sale or disposition.

**HIBBING ECONOMIC
DEVELOPMENT AUTHORITY**

By: _____
Its: President

By: _____
Its: Executive Director

**CHISHOLM ECONOMIC
DEVELOPMENT AUTHORITY**

By: Michael A.
Its: President

By: Ann Rice
Its: Executive Director

**CHISHOLM-HIBBING
AIRPORT AUTHORITY**

By: Shaun Germolus
Shaun Germolus
Its: Executive Director

**IRON RANGE RESOURCES
REHABILITATION**

By: _____
Its: _____

CITY OF HIBBING

By: _____
Richard Cannata
Its: Mayor

By: _____
Tom Dicklich
Its: City Administrator



CHISHOLM • HIBBING AIRPORT AUTHORITY

11038 Hwy 37 • HIBBING, MN 55746
Tel: (218) 262-3451 • Fax: (218) 263-3548
www.rangeregionalairport.com



Date: June 17, 2024

City Administrator Greg Pruszinske
City of Hibbing
401 East 21st Street
Hibbing, MN 55746

Dear Mr. Pruszinske

Subject: Airport Zoning to be revised for the
Range Regional Airport

In order to restrict land uses, which may be hazardous to the operational safety of aircraft using the airport, and to protect the safety and property of people on the ground in the area near the airport, the Range Regional Airport Zoning Ordinance will be revised.

Since a portion of the area to be zoned is in Hibbing, we invite you to join with us in the creation of a Joint Airport Zoning Board in accordance with Minnesota Statutes Section 360.063, Subdivision 3.

Enclosed is a sample form of Resolution to be passed by your Council. If the City of Hibbing does not pass this Resolution within 60 days then the undersigned Municipality will zone the area surrounding the airport pursuant to Minnesota Statutes Section 360.063, Subdivision 3 (c).

A copy of our Resolution authorizing the creation of this Board is enclosed.

SEAL OR
NOTARY STAMP

Sincerely yours,

Proudly Serving Northern Minnesota

RESOLUTION NO. _____ OF 20____

OF _____
(County), (Township), (City)

AUTHORIZING THE CREATION OF A JOINT AIRPORT ZONING BOARD

At a meeting of the (Board of Commissioners), (Town Board), (City Council) of _____, hereinafter called the (County), (Township), (City), on _____, 20____, (Commissioner), (Board Member), (City Council Person) _____ seconded by (Commissioner), (Board Member), (City Council Person) _____ introduced the following resolution and moved its adoption.

WHEREAS, The (County) (Township) (City) of _____ (Airport Owner) _____, hereinafter called the Municipality, owns and controls the _____ airport; and

WHEREAS, Portions of the airport hazard area adjacent to the airport are located outside the territorial limits of said Municipality but within the territorial limits of this (County), (Township), (City) and

WHEREAS, The above Municipality has requested in writing that we join with them in the creation of a Joint Airport Zoning Board; and

WHEREAS, This (County), (Township), (City) deems it necessary and expedient to create a Joint Airport Zoning Board in cooperation with the above Municipality pursuant to Minnesota Statutes Section 360.063, Subdivision 3, and other applicable laws for the purpose of establishing, administering and enforcing zoning laws for the areas surrounding the airport and for the protection of the airport and the public; and

WHEREAS, The above statute provides that this (County), (Township), (City) has the right to appoint two (2) persons to said Board (said persons should not be members of this Board); and

WHEREAS, Subdivision. 3 of Section 32 of the Appropriations Bill passed by the Minnesota Legislature effective July 1, 1973, provides that no moneys shall be expended by the Commissioner of Transportation of the State of Minnesota to improve and maintain an airport unless the governmental unit owning the airport has or is establishing a zoning authority for the airport.

NOW, THEREFORE, BE IT RESOLVED By the undersigned (County), (Township), (City) as follows:

1. That there is hereby created in cooperation with the above Municipality a Joint Airport Zoning Board to be composed of representatives of the undersigned (County), (Township), (City) and representatives of the above Municipality pursuant to Minnesota Statutes Section 360.063, Subdivision 3.
2. That the undersigned (County), (Township), (City) hereby appoints (said persons should not be members of this Board) _____ and _____ to be its representatives on said Board, said persons to serve for an indefinite term until they resign or are replaced by the undersigned (County), (Township), (City).

ROLL CALL

Members voting aye: _____

Members voting nay: _____

Resolution declared passed: _____

(Name And Title)

Attest: _____

I hereby certify that the foregoing resolution is a true and correct copy of the original resolution and is now on file in my office and is recorded in _____.

SEAL OR
NOTARY STAMP

Auditor or Clerk



CHISHOLM • HIBBING AIRPORT AUTHORITY

11038 Hwy 37 • HIBBING, MN 55746
Tel: (218) 262-3451 • Fax: (218) 263-3548
www.rangeregionalairport.com



RESOLUTION NO. 6-17 OF 2024

OF CHISHOLM-HIBBING AIRPORT AUTHORITY

AUTHORIZING THE CREATION OF A JOINT AIRPORT ZONING BOARD

At a meeting of the (Board) of the Chisholm-Hibbing Airport Authority, hereinafter referred to as the Government Entity, on the 17 day of June, 2024, Member Jon Timpane, seconded by Member Jeannie Quirk, introduced the following resolution and moved its adoption.

WHEREAS, This Government Entity owns and controls the Range Regional Airport; and

WHEREAS, Portions of the airport hazard area adjacent to the airport are located outside the territorial limits of this Government Entity but within the territorial limits of the St. Louis County, Cherry and Lavell Township(s), and the City of Hibbing; and

WHEREAS, This Government Entity deems it necessary and expedient to create a Joint Airport Zoning Board in cooperation with the above County, Township(s), and City, pursuant to Minnesota Statutes Section 360.063, Subdivision 3, and other applicable laws for the purpose of establishing, administering and enforcing zoning laws for the areas surrounding the airport and for the protection of the airport and the public; and

WHEREAS, The above statute provides that this Government Entity has the right to appoint two persons to said Board (said persons should not be members of this Board); and

WHEREAS, Subdivision. 8 of Section 32 of the Appropriations Bill passed by the Minnesota Legislature effective July 1, 1973, provides that no moneys shall be expended by the Commissioner of Transportation of the State of Minnesota to improve and maintain an airport unless the governmental unit owning the airport has or is establishing a zoning authority for the airport.

NOW, THEREFORE, BE IT RESOLVED By the undersigned Government Entity as follows:

1. That there is hereby created in cooperation with the above County, Township(s), City a Joint Airport Zoning Board to be composed of representatives of the undersigned Government Entity and representatives of the above County, Township(s), City, pursuant to Minnesota Statutes Section 360.063, Subdivision 3.
2. That the undersigned Government Entity hereby appoints (said persons should not be members of this Board) Barrett Ziemer and Jill Fatticci to be its representatives on said Board, said persons to serve for an indefinite term until they resign or are replaced by the undersigned Government Entity.

ROLL CALL

Members voting aye: Jon Timpane, Jeannie Quirk, Terry, Samsa, Ed LaTendresse, and Anne Jordon

Members voting nay: None

Members Absent: Michael Furlong

Resolution declared passed: Barrett Ziemer, Executive Director

Attest: Jill Fatticci, Office Administrator

I hereby certify that the foregoing resolution is a true and correct copy of the original resolution and is now on file in my office and is recorded in HIB Zoning Plan Update Project Binder.


Office Administrator

SEAL OR
NOTARY STAMP

Richard K. Sellman - Retired
Andy Borland
Jaclyn Corradi Simon

1907 Third Avenue East, Suite 2
P.O. Box 37
Hibbing, Minnesota 55746
Telephone (218) 262-5502
Facsimile (218) 263-4060
attorneys@sellmanborlandsimon.com

August 16, 2024

Michael Furlong, President
Terry Samsa, Vice President
Ed LaTendresse, Treasurer
Jon Timpane, Director
Jeannie Quirk, Director
Anne Jordan, Director
Chisholm Hibbing Airport Authority
11038 Highway 37
Hibbing, MN 55746

via US Mail and Email

Re: Airport Zoning for Range
Regional Airport

Dear Board Members:

I am the City Attorney for the City of Hibbing, and I am in receipt of Mr. Ziemer's letter dated June 17, 2024 addressed to Mr. Pruszenske and Resolution for Joint Zoning Board for airport property. He references MN. Stat. Sect. 360.063 Subd. 3(c) as his basis for the Airport Authority to proceed.

The section he refers to states that a "owning or controlling municipality" may proceed in this fashion. Subd. (d) of the same section defines "owning or controlling municipality" as follows:

"(1) a joint airport operating board created pursuant to Section 360.042 that has been granted all the powers of a municipality in zoning matters under the agreement creating the board;

(2) a joint zoning board created pursuant to Section 360.042 that has not been granted zoning powers under the agreement creating the board; provided that the board shall not itself adopt zoning regulations nor shall a joint airport zoning board created at its request adopt zoning regulations unless all municipalities that created the joint operating board join to create the joint zoning board;..."

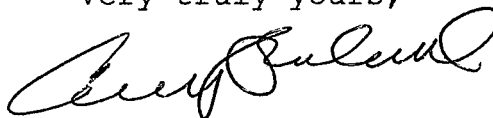
In reviewing the legislation that created the Authority at the requests of the City of Chisholm and City of Hibbing, I see no language that granted the Airport Authority all of the powers of the municipalities, which would include zoning. There is also no specific power granted to the Board to zone in that legislation.

Thus, the Airport Authority does not have the power to create a zoning board under subdivision 1.

I am not aware of any resolution passed by the City of Hibbing per subdivision 2 granting the Authority the ability to create a zoning board.

Thus, the City does not believe the Airport Authority may proceed to create a zoning board without the approval of both the Chisholm City Council and the Hibbing City Council.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Andy Borland", written in a cursive style.

Andy Borland
Attorney at Law

AB:kb

cc: Barrett Ziemer, Executive Director, Chisholm-Hibbing Airport Authority
cc: Greg Pruszinske, City Administrator
cc: Candie Seppala, City Clerk
cc: Pete Hyduke, Mayor
cc: Pat Green, Building Official

Subd. 2. This article is effective the day following final enactment as to the towns of Pokegama, Chengwatana, and Pine City when approved by the town boards of each town and upon compliance with Minnesota Statutes, section 645.021.

Subd. 3. Section 20 is effective the day following final enactment.

ARTICLE 11

CHISHOLM/HIBBING AIRPORT

Section 1. DEFINITIONS.

Subdivision 1. SCOPE. For the purpose of this article, the words and terms defined in this section have the meanings given them.

Subd. 2. AERONAUTICS. "Aeronautics" means the transportation by aircraft; the operation, construction, repair, or maintenance of aircraft, air equipment, power plants, and accessories; the design, establishment, construction, operation, improvement, repair, or maintenance of airports, restricted landing areas, or other air navigation facilities and construction; and powers incidental to these activities.

Subd. 3. AIRPORT. (a) "Airport" means any locality of land or water, including intermediate landing fields, that is used or intended to be used for the landing and take-off of aircraft, whether or not facilities have been provided for the shelter, servicing, or repair of aircraft, or for receiving or discharging passengers or cargo. The term also includes any facility used in, available for use in, or designed for use in air navigation or to aid air navigation, including without limitation landing areas; lights; any apparatus or equipment for disseminating weather information, for signaling, for radio-directional finding, or for radio or other electrical communication; and any other structure or mechanism having a similar purpose for guiding or controlling flight in the air or for the landing or take-off of aircraft. The term also includes without limitation access roads, park areas, and those lands contiguous or not as may be required for installations necessary for safe and efficient operation, buildings, structures, hangars, shops, and any personal property usually used in connection with operating airports, including specifically, but not exclusively, snow-removal or impacting equipment, fire and ambulance equipment, motor vehicles, and equipment for buildings, structures, hangars, and shops.

(b) Whenever the words "airport" or "airport facilities" are used in this article, they have the meaning given them in paragraph (a) and specifically include the Chisholm/Hibbing airport, including any land, buildings, or other appurtenances incidental and necessary to the operation of that airport, and any land, buildings, or other appurtenances that may be acquired in the future for those purposes by the authority.

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Subd. 4. AUTHORITY. "Authority" means the Chisholm/Hibbing airport authority created under this article.

Subd. 5. CITIES. "Cities" means the city of Chisholm and the city of Hibbing, in and for which an airport authority is created under this article.

Subd. 6. CITY COUNCILS; COUNCILS. "City councils" or "councils" means the governing bodies of the city of Chisholm as established under the home rule charter of that city and the city of Hibbing, a statutory city.

Subd. 7. DIRECTOR. "Director" means a person appointed or otherwise selected as, and after qualification, acting as a member of the authority.

Subd. 8. DIRECTORS. "Directors" means a quorum of the members of the authority.

Subd. 9. PERSON. "Person" means an individual, firm, copartnership, corporation, company, limited liability company, association, joint stock association, or body politic; and includes its trustee, receiver, assignee, or other similar representative.

Sec. 2. AIRPORT AUTHORITY CREATED.

For the purposes set forth in this article, the Chisholm/Hibbing airport authority is created in and for the city of Chisholm and the city of Hibbing.

Sec. 3. DIRECTORS.

Subdivision 1. APPOINTMENTS; GENERAL POWERS AUTHORIZED. The members of the authority created under this article shall consist of six directors, three of whom shall be appointed to membership in the authority by the city council of the city of Chisholm and three of whom shall be appointed to membership in the authority by the city council of the city of Hibbing. The members of the authority may exercise the powers and perform the duties set forth in this article.

Subd. 2. TERMS; TRANSITION. The members of the Chisholm/Hibbing airport commission as of the day before the effective date of this article shall be the original directors of the authority and shall serve until the remainder of their term and until their respective successors are appointed and qualified. Subsequent terms of directors are for three years, and all terms must expire on December 31 of the appropriate year. Directors shall serve until their respective successors are appointed and qualified.

Subd. 3. EXPENSE REIMBURSEMENTS. Each director may be paid a per diem for attending monthly, executive, and special meetings. Each director shall be reimbursed for reasonable and authorized out-of-pocket expenses incurred in the fulfillment of their duties.

Subd. 4. VACANCY. When a vacancy occurs in the membership of the

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authority by means of resignation, death, removal from the city, or removal for failure or neglect to perform the duties of a director, the vacancy must be filled for the unexpired term in the same manner as the predecessor was appointed.

Subd. 5. OATH. Appointments and removals of the directors of the authority must be made by the respective city councils evidenced by resolution. An appointee who fails within ten days after notification of appointment to file with the city clerk of the appointing city the oath or affirmation to perform faithfully, honestly, and impartially the duties of office, is deemed to have refused the appointment, and another person must be appointed in the manner prescribed in this section.

Subd. 6. INITIAL APPOINTMENTS. Within 30 days after the effective date of this article, the original directors must be appointed as provided in subdivision 2. Upon filing the oath of office required by subdivision 5, each director assumes all the rights, privileges, and powers of a director duly appointed as provided in this article.

Subd. 7. ORGANIZING MEETING; QUORUM; RULES AND REGULATIONS. Within 20 days after members of the authority have qualified for office, the authority shall meet and organize. The members shall adopt, and thereafter may amend, rules and regulations for the conduct of the authority as the authority deems in the public interest and most likely to advance, enhance, foster, and promote air transportation in the airports of the city of Chisholm and the city of Hibbing. The rules and regulations must at all times be consistent with this article. At this organizing meeting, and at all subsequent meetings of the authority, four directors constitutes a quorum for the transaction of business, and the affirmative vote of the majority of the directors present is required for the passage of any measure. The quorum must be present to act on any measure.

Subd. 8. OFFICERS. The directors shall elect from among their members a president, a vice-president, and a treasurer. They shall also elect a secretary, who may or may not be a director. No two offices may be held by one director. The officers shall have the duties and powers usually attendant upon the holders of those offices and other duties and powers not inconsistent with this article and as may be provided by the authority.

Subd. 9. EXECUTIVE DIRECTOR. As soon after the organization meeting as possible, the authority shall appoint an executive director to be the executive and operating officer of the authority. The executive director shall serve at the pleasure of the authority and receive compensation as may be fixed by it. The executive director must be experienced with aviation and meet the requirement of a written, authority-approved job description kept on file with the authority. Under the supervision of the authority, the executive director is responsible for the operation, management, and promotion of all activities with which the authority is charged, together with other duties as may be prescribed by the authority. The executive director has those powers necessary and incidental to the performance of duties, and other powers as may be granted by the authority.

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Sec. 4. FINANCIAL MATTERS.

Subdivision 1. TREASURER; BUDGET; ACCOUNTING; FINANCIAL STATEMENT. The treasurer shall receive and retain custody of all money of the authority. That money is deemed public funds. The authority shall prepare an annual budget before the joint meeting of the city councils to approve the levy and a copy of the annual budget must be provided to the councils at the joint meeting. The treasurer shall disburse funds only in accordance with the annual budget of the authority and only upon written orders drawn against those funds, signed by the executive director and approved by the president of the authority, or in the president's absence, the vice-president of the authority or other employee of the authority as may be authorized or directed so to do. Each order must state the name of the payee and the nature of the claim for which the order is issued. The treasurer shall keep an account of all money received, showing the source of all receipts and the nature, purpose, and authority of all disbursements. At least four times each year, in the form to be determined by the directors, the authority shall file with the city clerks of the cities of Chisholm and Hibbing a financial statement from the authority, showing all receipts and disbursements, the nature and purposes of those receipts and disbursements, the money on hand, the credits and assets of the authority, and its outstanding liability.

Subd. 2. SPENDING POWER. Within the total budget approved as provided in subdivision 1, the authority has the exclusive power to receive, control, and order the expenditure of money in the control and management of the airport facilities of the authority.

Subd. 3. AUDIT. A complete examination and audit of all books and accounts of the authority must be done at least annually by a certified public accountant. One copy of the yearly audit must be filed with each city clerk as a public document.

Sec. 5. POWERS.

Subdivision 1. SUITS; CONTRACTS; EMINENT DOMAIN; OPERATION; ACCEPT GIFTS; LEVY AND TAX. Notwithstanding any law or charter or ordinance provision to the contrary, the following powers and duties are conferred upon the authority:

- (1) to sue and be sued;
- (2) to enter into and execute agreements, instruments, and other arrangements necessary, proper, and convenient to the exercise of its powers;
- (3) to acquire:
 - (i) by purchase, lease, or gift any personal property, franchises, easements, or other rights in its own name that may be necessary or proper for the operation of the Chisholm/Hibbing airport, or any airport facilities that may be acquired in the future;

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(ii) real property for use as airport terminal facilities, maintenance facilities, parking facilities, runway or taxiway facilities with approval of the city councils; and

(iii) other facilities used or useful for operating the airport;

(4) to acquire, construct, equip, improve, operate, and maintain airports and airport terminal facilities, maintenance facilities, runways and taxiways, parking areas, and other facilities useful for or related to operating an airport;

(5) to lease to or contract with any person or operator for the use of any real or personal property under the authority's control; provided, however, that the authority does not have the power to make agreements for the sale of any real estate under its control without the approval by resolution of the city councils;

(6) to accept gifts, grants, or loans of money or other property from the United States, the state, or any person or entity, and for those purposes may enter into any agreement required to do so, subject to prior notice to the city councils; and

(7) to levy a tax on all taxable property, according to the total tax capacity in each city, in the city of Chisholm and in the city of Hibbing, to provide funds for the operation of the authority. A joint meeting of the city councils must be convened annually for the purpose of either adopting or rejecting the proposed levy. Each city council shall vote separately on the proposed levy. If the proposed levy is rejected by either city council, the authority shall revise the levy and resubmit the proposal for consideration by the city councils who shall either reject or approve the revised proposed levy. This procedure shall continue until a levy is approved by resolution of both city councils. No later than September 15 each year, the secretary of the authority shall certify to the auditor of St. Louis county the total levy approved by the city councils, accompanied by a certified copy of the resolution of each city approving the levy. The auditor shall add the total levy made by the authority to other tax levies of the county on taxable property in the cities of Chisholm and Hibbing for collection by the county auditor with other taxes. When collected, the county auditor shall make settlement of those taxes with the treasurer of the authority in the same manner as other taxes are distributed to political subdivisions.

Subd. 2. MANAGEMENT CONTRACTS. Notwithstanding other provisions of this article to the contrary, the authority is authorized, in lieu of directly operating the Chisholm/Hibbing airports or any part of them, to enter into management contracts with persons for managing the airports or any part of them, for a period of time, for purposes, and under any compensation and other terms and conditions as deemed advisable and proper by the authority. The agreement is subject to the approval by resolution of the city councils.

Sec. 6. ADDITIONAL POWERS.

The authority is authorized:

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(1) when not in conflict with this article, to adopt and alter bylaws and rules and regulations that it deems necessary for conducting the business of the authority, for using and operating the Chisholm/Hibbing airports and the facilities of the authority, and for carrying out the objects of this article;

(2) to appoint the executive director, engineers and other consultants, accountants, attorneys, and other officers, agents, and employees as it deems necessary, who shall perform duties and receive compensation as the authority may determine and who are removable at the pleasure of the authority;

(3) to prescribe or provide for a policy or policies of insurance for the defense and indemnification of the cities of Chisholm and Hibbing and their officers and employees, and the authority's directors, executive director, and other employees against claims arising against them out of the performance of duty, whether the claims be groundless or otherwise, with premiums for any policies of insurance required by this article to be paid out of the funds of the authority;

(4) to authorize and direct the treasurer to invest, in the manner provided by law, any funds held in reserve, sinking funds, or any funds not required for immediate disbursement; and

(5) to fix, alter, change, and collect fees, rentals, and all other charges to be made for all services or facilities furnished by the authority to the public, to any persons, or to public or private agencies leasing any and all facilities at the Chisholm/Hibbing airports.

Sec. 7. EXECUTIVE DIRECTOR.

Subdivision 1. CUSTODY OF MONEY COLLECTED DAILY. The executive director of the authority is responsible for the custody and control of all money received and collected from the daily operations of the Chisholm/Hibbing airports until that money is delivered to the treasurer and the executive director has obtained a receipt for it, or until the money is deposited in a bank account under the control of the treasurer.

Subd. 2. INSURANCE. In addition to other insurance provisions of this article, the executive director shall provide for insurance on any of the Chisholm/Hibbing airports' property, rights, revenue, workers' compensation, public liability, or any other risk or hazard arising from its activities; and the premiums for that insurance must be paid for out of funds of the Chisholm/Hibbing airport authority.

Sec. 8. TAX-EXEMPT PROPERTY.

Notwithstanding other law to the contrary, the property, money, and other assets of the authority, or revenues or other income of the authority are exempt from all taxation, licensing, fees, or charges of any kind imposed by the state of Minnesota, or by any county, municipality, political subdivision, taxing district, or other public agency or body of the state.

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Sec. 9. REVENUE BONDS.

Subdivision 1. AUTHORITY TO ISSUE. Notwithstanding any limitations imposed by law or by the charter of the city of Chisholm, the authority is authorized to issue negotiable revenue bonds for any one or more of its purposes. Revenue bonds under this section shall be issued in the amounts, times, and series to the authority determined by resolution. No election is necessary to authorize the issuance of the revenue bonds. Except as otherwise provided by this section, the maturities, any right of prior redemption, execution, paying agency, provision for interest, and other terms of the bonds, are subject to Minnesota Statutes, sections 475.54 and 475.56.

Subd. 2. PLEDGED FROM REVENUES. Revenue bonds issued under this section do not constitute a debt of the city of Chisholm or the city of Hibbing, and no tax levy may be compelled for their payment. The bonds are payable only from the revenues of the Chisholm/Hibbing airport pledged by the authority; to payment of principal of and interest on the bonds; and they must so recite. At or before the issuance of revenue bonds, the authority, by resolution, shall pledge and appropriate to the payment of principal and interest the net revenues of the Chisholm/Hibbing airports, or some part of those airports, after provision for reasonable and necessary expenses of operation and maintenance, as described and defined in the authorizing resolution.

Subd. 3. RESOLUTION. By the authorizing resolution, the authority may provide covenants for the protection of the bondholders relating to disposition of bond proceeds and revenues; their reserves and investment; construction, acquisition, repair, replacement, operation and insurance of the Chisholm/Hibbing airports facilities; accounting and reports; issuance of parity or subordinate lien bonds, rates and charges to be established or maintained; and other covenants the authority finds to be usual and reasonably necessary for the protection of the airport revenue bondholders.

Subd. 4. DEFAULT. The authority may also define the event or events of default and other requisites for suit by bondholders or their representatives, conditions upon which any covenant may be amended. Any terms, covenants, or conditions of revenue bonds to be provided by resolution of the authority may be set forth in a trust indenture with a corporation having trust powers appointed by the authority, to represent and act for bondholders, to hold and disburse pledged revenues, and to perform other duties as may be provided in the trust indenture. However, the trust indenture must not confer or authorize any mortgage lien on the real or operating properties or general funds of the authority.

Subd. 5. PUBLIC INSTRUMENTALITY. Revenue bonds of the authority are deemed and must be treated as instrumentalities of the public government agency; and as such, together with interest on the bonds, are exempt from taxation.

Sec. 10. GENERAL OBLIGATION BONDS.

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Subdivision 1. AUTHORITY TO ISSUE. The authority may request the issuance of general obligation bonds to improve or construct, and equip, terminal facilities, maintenance and hangar facilities, runway or taxiway facilities, parking areas, or similar facilities used or useful in connection with the operation by the authority of the Chisholm/Hibbing airports, or any part of them.

Subd. 2. RESOLUTION. General obligation bonds under this section shall be issued in the amounts, at times, and in a series as the cities shall determine by joint resolution. Except as otherwise provided by this section, the maturities, any right of prior redemption, execution, paying agency, provision for interest, or other terms of the bonds, are subject to Minnesota Statutes, sections 475.54 and 475.56.

Subd. 3. PLEDGED WITH TAXES. General obligation bonds issued according to the total tax capacity in each city under this section constitute a debt of the city of Chisholm and the city of Hibbing for which the full faith and credit of the city is pledged. A tax levy must be compelled for their payment and the bonds must recite that.

Sec. 11. PROPERTY TRANSACTIONS.

Subdivision 1. EMINENT DOMAIN. If it becomes necessary for any of the purposes provided in this article to exercise the power of eminent domain, that power must not be exercised by the authority. However, the city of Chisholm and the city of Hibbing shall, at the request of the authority, acquire any of the properties allowed pursuant to this article and necessary for the conduct and operation of the authority, or for the purpose of acquiring any land, waters, easements, or other rights or interests in them by the exercise of the power of eminent domain, either as provided for under the home rule charter of the city of Chisholm, or under Minnesota Statutes, chapter 117. An exercise of the power of eminent domain by the cities must be at the request and expense of the authority. The fact that the property is owned by a public service corporation organized for the purpose specified in Minnesota Statutes, section 300.03, or is already devoted to a public use, or to use by a corporation, or was acquired for a public use by condemnation, does not prevent its acquisition by the cities for the authority by condemnation. The cities, on behalf of the authority, may take possession of any property for which condemnation proceedings have been commenced at any time after the filing of the petition describing the property in the proceedings. After the condemnation is completed, the cities shall transfer the property condemned to the authority.

Subd. 2. PROPERTY TRANSFERS. Subject to prior notice to the city councils, any state department or other agency of the state government, or any county, municipality, or other public agency, may sell, lease, grant, transfer, or convey to the authority, with or without consideration, any facilities or any part of the facilities, or any interest in real or personal property, which may be useful to the authority for any authorized purpose.

Sec. 12. LIMITED REGULATION BY OTHER GOVERNMENTAL UNITS.

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The exercise by the authority and the city councils of the powers provided in this article are not subject to regulation by the jurisdiction or control of any other public body or agency, whether state, county, or municipal, except as specifically provided in this article. However, the authority is subject to rules administered by the state department of public safety, division of aeronautics, and to laws of the United States or regulations of the Federal Aviation Administration of the United States Department of Transportation, as may be applicable to the operations of the Chisholm/Hibbing airports.

Sec. 13. PROPERTY TRANSFERRED BY THIS ARTICLE.

On the effective date of this article, the Chisholm/Hibbing airport commission is dissolved and the title to all real and personal property presently used and occupied by the Chisholm/Hibbing airport commission vests in the authority. The city of Chisholm and the city of Hibbing shall execute all deeds or other appropriate documents necessary to confirm the vesting of title in the Chisholm/Hibbing airport authority. If the authority is dissolved, the fair market value of all real estate owned by the city of Hibbing prior to the formation of the Chisholm/Hibbing joint airport commission in 1957 including improvements on that real estate prior to that time must be credited to the city of Hibbing.

Sec. 14. EFFECTIVE DATE.

This article is effective after its approval by a majority of the city council of the city of Chisholm and a majority of the city council of the city of Hibbing, and upon compliance with the provisions of Minnesota Statutes, section 645.021, subdivision 3.

ARTICLE 12

MISCELLANEOUS

Section 1. Minnesota Statutes 1993 Supplement, section 84.794, subdivision 1, is amended to read:

Subdivision 1. **REGISTRATION REVENUE.** Fees from the registration of off-highway motorcycles and the unrefunded gasoline tax attributable to off-highway motorcycle use under section 296.16 must be deposited in the state treasury and credited to the off-highway motorcycle account in the natural resources fund.

Sec. 2. Minnesota Statutes 1993 Supplement, section 84.803, subdivision 1, is amended to read:

Subdivision 1. **REGISTRATION REVENUE.** Fees from the registration of off-road vehicles and unrefunded gasoline tax attributable to off-road vehicle use under section 296.16 must be deposited in the state treasury and credited to the off-road vehicle account in the natural resources fund.

New language is indicated by underline, deletions by ~~strikeout~~.

Orig. 5/12/03
Revised 8/18/08

ARTICLE I

1. The Chisholm - Hibbing Airport Authority was created by the Minnesota State Legislature. The power vested in the Authority is referenced in the Minnesota Statute, 1969, Chapter 577.
2. The principal office of the Authority shall be at the Chisholm - Hibbing Airport Authority, Hibbing, Minnesota, 55746, and the books and records of the Authority shall be kept at the principal office.

ARTICLE II

1. Regular meetings of the Authority shall normally be held on the third Monday of each month at 5:00 p.m., or at such time or times on such days as may from time to time be determined by the Directors by resolution duly adopted by a majority vote at a regular or special meeting called for that purpose.
2. Special meetings may be called whenever three (3) Directors request the President to call such meetings, or when the President deems that such a meeting is necessary to conduct the Authority's affairs.
3. Regular and special meetings shall be held at the principal office of the Authority or at such other places as to any specific regular or special meetings as shall be designated by the President, in which event such meeting shall be held at the place so designated.
4. The President shall notify the Executive Director of the Authority of the time and place of meetings with sufficient notice to comply with Article II, Section 7 of the By-laws having to do with notice of meetings to the Directors.
5. No regular meeting shall be held on a legal holiday.
6. The Authority may adjourn any meeting in which case absentees shall be notified of the time fixed or regular, adjourned, or special meeting, the Directors present shall adjourn said meeting. In the event that a quorum is not reasonably anticipated for any meeting, said meeting shall be canceled and the Executive Director shall cause notice of the cancellation to be given to all Directors.
7. The Executive Director of the Authority shall ensure that each Director received a notice of meeting, including agenda, at least five (5) working days in advance of each regular meeting. At least forty-eight (48) hours' notification shall be given for any special meeting stating the time and place of the special meeting. Notice of special meetings shall also state the purpose of the meeting.
8. The minutes of any meeting shall be mailed to the Directors as soon as practical following the meeting.
9. No business shall be transacted at any special meeting other than that for which the meeting was called. A call for a special meeting "for the transaction of general business" shall be deemed to be notice of the transaction of any and all business that may properly be transacted at a regular meeting.

10. The President shall preside over all meetings or, in the absence of the President, the Vice President, or the Treasurer. In the absence of said officers and any designee, any Director may call the meeting to order and those present may elect a President pro tem provided a quorum is present.

ARTICLE III

1. The President, Vice President and Treasurer, elected pursuant to State Statute, shall serve in such capacity for a term of one year, evidenced by a resolution of the Authority, commencing on January 1 of any year and ending in December of that year. No Director so elected to any office may be elected to that office for more than two consecutive terms.
2. The duties of the President, Vice President and Secretary shall be such as are usually imposed upon such officials of public corporations or bodies politic and as are required by law and such duties as may be assigned to them by the Authority. If the President is absent or for any reason is unable to act, the Vice President or Treasurer shall perform all duties of the President; and in case of the absence of the Secretary, the Vice President or Treasurer shall designate an Acting Secretary who shall perform all duties of the Secretary.
3. Any committees, which may be required, shall be established, and the membership and chairperson thereof be designated, by the President. Any such committee shall consist of no more than three (3) Directors.
4. The Authority shall appoint the Executive Director and any Assistant Directors, and shall contract for the services of consultants, agents, engineers and other independent contractors as it shall deem reasonably necessary. The Authority shall further determine staffing levels for the other employee positions and their rate of compensation; the hiring, discipline and terminating of employees is delegated to the Executive Director.

ARTICLE IV

Orders for the disbursement of monies of the Authority made by the Executive Director of the Authority shall be countersigned by the President, Vice President or Treasurer of the Authority. No single disbursement shall exceed \$5,000, unless for the purchase of fuel transport orders or in the case of emergency spending. All such expenses paid shall be reported to the Authority at its next meeting.

For the purpose of CHAA employee and Director's payroll (to include Federal and State payroll withholding taxes, PERA, medical and insurance expenses) the use of the President's signature stamp shall be authorized when countersigned by the Executive Director. In the absence of the Executive Director, the payroll checks shall be countersigned by the Vice President or Treasurer of the Authority.

ARTICLE V

The corporate seal of the Authority shall be in circular form and shall have thereon the words "CHISHOLM-HIBBING AIRPORT AUTHORITY," the words, "CORPORATE SEAL," and the words and figures, "ESTABLISHED 1994."

ARTICLE VI

These by-laws may be amended at any regular or special meeting of the Authority by a two-thirds vote of all of the Directors, provided that notice of such regular or special meeting to the Directors shall set forth a copy of the proposed amendment(s) and give notice that the same will be brought to the attention of the Directors for action at such regular or special meeting.

ARTICLE VII

The omission in these by-laws of any word, phrase, clause of sentence contained in the Laws of 1994, shall not be deemed to be an abandonment or waiver by the Authority of any power or authority granted to the Authority, the Directors, and the Executive Director, or the managing agent, by such Act; nor shall omission be deemed to relieve the Authority, the Directors, the Executive Director or other managing agent, in performing the duties and being subject to the obligations being imposed upon them by such Act.

360.0426 CREATION OF AN AIRPORT AUTHORITY; DISSOLUTION.

Subdivision 1. **Members; definition.** A city together with another city, county, town, or an Indian tribe may create an airport authority. For purposes of this chapter, "airport authority" means a governmental entity created pursuant to this section for the purpose of acquiring, establishing, constructing, maintaining, improving, and operating airports and other air navigation facilities.

Subd. 2. **Process to establish authority.** A city that owns an airport by joint resolution together with other willing governmental units may create an airport authority that is authorized to exercise its functions upon passage of a joint resolution by each of their governing bodies, including a proposed date for the first meeting of the authority.

Subd. 3. **Airport authority commission.** The powers of the airport authority shall be vested in the airport authority commissioners. The commission shall consist of at least five commissioners. Each governmental unit that is a member of the authority shall be represented by at least one commissioner. If fewer than five governmental units are members of the authority, there must be two commissioners appointed from each member unit of government. The terms of each commissioner are three years, provided that the length of the initial appointments must be staggered so that the terms of approximately one-third of the commissioners expire each calendar year.

Subd. 4. **Appointment of commissioners.** The governmental body of each member governmental unit shall appoint a resident of that governmental unit to be a commissioner of the airport authority. Upon vacancy of a commissioner prior to the end of a normal term, the appropriate governmental body shall appoint a commissioner to fill the unexpired term.

Subd. 5. **Compensation; meetings; officers.** Commissioners shall receive no compensation for services, but are entitled to payment for necessary expenses, including travel expenses, incurred in the discharge of the commissioners' duties.

The commission shall establish a regular meeting schedule. A majority of the commissioners of the authority constitutes a quorum for purposes of conducting business of the authority. Action may be taken by a vote of not less than a majority of the commissioners present, providing there is a quorum.

The commission shall elect a chair, a vice-chair, a secretary, and a treasurer at its organizational meeting. The authority may hire an executive director, a legal advisor, technical experts, and other employees, permanent and temporary, as it may require.

Subd. 6. **Process to increase size of authority.** An airport authority may be increased in size by adding additional governmental entities if each of the additional entities and each of the governmental entities currently included in the existing authority adopt a resolution agreeing to the size increase.

Subd. 7. **Process to decrease size of authority.** An airport authority may be decreased in size if each of the governmental entities that are members of the authority and the current commissioners consent to change and make provisions for the retention or disposition of its assets and liabilities.

Subd. 8. **Process to dissolve authority.** An airport authority may be dissolved after payment of all debts and adoption of a joint resolution of the governing bodies of all of the participating units of government. Before dissolution, the property of the airport authority must be sold, transferred, or distributed as agreed to by the participating units of government. Any remaining funds must be distributed to the general funds

of the participating units of government in proportion to their relative shares of the most recent levy under section 360.0427.

History: *2008 c 154 art 2 s 26; 2009 c 86 art 1 s 66*