

Attachment #1

**RESOLUTION 10-31
OF THE CITY OF BLUE EARTH, MINNESOTA
APPOINTS TO THE JOINT AIRPORT ZONING BOARD**

At a meeting of the City Council of Blue Earth, hereinafter referred to as the Municipality, on the 15th day of November, 2010, Council Member Gaylord, seconded by Member Scholtes, introduced the following resolution and moved its adoption.

WHEREAS, This Municipality owns and controls the Blue Earth Municipal Airport; and

WHEREAS, The City of Blue Earth - Faribault County Joint Airport Zoning Board for the Blue Earth Municipal Airport (Joint Airport Board) was established by the City of Blue Earth and the Faribault County for the purposes of creating the Blue Earth Municipal Airport Zoning Ordinance, which was adopted on July 5th, 1977; and

WHEREAS, Portions of the existing and proposed airport safety zones adjacent to the airport are located outside the territorial limits of this Municipality but within the territorial limits of Faribault County, hereinafter referred to as the County, and Blue Earth, Jo Daviess and Pilot Grove Townships, hereinafter referred to as the Townships; and

WHEREAS, This Municipality deems it necessary and expedient to reconvene the Joint Airport Zoning Board in cooperation with the above County and Townships, 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, together with case law from 1976 provides that the City of Blue Earth has the right to appoint two persons (appointees shall not be elected officials) to said 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; and

WHEREAS, January 6, 2010 the City Council of Blue Earth Appointed two persons to represent the Municipality on the Joint Airport Zoning Board; and

WHEREAS, One of those appointed will be serving as an elected official as of the first council meeting in January of 2011 and thereby will no longer be able to serve.

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

1. That the undersigned Municipality hereby appoints the non-elected person of Dan Mensing to serve as representative on said Board, said person to serve for an indefinite term until they resign or are replaced by the undersigned Municipality.

ROLL CALL:

Members voting aye: Mayor Hammond, Councilmembers Gaylord, Huisman, Scholtes, Wiborg and Kelly.

Members voting nay: None

Councilmember Brod abstained.

Mayor, Robert L. Hammond Jr.

Attest: Kathy Bailey

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 the office of the City Clerk of the City of Blue Earth. MN 56013.

Kathy Bailey, Clerk

Attest by Notary: The foregoing instrument was acknowledged before me this 15th day of November, 2010,

By _____
Notary of Public

(Seal)