

SECTION 6-57. JUDICIAL REVIEW.

Any person aggrieved, or any taxpayer affected, by any decision of the board of adjustment, may appeal to the court of record as provided in Iowa Statutes, section 414.15. (Ord. No. 547, Section 8, 9-27-76.)

SECTION 6-58. ADMINISTRATIVE AGENCY.

It shall be the duty of the Oelwein Airport Zoning Commission to administer the regulations prescribed herein. Applications for permits and variances shall be made to the Oelwein Airport Zoning Commission upon a form furnished by him. Applications required by this article to be submitted to the administrative agency shall be promptly considered and granted or denied. Application for action by the board of adjustment shall be forthwith transmitted by the Oelwein Airport Zoning Commission. (Ord. No. 547, Section 9, 9-27-76.)

SECTION 6-59. PENALTIES.

Each violation of this article or of any regulation, order, or ruling promulgated hereunder shall constitute a misdemeanor, and be punishable by a fine of not more than five hundred dollars (\$500.00) or imprisonment for not more than one (1) year or both; and each day a violation continues to exist shall constitute a separate offense. (Ord. No. 547, Section 10, 9-27-76.)

SECTION 6-60. CONFLICTING REGULATIONS.

Where there exists a conflict between any of the regulations or limitations prescribed in this article and any other regulations applicable to the same area, whether the conflict be with respect to height of structures, the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail. (Ord. No. 547, Section 11, 9-27-76.)

SECTION 6-61. SEVERABILITY.

If any provisions of this article or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the article which can be given effect without the invalid provision or application, and to this end the provisions of this article are declared to be severable. (Ord. No. 547, Section 12, 9-27-76.)

ARTICLE IV

OELWEIN AIRPORT BOARD

SECTION 6-100. BOARD ESTABLISHED.

A. There is hereby established in and for the City of Oelwein, the Oelwein Airport Board (hereinafter referred to in this subchapter as the board) created under Chapter 392 of the Iowa Code for the purpose of assisting the City of Oelwein in governing the operation of the Oelwein Airport and managing the development of land and infrastructure in the area adjacent to the airport, pursuant to the terms and provisions of this subchapter and the Municipal Code of the City of Oelwein.

B. Subject to this Article, the Board shall succeed to the current responsibilities of the Oelwein Airport Commission which is hereby abolished.

C. The board shall consist of five members each having the right to vote. The members shall be appointed by the Mayor, which appointment shall be approved by the City Council. Two (2) board members shall initially be appointed for two years, two (2) board members for three years, and one (1) board member appointed for four years. The terms of the board members initially appointed shall be determined by their appointment. Absent members lots shall be drawn by proxy. Thereafter, the term of each member shall be for four years and any vacancies occurring in the membership shall be filled in accordance with this chapter. The terms of board members shall expire on and as of June 30 of the year in which their terms expire. All appointments after the original appointments shall be in accordance with this chapter.

D. Any member of the board may be removed by a majority vote of the City Council.

E. Absence from three (3) consecutive regular meetings of the Airport Board, or failure to attend one-fourth of all regular meetings in any year, excepting absences due to illness, shall be cause for removal of the board member.

SECTION 6-101. QUALIFICATIONS OF BOARD MEMBERS.

To be eligible to be appointed a member of the Oelwein Airport Board the appointee must be a resident of the City of Oelwein, except two members may be residents of Fayette County or a county adjacent thereto. Board members should have expertise in aviation, business, accounting, finance, marketing, engineering, law, real estate development, management or other fields of value to the operation of the airport and the management of development of adjacent areas.

SECTION 6-102. ORGANIZATION OF THE BOARD.

A. At its first meeting, the board shall elect a chairperson, a vice-chairperson, from its own membership. The presence of three members of the board shall constitute a quorum for the transaction of business. All actions of the board shall be by resolution or motion and the affirmative vote of at least three members shall be required for the passage of either action. (Ord. No. 988, Section 1, 11-13-2000.)

B. The Chair shall preside over all regular or special meetings of the Airport Board. In the absence of the Chair, the Vice-Chair shall preside over all regular or special meetings.

C. Only the Chair shall speak for the Airport Board. In the absence of the Chair, only the Vice-Chair shall speak for the Airport Board.

D. The Chair shall make an annual report, and other reports as may be requested from time to time by the Mayor or City Council, of the Airport Boards' activities and any recommendations for the development and operation.

SECTION 6-103. MEETING AND MINUTES.

The board shall hold at least one public meeting each month, at such times and places as the board shall establish. Special meetings may be called by the Chair, or in the absence of the Chair, by the Vice-Chair. Minutes of each meeting shall be kept and all resolutions and minutes shall be open to public inspection. Board meetings shall be conducted in compliance with all applicable state or federal laws, including, but not limited to Chapter 21 of the Iowa Code, Open Meetings.

SECTION 6-104. POWERS AND RESPONSIBILITIES OF THE BOARD.

The board, except as otherwise herein provided, shall perform the following duties and responsibilities as to the operation of the Oelwein Municipal Airport and the management and development of adjacent areas, including but not limited to the following:

1. The board shall recommend for adoption and implementation by the City Council regulations for the control, operation, supervision and maintenance and security of the airport.
2. The board shall recommend for adoption and implementation by the City of Oelwein, rates and charges for use of the airport, airport facilities or airport services, to support the operations and development of the airport, except that admission charges and temporary parking charges for special events may be set by board resolution. The level of rates and charges shall be consistent with the operating and capital improvement budgets.
3. The board shall negotiate and recommend for adoption and implementation by the City of Oelwein leases, concession agreements, and operating agreements of not to exceed three years in duration for the use of real property and facilities under the jurisdiction of the Oelwein Airport.
4. The board shall solicit applications, interview, screen and recommend to the mayor an FBO to be appointed by the Mayor, which appointment shall be approved by the City Council.
5. The board shall receive and investigate complaints pertaining to the airport facilities and operation and shall report said complaints and findings to the City Council.
6. The board shall recommend for approval by the city council, maintain and follow yearly operating and capital improvement budgets included as part of the total city budget. The board shall submit its operating and capital budgets to the City Administrator for recommendation and transmittal to the city council in accordance with time tables established by

the City Administrator. All expenditures and all transfers between account codes shall be reported and shall be reflected in monthly and annual reports prepared by the city administrator. (Ord. No. 988, Section 2, 11-13-2000).

7. The board shall recommend for adoption and implementation by the City of Oelwein a marketing plan aimed at establishing the Oelwein Airport as an economic generator and attraction for the City of Oelwein and the State of Iowa. The board shall engage in appropriate activities which will promote improvements and growth in general aviation use of the airport, as well as air transportation related services for the community.

8. The board shall recommend for adoption and implementation by the City Council all plans associated with development or redevelopment of the airport.

9. The board shall ensure that all airport revenues collected are credited to the general fund, and that all expenditures from said fund for airport, purposes are done in accordance with applicable local, state and federal laws and regulations.

10. The board shall cooperate with the City Council other commissions, boards and civic organization(s).

11. The board shall file with the city clerk for public inspection copies of minutes summarizing all board meetings, including resolutions and motions passed by the board within seven days of the meeting at which the minutes were approved. The minutes of each preceding meeting shall be presented at the next meeting for approval by the airport board.

SECTION 6-105. POWERS RESERVED BY THE CITY COUNCIL.

In addition to those powers previously reserved to the Mayor or city council, the following powers are specifically reserved to the city council.

1. The purchase, lease, sale or change of supplies, equipment and materials and to procure services.

2. All property interests, whether real or personal, shall be acquired in the name of the City of Oelwein and at all times remain an asset of the City of Oelwein.

3. The exercise of the power of eminent domain.

4. The levying of real property taxes.

5. The undertaking of debt, including the issuance of bonds, or the execution of any form of loan or promissory note.

6. The mortgage, sale or conveyance of airport assets or real property or its encumbrance for a period in excess of three years.

7. Approval and acceptance of state or federal grants or subsidies.
8. The establishment of insurance limits and procurement of insurance for the airport.
9. The representation and defense of the airport in all disputes, claims, actions or lawsuits, including the settlement of all such matters.
10. Approval of the airport land use development plans and amendments thereto. The Council shall provide directives to the board for carrying out such plan which the board shall be required to follow.
11. The right to have any person aggrieved by the board in matters of health, safety or property appear before the city council.
12. The appointment of a council person liaison to the Airport Board.

SECTION 6-106. FIXED BASE OPERATOR.

A. Appointment of a FBO. A FBO shall be appointed by the Mayor, which appointment shall be approved by the city council. The Mayor shall consult with the board before such appointment. The Mayor and the chair of the airport board shall jointly review and evaluate the performance of the FBO at appropriate times, but not less than annually.

B. Duties of the FBO. The FBO shall be responsible for:

1. The implementation of the policies, programs, and plans of the City of Oelwein and the Oelwein Airport Board, and for representing the position of the city and board as requested with regard thereto.
2. Assisting the city and board as requested in communications with state and federal agencies.
3. Assisting the city and board as requested in the preparation of a yearly operating and capital improvement budget for the airport.
4. Assisting the city and board as requested in the formulation of rules, regulations, operating agreements, contracts, grant applications, and other such matters as the city and board shall from time to time determine.
5. All airport operations and activities.
6. The maintenance and protection of airport property.

(Ord. No. 980, 04-24-2000.)

