

**Lake Elmo Airport (21D)
Joint Airport Zoning Board (JAZB)**
Meeting Agenda
Wednesday, February 10, 2021
3:30 P.M.
Teleconference Only

Meeting Minutes

Chair Weyrauch convened the Lake Elmo Airport Joint Airport Zoning Board meeting at 3:32 PM. The following were in attendance:

Members: Rick Weyrauch, Chair
John Hall, Baytown Township, Board Member
Ken Roberts, City of Lake Elmo, Board Member
Mary McComber, City of Oak Park Heights, Board Member
Mike Liljegren, City of Oak Park Heights, Board Member
Jim Kremer, City of Oak Park Heights, Alternate, non-voting Board Member
Dave Schultz, West Lakeland Township, Board Member
Dan Kyлло, West Lakeland Township, Board Member, Alternate
Brian Krafthefer, West Lakeland Township, Board Member, Alternate, non-voting Board Member
Rick King, Metropolitan Airports Commission, Board Member
Rod Skoog, Metropolitan Airports Commission, Board Member

Others: Bridget Rief, Roy Fuhrmann, Joe Harris, Evan Wilson, Jenn Felger, Kristin Berwald, Brad Juffer, Rebecca Townsend, Betsy Anderson, Mitch Kilian, Michelle Ross, MAC Staff; John Fleming, Rylan Juran, MnDOT; Ann Pung-Terwedo, Washington County; Members of the Public

1. CHAIR OPENING/REMARKS

Chair Weyrauch opened the meeting and requested a roll call. A quorum of Board Members was established. Chair Weyrauch discussed availability of materials and asked that any accommodations needed make themselves known. Chair Weyrauch provided a statement regarding the ongoing effects of COVID-19 on the JAZB process and the continued need for the teleconference. He requested that any objections to the teleconference environment make themselves known.

2. APPROVAL OF MINUTES FROM SEPTEMBER 23, 2020 JAZB MEETING

Chair Weyrauch requested a motion to approve the minutes of the September 23, 2020 JAZB meeting.

IT WAS MOVED BY RICK KING, SECONDED BY KEN ROBERTS, TO APPROVE THE MINUTES OF THE SEPTEMBER 23, 2020 LAKE ELMO AIRPORT JOINT AIRPORT ZONING BOARD MEETING, AS PRESENTED.

Chair Weyrauch asked for any comments or debate from the Board Members. Hearing none, Chair Weyrauch requested a vote.

THE MOTION PASSED ON THE FOLLOWING ROLL CALL VOTE:

**AYES: 9 HALL, KING, KYLLO, LILJEGREN, MCCOMBER, ROBERTS, SCHULTZ, SKOOG,
WEYRAUCH**

NAYES: NONE

ABSTAIN: NONE

3. MNDOT ORDER OF APPROVAL

Chair Weyrauch noted the seamless process of MNDOT's Order of Approval. Chair Weyrauch turned the meeting over to Evan Wilson, senior legal counsel for the Metropolitan Airports Commission.

Mr. Wilson gave an overview of the Order of Approval received from MNDOT, which has been posted on the website and included in materials board members received. MNDOT's order concluded that an adoption of the Lake Elmo Airport Zoning Ordinance is necessary, that the Ordinance evaluates the appropriate statutory criteria required under Minnesota's Airport Zoning Law, that the Ordinance provides a reasonable level of safety, and that the JAZB has made a bona fide effort to comply with Minnesota State Law in developing the Ordinance.

Chair Weyrauch asked the board members if they had any questions or concerns about the nature of the order.

Dave Shultz, West Lakeland Township, asked about the questions by MNDOT and responses by MAC during the submittal process. Chair Weyrauch explained the nature of the exchange was just to clarify points, with no new material being advanced. These materials can be sent out to the board.

Mr. Schultz then asked why Cassandra Isackson, MnDOT Director at the Office of Aeronautics, signed off on this and not the Commissioner of Transportation?

Rylan Juran, Aviation Planning Director for the Office of Aeronautics, stated that Cassandra has delegated signature authority from the MnDOT Commissioner to sign the Commissioner's orders for airport zoning; and, she has done this for nearly every airport in the state.

Chair Weyrauch asked Board Members if that is a satisfactory answer.

Mr. Schulz confirmed that it is.

Chair Weyrauch asked if there were any other comments concerns on the MNDOT order of approval. Hearing none, Chair Weyrauch suggested the Board move on to the next item on the agenda.

4. REVIEW OF FINAL 21D ZONING ORDINANCE MATERIALS

Chair Weyrauch turned the meeting over to Mr. Wilson for a review of the Final 21 D Zoning Ordinance Materials.

Mr. Wilson stated that the Final 21D Zoning Ordinance that was posted on the website and included in materials sent to the JAZB Members was the exact version submitted to and approved by MNDOT. If adopted, the only changes made will be to add the adoption date, the effective date, and the required signatures and notarizations.

Mr. Wilson then reviewed the Final Statement of Legal Authority, Findings of Fact, Conclusions of Law, and Order. The first section on Legal Authority sets forth the statutory requirements in developing and adopting an Airport Zoning Ordinance. The second section entitled Findings of Fact tells the story of what the JAZB has gone through in developing the Zoning Ordinance, the actions at various meetings, the Public Hearing, the actions taken to submit the record and the proposed ordinance to the MNDOT Commissioner, MNDOT's approval, and the adoption by the JAZB. The third section offers Conclusions of Law, statements made when the Findings of Fact are applied to the legal authority set out in state law – concluding that the JAZB has followed proper procedure and statutory requirements in developing the proposed Ordinance. The final section is the Order the JAZB will consider for adoption of the final Lake Elmo JAZB Ordinance. Mr. Wilson then asked Board Members for questions regarding these materials.

Hearing none, and before moving onto Public Comments, Chair Weyrauch asked if any person had since joined the meeting. There were none.

Mr. Schulz asked for clarification about Line 210 in the Airport Zoning Ordinance, why was the 1083' number chosen as the Horizontal Surface?

Brad Juffer, Metropolitan Airport Commission, stated Horizontal Surface is an FAA term to define air space around an airport. The sea level indication in the ordinance is representative of the specific distance above airport elevations.

Mr. Schulz asked for clarification regarding Line 217 referring to Conical Surface and some of the other zones: it would have been nice to have figures to give a pictorial definition to those zones.

Chair Weyrauch suggested that the 1083' level takes into account the surrounding topology. He responded to Mr. Schultz's second question by stating that the materials provided to Board Members supply elevations to make it easy for local planners to approve the location of relatively low things. Referring to the grid chart will make it easy to determine whether a proposed building will fit in that grid without any type of variance requirement. He noted that appropriate procedure be followed if variance issuance is needed.

5. PUBLIC COMMENTS

Chair Weyrauch opened the meeting to public comments. Hearing none, he asked for confirmation of the number of callers in the public pool. At that time there were 26 total callers; 9 or 10 of those in the public pool. Hearing no public comment, Chair Weyrauch closed the public comment section.

6. BOARD DISCUSSION ON FINAL ORDINANCE MATERIALS

Chair Weyrauch asked for a discussion of the final Ordinance materials, and whether there was anything that would prohibit Board Members from making motions to proceed.

Chair Weyrauch asked for a motion to approve the Final Statement of Legal Authority, Findings of Fact, Conclusions of Law, and Order.

IT WAS MOVED BY ROBERTS, SECONDED BY MCCOMBER, TO APPROVE THE FINAL STATEMENT OF LEGAL AUTHORITY, FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER, AS PRESENTED.

Chair Weyrauch asked Board Member for any questions or debate. Hearing none, he requested a vote.

THE MOTION PASSED ON THE FOLLOWING ROLL CALL VOTE:

AYES: 9 HALL, KING, KYLLO, LILJEGREN, MCCOMBER, ROBERTS, SCHULTZ, SKOOG, WEYRAUCH

NAYES: NONE

ABSTAIN: NONE

Chair Weyrauch asked for a Board discussion for an effective date that gives sufficient time for all affected Municipalities to file appropriately.

Mr. Roberts asked if the effective date is when the municipalities have to put the ordinance into force, or when they will be notified – with time yet to put it into effect?

Mr. Wilson stated that, ideally, the municipalities and townships will be in position to administer and enforce the ordinance on the effective date. The intention is to give time before the effective date to allow for formal transmission and incorporating administration and enforcement into local code.

Ms. McComber proposed an effective date of May 1st.

IT WAS MOVED BY MCCOMBER, SECONDED BY ROBERTS, TO (1) ADOPT THE FINAL LAKE ELMO AIRPORT ZONING ORDINANCE WITH AN EFFECTIVE DATE OF MAY 1, 2021, (2) AUTHORIZE THE FILING OF THE ORDINANCE WITH THE COUNTY RECORDER, (3) AUTHORIZE TRANSMISSION OF THE ORDINANCE TO AFFECTED MUNICIPALITIES AND TOWNSHIPS TO BE INCORPORATED, ADMINISTERED, AND ENFORCED ALONG WITH THEIR RESPECTIVE ZONING CODES.

Chair Weyrauch asked Board Members for any questions or debate. Hearing none, he requested a vote.

THE MOTION PASSED ON THE FOLLOWING ROLL CALL VOTE:

AYES: 9 HALL, KING, KYLLO, LILJEGREN, MCCOMBER, ROBERTS, SCHULTZ, SKOOG, WEYRAUCH

NAYES: NONE

Mr. Roberts asked if there will also be a Word file version sent to affected municipalities and staff so that they can use the working copy to edit local ordinances.

Mr. Wilson confirmed a Word file version will be transmitted along with the legally executed PDF file.

7. ADJOURN

Chair Weyrauch clarified that the JAZB is not yet disbanded, in case of any reason to reconvene. After a period of time, when nothing has come up, the JAZB will be disbanded and move onto the next phase of the governance of the ordinance. Chair Weyrauch then entertained a motion to adjourn.

IT WAS MOVED BY MCCOMBER AND SECONDED BY ROBERTS TO ADJOURN THE MEETING, AND THAT THE JAZB'S PURPOSE AND MISSION HAS BEEN FULFILLED.

Mr. King expressed appreciation on behalf of the MAC to the Board Members who have spent their time, energy and commitment on this, from the beginning and through COVID, and for sticking with it, for the diligence each member exhibited, including members not on the call.

Chair Weyrauch extended his appreciation as well, on behalf of Board to the MAC staff who have done quite a bit of work.

THE MOTION PASSED ON THE FOLLOWING ROLL CALL VOTE:

AYES: 9 HALL, KING, KYLLO, LILJEGREN, MCCOMBER, ROBERTS, SCHULTZ, SKOOG, WEYRAUCH

NAYES: NONE

The meeting was adjourned at 4:23 PM.