

**LAKE ELMO AIRPORT
JOINT AIRPORT ZONING BOARD**

Thursday, August 29, 2019
Baytown Community Center
4020 McDonald Drive North, Stillwater, MN 55082

MEETING MINUTES

Chair Weyrauch convened the Lake Elmo Airport Joint Airport Zoning Board meeting at 3:30 PM. The following were in attendance:

Members: Rick Weyrauch, Chair
Kent Grandlienard, Baytown Township, Board Member
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
Dave Schultz, West Lakeland Township, Board Member
Mary Vierling, West Lakeland Township, Board Member
Brian Krafthefer, West Lakeland Township, Alternate
Dan Kylo, West Lakeland Township, Alternate
Rick King, Metropolitan Airports Commission, Board Member
Rod Skoog, Metropolitan Airports Commission, Board Member

Others: Bridget Rief, Joe Harris, Neil Ralston, Evan Wilson, Jennifer Lewis, MAC Staff;
John Fleming, Rylan Juran, MnDOT; Ann Pung-Terwedo, Washington County;
Don Bolvin, Ann Bucheck, Denise Cornell, Raymond Hassman, Mike Kaschmitter,
Laura Kaschmitter, Molly Olson, Luke Peterson, John Renwick, Dave Scream, Mike Seeber

1. CHAIR OPENING/REMARKS

Chair Weyrauch opened the meeting and provided introductory remarks. Chair Weyrauch emphasized that the charter for the JAZB is to develop an airport zoning ordinance for the surrounding communities of the Lake Elmo Airport. He informed the members of the public that there were speaker cards available for those who would like to give comment at the appropriate time.

2. APPROVAL OF MINUTES FROM JUNE 25, 2019 MEETING

Chair Weyrauch requested a motion to approve the meeting minutes from the Lake Elmo Airport Joint Airport Zoning Board meeting held on June 25, 2019.

IT WAS MOVED BY MARY McCOMBER, SECONDED BY RICK KING, TO APPROVE THE MINUTES OF THE JUNE 25, 2019 LAKE ELMO AIRPORT JOINT AIRPORT ZONING BOARD MEETING, AS PRESENTED. THE MOTION CARRIED BY UNANIMOUS VOTE.

3. JAZB FORMATION ITEMS

Chair Weyrauch introduced the new members of the JAZB, John Hall of Baytown Township, Rod Skoog of the Metropolitan Airports Commission, and Jim Kremer of Oak Park Heights (Alternate).

Evan Wilson, Metropolitan Airports Commission, stated the zoning statute requires that the JAZB members be appointed by an official resolution adopted by each participating jurisdiction. Mr. Wilson asked if the respected jurisdictions have done that, and if not, Mr. Wilson requested that formal resolutions be completed by the next meeting. Mr. Wilson stated the resolution should confirm the jurisdiction's desire to join the JAZB and formalize the appointments of the members.

Chair Weyrauch revisited the request for a Vice Chair from the June 25, 2019 meeting. Chair Weyrauch stated that a Vice Chair is not allotted for or required in the board construction, therefore there is no precedent or means for appointing a Vice Chair. Chair Weyrauch stated that would be left as a closed item and the Board would operate without a Vice Chair.

Chair Weyrauch then turned the meeting to Neil Ralston, Metropolitan Airports Commission, who commented on the scope of the Lake Elmo Airport Zoning Ordinance. Mr. Ralston referenced a question from the June 25, 2019 meeting as to whether the ordinance was to be for the existing or the proposed future runway configuration. Mr. Ralston followed up with MnDOT staff, who clarified that they will not approve an ordinance proposal that does not include the future runway configuration. The existing configuration would need to be included in the package if the JAZB submits under the Commissioner Standard process. Mr. Ralston further explained that if the JAZB chooses to submit under the Custom Standard Process, there is no guidance that requires zoning for the existing runway configuration. Mr. Ralston asked Rylan Juran, MnDOT, to confirm if that was correct. Mr. Juran confirmed the accuracy of the statement.

4. PUBLIC COMMENTS

Chair Weyrauch opened the Public Comment portion of the meeting and noted a three-minute limit for each speaker. A member of the public requested that there also be time at the end of the meeting to provide commentary.

Chair Weyrauch requested a motion to move the Public Comment section to the end of the meeting.

IT WAS MOVED BY KENT GRANDLIENARD, SECONDED BY MIKE LILGEGREN, TO HOLD THE PUBLIC COMMENT SECTION AT THE END OF THE MEETING. THE MOTION CARRIED BY UNANIMOUS VOTE.

5. OVERVIEW OF STATE AIRPORT ZONING STATUTE (MnDOT AERONAUTICS)

Chair Weyrauch then introduced Mr. Juran, who presented an overview of the State Airport Zoning Statutes.

6. PRESENTATION – COMMISSIONER AND CUSTOM STANDARDS FOR LAKE ELMO AIRPORT

Chair Weyrauch turned the meeting over to Mr. Ralston for a presentation of the Commissioner and Custom Standards. The presentation included a Case Study from the recently-completed zoning initiative at Flying Cloud Airport. Mr. Ralston's presentation also included examples of how the Commissioner's Standard would apply to Lake Elmo Airport.

7. PUBLIC COMMENT PERIOD

Chair Weyrauch asked the JAZB how they would like to proceed with the Public Comment period, and if they would like to hear public comments prior to voting on which zoning standard to use.

Rick King, Metropolitan Airports Commission, suggested that the public could comment on everything presented so far and then the JAZB could discuss the comments made by the public.

Chair Weyrauch concurred with this suggestion and noted a three-minute time limit per speaker. Chair Weyrauch then asked for a motion to offer two public comment periods.

IT WAS MOVED BY ROD SKOOG, SECONDED BY JOHN HALL, TO HOLD TWO PUBLIC COMMENT PERIODS.

CHAIR WEYRAUCH CLARIFIED THAT THE FIRST COMMENT PERIOD WILL BE THE OFFICIAL COMMENT PERIOD AND THE SECOND COMMENT PERIOD WILL BE USED TO COMMENT ON ANY ACTIONS THE BOARD TAKES.

THE MOTION CARRIED BY UNANIMOUS VOTE.

Public comments were received from five (5) individuals and addressed the following topics:

- Aircraft noise
- Historical funding for airport maintenance and operations
- Balance between safety and economic impact
- Time of JAZB meetings
- Advertising awareness for JAZB meetings so more members of the public can attend and comment
- Timing for airport zoning

The question about timing was responded to with information that airport zoning has been in place for decades. A representative of Washington County explained the Washington County Airport Overlay District zoning (since transferred to Township Zoning Ordinances).

In addition, a letter that had been sent to the JAZB regarding the impact of new zoning regulations on property uses and values was made available to all JAZB members and meeting attendees.

8. DISCUSSION OF COMMISSIONER AND CUSTOM STANDARDS FOR LAKE ELMO AIRPORT

IT WAS MOVED BY KENT GRANDLIENARD, SECONDED BY KEN ROBERTS, TO SELECT THE CUSTOM ZONING STANDARD.

EVAN WILSON RECOMMENDED AN AMENDMENT TO THE MOTION THAT AUTHORIZES THE JAZB TO NOTIFY MNDOT OF THE SELECTION OF THE CUSTOM ZONING STANDARD.

KENT GRANDLIENARD MODIFIED THE MOTION TO INCLUDE AUTHORIZATION OF NOTIFICATION TO MNDOT.

THE MOTION PASSED WITH SEVEN VOTES IN FAVOR AND TWO AGAINST.

9. DISCUSSION OF AIRPORT ZONING LIABILITY

Chair Weyrauch turned the meeting over to Mr. Wilson to provide an overview of airport zoning liability and the recent changes to airport zoning statutes.

Mr. Wilson described recent case law regarding airport zoning, including *DeCook v. Rochester JAZB* and *O'Neil v. Bloomington*. There is legal precedent that suggests a JAZB is not a property party to a takings claim. Mr. Wilson also described changes to the airport zoning statute, including the elevation of airport zoning in local planning processes, the requirement for local jurisdictions to incorporate and administer airport zoning in connection with local zoning, and the new flexibility provided to JAZB's to develop airport zoning. Given these changes, MAC's position is that indemnification by MAC of JAZB members is not appropriate.

10. ESTABLISH NEXT MEETING DATE

The Board discussed possible dates for the next meeting. Under the Custom Zoning Standard, the next meeting will focus on a review of the custom zoning factors and developing a methodology for constructing the zoning ordinance.

After that, a Draft Airport Zoning Ordinance will be prepared and presented back to the Board for approval to proceed with a Public Hearing.

JAZB members requested that larger drawing exhibits be made available for review at the next meeting.

Chair Weyrauch set October 17th as the date for the next JAZB meeting. After further discussion, the meeting time will continue to be 3:30 PM.

11. ADJOURN

WITH NO FURTHER BUSINESS TO DISCUSS, CHAIR WEYRAUCH REQUESTED A MOTION TO ADJOURN THE MEETING. IT WAS MOVED BY KEN ROBERTS AND SECONDED BY MIKE LILJEGREN TO ADJOURN THE MEETING. THE MOTION CARRIED BY UNANIMOUS VOTE.

The meeting was adjourned at 5:38 PM.