

1 PUBLIC HEARING ON DRAFT LAKE ELMO AIRPORT ZONING
2 ORDINANCE
3

4 January 23, 2020 6:15 P.M.

5
6 Oak-Land Middle School
7 820 Manning Avenue North
8 Lake Elmo, Minnesota 55042
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10 BOARD IN ATTENDANCE:

11 Rick Weyrauch, Chair
12 Rick King, Metropolitan Airports Commission
13 Rod Skoog, Metropolitan Airports Commission
14 Jim Kremer, Oak Park Heights
15 Mary Vierling, West Lakeland Township
16 Dave Schultz, West Lakeland Township
17 Ken Roberts, City of Lake Elmo
18

19 METROPOLITAN AIRPORTS COMMISSION STAFF IN ATTENDANCE:

20 Evan Wilson
21 Neil Ralston
22
23

24 REPORTED BY: KELLEY E. ZILLES, RPR
25

1 MR. WEYRAUCH: Good evening, everyone.
2 It's 6:15, actually it's just after 6:15, and the
3 meeting of the Lake Elmo Joint Airport Zoning Board will
4 come to order. I'm going to try to speak without a
5 microphone. If anybody can't hear me, please let me
6 know, I'm pretty good about projecting, but I'll do my
7 best to accommodate everybody.

8 My name is Rick Weyrauch and I'm the chair of
9 the Lake Elmo Joint Airport Zoning Board. I welcome you
10 to tonight's meeting and public hearing on the draft
11 airport zoning ordinance. At this time I'd like the
12 board members to please introduce yourself and state
13 what entity you represent.

14 MR. KING: Rick King, MAC.

15 MR. SKOOG: Rod Skoog, MAC.

16 MR. KREMER: Jim Kremer from Oak Park
17 Heights.

18 MR. ROBERTS: Ken Roberts, City of Lake
19 Elmo.

20 MS. VIERLING: Mary Vierling, West Lakeland
21 Township.

22 MR. SCHULTZ: Dave Schultz, West Lakeland
23 Township.

24 MR. WEYRAUCH: And I believe that is all of
25 our members. At this time I would ask if there are any

1 elected officials in the audience that would like to be
2 recognized prior to us beginning. Very well.

3 The structure of the board meeting and public
4 hearing will be as follows. The first part of the
5 meeting we're going to have Neil Ralston from MAC, the
6 planner for the Metropolitan Airports Commission, will
7 be called to provide an overview of the draft Lake Elmo
8 Airport zoning ordinance, all the presentation along the
9 boards and the actual official document that will be
10 turned in. Second, at 6:30 exhibits for today's hearing
11 will be entered into the record. Those will be anything
12 that we've received to date and the appropriate
13 documents for the draft.

14 Third, the board will take testimony from the
15 public on the draft Lake Elmo Airport zoning ordinance.
16 So if you have a prepared statement or document, you may
17 read it into the record or submit it and we will make it
18 part of the record. The board asks that you limit your
19 statement to, we had originally had no more than five
20 minutes, we don't have very many speakers, so we'll take
21 some liberty with that time. We do reserve the right to
22 recommend you wrap it up if you get into a point of a
23 recurring theme, but five minutes is just a general
24 guideline.

25 If you wish to testify please fill out a speaker

1 card and hand it to the board secretary Kristin Berwald
2 over here, and you can bring those up at a later time.
3 I'll get to a point where I'll announce to raise your
4 hand if you have one and we'll come and get them from
5 you. And the speaker cards are located up at the
6 sign-in table.

7 Prior to this meeting we had a public
8 information open house here in the cafeteria from 5:15
9 to 6:15. This is not a public hearing about aircraft
10 noise or the proposed improvements of the Lake Elmo
11 Airport. Adoption of an airport zoning ordinance will
12 not alter the number or frequency or noise level of
13 traffic at the airport. An airport zoning ordinance
14 will affect the use of land surrounding the airport.

15 MAC staff members are available to address
16 questions you may have about other topics, they will be
17 free to be here afterwards if you have questions, seek
18 out anybody with the MAC staff and they will be happy to
19 listen to your concerns. A court reporter is here to
20 take down all the proceedings this evening. And with
21 that, I turn it over to Mr. Ralston to proceed with his
22 presentation.

23 MR. RALSTON: Chair Weyrauch, thank you.
24 And good evening, everyone. Thank you for taking the
25 time to join us tonight. I'm Neil Ralston, airport

1 planner for the Metropolitan Airports Commission and
2 technical advisor to this Joint Airport Zoning Board.
3 I'm here tonight to provide a brief overview of the
4 draft airport zoning ordinance that has been developed
5 by the Joint Airport Zoning Board for Lake Elmo Airport.
6 I'll begin by presenting the purpose and goals for the
7 Joint Airport Zoning Board and I'll move into a summary
8 of the draft airport zoning ordinance itself, and
9 finally we'll talk about the next steps in the process
10 to advance the draft ordinance towards approval and
11 final adoption.

12 Before going any further, however, I would like
13 to define a few terms and acronyms that will be used
14 during the presentation and on the slides and on some of
15 the boards in the back of the room. First the term
16 J-A-Z-B, pronounced JAZB, the shorthand version for
17 Joint Airport Zoning Board. Next Mn/DOT refers to the
18 Minnesota Department of Transportation, Office of
19 Aeronautics. FAA is used in reference to the Federal
20 Aviation Administration. And finally, the code 21D
21 refers to Lake Elmo Airport, that is the official
22 identifier for the airport that pilots use.

23 The Joint Airport Zoning Board is made up of
24 members through the municipalities that will be affected
25 by airport zoning that is Baytown Township, City of Lake

1 Elmo, City of Oak Park Heights, West Lakeland Township,
2 along with the Metropolitan Airports Commission. Each
3 participating jurisdiction is entitled to have two
4 primary voting members on the board along with two
5 alternate members who can vote in the absence of a
6 primary member. The board chair, Chair Weyrauch, is
7 also a voting member, while MAC's support staff are not
8 voting members.

9 At a high level the JAZB's purpose is to
10 collaboratively develop the airport zoning ordinance
11 that achieves a balance between providing a reasonable
12 level of public safety while allowing for compatible
13 community development. The overarching goal for the
14 board is to develop an airport zoning ordinance for
15 review and approval by the Mn/DOT commissioner of
16 transportation, subsequent adoption of that ordinance by
17 the board, and then incorporation of the ordinance by
18 local municipalities. Mn/DOT reserves the authority to
19 determine whether or not the proposed zoning ordinance
20 meets the reasonable level of safety threshold. The
21 supporting goal for this JAZB is to ensure that an
22 appropriate level of community engagement occurs and
23 tonight's hearing is an important part in achieving that
24 goal.

25 At its meeting on August 29th the Joint Airport

1 Zoning Board elected to establish and adopt a custom
2 airport zoning ordinance as is permitted in state
3 statute. The starting point for the custom airport
4 zoning path is to consider a set of factors that are set
5 forth in state statute. The first custom zoning factor
6 to consider is the location of the airport, surrounding
7 land uses, and the character of neighborhoods in the
8 vicinity of the airport.

9 The second factor to consider is the airport's
10 types of operations and how the aircraft operations
11 affect safety in the vicinity of the airport. The third
12 factor is the accident rate at the airport compared to a
13 statistically significant sample including an analysis
14 of accident distribution. The fourth factor is planned
15 land uses in the vicinity of the airport, including any
16 applicable platting, zoning, municipal comprehensive
17 plans or transportation plans. The final custom zoning
18 factor is a catchall for any other information relevant
19 to safety or the airport.

20 After considering these factors the Joint
21 Airport Zoning Board formally approved this version of
22 the draft airport zoning ordinance to be released for
23 formal public review and comment and serve as the basis
24 for the public hearing tonight. The draft airport
25 zoning ordinance contains two primary components, height

1 limitations and land use limitations. We'll cover both
2 starting with the height limitations item. The draft
3 ordinance establishes an airspace zone to limit the
4 height of structures and vegetation in the vicinity of
5 the airport. The airspace zone heights are based on the
6 Federal Aviation Administration's airspace protection
7 criteria.

8 If a proposed development seeks to penetrate the
9 height limitations that are stipulated by the airspace
10 zone, a variance will have to be granted by a board of
11 adjustment, and we'll talk more about the board of
12 adjustment in a few moments. The ordinance also
13 requires compliance with the Federal Aviation
14 Administration's airspace review process where proposed
15 development of certain criteria are met. The zoning
16 ordinance includes a set of grid maps, we have some
17 examples in the back as well, that show the airspace
18 zone heights in 10-foot intervals for areas surrounding
19 the airport. As an example, this slide shows grid
20 location C3 which illustrates the area just to the
21 northwest of the airport.

22 The index at the bottom of the graphic shows the
23 geographic spread of the grids, each of which each of
24 those grids has its own map in the zoning ordinance
25 document. The height on these grid maps are expressed

1 as above mean sea level, not above ground level. To
2 calculate the ground level height of the airspace zone
3 one must subtract the ground elevation from the airspace
4 elevation.

5 To remove some of the guess work in doing this
6 there's another set of grid maps called maximum
7 construction height without permit. These maps
8 establish a height per parcel up to which an airport
9 zoning permit is not needed. Each of the heights shown
10 in these grid maps is expressed as above ground level
11 making it easier to interpret and use in the previous
12 airspace zone grid maps. The maximum construction
13 height without permit map shown on this slide continues
14 to use grid section C3, again on the northwest side of
15 the airport. The heights shown here on a per parcel
16 basis were calculated by identifying the location on
17 each parcel where the highest ground elevation is
18 located under the lowest airspace zone elevation. You
19 then subtract the ground elevation from the airspace
20 zone height at that spot and rounded it down to the
21 nearest 10-foot interval. These heights are intended to
22 provide a bit of a buffer below the actual airspace zone
23 giving municipal zoning administrators an opportunity to
24 review proposed developments, they're getting close to
25 penetrating the airspace zone.

1 The zoning administrator within each
2 municipality will be able to help applicants work
3 through this process. In the vast majority of cases,
4 however, we have found that the airport zoning height
5 limitations would be less restrictive than the maximum
6 structure heights allowed in the standard municipal
7 zoning codes.

8 Next we'll move on to the land use safety zones.
9 The draft ordinance has two zones, JAZB safety zone 1
10 and JAZB safety zone 2. JAZB safety zone 1 is the most
11 restrictive zone and prohibits buildings and land uses
12 that bring together assemblies of people. JAZB safety
13 zone 2 is a less restrictive zone and contains general
14 land use restrictions against interfering with flight
15 activity at the airport.

16 Proposed JAZB safety zone 2 is shown by the
17 black ellipsoid on the slide. It was established by
18 drawing 5,000-foot radiuses from the runway ends and is
19 coincident with the FAA defined horizontal surface.
20 Even though the language may seem a bit technical, the
21 uses prohibited in safety zone 2 are generally common
22 sense prohibitions against interfering with flight
23 activity the vast majority of people wouldn't do anyway.
24 For example, bright up-lighting like search lights or
25 lasers pointed into the sky that could blind pilots or

1 unauthorized high powered radio transmitters that could
2 interfere with aviation frequencies would be unallowable
3 uses. The ordinance does not prohibit the installation
4 of or use of rooftop solar panels on homes or restrict
5 the use of FCC approved amateur radio stations in zone
6 2.

7 JAZB safety zone 1 is shown by the blue shaded
8 area on this slide. As mentioned before, it is the most
9 restrictive safety zone in that buildings are
10 prohibited. It also prohibits land uses that attract,
11 create or bring together an assembly of people. It does
12 allow for agriculture uses, non-spectator outdoor
13 recreation, vehicle parking and other approved
14 aeronautical activities.

15 As a reminder, the JAZB considered all of the
16 factors set forth in the state's airport zoning statute
17 in safety zone 1 including a safety risk analysis.
18 Safety zone 1 maximizes the use of airport owned
19 property and only encumbers off airport property that is
20 guided for non-occupant open space type uses. It
21 includes airport property outside of the perimeter fence
22 and under existing and future runway approaches. The
23 JAZB also included off airport property guided to be
24 public, semi public in the City of Lake Elmo along with
25 railroad and major roadway right-of-ways adjacent to

1 those uses.

2 Moving on, the draft airport zoning ordinance
3 narrative covers several important technicalities and
4 we'll cover a few of them here. Section 7 of the draft
5 ordinance addresses nonconforming uses and clarifies
6 that both structures and land uses in existence when the
7 ordinance becomes effective are allowed to remain in
8 place. Section 8 provides detail about the issuance of
9 airport zoning permits, it clarifies that permits are
10 only required for modifications to nonconforming
11 structures and for existing or new structures that
12 exceed the maximum construction height without permit
13 elevation established for each parcel.

14 Section 9 addresses the variance process.
15 Variances will be required in order to use a property in
16 violation of the airport zoning ordinance. It will be
17 issued by a board of adjustments set up specifically to
18 hear airport zoning variance requests. The board of
19 adjustment will consist of five members and meet on an
20 as-needed basis to review variances. Section 11
21 outlines the duties and responsibilities of the zoning
22 administrator to locally administer and enforce the
23 provisions of the ordinance. The zoning administrator
24 is the official or entity responsible for zoning in each
25 effective municipality.

1 Which brings us to the next steps in the
2 process. Public comment period is open until
3 February 7, 2020. If you would like to provide written
4 comments beyond any verbal testimony made tonight, you
5 can either fill out a comment form before you leave,
6 mail comments to the address on the notice, or send them
7 via email to the address also on the notice.

8 After the public comment period closes the Joint
9 Airport Zoning Board will review all testimony and
10 comments submitted and prepare a hearing officers
11 report. Then the JAZB will meet to review the content
12 of that hearing officers report and determine if the
13 draft airport zoning ordinance is ready to submit to
14 Mn/DOT for review or provisions are needed before
15 submittal. That meeting will likely occur in the late
16 March or early April time frame.

17 Once submitted Mn/DOT has a 90-day review period
18 to either ask for additional information or render a
19 determination. As a reminder, Mn/DOT reserves the
20 authority to determine whether or not the proposed
21 zoning ordinance meets a reasonable level of safety
22 threshold. If Mn/DOT approves the ordinance the JAZB's
23 action will be to transmit a final version to the
24 affected municipalities to be incorporated and
25 administered along with their respective zoning codes.

1 Conversely, if Mn/DOT disapproves the draft
2 ordinance, the JAZB's task is to consider revisions that
3 address Mn/DOT's objections. If substantive revisions
4 are made to the draft zoning ordinance the board will
5 need to conduct a supplemental public hearing to present
6 the changes. If a supplemental public hearing occurs a
7 draft ordinance would then be resubmitted to Mn/DOT and
8 then follow the same process until approved and adopted.

9 Chair Weyrauch, that concludes my remarks this
10 evening.

11 MR. WEYRAUCH: Thank you for the
12 presentation. At this time we will enter the exhibits
13 into the formal record and begin the public hearing
14 portion of today's meeting. And so please proceed by
15 entering the exhibits for today's hearing into the
16 record.

17 MR. RALSTON: All right. Thank you, Chair
18 Weyrauch. Notice of this public hearing was published
19 in several places, in the Stillwater Gazette newspaper
20 on January 10 and 17, 2020, and the St. Paul Pioneer
21 Press newspaper on January 12. In addition, notices
22 were mailed to the governing boards of the JAZB member
23 municipalities, to property owners within proposed JAZB
24 safety zones 1 and 2, and distributed electronically to
25 persons described in the Metropolitan Airports

1 Commission gov delivery news subscription service. The
2 notice is also posted on the Lake Elmo Airport Joint
3 Airport Zoning Board page on the MAC Website. The
4 notice and draft Lake Elmo Airport zoning ordinance are
5 available for public inspection at the following
6 locations, the Metropolitan Airports Commission main
7 office, the city halls of Lake Elmo and Oak Park
8 Heights, the Baytown Community Center, Lake Elmo Aero,
9 and the Lake Elmo Library.

10 The following exhibits that are part of the
11 public hearing process at this point in time will now be
12 entered into the formal record. Exhibit A is the draft
13 Lake Elmo Airport zoning ordinance itself dated
14 January 6, 2020; Exhibit B is the public presentation
15 that I made a few moments ago; Exhibit C is the notice
16 of public comment period and public hearing for the
17 draft Lake Elmo Airport zoning ordinance; Exhibit D are
18 affidavits of publication of the public notice in the
19 Stillwater Gazette and the Pioneer Press; Exhibit E is
20 an affidavit of mailing of the public notice; Exhibit F
21 is an affidavit of Web posting of the public notice;
22 Exhibit G is an affidavit of the gov delivery
23 distribution of the public notice; and Exhibit H is the
24 Lake Elmo Airport Joint Airport Zoning Board meeting
25 records for June 25th, August 29th, October 17th and

1 December 5th, 2019.

2 Chair Weyrauch, that concludes the entry of
3 exhibits into the record.

4 MR. WEYRAUCH: Thank you. We'll now enter
5 the comments by the public with a little bit of a prompt
6 and some of this is scripted, but I'm going to be
7 filling in the script here as we go. We'll take the
8 time now for public testimony on the draft Lake Elmo
9 Airport zoning ordinance. Speaker cards again were
10 located at the table, at the entry table. If you have
11 not filled out a card and would like to have one, please
12 raise your hand now and we'll make sure we get you a
13 card. If anybody has cards that they took and filled
14 out that they would like to turn in, go ahead and just
15 raise them up. And you don't have to have it
16 necessarily ready right away, we'll ask you again before
17 we complete, so if you're still working on it, feel free
18 to continue and we'll come back to you.

19 We will not be answering public questions
20 tonight and will not be taking any action or making any
21 recommendations, this is an opportunity for us to listen
22 to the public's commentary here tonight. All of the
23 verbal and written comments will be taken into
24 consideration before taking final action at a future
25 meeting of the Joint Airport Zoning Board, as Neil just

1 outlined.

2 As a reminder to the JAZB members that today is
3 a hearing for the public to provide its comments. Once
4 the hearing is complete and all comments are received,
5 the JAZB members will have our chance to review the
6 public record and to deliberate before taking action on
7 the draft ordinance. While the chair does not wish to
8 discourage JAZB members' questions or discussion today,
9 I ask that you consider holding them for our next
10 meeting when we have the benefit of the full public
11 record. And just to be clear, the conversation about
12 the public record or the public comments can include all
13 comments as opposed to having some big debate out ahead
14 of somebody who hasn't had a chance to have their public
15 speaking turn. If a member of the JAZB does wish to
16 provide formal comments for the record tonight, please
17 fill out a speaker card and provide testimony as a
18 member of the public at the podium.

19 We will prioritize speakers by letting our
20 guests from the public go first, followed by the JAZB
21 members last, if that's acceptable. The hearing record
22 will remain open through Friday, February 7th. You may
23 mail or deliver materials you wish to make part of the
24 record to the board secretary, care of the Metropolitan
25 Airports Commission, located at 6040 28th Avenue South,

1 Minneapolis, Minnesota, 55450, or you may transmit them
2 by email to lake-elmo.zoning@mspmac.org. And please
3 feel free to come get that from me afterwards.

4 Finally, the board requests that the public
5 testimony focus on the draft Lake Elmo Airport zoning
6 ordinance. Let me note again, this is not a public
7 hearing on aircraft noise or the proposed airport
8 improvements. Your testimony will be recorded by the
9 court reporter. Please state your name, address and who
10 you represent for the record. If you have a business
11 card please give that to the court reporter. I already
12 have, I haven't counted them yet, I have nine, at least
13 one more coming, I have nine so far speaker cards and I
14 will call people in the order in which I received the
15 cards. Please remember to limit or at least be timely
16 with your comments so that everybody has an opportunity
17 to have their presentation. And your testimony should
18 be related to our draft airport zoning ordinance. When
19 I call your name please come forward, use the
20 microphone, and stand at the podium at the front of the
21 room.

22 And with that we will go with our first card
23 which is Vince Anderson.

24 VINCE ANDERSON: Thank you, Rick. I
25 presume you will all be able to hear me, I prefer not to

1 use a microphone. Before I begin, I was surprised to
2 hear that there's no questions. I would ask if you find
3 my questions inappropriate, then cut me off, but
4 otherwise I think it would be nice to get an answer.

5 My name is Vince Anderson, I'm a resident of
6 West Lakeland Township, I'm a pilot though it's no
7 longer current. I'm a member of the public that has an
8 easement over 30th Street in its location. My address
9 is 1815 Hillside Court, but that's on file with MAC.
10 While I do know some of you, I need to understand who is
11 here, the mechanics of the approval process, and what
12 happens to comments made or received during the comment
13 period and the like. Some of these issues, Rick, you
14 didn't seem to cover. I ask for your patience while I
15 do ask a couple questions.

16 I see that we have a court reporter, will there
17 be a transcription available to the public? Who gets a
18 copy of the transcription without specifically
19 requesting it, Mn/DOT? That's a question.

20 MR. WILSON: The transcript will be made
21 available as part of a hearing officers report that will
22 then go to the next JAZB board meeting and it will
23 likely be posted on the project Website.

24 VINCE ANDERSON: Okay. But does it go to
25 Mn/DOT?

1 MR. WILSON: The transcript of the hearing?

2 VINCE ANDERSON: Yeah.

3 MR. RALSTON: Yes.

4 MR. WILSON: Yes, I believe we do send it.

5 VINCE ANDERSON: Who said yes?

6 MR. RALSTON: I said yes, it will be part
7 of the, the hearing officers report will be submitted.

8 VINCE ANDERSON: Thank you, Neil. Will the
9 FAA get a copy of this public hearing?

10 MR. WILSON: I do not know.

11 MR. RALSTON: The FAA is not a party to the
12 airport zoning.

13 VINCE ANDERSON: Will the Met Council get a
14 copy of this public hearing?

15 MR. RALSTON: If they download it from the
16 Website.

17 VINCE ANDERSON: So without requesting it,
18 the answer is no. I did not, when I received one of
19 these documents that listed all of the people who are
20 members, it wasn't clear, and you seem to point it out,
21 some are voting members and some are not. How many of
22 the voting members are here tonight?

23 MR. WEYRAUCH: Just raise your hands. We
24 have a couple in the audience.

25 VINCE ANDERSON: And how many is the total

1 voting members?

2 MR. WEYRAUCH: 11, ten plus myself.

3 VINCE ANDERSON: Is there a quorum?

4 MR. WEYRAUCH: Yes.

5 VINCE ANDERSON: And the people who didn't
6 show up just get to vote anyway?

7 MR. WEYRAUCH: There's no vote.

8 VINCE ANDERSON: Okay. Thank you. Are any
9 of the members of that group pilots?

10 MR. WEYRAUCH: Technically I am a pilot, I
11 do not fly.

12 VINCE ANDERSON: Okay. Are any of you
13 attorneys? Have you all read the notice of public
14 hearing, please be honest and wave your hand if you have
15 not read the notice in its entirety? Have you all read
16 a draft copy?

17 MR. KREMER: I guess I'm confused, it's
18 supposed to be a public hearing and I'm feeling like
19 it's some sort of cross examination.

20 MR. WEYRAUCH: Yeah, I'm a little confused
21 as well. Continue to ask all your questions if that's
22 what you'd like to do.

23 VINCE ANDERSON: Well, I'm getting, we're
24 close. This document was what I was referring to, have
25 all the members of the JAZB, is that how you pronounce

1 it?

2 MR. WEYRAUCH: Correct.

3 VINCE ANDERSON: Have you all read this in
4 its entirety?

5 TIME KEEPER: One minute remains of your
6 time.

7 MR. WEYRAUCH: We're going to be flexible
8 on the time, I meant to make that more clear.

9 VINCE ANDERSON: Is there anyone here from
10 Mn/DOT?

11 MR. WEYRAUCH: Yes.

12 VINCE ANDERSON: Would you identify
13 yourself and tell us what function you're performing.

14 RYLAN JURAN: My name is Rylan Juran, I'm
15 the planning director in the Office of Aeronautics.

16 VINCE ANDERSON: Is there anyone here
17 representing the Washington County Fair or the
18 fairgrounds? Is there anyone here representing
19 Washington County? I'm surprised that Washington County
20 is not a member of the board when they've got two roads
21 adjoining the airport and one that runs through zone 1.
22 Is there any representation or regular attendance by
23 anyone representing the Union Pacific Railroad? We'll
24 talk more about the railroad later. There's no
25 representation by Met Council, correct?

1 In the notice itself, and Neil brought it up, it
2 says that for the most part the restrictive maximum
3 heights are less than the maximum allowed in applicable
4 zoning, what's not most and is it listed any place as to
5 where you're more restrictive or was that --

6 MR. RALSTON: All of the information is
7 provided in the maximum zoning permit.

8 VINCE ANDERSON: So there are times that
9 you're more restrictive?

10 MR. RALSTON: We are not aware of any.

11 VINCE ANDERSON: Oh, that's not what it
12 said. In the document itself, line 53 and following,
13 according to the minutes that has not been approved, and
14 one would think that that would have been done before
15 this, whether it's part of the document or not.

16 Line 128, Met Council is the planning arm of the region
17 and should be in the approval process. Line 132, you're
18 only going to allow paved runways ever out here? Is
19 there a provision for helicopters, I didn't see them
20 pointed out? Line 149, I see a typo and this is an
21 editorial comment, but with 20 some people in the
22 membership and the people at MAC, if there's typos at
23 this stage, that says people really didn't read it.

24 The numbers in parentheses, line 153 and
25 following and a number of other issues in there, that

1 went away 40 years ago. Line 301, the fairgrounds, I
2 don't see any possibility of you being able to enforce
3 that. Line 313, exposed transmission lines, we just
4 paid to move transmission lines from one side of Manning
5 to the other and now they're within your zone and need
6 to be taken down, put underground. Who from MAC should
7 have caught that and spoke up when that was happening?
8 We're the ones that are paying for it.

9 Line 315, Neil, you mentioned an assembly of
10 persons, that's an undefined term, it's not in your
11 definitions. I don't know whether it's two or three or
12 17 or whatever. I see you're allowing livestock at the
13 fairgrounds, or excuse me, at the airport, that's kind
14 of a surprise. Light outdoor recreation which is
15 approved isn't defined, that's in line 318. Line 414
16 was an 8 percent penalty, interesting to know how you
17 would have found or how you determined that 8 percent.

18 Line 519 talks about things being done in
19 writing but doesn't talk about a distribution as to
20 where those would go. Line 575, I think you'll find
21 that you can't enforce that and it's probably not legal.
22 And line 605 is applicable and following is applicable
23 to all actions of MAC, not just zoning. I don't see any
24 reference here, will pancake breakfasts and the like be
25 eliminated? Those gatherings require additional

1 artificial traffic through the RPZ as well as additional
2 flights. The fairgrounds are not a mile away as stated
3 in the environmental statement. Crosswind traffic with
4 a normal left-hand departure goes right over the
5 fairgrounds. Within the past helicopter rides at the
6 fair, amusement rides that I don't think have been zoned
7 over on any particular height, lots of lights. I'm not
8 aware that MAC took any action when the fair moved to
9 its existing location after the airport was there, the
10 fairgrounds are used for considerably more than one week
11 a year, considerable lighting poles at the airport, or
12 at the fairgrounds.

13 Let's talk about the railroad. It's outside the
14 airport, your boundaries show that it's clearly not
15 airport property, it predates the airport. Railroads
16 run under a different set of rules. You've got heights
17 of the cross gate bars, a railroad fence. The railroad
18 itself is, you tell me, 10 feet, 15 feet above the
19 runway in the RPZ? They can do construction on their
20 property without any sort of zoning as far as I'm aware,
21 the railroad was around a long time, they could put up a
22 construction tower. Has there been any contact to the
23 Union Pacific Railroad by the JAZB? I take that as a
24 no. Has the Union Pacific Railroad contacted MAC or the
25 JAZB? I take that as a no. It was a surprise to MAC

1 when I pointed out that there was a railroad running
2 through the airport. What are your plans for a written
3 enforceable contract with the Union Pacific Railway?

4 Hunting has been unrestricted in the past on
5 airport property for the lake and wetland south of 30th
6 Street, are you going to permit that in the future? Any
7 notification to Minnesota DNR? Sounds appropriate.
8 There's no restriction on vehicle size or the type on
9 the road in the RPZ, is it a good idea to run a fuel
10 truck across the RPZ, or buses? And there's no
11 documentation anywhere on methods of updating this
12 ordinance. Do you reconvene the JAZB, appoint a new
13 one, what the approval process is? I did read the
14 minutes of the JAZB meetings, I saw no input from board
15 members for changes or inclusion. Was the JAZB solely
16 the work of MAC?

17 In closing, I know you're happy to hear that,
18 Rick, if you want clarification or a description,
19 contact me. Thank you.

20 MR. WEYRAUCH: I'll take an opportunity to
21 address those questions in some fashion after the fact.

22 VINCE ANDERSON: Thank you very much.

23 MR. WEYRAUCH: Just for the sake of
24 timeliness, I tried to let you get through as many of
25 them as possible.

1 VINCE ANDERSON: Thank you.

2 MR. WEYRAUCH: Our next speaker will be
3 Dave Schultz.

4 MR. SCHULTZ: I thought you were going to
5 let the JAZB members go first.

6 MR. WEYRAUCH: Oh, yeah, thank you very
7 much. I'm sorry. Marian Appelt.

8 MARIAN APPELT: Marian Appelt, I'm a
9 resident of West Lakeland Township, I live at 2655 Neal
10 Avenue North. I did my best to review the zoning, the
11 proposed zoning as well as follow up with everything. I
12 think that there is deep concern about changing from the
13 legacy zoning that had been in place with Mn/DOT and
14 going to a custom zoning. I think the issue that I have
15 with it, I think it continues to show a lack of concern
16 for the public safety, the people on the ground.

17 Zone 1 as proposed does restrict land uses.
18 Zone 2, however, no longer addresses some of the
19 concerns that were limited in zone A and zone B as far
20 as legacy zoning. I do find the custom zoning being
21 allowed in sort of a suspicious time frame at which it
22 was approved at the legislature. It was approved in a
23 special session under the omnibus bill and not shown due
24 diligence in terms of it being run through the
25 legislature in the proper steps. I think it's very

1 convenient how the custom zoning got allowed right
2 before the zoning of Lake Elmo Airport.

3 I think the traditional zones A and B were much
4 more appropriate for protecting the safety of the public
5 and people and land use below the airport. The current
6 custom zoning I don't think addresses some of the
7 concerns that the limitations in zone B had done, I
8 don't think it has adequately addressed items of
9 concern. And part of it could be that I may not have
10 read the minutes of the JAZB, but from what I've seen I
11 do not feel that it addressed some of the vulnerable
12 populations, I don't think it addressed the location of
13 wildlife attractiveness, especially with the high
14 density housing that's going on in developments on the
15 ground. We now have ponds that are attracting geese and
16 ducks and wildlife in those areas.

17 And I did not see any references to the accident
18 rate at the airport and perhaps, like I said, I didn't
19 read all the JAZB meeting minutes. I do think that the
20 dense housing that's on the other side of Manning is not
21 conducive with the types of the custom zoning. Zone B
22 used to be at least low density housing at least
23 requiring an acre for an individual house, and now
24 there's no restriction whatsoever in zone 2. I think
25 that the dense housing that's going on does not make it

1 safe for the residents and I also don't think it makes
2 it safe for a pilot. Where is the pilot going to put a
3 plane down if he runs into a problem? Now you've got
4 dense housing or housing that's on top of an acre and
5 versus having a resident when there's one house and one
6 in three. And in West Lakeland we have a two and a half
7 acre minimum.

8 So I think the zoning should have been in place
9 years ago, I think Mn/DOT had requested zoning to be in
10 place, I don't understand why it wasn't. I have been
11 informed that it's been a combination of lack of
12 municipalities involvement, but I do think that had that
13 been done and all the zone A would have been purchased,
14 we wouldn't be standing here at this point in time and
15 wouldn't have the restrictions and wouldn't have to have
16 this kind of a public meeting.

17 I'm not sure if it's feasible, but I think there
18 were funds available at one point in time to MAC to
19 purchase the land in zones A and I think that should
20 have been done and had it been done years ago we
21 wouldn't have some of the issues that we have now. So I
22 think it's a safety issue for the residents and I think
23 that the zoning, the cost of zoning allows zoning for
24 the airport and the interference and height
25 restrictions, but it does nothing for the safety of the

1 residents on the ground.

2 MR. WEYRAUCH: Next we have Ann Bucheck and
3 she also included a written statement for which we will
4 add to the record.

5 ANN BUCHECK: My name is Ann Bucheck,
6 B-U-C-H-E-C-K, I live at 2301 Legion Avenue in Lake
7 Elmo, Minnesota. I really enjoyed the first two
8 speakers and I thank them for being here. And as I
9 mentioned, it's not good driving tonight and I'm afraid
10 that there are a lot of people who could not be here who
11 probably would like to be here.

12 I understand the airport has control over
13 8,000 feet of airspace above the airport in all
14 directions and I would assume that they would have
15 control of 8,000 feet of space on the land in all
16 directions. We may be discussing this fact this
17 evening, but to be correct and safe, I thought MAC or
18 JAZB, I don't know who would have done it, would have
19 been correct if they had sent out a notice to all the
20 property owners in that area. This did not occur and
21 I'm asking why the letters were not sent? If you wanted
22 all citizens within the 8,000 feet to be aware of your
23 proposed zoning ordinance, you should have notified them
24 in writing. To make it clear to everyone, 5,200 feet is
25 one mile, so 8,000 feet would have been about a mile and

1 a half in all directions from the airport.

2 Tonight's discussions about airport zoning, if
3 I'm hearing MAC correctly, they only want airport zoning
4 to cover the airport property, that's the land that the
5 general public knows as the airport. It would be done
6 in a manner known as custom zoning. It makes sense, but
7 not when you know that they have control over 8,000 feet
8 in the air and that since 1970 they were asked to have
9 airport zoning in place to receive funding, and guess
10 what, they have received funding since the '70s. So why
11 didn't they do the zoning? Good question. Why are they
12 not including the 8,000 feet on the land in all
13 directions from the airport since they, and we, the
14 public, are concerned about safety? It should be.

15 Those of us who live in the area, and I would
16 assume MAC also, would want the people in those
17 8,000 feet to be safe. The people who live in homes,
18 apartments, senior housing, shop and stores, children
19 who attend Lake Elmo elementary schools and those who
20 drive on Manning Avenue and other roads want to feel
21 safe. To exclude all the land from your airport zoning
22 makes it appear that you don't care, and I certainly
23 hope that's not the case.

24 We need zoning and with it advisories and
25 conditions so we feel safe. We don't need more ground

1 and plane traffic and heavier planes. We want the
2 zoning to include those 8,000 feet in all the directions
3 and we want it to be an advisory for safety. We want
4 conditions for the safety of the pilots and also those
5 on the ground. We want to know that MAC has the
6 citizens' safety as their No. 1 concern. Please include
7 all land, developed and undeveloped, in the airport
8 safety zoning. Thank you.

9 MR. WEYRAUCH: Next speaker is Brad
10 Cornell.

11 BRAD CORNELL: My name is Brad Cornell, I
12 live at 2733 Neal Avenue North, West Lakeland. Okay.
13 Myself I have lived out here for 32 plus years, built in
14 1987, and I own a photography studio on my property and
15 in 2009 I submitted a proposal for West Lakeland to get
16 a variance to build a building on my property, it
17 extends approximately 30 feet above ground level, but it
18 took me two and a half years to go through the public
19 hearing process, our planning board, to get my neighbors
20 of 1,000 feet all the way around me, including MAC as
21 one of the residents, to get approval for my variance.
22 MAC never showed.

23 As a matter of fact, as I went to the town board
24 meetings and so forth in the last 32 years, the only
25 time we ever saw MAC at these meetings was about

1 proposed airport expansion, and today we're here talking
2 about zoning. When I built in 1986 I went in front of
3 our board to find out about the zoning ordinances,
4 whether we could have horses, my business, and about the
5 airport itself. There was no zoning prohibiting us. In
6 1997 I went to a MAC meeting at MAC about expansion of
7 the relievers. There they showed their zone A's their
8 expansion plans and my home was in zone A at that time.
9 The president of MAC said your home is in zone A, we
10 would purchase your home before we did the construction
11 on our expansion and some of several of my neighbors.
12 We have a new neighbor across the street that's even
13 closer to the new proposed runway, what are they going
14 to do about him? The airplanes are literally going to
15 go over the top. And for the last three years or so in
16 this planning process we brought up the safety of us on
17 the ground with respect to 30th Street. The winds blow
18 the snow, it's a very unsafe road. They're now building
19 a road without real full permission to require West
20 Lakeland to take the road. It's going to be a hazard.
21 As we can see 30th Street is today, you have to go very,
22 very slow, there's wind drifts, et cetera.

23 Now specifically to MAC. If you look at the
24 quality of the airport itself, back post 2001 our
25 President Bush required the airports to put in fencing.

1 If you'll observe along Manning, the fence is well
2 maintained. If you drive down 30th, as soon as you get
3 past the one hangar there, the fence is completely
4 overtaken by overgrowth. You go up the dead end street
5 of Neal North, it's completely overgrown and not
6 maintained. Oh, they were supposed to build it all the
7 way around the airport for security, they didn't bother
8 to go along the railroad tracks. There's no gates to
9 keep people out. It's an example of the lack of their
10 maintenance of their facility. They're going to expand
11 this airport, they're going to move our 30th and let it
12 get dilapidated over the next 30 years again just like
13 they did before.

14 What is going to happen is that pilots,
15 unfortunately if there is an accident, they're the first
16 ones at the accident. But also on 30th, if they have an
17 accident they're going to kill somebody on 30th.
18 There's 1,700 cars a day going down that road and I'm
19 one of them on my way to work and on my way home.
20 There's buses that go down that, it is high volume
21 traffic, not as much as Manning, but they're attempting
22 to move a road that is critical to our community in a
23 straight line, not several curves that are very slow
24 speeds. Thank you.

25 MR. WEYRAUCH: The next speaker is Laura

1 Kaschmitter.

2 LAURA KASCHMITTER: So here we are at
3 public hearing No. 3. Public hearing No. 1 after we
4 wrote our comments was 88 percent opposed, 12 percent
5 for. In a democracy that would mean the opposition won.
6 Sadly, we are still going because MAC took that as a
7 win. Public comment period No. 2, 61 percent opposed
8 this plan, 38 percent said yes. Once again in a
9 democracy, the opposition would win, the project still
10 went forward.

11 So here we are, public comment period No. 3, you
12 sit there and you look at us. A public hearing means
13 you listen and then you engage the public as to how this
14 is going to work, to safely work for everyone. You have
15 not done that. I don't want to hear how you changed a
16 3,600 foot runway to 3,500 foot to please us. It was
17 done because you were unable to, we have many documents
18 that show that.

19 So the zoning, this has been stated and I'm
20 going to state it again, you have had five decades to do
21 zoning. Now you have many houses, dense housing where
22 you want to put the zoning. So now you had to create
23 custom zoning, except that zoning is really a
24 mathematical equation, it is not drawing a line around
25 your property boundaries, that is not zoning, that is

1 convenient zoning for you. You had five decades to get
2 this done, it was not done, and it is now too late to do
3 it safely for the residents, for the pilots, for the
4 whole area. I want this project stopped because it no
5 longer fits in the area that the airport now lives in.
6 Thank you.

7 MR. WEYRAUCH: Next speaker is Mick
8 Kaschmitter.

9 MICK KASCHMITTER: Why are we here? You've
10 already started digging and pounding and hammering away,
11 hauling dirt all over the place. You're not going to
12 stop, so why is this zoning going to make a difference?
13 I think everybody said that we got to have it, it was
14 supposed to be in place earlier because of state
15 statutes, you ignored it, so why are we doing this?

16 Kind of taking off a little bit of what Vince
17 said, is this custom zoning going to prohibit the perks,
18 and that's spelled P-E-R-K-S, and that is a MAC term, is
19 it going to stop the perks and other activities that
20 pilots have at the airport that they conduct different
21 things on the airport grounds within that zone such as
22 they have garage sales, they have graduation parties,
23 they have block parties, they have set up campers on the
24 ends of the runway and camping for the night. They
25 drive out to the end of the runways, let their dogs out

1 and let the dogs just run at the end of the runways.
2 They also have car shows and repair garages that would
3 put Tires Plus and other repair shops to shame with the
4 amount of tools and cars they have in them. So how is
5 that going to be allowed, is this custom zoning going to
6 help relieve that and prohibit it?

7 What about the custom zoning, is it going to
8 protect our land values? Are we able to sell our
9 property, I mean, we have a five-acre horse property, if
10 we elect to sell are we still going to have a five-acre
11 horse property? And what if for some reason we are not
12 allowed to say we have a five-acre horse property, is
13 MAC going to reimburse us for any damages?

14 I guess lastly, I want to fly a drone on my
15 property, can MAC stop me with this custom zoning?
16 Because I guess I can go to Lake Elmo Aero and get drone
17 pilot training, so I guess will that be allowed now
18 under this custom zoning?

19 MR. WEYRAUCH: Next speaker is Mike Seeber.

20 MIKE SEEBER: Hi, everybody. That's
21 S-E-E-B-E-R. Thank you. Vince is my new hero, thank
22 you for what you said, I appreciate that. I think most
23 people know me, I'm against this -- oh, I'm sorry, I'm
24 at 2301 Neal Avenue North. Oh, this is weird, I don't,
25 it's very uncomfortable for me to be the center of

1 attention, usually I like being behind the camera, but I
2 couldn't not speak out.

3 I'm very much opposed to this project. I'm
4 curious with this new Lake Elmo Aero, I'm curious if,
5 and I haven't heard if the zoning is going to take into
6 consideration repeated touch and goes, six, eight, ten,
7 12, 14 times at a time adding up to maybe over 100 a
8 day, repeatedly, the same loud plane over our house.
9 It's not, I don't think you would like it if it was you
10 under this noise. And I wonder if there is a, and I
11 would like the board to address this, if there would be
12 a limit on those types of activities. I don't
13 appreciate conducting flying schools over our house and
14 I'm not sure that, I could be wrong, I'm not sure that
15 I've seen that in the zoning. I've been at those
16 meetings, I haven't paid a lot of attention because
17 they're not that interesting, sorry, but I have not
18 heard that addressed, so I would appreciate that.

19 And just also for the record -- I'm not a very
20 good public speaker, am I? Now seeing the new road
21 that's going to let the runway be extended and the road
22 coming way around the end of the runway seems ridiculous
23 and I'm not sure how that can even pass. I mean, it
24 doesn't pass the smell test, it doesn't pass common
25 sense, it seems ridiculous from just a good judgment

1 point of view, just a real gut check. And so I would
2 encourage all those opposed to maybe bring this up to
3 the FAA or higher authorities. I just can't imagine how
4 it would pass. So thank you.

5 MR. WEYRAUCH: Next speaker is Tom
6 Vierling.

7 TOM VIERLING: Hello. Due to some of the
8 previous comments I'll limit this, make it a little
9 shorter. I'm Tom Vierling, I live at 2825 Neal Avenue
10 North, Stillwater. I understand MAC has the right and
11 responsibility to zone the space and land property at
12 the airport. What I don't understand is what gives MAC
13 the right to zone private property surrounding the
14 airport without due compensation.

15 Also I've heard the term grandfathered thrown
16 around. I would like that to be addressed and defined.
17 Who will be grandfathered, us, the next owner, is the
18 property grandfathered forever? It is a proven fact
19 that the land surrounding an airport will lose up to
20 25 percent of its value, in addition zoning will
21 restrict our land use also without compensation. Thank
22 you.

23 MR. WEYRAUCH: At this time do we have any
24 other cards that anybody has filled out while we've been
25 taking public comment?

1 MOLLY OLSON: I have a question versus a
2 comment. Was the comment supposed to be in earlier?

3 MR. WEYRAUCH: The public comment is for
4 you to use it in whichever way you wish. Feel free to
5 come up. If you just want to turn it in, you can; if
6 you want to read it, you can.

7 MOLLY OLSON: I'll read it. Molly Olson, I
8 live at 2301 Neal Avenue, West Lakeland Township. Two
9 of the other speakers alluded to this, but I had written
10 out my card before so I'm just going to ask it anyway.
11 What types of public comment in this public comment
12 period that's open until February 7th will be considered
13 relevant to and have any impact on the decisions already
14 made in the ordinance draft? That's my first question.

15 My second question is you said the comments
16 "will be taken into consideration and then discussed
17 with, summarized by somebody else and then discussed by
18 the JAZB board." I'm wondering in what meaningful way
19 will the JAZB board do or write or decide anything
20 different based on any of the public comment and what
21 type of comment would change anything you've already
22 decided? I guess that's the third question. It doesn't
23 sound like you're answering questions here tonight.
24 Those my questions.

25 MR. WEYRAUCH: No, but I can generically

1 answer all of them. That is the purpose for the next
2 JAZB meeting is to discuss at whatever length the
3 members and is appropriate for, you know, the debate
4 that goes on, all of the public comments that are taken
5 into the record over the entire period. So we will
6 recap, discuss, talk about and whatever, whatever comes
7 of it will all be at our next meeting before we actually
8 take an action to submit.

9 MOLLY OLSON: And my question is, in what
10 meaningful way will the JAZB board do or write or decide
11 anything different in the ordinance based on these
12 comments?

13 MR. WEYRAUCH: Fair enough, I understood
14 that the first time. I don't know, we'll have that
15 discussion at the next meeting.

16 MOLLY OLSON: Nothing like has been done
17 pretty much with all of the last few meetings, I would
18 expect it, but hopefully you'll prove us wrong.

19 MR. WEYRAUCH: Could I have your card too,
20 please. Thank you. Thanks, I appreciate it. Any other
21 speakers, any other speaker cards, any other
22 submissions?

23 ANN BUCHECK: I spoke once, can I ask a
24 question, can I make a comment? I didn't use my five
25 minutes, so I'm short.

1 MR. WEYRAUCH: I understand.

2 ANN BUCHECK: My name is Ann Bucheck, I
3 live at 2301 Legion Avenue in Lake Elmo, Minnesota. She
4 just asked a really interesting question. I've been to
5 the JAZB meetings and not only me but others have asked
6 questions and they have never, ever been answered. I
7 have been to meetings, I have been to the follow-up
8 meetings, you have never answered any of our questions.
9 Thank you.

10 MR. WEYRAUCH: At this time we'll go with
11 the JAZB members who filled out cards and we'll start
12 with Dave Schultz.

13 MR. SCHULTZ: Dave Schultz, S-C-H-U-L-T-Z,
14 1440 Norcrest Avenue North, West Lakeland Township. I'm
15 on the board of supervisors for West Lakeland and also
16 on the JAZB. This JAZB board has met four times and we
17 received the document at the last meeting. I'm trying
18 to figure out what the rush is to get this done. It
19 took multiple years for zoning at Flying Cloud.

20 The zoning members have never had a chance to
21 review this document or had a chance to discuss the
22 contents at any of the zoning meetings. This totally is
23 being driven by MAC, not the zoning board. The zoning
24 members were never given an opportunity to present to
25 their attorneys, the planners, building officials for

1 their comment to see how these ordinances may impact
2 their community and at what cost.

3 It states in this document, Section 1, purpose
4 and authority. Lake Elmo Airport Joint Airport Zoning
5 Board created and established joint action of the
6 Metropolitan Airports Commission and the cities of Lake
7 Elmo, Oak Park Heights, Baytown and West Lakeland
8 Township pursuant to provisions and authority of
9 Minnesota statutes. It also talks about airport hazard
10 endangers the lives and property of users of the airport
11 and property or occupants of land in its vicinity; and
12 the creation or establishment of an airport hazard is a
13 public nuisance; and for the protection of the public
14 health, safety, order, convenience, prosperity and
15 general welfare, and for promotion of the most
16 appropriate use of land it is necessary to prevent the
17 creation or establishment of airport hazards.

18 Your map depicts a circle of about 8,000 feet
19 around the airport. Was everybody in that 8,000 feet
20 out from the airport notified of the potential changes
21 to their property? It further states in Section 5, land
22 use safety zoning. Safety zone 1, this is on airport
23 property and restrictions there reference no height
24 restrictions set forth by Section 4B and general
25 restrictions.

1 Areas designated as safety zone 1 for each
2 runways end shall contain no buildings, exposed
3 transmission lines or similar land use structural
4 hazards and shall be restricted to those uses which do
5 not create, attract or bring together an assembly of
6 persons thereon. Permitted uses may include, but not
7 limited to, such uses as agricultural, seasonal crops,
8 horticulture, raising of livestock, animal husbandry,
9 wildlife habitat, light outdoor recreation, cemeteries,
10 vehicle parking and other approved aeronautical uses.
11 As said earlier, livestock, really, on airport property?

12 Under Section 7 airport zoning permits. Permit
13 required, nonconforming structures of the following
14 items. No nonconforming structure shall be replaced,
15 substantially altered or repaired or rebuilt. So if a
16 roof is damaged by hail, does that mean it can't be
17 repaired, so does that mean it has to be removed?

18 Under Section 12, board of adjustment.
19 Establishment of the board of adjustment and selection
20 of chair. It is hereby established a board of
21 adjustment shall consist of five members appointed by
22 the Metropolitan Airports Commission and each shall
23 serve a term of three years and until a successor is
24 duly appointed and qualified. The members shall select
25 a chair to act at the pleasure of the board of

1 adjustment. Members shall be removable, blah, blah,
2 blah.

3 The board of adjustment shall have the power to
4 hear and decide appeals from any order, requirement,
5 decision or determination made by any zoning
6 administrator of the Metropolitan Airports Commission in
7 the enforcement of this Lake Elmo Airport zoning
8 ordinance and to hear and grant or deny variances. The
9 key point here is MAC appoints this review board, the
10 communities have no say in it, in the makeup of this
11 board. They could be MAC commissioners and staff with
12 no representation from the communities. Unfortunately
13 how is this fair?

14 Other questions I have are what is the process
15 to make changes to this ordinance after it has been
16 implemented and adopted? What does Exhibit E map and
17 other maps depict mean, there is no narrative for them?
18 With the aircraft counts decreasing over the past decade
19 it would be interesting to know what the count is today
20 after the ADS-B goes into effect on the first of this
21 year.

22 For the public's benefit, this is where every
23 plane at Lake Elmo needs to be fitted with a transponder
24 at a cost of 2,500 to \$5,000. With the decrease in
25 aircraft at Lake Elmo the pilots are saying they expect

1 Lake Elmo to close in five years. How do we address the
2 revocation of zoning implemented by this ordinance if
3 Lake Elmo does close? And if Lake Elmo does close will
4 MAC realign 30th Street to its original configuration?

5 Now for the public's benefit they should know
6 that if Lake Elmo closes, the millions spent on this
7 project and anything done in the previous 25 years will
8 have to be refunded back to the federal government. And
9 this is the same predicament right now that the city of
10 Silver Bay is going through.

11 These are just a few of the concerns I have
12 about this document, there are others that are too
13 numerous to be listed at this time and in this setting.
14 Thank you.

15 MR. WEYRAUCH: The next speaker will be
16 Mary Vierling.

17 MARY VIERLING: Good evening, everyone. A
18 lot of the questions that I had have already been asked
19 and some of them the questions I had have already been
20 answered. But I do feel, I am a member of the zoning
21 board, and I do feel very strongly that if we have
22 control over airspace up to 8,000 feet, I think that we
23 need to apply that same distance on the ground for the
24 people and the residents, the properties that are there.
25 And then from that point we can always look, we can go

1 smaller if we need to, we can go bigger if we need to.
2 But there is so much that has happened in this area in
3 the last few years with the dense housing, with senior
4 developments, with vulnerable people in housing, and
5 these things have to be addressed.

6 We have schools that fall into that area, more
7 than one, we have churches. These are things that we
8 need to look at that I don't feel that we have addressed
9 far enough yet, so I don't think that we're ready, we
10 certainly aren't ready to send the draft I don't think
11 that is in place right now. I think that there's a lot
12 more more work that needs to be done before that can
13 move forward.

14 Most of the things I was curious about are
15 things like at the fairgrounds, we have that gentleman
16 that likes to do the helicopter rides and he's right
17 off, he's right across the street from the airport
18 property. And how is that safe, do we control that, do
19 we have to have the county board control that? These
20 are things, I don't know, but things that we have to
21 find out and take care of so that everybody can stay
22 safe. I guess that that is probably the only thing that
23 hasn't been said already from everything I have listed.

24 I too am concerned about the wildlife, I'm
25 concerned about, you know, there's drone training going

1 on and I understand that that's the future in aviation,
2 but we have to find a safe way to do it and to apply it.
3 So again, there are things that still need to be
4 investigated and talked about before that, before we get
5 a draft in to the commissioner. And I guess that's all
6 I have for this evening. Thank you.

7 MR. WEYRAUCH: At this time that's all the
8 cards that I have. I'll make another request for
9 anybody that has a desire to speak, has filled out a
10 card, would like to take an opportunity? With no
11 further public comments, then we will close the public
12 hearing. I'd like to thank everyone for speaking,
13 turning in their comments, and we look forward to
14 debating those at our next meeting.

15 I'll remind everyone that the hearing record
16 will remain open through Friday, February 7th of 2020.
17 Any mail or delivered materials that you wish to make
18 part of the record send to the board secretary, care of
19 Metropolitan Airports Commission, located at 6040 28th
20 Avenue South, Minneapolis, Minnesota, 55450. Or you may
21 transmit them by email to lake-elmo.zoning@mspmacc.org.

22 Under state law there are a number of additional
23 steps that must take place prior to the adoption of this
24 airport zoning ordinance. After the close of the
25 comment period the JAZB will meet again to review the

1 public comments and decide whether to make any changes
2 to the draft airport zoning ordinance. The ordinance
3 will then be submitted to the commissioner of Minnesota
4 Department of Transportation for their review and
5 approval.

6 Thank you everyone for attending and your
7 participation. This public hearing is now closed and
8 the meeting of the Joint Airport Zoning Board is
9 adjourned.

10 (Proceedings concluded for the day at
11 7:35 p.m., 01-23-2020)

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REPORTER'S CERTIFICATE

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STATE OF MINNESOTA)
) ss.
COUNTY OF WASHINGTON)

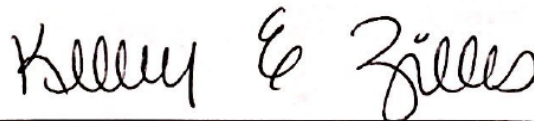
I hereby certify that I reported the proceedings on the 23rd day of January 2020, in Lake Elmo, Minnesota;

That the testimony was transcribed by me and is a true record of the proceedings;

That I am not a relative or employee or attorney or counsel of any of the parties, or a relative or employee of such attorney or counsel;

That I am not financially interested in the action and have no contract with the parties, attorneys, or persons with an interest in the action that affects or has a substantial tendency to affect my impartiality;

WITNESS MY HAND AND SEAL THIS 23rd day of January 2020.



Kelley E. Zilles, RPR
Notary Public, Washington County, Minnesota
My commission expires 1-31-2025

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