

# Lake Elmo Airport (21D) Joint Airport Zoning Board (JAZB)

Meeting Agenda  
Wednesday, September 23, 2020 at 3:30 p.m.  
\*\*\*TELECONFERENCE ONLY\*\*\*

The Teleconference is open to the public. To participate, call 612-351-3093 and enter 239031

## **Agenda Items**

1. Chair Opening/Remarks
2. Approval of Minutes from December 5, 2019 Meeting
3. Review of January 23, 2020 Public Hearing Report
  - Includes Public Comments and Responses
4. Review Draft Lake Elmo Airport Zoning Ordinance Submittal Materials
  - Public Hearing Report
  - Draft Lake Elmo Airport Zoning Ordinance dated March 10, 2020
  - Analysis of Custom Airport Zoning Factors
  - JAZB Meeting Record
5. Public Comments
6. Board Discussion on Submittal Materials
7. Discuss Next Step
8. Adjourn

**LAKE ELMO AIRPORT  
JOINT AIRPORT ZONING BOARD**  
Wednesday, September 23, 2020  
\*\*\*TELECONFERENCE ONLY\*\*\*

**DRAFT 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  
Kent Grandlienard, Baytown Township  
Justin Bloyer, City of Lake Elmo, Board Member  
Ken Roberts, City of Lake Elmo, Board Member  
Mike Liljegren, City of Oak Park Heights, Board Member  
Jim Kremer, City of Oak Park Heights, Alternate  
Mary Vierling, West Lakeland Township, Board Member  
Dan Kylo, West Lakeland Township, Board Member, Alternate  
Rick King, Metropolitan Airports Commission, Board Member  
Rod Skoog, Metropolitan Airports Commission, Board Member

Others: Bridget Rief, Roy Fuhrmann, Joe Harris, Neil Ralston, Evan Wilson, Jenn Felger, Kristin Berwald, Brad Juffer, Michele Ross, MAC Staff; John Fleming, MnDOT; Ann Pung-Terwedo, Washington County; Brian Krafthefer, West Lakeland Township, Alternate; 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 provided a statement regarding the effects of COVID-19 on the JAZB process and the need for the teleconference. He stated the purpose of the meeting was to review the public comments from the January 23, 2020 Public Hearing and to take in consideration to submit a draft report to MnDOT.

2. APPROVAL OF MINUTES FROM DECEMBER 5, 2019 MEETING

Chair Weyrauch asked the Board Members if they had received their meeting materials in the mail and had an opportunity to review the information. Chair Weyrauch requested a motion to approve the meeting minutes.

**IT WAS MOVED BY JOHN HALL, SECONDED BY RICK KING, TO APPROVE THE MINUTES OF THE DECEMBER 5, 2019 LAKE ELMO AIRPORT JOINT AIRPORT ZONING BOARD MEETING, AS PRESENTED.**

**THE MOTION PASSED ON THE FOLLOWING ROLL CALL VOTE:**

**AYES: SEVEN GRANDLIENARD, HALL, KING, LILJEGREN, SKOOG, VIERLING,  
CHAIR WEYRAUCH**

**NAYES: NONE**

**ABSTAIN: TWO BLOYER, KYLLO**

3. REVIEW OF JANUARY 23, 2020 PUBLIC HEARING REPORT

Chair Weyrauch turned the meeting over to Neil Ralston, Metropolitan Airports Commission, for a review of the January 23, 2020 Public Hearing Report.

Mr. Ralston continued with a recap of the attendance at the Public Hearing and noted the number of written comments received. Mr. Ralston also summarized the contents of the Public Hearing Report and gave an overview of the topics brought up by the public comments. Mr. Ralston then asked if the Board Members had any questions about the public comments and written response documents. Chair Weyrauch indicated there were no questions. Mr. Ralston then asked if there were questions about the other elements of the Public Hearing Report. Chair Weyrauch then entertained a motion to accept the January 23, 2020 Public Hearing Report.

**IT WAS MOVED BY KENT GRANDLIENARD, SECONDED BY KEN ROBERTS, TO ACCEPT THE JANUARY 23, 2020 PUBLIC HEARING REPORT.**

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: ELEVEN BLOYER, GRANDLIENARD, HALL, KING, KREMER, KYLLO, LILJEGREN, ROBERTS, SKOOG, VIERLING, CHAIR WEYRAUCH**

**NAYES: NONE**

**ABSTAIN: NONE**

4. REVIEW DRAFT LAKE ELMO AIRPORT ZONING ORDINANCE SUBMITTAL MATERIALS

Chair Weyrauch turned the meeting back over to Mr. Ralston, who provided an overview of the materials that will be needed to submit the Draft Airport Zoning Ordinance to MnDOT. Mr. Ralston clarified that this was not the final JAZB action to adopt the ordinance, but rather the next step in the process to submit the materials to MnDOT for their review and action. Mr. Ralston then listed proposed edits in the post-hearing version of the Draft Ordinance document that were made in response to comments at the public hearing. Mr. Ralston asked the Board Members if they had any questions about the proposed edits to the post-hearing version of the Draft Ordinance document.

Mr. Roberts asked if the term “high-voltage transmission line” as used in line 313 of the draft ordinance needs to be defined or if it was standard knowledge. Chair Weyrauch weighed out reasons for including the term high-voltage and asked the Board Members if they had a need for the verbiage to be changed. After discussion, the Board elected to leave the language in place without further definition.

Chair Weyrauch asked if the effective date gets filled in after MnDOT’s review. Mr. Ralston responded that is correct.

Dan Kylo, West Lakeland Township, pointed out the opportunity to change the word “permitted” as used in line 316 of the draft ordinance to “allowed”. Mr. Kylo stated that the term “permitted” could be confused

with a permit being required. Chair Weyrauch stated that was an appropriate change and that further motions pertaining to this draft would include that edit.

Chair Weyrauch then asked for other edit suggestions. Hearing none, Chair Weyrauch turned the meeting back to Mr. Ralston.

Mr. Ralston provided an overview of the Analysis of Custom Zoning Airport Factors report and stated that it was based on the content of the last several meetings. Mr. Ralston asked for any questions pertaining to the Analysis of Custom Zoning Airport Factors report.

Ms. Vierling asked about height restrictions pertaining to water towers and antennas, as West Lakeland Township is working on having a water tower.

Mr. Ralston stated that the height of the airspace zone varies according to the location. If the optimal location for a water tower in West Lakeland Township exceeds a maximum construction height without permit, it would be subject to further review through the airport zoning process. If it were to exceed the height of the airspace zone, a variance would be required through the Board of Adjustment.

Ms. Vierling asked if the Board was taking action to enforce the type of aircraft using Lake Elmo Airport or noise levels. Mr. Ralston stated these items are not under the purview of the airport zoning ordinance, which is related to airspace and land use.

Ms. Vierling stated that West Lakeland Township has an airport zoning ordinance in place already. Ms. Vierling referred to a document that references zoning by the Metropolitan Airports Commission in 1952 and asked why there is a need for a Board of Adjustment if West Lakeland Township already has an ordinance. Mr. Ralston responded that indeed there is an ordinance in place that was instituted by Washington County and recently transferred to the townships. Mr. Ralston explained that it is not geographically comprehensive by including adjacent incorporated municipalities and that it does not represent the future configuration of the airport.

Chair Weyrauch further stated that after this new zoning goes into effect, it sets a standard of safety for the airport, and that West Lakeland Township can adopt more restrictive zoning if they choose.

Ms. Vierling asked additional questions about the need for custom airport zoning and the potential for MAC to change the zoning ordinance without Township participation. Mr. Ralston responded that state statute requires any future changes to the airport zoning ordinance would require reconvening the zoning board. Mr. Ralston asked Evan Wilson, Metropolitan Airports Commission, to confirm if that was correct. Mr. Wilson confirmed that state law requires an invitation to be sent to all seated zoning board members if there were to be future changes to a zoning ordinance.

Kent Grandlienard, Baytown Township, stated that this has all been discussed previously and that the majority of the Board Members voted for the custom zoning approach. Mr. Grandlienard stated that West Lakeland opposed this but did not present any alternative options.

Chair Weyrauch stated that he was willing to entertain other questions or comments in relation to the report prior to moving on.

Mr. Ralston recommend that the submittal package to MnDOT Aeronautics contain the following materials:

- Public Hearing Report, as previously accepted by the JAZB
- Post-Hearing version of the Draft Lake Elmo Airport Zoning Ordinance dated March 10, 2020, with the recommended change to the language in line 313
- Analysis of Custom Airport Zoning Factors report
- JAZB Meeting Record, comprised of agendas and minutes from JAZB meetings held from June 25, 2019 until the present

5. PUBLIC COMMENTS

Chair Weyrauch opened the meeting for public comment and clarified that this was not a reopening of the public comment period relating to the public hearing, but instead an opportunity for the public to make comments or questions about the proceedings of the meeting.

There were no public comments. Chair Weyrauch asked how many members of the public were in attendance. Mr. Juffer stated there were between 5 and 10. Chair Weyrauch felt there was sufficient time to comment and closed the public comment section.

6. BOARD DISCUSSION ON SUBMITTAL MATERIALS

Chair Weyrauch asked for a Board discussion on the submittal materials. Hearing none, Chair Weyrauch asked for a motion to authorize the JAZB Chair to submit the post-public hearing version of the Draft Lake Elmo Airport Zoning Ordinance and supporting materials to MnDOT with corrections as previously stated.

**IT WAS MOVED BY KEN ROBERTS, SECONDED BY KENT GRANDLIENARD, TO AUTHORIZE THE JAZB CHAIR TO SUBMIT THE POST-PUBLIC HEARING VERSION OF THE DRAFT LAKE ELMO AIRPORT ZONING ORDINANCE AND SUPPORTING MATERIALS TO MNDOT.**

Chair Weyrauch asked for debate or alternate motions. Hearing none, Chair Weyrauch called for a vote.

**THE MOTION PASSED ON THE FOLLOWING ROLL CALL VOTE:**

**AYES: ELEVEN BLOYER, GRANDLIENARD, HALL, KING, KREMER, KYLLO, LILJEGREN, ROBERTS, SKOOG, VIERLING, CHAIR WEYRAUCH**

**NAYES: NONE**

**ABSTAIN: NONE**

7. DISCUSS NEXT STEP

Chair Weyrauch asked Mr. Ralston to provide an overview of the next steps. Mr. Ralston stated that once submitted, MnDOT has a 90-day review period to either ask for more information or render a determination on the Draft Ordinance. As a reminder, MnDOT reserves the authority to determine whether the proposed Ordinance meets the reasonable level of safety threshold.

If MnDOT approves the Ordinance, the JAZB's last action will be to adopt it and transmit a final version to affected municipalities to be incorporated and administered along with their respective zoning codes.

Conversely, if MnDOT disapproves the Draft Ordinance, the JAZB's task is to consider revisions that address MnDOT's objections. If substantive revisions are made to the Draft Ordinance, the JAZB will need to conduct a supplemental public hearing to present the changes. After a supplemental public hearing, the Draft Ordinance would be re-submitted to MnDOT and then follow the same process until approved and adopted.

Chair Weyrauch stated that the next steps will likely include another teleconference and welcomed Board Member feedback on teleconferences.

Mr. Grandlienard asked about the process for replacing Board Members if they are not running for re-election.

Mr. Ralston stated that it was his understanding that Board Members serve until they are replaced. Mr. Ralston asked Mr. Wilson to confirm. Mr. Wilson stated that Board Members serve at the pleasure of their appointed authority.

John Hall, Baytown Township, stated that they could continue with Mr. Grandlienard until he requested to be removed from the Board.

8. ADJOURN

**WITH NO FURTHER BUSINESS TO DISCUSS, CHAIR WEYRAUCH REQUESTED A MOTION TO ADJOURN THE MEETING. IT WAS MOVED BY JOHN HALL AND SECONDED BY DAN KYLLO TO ADJOURN THE MEETING.**

The meeting was adjourned at 4:32 PM.

**Lake Elmo Airport (21D)**  
**Joint Airport Zoning Board (JAZB)**

Meeting Agenda  
Thursday, December 5, 2019  
3:30 P.M.  
Baytown Community Center  
4020 McDonald Drive N., Stillwater MN 55082

**Agenda Items**

1. Chair Opening/Remarks
2. Approval of Minutes from October 17, 2019 Meeting
3. JAZB Formation Items
4. Presentation of Draft Airport Zoning Ordinance Materials
5. Public Comments
6. Board Discussion on Draft Airport Zoning Ordinance Materials
7. Establish Next Meeting Date
8. Adjourn

**LAKE ELMO AIRPORT  
JOINT AIRPORT ZONING BOARD**

Thursday, December 5, 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  
John Hall, Baytown Township, Board Member  
Ron Fredkove, Baytown Township, Alternate  
Ken Roberts, City of Lake Elmo, 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  
Rick King, Metropolitan Airports Commission, Board Member  
Rod Skoog, Metropolitan Airports Commission, Board Member

Others: Joe Harris, Neil Ralston, Evan Wilson, Kristin Berwald, Brad Juffer, Dana Nelson, MAC Staff; John Fleming, MnDOT; Kurt Howard, Washington County; Jake Jorgenson, SEH; Brian Krafthefer, West Lakeland Township, Alternate; David Screation

1. CHAIR OPENING/REMARKS

Chair Weyrauch opened the meeting and provided introductory remarks. He reiterated that the purpose for the JAZB is to develop an airport zoning ordinance for the surrounding communities of the Lake Elmo Airport. Chair Weyrauch stated that there would be a presentation from MAC and there would be a public comment period later in the meeting. Chair Weyrauch further clarified that there would be a public hearing in the future as part of the zoning process where members of the public would be able to provide further comments.

2. APPROVAL OF MINUTES FROM OCTOBER 17, 2019 MEETING

Chair Weyrauch requested a motion to approve the meeting minutes from the Lake Elmo Airport Joint Airport Zoning Board meeting held on October 17, 2019.

There was brief discussion of the meeting minutes.

**IT WAS MOVED BY ROD SKOOG, SECONDED BY JOHN HALL, TO APPROVE THE MINUTES OF THE OCTOBER 17, 2019 LAKE ELMO AIRPORT JOINT AIRPORT ZONING BOARD MEETING, AS PRESENTED. THE MOTION PASSED UNANIMOUSLY.**



3. JAZB FORMATION ITEMS

Chair Weyrauch turned the meeting over to Evan Wilson, Metropolitan Airports Commission, to review JAZB formation items. Mr. Wilson stated that participation resolutions were received by each of the JAZB members' jurisdictions. Mr. Wilson recommended that there be a motion for ratification of prior decisions that the JAZB has made as reflected in the minutes of the meetings.

**IT WAS MOVED BY KEN ROBERTS, SECONDED BY MIKE LILJEGREN, TO RATIFY THE ACTIONS OF THE JAZB AS REFLECTED IN THE MINUTES OF THE MEETINGS. THE MOTION PASSED UNANIMOUSLY.**

4. PRESENTATION OF DRAFT AIRPORT ZONING ORDINANCE MATERIALS

Chair Weyrauch turned the meeting over to Neil Ralston, Metropolitan Airports Commission, who provided a presentation of the Draft Zoning Ordinance for the consideration of the JAZB.

Mr. Ralston noted that an electronic copy of the Draft Airport Zoning Ordinance had been distributed in advance so that the JAZB could review the materials prior to the meeting. Mr. Ralston also stated that there were table copies available for members of the public to review.

Mr. Ralston stated that the JAZB made a request for MAC staff to develop a formal Airport Zoning Ordinance proposal based on the Example Custom Land Use Zones presented at the October 17 meeting.

Mr. Ralston then provided a presentation of the resulting Draft Airport Zoning Ordinance, noting that it contained both height limitations and land use limitations. Mr. Ralston explained that the Draft Airport Zoning Ordinance establishes an Airspace Zone to limit the height of structures and vegetation in the vicinity of the airport. The Airspace Zone heights are based on Federal Aviation Administration (FAA) airspace protection criteria. If a proposed development seeks to penetrate the height limitations stipulated by the Airspace Zone, a variance will have to be granted by a Board of Adjustment. The ordinance also requires compliance with FAA's airspace review process for proposed development if certain criteria are met.

Mr. Ralston provided examples of grid maps that show the Airspace Zone heights in 10-foot intervals for areas surrounding the airport. Mr. Ralston also provided examples of grid maps that establish a height per parcel up to which an airport zoning permit is not needed. Mr. Ralston explained the circumstances where proposed development would require a permit or a variance.

Moving on to land use limitations, Mr. Ralston then provided a review of the proposed JAZB Safety Zones 1 and 2. Mr. Ralston explained that JAZB Safety Zone 1 is the most

restrictive zone and prohibits buildings and land uses that bring together assemblies of people. JAZB Safety Zone 2 is a less restrictive zone and contains general land use restrictions against interfering with flight activity at Lake Elmo Airport.

Ken Roberts, City of Lake Elmo, asked if ponding, trails, and streets are considered allowed uses, and if they are called out specifically in the ordinance. Mr. Ralston referred to the Draft Ordinance and stated that these items would be allowed.

Mr. Ralston cited that based on discussion at the October 17, 2019 meeting, the off-airport agricultural preserve property adjacent to the northeast side of the airport was removed from JAZB Safety Zone 1. Based on the safety/risk analysis, removing this property did not adversely affect the level of safety being provided.

Mr. Ralston then provided brief descriptions of several sections of the Draft Airport Ordinance that cover non-conforming uses, permits, and the variance process.

Dave Schultz, West Lakeland Township, asked if the power poles on Manning Avenue near the railroad tracks would be allowed to stay, and noted concern over a possible obstruction from the powerline between the poles. Mr. Ralston explained that these poles would be considered a non-conforming use that would be allowed to remain in place; however, plans to relocate the primary runway would render the power poles and line a non-issue from an obstruction perspective.

Mr. Ralston then stated that the next step for the JAZB is to consider the Draft Airport Zoning Ordinance, and, if acceptable, consider advancing it into the public review and comment process. This would entail initiating a formal public comment period and holding a public hearing within that timeframe. Mr. Ralston then described the steps required to prepare for the Public Hearing, including the publishing of advertisements in local newspapers and notices being mailed to residents.

## 5. PUBLIC COMMENT PERIOD

Dave Schultz, West Lakeland Township, provided comments on a variety of topics, including the timeliness of materials being distributed for review in advance of the JAZB meeting, the location of a previous aircraft accident, and the number of aircraft based at Lake Elmo Airport.

Public comments were received from (1) one individual, inquiring if the Draft Airport Ordinance would be available electronically and if Lake Elmo is going to be reimbursed for land in the northwest corner of proposed JAZB Safety Zone 1 (Runway 14 end).

Mr. Ralston stated that the Draft Airport Zoning Ordinance will be posted to the JAZB website so that it can be downloaded during the public comment period. Allowable uses on the land in proposed JAZB Safety Zone 1 in Lake Elmo will not change as it is already guided to be a non-occupant Public/Semi-Public space in the City's Comprehensive Plan. Mr. Roberts acknowledged that this was a correct understanding of the Plan.

6. BOARD DISCUSSION ON DRAFT AIRPORT ZONING ORDINANCE MATERIALS

Chair Weyrauch asked if there were any requested changes about the Draft Airport Zoning Ordinance.

Mr. Schultz stated that he would like to see proposed JAZB Safety Zone 1 expanded. Mr. Ralston provided a review of the accident location data that was evaluated during the Custom Airport Zoning development process and presented at the October 17 meeting. Mr. Schultz referred to the accident distribution scatter plots and containment ellipses. Mr. Ralston pulled up the slide from the October 17 JAZB presentation showing this information onto the screen. Mr. Schultz said he thought that the Safety Zones should be derived from the 20% accident containment ellipse.

Mr. Roberts summarized the consensus of the Board from the October 17 meeting, stating that the proposed Safety Zones provided for a reasonable level of safety.

The Board continued to discuss the elements that constitute a reasonable level of safety. Chair Weyrauch stated that the risk factor does not drop off linearly the further one gets from the Airport. Mr. Schultz stated that he didn't think the proposed zones provided enough safety. Jim Kremer, City of Oak Park Heights, asked Mr. Schultz what he considered to be safe. Mr. Schultz responded that he would like to use the Commissioner's Airport Zoning Standard. Chair Weyrauch asked if it was acceptable to extend the safety zones at the two southern ends that extend into West Lakeland Township. Mr. Schultz stated that he couldn't make that decision and that it was a Township Board level decision. Mr. Roberts asked if West Lakeland Township has an option to adopt local zoning more restrictive than the JAZB Safety Zones should it choose to do so. Chair Weyrauch confirmed that has been determined as an option.

Mr. Roberts provided several comments of a technical nature about the mechanics of the Draft Airport Zoning Ordinance. Evan Wilson, Metropolitan Airports Commission, explained that much of the language in the ordinance is taken directly from the State Statute. Rod Skoog, Metropolitan Airports Commission, asked if that factor would be important for people to understand prior to the Public Hearing. Chair Weyrauch requested that MAC prepare an annotated copy of the Draft Airport Zoning Ordinance to highlight what sections use language verbatim from the State Statute. Mr. Kremer stated that it would also be helpful for the public to have access to the highlighted copy. Mr. Wilson stated that he would put together an annotated copy.

**IT WAS MOVED BY JIM KREMER AND SECONDED BY JOHN HALL TO ADVANCE THE DRAFT AIRPORT ZONING ORDINANCE TO A PUBLIC COMMENT PERIOD. THE MOTION PASSED WITH 8 VOTES IN FAVOR AND 2 OPPOSED.**

Reasons for voting in opposition: Mr. Schultz stated that he didn't think the proposal provided enough safety. Ms. Vierling stated she thinks there needs to be a larger safety zone.

7. ESTABLISH NEXT MEETING DATE

Chair Weyrauch set Thursday, January 23, 2020 at 5:00 pm as the date for the Public Hearing.

8. ADJOURN

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

The meeting was adjourned at 4:57 PM.

**Lake Elmo Airport (21D)**  
**Joint Airport Zoning Board (JAZB)**

Meeting Agenda  
Thursday, October 17, 2019  
3:30 P.M.  
Baytown Community Center  
4020 McDonald Drive N., Stillwater MN 55082

**Agenda Items**

1. Chair Opening/Remarks
2. Approval of Minutes from August 29, 2019 Meeting
3. JAZB Formation Items
4. Presentation of Custom Standard Zoning Factors
5. Example Custom Zone for Discussion
6. Public Comments
7. Board Discussion on Custom Zoning Factors and Example
8. Establish Next Meeting Date
9. Adjourn

**LAKE ELMO AIRPORT  
JOINT AIRPORT ZONING BOARD**

Thursday, October 17, 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 3:27 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  
Jim Kremer, City of Oak Park Heights, Alternate  
Mary Vierling, West Lakeland Township, Board Member  
Brian Krafthefer, 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, Kristin Berwald, Brad Juffer, Dana Nelson, Jennifer Lewis, MAC Staff; Rylan Juran, MnDOT; Kurt Howard, Washington County; Mick Kaschmitter, Laura Kaschmitter, Alex Screation

1. CHAIR OPENING/REMARKS

Chair Weyrauch opened the meeting and provided introductory remarks. Chair Weyrauch emphasized that the purpose for the JAZB is to develop an airport zoning ordinance for the surrounding communities of the Lake Elmo Airport. Chair Weyrauch stated that there would be a presentation from MAC and there would be a public comment period at the end of the meeting. Chair Weyrauch explained that there would be a public hearing in the future as part of the zoning process where members of the public would be able to provide further comments.

2. APPROVAL OF MINUTES FROM AUGUST 29, 2019 MEETING

Chair Weyrauch requested a motion to approve the meeting minutes from the Lake Elmo Airport Joint Airport Zoning Board meeting held on August 29, 2019.

Brian Krafthefer, West Lakeland Township, inquired as to whether the reasons for voting in opposition to a motion should be included in the minutes. Chair Weyrauch responded that he did not ask for Board Members to state their reasons for voting in opposition to motions in previous meetings, but that could be included going forward if requested.

**IT WAS MOVED BY MARY McCOMBER, SECONDED BY JOHN HALL, TO APPROVE THE MINUTES OF THE AUGUST 29, 2019 LAKE ELMO AIRPORT JOINT AIRPORT ZONING BOARD MEETING, AS PRESENTED. THE MOTION PASSED WITH 10 VOTES IN FAVOR AND 1 ABSTENTION.**

3. JAZB FORMATION ITEMS

Chair Weyrauch turned the meeting over to Evan Wilson, Metropolitan Airports Commission, to review JAZB formation items. Mr. Wilson stated that resolutions were received by Baytown, Lake Elmo, Oak Park Heights, and the MAC. Mr. Wilson stated that a resolution had not been received by West Lakeland Township. Mr. Wilson asked if a resolution has been passed by West Lakeland Township.

Mary Vierling, West Lakeland Township, stated that West Lakeland Township just had a Board meeting, and that it was her understanding that their resolution was forthcoming.

Mr. Wilson recommended that there be a motion for ratification of prior decisions that the JAZB has made as reflected in the minutes of the meetings.

Kent Grandlienard, Baytown Township, stated that he preferred to wait until West Lakeland Township submitted their resolution and that he wants West Lakeland Township to be able to vote on the ratification.

Rick King, Metropolitan Airports Commission, stated that he thought it was fine to wait to vote on the ratification, however if West Lakeland ultimately did not provide a resolution, they would not be able to vote on other matters.

Chair Weyrauch recommended to table the vote on ratification until the next meeting and requested a motion to do so.

**IT WAS MOVED BY JIM KREMER, SECONDED BY ROD SKOOG, TO TABLE THE RATIFICATION UNTIL THE NEXT MEETING. THE MOTION PASSED UNANIMOUSLY.**

4. PRESENTATION OF THE CUSTOM STANDARD ZONING FACTORS

Chair Weyrauch turned the meeting over to Neil Ralston, Metropolitan Airports Commission, who provided a presentation of Custom Standard Zoning Factors for the consideration of the JAZB.

Mr. Ralston stated at the last meeting, the JAZB decided to establish and adopt custom airport zoning regulations. MAC provided the required notice to MnDOT of the JAZB's intention to do this on September 30. Mr. Ralston explained that the next step is to consider a set of factors that are set forth in state statute. Mr. Ralston reminded the JAZB that the goal was to aim for a reasonable level of safety.

Mr. Ralston's presentation focused on Custom Standard Zoning Factors regarding airport location, land use, character of surrounding neighborhoods, airport operations, a safety-risk analysis, and planned land uses.

Brad Juffer, Metropolitan Airports Commission, provided an overview of how a dataset of nation-wide general aviation accident location and distribution research, conducted by the University of California at Berkeley for the California Airport Land Use Planning Handbook (known as the California Study), was used to calculate accident probability and frequency.

5. EXAMPLE CUSTOM ZONE FOR DISCUSSION

Mr. Ralston then presented an Example Custom Land Use Zone for the consideration of the Board. Mr. Ralston emphasized that this example was not intended as a MAC staff recommendation, but that it was to instead start discussion. Mr. Ralston explained that the example maximizes the use of airport owned property and off-airport property that is zoned or guided for non-occupant, open space type uses.

Mr. Juffer provided further details and analysis of how accident probability and frequency calculations made from the California Study data applies to the Example Custom Land Use Zone. Mr. Juffer compared the accident probability and frequency results to the safety zones recently adopted for the Flying Cloud Airport. Mr. Juffer also gave an overview of how the dataset applies to land outside of the Example Custom Land Use Zone.

Mr. Ralston completed the presentation by providing further information regarding a less-restrictive land use zone with general prohibitions against land uses that would interfere with the safety of flight. Mr. Ralston clarified that the ordinance does not seek to prohibit the use of rooftop solar panels on homes or restrict the use of FCC-approved amateur radio stations. Mr. Ralston advised that if a proposed development seeks to penetrate the height limitations stipulated by this potential Airspace Zone, a permit or variance would have to be approved. Mr. Ralston explained that the most restrictive height limitation is at 50 feet, which exceeds the building height typically allowed by local zoning regulations.

6. PUBLIC COMMENT PERIOD

Public comments were received from one (1) individual regarding the data set that was used in the Custom Standard Zoning Factors presentation.

7. BOARD DISCUSSION ON CUSTOM ZONING FACTORS AND EXAMPLE

Chair Weyrauch opened the meeting for the Board to have a discussion regarding the materials that were presented about a custom airport zoning ordinance.

Mr. Grandlienard commented that Example Custom Zone seemed to primarily be on airport property and that the portion that crossed into Lake Elmo looked to be ponding area. Mr. Grandlienard stated that he felt the Example Custom Zone seemed reasonable.



Chair Weyrauch asked the Board if they felt they had enough information to decide upon an action or if there were any requests for further data.

Mr. Krafthefer asked if the accident probability could be listed by community. Chair Weyrauch addressed Mr. Krafthefer's question regarding probability and relevancy to each specific community.

Chair Weyrauch asked if a more restricted land use was desirable for the protection of residents and emphasized that with this Example Custom Zone, it is primarily the airport that must restrict its land use, not the residents.

Ken Roberts, City of Lake Elmo, stated that he has enough information to make a decision.

Chair Weyrauch called for a motion for MAC to formalize a custom zoning ordinance proposal to submit to MnDOT. Mr. Wilson provided clarification that the zoning ordinance proposal would be presented at a Public Hearing prior to being submitted to MnDOT.

Chair Weyrauch commented that MnDOT would still need to accept this proposal and that there would be time to make adjustments.

Ms. Vierling stated that her concern is for the surrounding properties and that she isn't certain that the Example Custom Zone offers an appropriate level of safety to residents.

Mr. King stated that there would be a diminishing return to drawing larger boundaries as accident probability per a given area decreases beyond the Example Custom Zone.

Chair Weyrauch asked if West Lakeland Township wanted greater restrictions on land use in their community and commented that it wouldn't necessarily create more safety.

Rod Skoog, Metropolitan Airports Commission, stated that the level of safety increases with the proposed lengthening and relocation of primary Runway 14/32, which alters the Runway Protection Zones so that they no longer cross public roads.

**IT WAS MOVED BY KENT GRANDLIENARD, SECONDED BY MARY McCOMBER TO REQUEST THAT MAC CREATE A FORMAL PROPOSAL FOR A CUSTOM AIRPORT ZONING ORDINANCE BASED ON THE EXAMPLE CUSTOM LAND USE ZONE SHOWN ON SLIDE 36. THE MOTION PASSED WITH 8 VOTES IN FAVOR AND 2 OPPOSED.**

Reasons for voting in opposition: Ms. Vierling stated she didn't think that the Example Custom Zone would provide enough safety. Mr. Krafthefer stated he had very little time to decide prior to voting.

8. ESTABLISH NEXT MEETING DATE

Chair Weyrauch set December 5, 2019 at 3:30 pm as the date for the next JAZB meeting.

9. 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 JIM KREMER TO ADJOURN THE MEETING. THE MOTION CARRIED BY UNANIMOUS VOTE.**

The meeting was adjourned at 5:18 PM.

# **Lake Elmo Airport (21D) Joint Airport Zoning Board (JAZB)**

Meeting Agenda  
Thursday, August 29, 2019  
3:30 P.M.  
Baytown Community Center  
4020 McDonald Drive N., Stillwater MN 55082

## **Agenda Items**

1. Chair Opening/Remarks
2. Approval of Minutes from June 25, 2019 Meeting
3. JAZB Formation Items
  - Introduction on New JAZB Members
  - Resolutions for JAZB Members
  - Vice-Chair Position
  - Scope of Lake Elmo Airport Zoning Ordinance
4. Public Comments
5. Overview of State Airport Zoning Statute (MnDOT Aero)
6. Presentation – Commissioner and Custom Standards for Lake Elmo Airport
  - Flying Cloud Airport Zoning Case Study
  - Application of the Commissioner’s Standard
7. Discussion of Airport Zoning Liability
8. Establish Next Meeting Date
9. Adjourn

**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 Screamon,  
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 17<sup>th</sup> 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.



# **Lake Elmo Airport (21D) Joint Airport Zoning Board (JAZB)**

Meeting Agenda  
Tuesday, June 25, 2019  
3:30 P.M.  
Baytown Community Center  
4020 McDonald Drive N., Stillwater MN 55082

## **Agenda Items**

1. Welcome and Agenda Overview
2. Board Member Introductions
3. JAZB Overview
4. Selection of Chairperson
5. Organizational Logistics
6. Goals for the Lake Elmo JAZB
7. Summary of New State Airport Zoning Statute
8. Initial Meeting Plan
  - Establish Next Meeting Date
9. Public Comments
10. Adjourn

**LAKE ELMO AIRPORT  
JOINT AIRPORT ZONING BOARD**

Tuesday, June 25, 2019  
Baytown Community Center  
4020 McDonald Drive North, Stillwater, MN 55082

MEETING MINUTES

Neil Ralston, Metropolitan Airports Commission, convened the Lake Elmo Airport Joint Airport Zoning Board meeting at 3:34 PM. The following were in attendance:

Members: Rick Weyrauch, Baytown Township, Board Member  
Kent Grandlienard, Baytown Township, Board Member  
Justin Bloyer, City of Lake Elmo, Board Member  
Ken Roberts, City of Lake Elmo, Board Member  
Mary McComber, City of Oak Park Heights, Board Member  
Mike Liljegen, City of Oak Park Heights, Board Member  
Dave Schultz, West Lakeland Township, Board Member  
Mary Vierling, West Lakeland Township, Board Member  
Dan Kylo, West Lakeland Township, Alternate  
Rick King, Metropolitan Airports Commission, Board Member  
Michael Madigan, Metropolitan Airports Commission, Board Member

Others: Neil Ralston, Kristin Berwald, Matthew Krogh, Dana Nelson, Brad Juffer, MAC Staff; Russ Owen, Metropolitan Council; John Fleming, MnDOT; Tom Wolter, Easton Village; Ann Pung-Terwedo, Washington County; Ann Bucheck, Denise Cornell, Laura Kaschmitter, Sarah Lee, John Renwick

1. WELCOME AND AGENDA OVERVIEW

Neil Ralston opened the meeting and welcomed the attendees to the kickoff meeting of the Joint Airport Zoning Board (JAZB) for Lake Elmo Airport. Mr. Ralston stated that he would lead the meeting until the Board selected its Chairperson.

2. BOARD MEMBER INTRODUCTIONS

Mr. Ralston explained that the Board is made up of members from Baytown Township, City of Lake Elmo, City of Oak Park Heights, West Lakeland Township, and the Metropolitan Airports Commission. Each municipal government is entitled to have two primary members on the Board, along with two alternate members who can vote in the absence of a primary member. Mr. Ralston requested that the Board members introduce themselves and state which municipal government they represent, noting if they are a primary member or an alternate.

3. JAZB OVERVIEW

Mr. Ralston provided explanations of commonly used acronyms that would be used during the JAZB meetings. Mr. Ralston highlighted the JAZB's purpose to collaboratively develop

an airport zoning ordinance that achieves a balance between providing for a reasonable level of safety while allowing for compatible community development.

4. SELECTION OF CHAIRPERSON

Mr. Ralston explained that the method of selection of a Chair is set out in State Statute. He or she must be someone in addition to the Board members, and not one of the members or alternates appointed by the municipalities or the MAC.

Mr. Ralston cited an understanding that Baytown Township had a representative that they would like to nominate. Kent Grandlienard, Baytown Township, confirmed they would like to nominate Rick Weyrauch of Baytown Township. Mr. Weyrauch accepted the nomination.

Dave Schultz, West Lakeland Township, nominated Sue Dunn. Mr. Schultz stated his understanding that the nominee must be someone in addition to a Board member, not someone who is on the Board. Mr. Weyrauch confirmed that he would vacate his seat as a Board member if elected Chair.

Mr. Schultz affirmed his nomination of Sue Dunn. Mr. Ralston asked if Ms. Dunn was present to accept the nomination. Ann Bucheck, a citizen of Lake Elmo, stated that Sue had an emergency but did plan to be at the meeting.

The selection of the JAZB Chair was tabled until later in the meeting.

5. ORGANIZATIONAL LOGISTICS

Mr. Ralston presented recommendations for organizational logistics for the JAZB meetings. Mr. Ralston suggested using Robert's Rules of Order to guide meeting protocols. Mr. Ralston defined a quorum as having a majority of JAZB membership in attendance to take action, meaning that six members, including alternates, must be present to take any formal actions. Formal actions will require a majority vote of the members voting to pass or fail. Mr. Ralston called for a motion to adopt Robert's Rules of Order.

**IT WAS MOVED BY MICHAEL MADIGAN, SECONDED BY JUSTIN BLOYER, TO ADOPT ROBERT'S RULES OF ORDER. THE MOTION CARRIED BY UNANIMOUS VOTE.**

6. GOALS FOR THE LAKE ELMO JAZB

Mr. Ralston stated that the overarching goal for the JAZB is to develop an airport zoning ordinance for review and approval by the MnDOT Commissioner of Transportation for subsequent adoption by the Board and then local communities.

To accomplish this, the JAZB could consider a few sub-goals. First, the Board should keep in mind that this is a balancing act between providing a reasonable level of safety while allowing for compatible community development. The Board should also ensure that the ordinance is developed in a manner that includes meaningful stakeholder engagement.

7. SUMMARY OF NEW STATE AIRPORT ZONING STATUTE

Mr. Ralston stated that there are updated state airport zoning statutes that will become effective on August 1, 2019. Mr. Ralston then referred to the agenda packet, which included a summary of the key changes that have been made to the statutes. Mr. Ralston provided an overview of the key changes and cited a change in the flexibility to enact airport zoning. The JAZB will be able to choose to either adopt a zoning ordinance that conforms to the Commissioner's Standard or to create a Custom Standard ordinance.

8. INITIAL MEETING PLAN

Mr. Ralston proposed that the next meeting focus on a work session getting into the details of the two airport zoning pathways, Custom Standard and Commissioner's Standard. The desired outcome from the second meeting would be a decision about which airport zoning standard the JAZB desires to pursue.

The content of the third meeting would be based on the JAZB's decision. If the JAZB selects the Custom Standard, the third meeting would focus on a review of the custom zoning factors and developing a methodology for constructing the ordinance.

The result for the initial phase of the JAZB's work is a public hearing to present the proposed airport zoning ordinance for public review and comment, followed by its submittal to MnDOT for review and approval.

Board discussion followed about the following topics:

- Scope of the airport zoning ordinance: The Board discussed if the JAZB is preparing an airport zoning ordinance that reflects the existing airport layout or for the proposed airport layout. MAC staff's understanding is that the proposed airport layout would serve as the basis for the zoning ordinance. MAC staff took an action item to clarify MnDOT's position on this item and report back to the Board.
- Concerns about the possibility of inverse condemnation claims: The Board discussed the example of airport zoning litigation in Rochester and asked who paid the damage claim. MAC staff took an action item to research this topic and report back to the Board.
- Indemnification: The Board discussed the topic of legal liabilities and indemnification for individuals and communities participating on the JAZB. MAC staff took an action item to research this topic and report back to the Board.
- Components of a Custom Standard zoning ordinance: A Custom Standard zoning ordinance would include a safety risk analysis and economic impact analysis.

9. SELECTION OF CHAIRPERSON

Mr. Ralston inquired if the Board would like to move to select a Chair or if the Board would like to select the Chair at its next meeting.

**KENT GRANDLIENARD MOVED, SECONDED BY RICK KING, TO APPOINT RICK WEYRAUCH AS CHAIR.**

The Board discussed Mr. Weyrauch's qualifications for the Chair position.

**IT WAS MOVED BY DAVE SCHULTZ, SECONDED BY MARY VIERLING TO DELAY SELECTING A CHAIR UNTIL THE NEXT MEETING.**

Mr. Krogh asked for discussion on the alternate motion. The Board discussed the alternative motion. Mr. Krogh called for a vote.

**THE MOTION FAILED WITH TWO VOTES IN FAVOR AND SEVEN AGAINST.**

Mr. Krogh returned to the original motion from Mr. Grandlienard to appoint Mr. Weyrauch as Chair.

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

Mr. Ralston turned the meeting over to Chair Weyrauch.

10. DATE SELECTION OF NEXT MEETING

The Board discussed possible dates for the next meeting.

Chair Weyrauch set August 29<sup>th</sup> as the tentative date for the next JAZB meeting.

11. PUBLIC COMMENTS

Chair Weyrauch requested that standards be set for the public speaking period and that a time limit be set.

Ms. McComber recommended a three-minute time limit for each speaker.

The Board discussed if a Vice-Chair position can be established in the event that the Chair cannot attend.

**MICHAEL MADIGAN MOVED, SECONDED BY MIKE LILJEGREN, TO NOMINATE MARY McCOMBER AS VICE-CHAIR.**

The Board discussed if a Vice Chair can also be a Board member. Ms. McComber asked if state statutes can be checked in reference to a Vice-Chair. MAC staff took an action item to research if state statutes allow for a Vice-Chair to be seated.

**MICHAEL MADIGAN WITHDREW MOTION OF VICE-CHAIR NOMINATION.**

Chair Weyrauch returned to the topic of the Public Comment period.

Public comments were received from four (4) individuals and addressed the following topics:

- Concern about a meeting date of August 29<sup>th</sup>, as it is close to the Labor Day holiday and requested that meetings not be scheduled near a holiday.
- More advertising awareness of the JAZB meetings and that the meetings be at a more accessible time of day.
- Availability of JAZB meeting minutes.
- Residency of JAZB members.
- Current status of airport zoning for Lake Elmo Airport. The Airport is not currently zoned to MnDOT standards.

Chair Weyrauch closed the public comment period and asked the Board if they would like to revisit the 3:30 PM time frame of the JAZB meetings. Ms. McComber responded that with a request that the meetings not be held on Tuesdays. There were no objections to the 3:30 PM time frame, nor alternate times suggested by any Board member.

12. ADJOURN

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

The meeting was adjourned at 4:45 PM.