

**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.