

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

Meeting Minutes

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

Members: Rick Weyrauch, Chair
John Hall, Baytown Township, Board Member
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.