

FLYING CLOUD AIRPORT JOINT AIRPORT ZONING BOARD

Thursday, September 21, 2017
Eden Prairie City Center – Heritage Rooms 1 & 2
8080 Mitchell Road, Eden Prairie, MN

MEETING MINUTES

Bridget Rief, MAC Vice President of Planning and Development, convened the Flying Cloud Airport Joint Airport Zoning Board meeting at 4:31 p.m. The following were in attendance:

Members: Kate Aanenson, City of Chanhassen, Board Member
Jerry McDonald, City of Chanhassen, Board Member
Brad Aho, City of Eden Prairie, Board Member
Julie Klima, City of Eden Prairie, Board Member
Rick Getschow, City of Eden Prairie, Alternate (non-voting)
Joseph Helkamp, City of Shakopee, Board Member
Gary Schmidt, Metropolitan Airports Commission, Alternate (voting)
Katie Clark Sieben, Metropolitan Airports Commission, Board Member

Others: Rylan Juran, Ryan Gaug, Mn/DOT; John Krack, RAAC; Bridget Rief, Evan Wilson, Neil Ralston, Andrew Hanson, Chad Leque, Mitchell Kilian, Mike Wilson, Roy Fuhrmann, Jenn Felger, Shelly Cambridge, MAC Staff

1. INTRODUCTIONS

Bridget Rief, MAC Vice President Planning and Development introduced herself and indicated she would kick off the meeting and move forward with the agenda as noted. She thanked everyone for attending and asked for each person to introduce themselves and indicate whether or not they are on the board or serving as an alternate for the meeting. Board members introduced themselves; also in attendance today were Shelly Cambridge and Jenn Felger who will be providing staff support to the Board. Meeting attendees seated in the audience were also asked to introduce themselves.

2. ORGANIZATIONAL LOGISTICS

Bridget Rief advised those in attendance that Evan Wilson, MAC Senior Attorney recommended the Board vote on the establishment of “Robert’s Rules of Order” as a guide for conducting the Flying Cloud Airport Joint Airport Zoning Board meetings.

IT WAS MOVED BY HELKAMP AND SECONDED BY KLIMA THAT THE BOARD UTILIZE ROBERT’S RULES FOR CONDUCTING THE MEETINGS. THE MOTION CARRIED BY UNANIMOUS VOTE.

3. SELECTION OF CHAIRPERSON

Rick King formerly served as Chairperson of this board when it was convening back in 2009. At that time, he was not a MAC Commissioner but he is currently. As a MAC

Commissioner, he is willing to serve as one of two representatives, along with Commissioner Katie Clark Sieben. As a board member however, he cannot serve in both positions so the board's next order of business will be to elect a chair for the group, and if one of the board members is elected as chair, then that entity would need to backfill their board member position because similarly, they cannot serve in both roles.

Ms. Rief informed the board that the City of Eden Prairie had a representative they wanted to nominate for Chair, and turned the floor over to the City of Eden Prairie representatives to move forward with their nomination.

KLIMA MOVED TO NOMINATE BRAD AHO AS CHAIRPERSON; THE MOTION WAS SECONDED BY HELKAMP.

Ms. Rief asked if anyone present wished to further discuss the nomination; no one responded. Ms. Rief then called for a vote.

THE MOTION WAS CARRIED BY UNANIMOUS VOTE.

Ms. Rief introduced Brad Aho as Chairperson for the Flying Cloud Airport Joint Airport Zoning Board, and turned management of the meeting over to Chair Aho.

4. BACKFILLING OPEN BOARD MEMBER POSITION

The Chair recognized Bridget Rief, who stated the City of Eden Prairie needed to nominate someone to backfill their board member position as a formal action. Rick Getschow stated the plan is to appoint either the Chair or Vice-Chair from the Flying Cloud Airport Advisory Commission. Chair Aho noted his approval and Mr. Getschow stated he has talked to them about it, and though neither could be present at this meeting, they are aware that there would be an opening on the Board if Mr. Aho was elected Chair. Mr. Getschow would then continue to serve as a Board Alternate. Chair Aho opened it up for further discussion but there was none.

Chair Aho asked if a formal vote was needed today to backfill the vacant position. Ms. Rief responded negatively. Chair Aho then indicated the group should move on with the meeting agenda.

5. HISTORICAL TIMELINE AND ACCOMPLISHMENTS

Neil Ralston, MAC Staff, gave a brief presentation on the history of the Flying Cloud Airport Joint Airport Zoning Board in preparation to discuss the current Board's goals. This body originally began in 2009, and by April 2010 the group had developed a draft Zoning Board Ordinance for Flying Cloud Airport. A public hearing was held in late 2010 for that ordinance. The draft was finalized and submitted to Mn/DOT for review and action in late 2010, which gives this Board a strong launching point for its work. In early 2011, MAC requested on behalf of the JAZB that Mn/DOT temporarily suspend review of the draft ordinance due to legal uncertainties surrounding airport zoning-related litigation that was pending in the state at the time. Also introduced was a collaborative effort by Mn/DOT Aeronautics to update state zoning statute rules, a process which is still ongoing.

Mr. Ralston deferred to Evan Wilson, MAC Senior Attorney, who stated he wants the board to be aware of a zoning bill which has been in the works for about four years. There have

been no hearings on it. There is some uncertainty going forward and he is not sure if it will move in the next session since it's a policy bill. With this uncertainty, MAC still feels it is best to move forward with the work of the JAZB. Mr. Wilson stated most likely the bill would not change the outcome of the Joint Airport Zoning Ordinance. It deals more with procedural issues.

Mr. Ralston continued that in 2016 it became increasingly apparent that MAC needed to move forward with completing the zoning effort at Flying Cloud Airport due to development activity in the vicinity of the airport. MAC Staff asked Mn/DOT Aeronautics to re-initiate review of the draft ordinance originally submitted in 2010. Mn/DOT indicated they wouldn't be able to review that draft until three things occurred; the JAZB is reconvened, the JAZB holds a public hearing about the proposed zoning regulation and the JAZB submits to record its official action requesting review of the proposed zoning. This is the first meeting of the reconvened JAZB for Flying Cloud Airport.

6. SUMMARY OF DRAFT FCM AIRPORT ZONING ORDINANCE

Mr. Ralston continued with a brief summary of the 2010 Draft FCM Airport Zoning Ordinance, highlighting key features of the ordinance. The JAZB's focus was identifying land use controls necessary to ensure a reasonable level of safety around the airport while considering social and economic costs associated with implementing those proposed land use controls. The guiding concept employed throughout the process was that of "reasonableness".

7. GOALS FOR RECONVENED FCM JAZB

Mr. Ralston addressed why safety zoning remains important for Flying Cloud Airport. Zoning is a state law in order to be eligible for state aviation grant funding and Mn/DOT's expectation is that MAC will successfully develop and implement zoning at Flying Cloud Airport. The pace of development around the airport is increasing and several developers have asked about zoning in place for specific parcels near the airport, and MAC needs to be able to provide them definitive direction. MAC wants to continue pursuing non-aeronautical uses of some parcels located within or very close to the safety zones. Uncertainty regarding zoning is holding up land releases by the FAA that are needed to allow development. MAC would also like to provide a level of certainty to all stakeholders about airport safety zoning requirements for Flying Cloud.

The Board's primary goal remains the same as it was in 2009; development of an airport zoning ordinance for approval by Mn/DOT's Commissioner of Transportation and subsequent adoption by this Board and local communities. Supporting goals include:

- Update relevant sections of the draft ordinance to reflect current conditions.
- Ensure an appropriate level of stakeholder engagement occurs.

Ms. Rief asked Mr. Ralston to clarify what "updating relevant sections" might mean in more detail. Mr. Ralston stated it would entail updating the airport's 2008 safety risk analysis as well as overall airport operations to reflect current conditions including the airfield configuration. The City of Eden Prairie would also be asked to take a fresh look at the

potential socioeconomic impact of restricting land use around the airport. Others may arise during the course of the review.

Chair Aho agreed that refreshing the data is important due to the time elapsed since the last JAZB meeting. Chair Aho asked if methodology has changed in terms of determining current data and Mr. Ralston stated he believes MAC's methodology is still robust and sound though staff is always open to new ideas.

8. OVERVIEW OF MEETING PLAN AND ESTABLISHING MEETING DATES

Mr. Ralston explained his tentative meeting plan outline which details potential future meetings for the Board to get a sense of what is to be accomplished and what might be required to accomplish those goals in terms of meetings. The strategy is to update the draft ordinance, make it available for public review and comment including holding a public hearing and then re-submit the plan to Mn/DOT for review and action. This takes the JAZB through the first four meetings on the proposed meeting plan.

Evan Wilson responded to questions from Chair Aho regarding the impact of potential legislative changes following the approval of the ordinance by Mn/DOT. Mr. Wilson stated it would depend on the effective date of the legislation and on what the legislation itself details about actions it might apply to. The currently proposed bill would apply to actions of the JAZB taken after the effective date of the legislation.

Mr. Ralston continued, stating that under the current statute we do not expect the Commissioner of Transportation to approve the draft ordinance in the form of its first submittal. Meetings 5 and 6 are designed for responding to Mn/DOT's comments and re-submitting the proposal for a second review. In the second review, Mn/DOT has more freedom to consider conditions relating to the socioeconomic cost of implementing the state model versus the proposed ordinance and consider a reasonable level of safety in that context. Meeting 7 will be held after a second public hearing and the Board's work should be complete.

The Chair recognized Board Member Helkamp who mentioned there are no dates or timelines given in conjunction with the meeting plan. Mr. Ralston asked the Board to determine meeting location first. None of the members objected to Eden Prairie as the meeting location and Chair Aho indicated they were willing to host. As for acceptable meeting days and times, Mr. Ralston stated Thursday afternoons were preferred during the first round of meetings and asked if that works well for the majority again. The Board is not relegated to only Thursday afternoons, but it seemed to be a good starting point for future scheduling. Mr. Ralston stated it would be difficult to project the required meeting frequency at this juncture but asked the members to agree today on scheduling the next board meeting. He suggested 1 to 1 ½ months between meetings should allow enough work to be done between meetings to facilitate productive discussions. The earlier JAZB Board attempted to meet about every three weeks which seemed a bit compressed; four to five weeks between meetings should be appropriate. Mr. Ralston suggested Thursday, October 26th at 4:00 p.m. for the next meeting. No one objected. Mr. Ralston will check with Board members not present at this meeting to confirm their availability and will send out a subsequent meeting invite.

The next meeting is tentatively scheduled for Thursday, October 26th at 4:00 p.m. at Eden Prairie City Center.

9. FURTHER ORGANIZATIONAL LOGISTICS

Mr. Ralston recognized the acceptance of Robert's Rules of Order but that the Board did not discuss what constitutes a quorum. Chair Aho indicated the Board understood what suffices as quorum for the group.

Mr. Ralston confirmed he would send an agenda to the Board for review prior to the next meeting, striving to have that emailed one week prior. He noted MAC's creation of a separate landing page for the JAZB and associated meeting information being available on MAC's website for anyone to reference. Board Member McDonald asked if prior meeting agendas would be housed on the website as historical records and Mr. Ralston replied affirmatively.

Mr. Ralston stated the City of Bloomington was previously a member of the JAZB Board but at this time it is not expected that any of the zoning surfaces will extend into Bloomington so they are technically not qualified to be part of the Joint Airport Zoning Board. Mr. Ralston has discussed that situation with them and they agreed they felt no need to participate. He will be keeping them abreast of the Board's activities but they would not be participating unless something unforeseen happened and the City of Bloomington became an affected municipality.

WITH NO FURTHER BUSINESS TO DISCUSS, IT WAS MOVED BY KLIMA AND SECONDED BY HELKAMP TO ADJOURN. THE MOTION WAS CARRIED BY UNANIMOUS VOTE.

The meeting was adjourned at 5:03 p.m.