



## STAFF REPORT

DATE: September 17, 2019

**CONSENT**

**AGENDA ITEM:** Appointments to Lake Elmo Airport Joint Airport Zoning Board (JAZB)

**SUBMITTED BY:** Ken Roberts, Planning Director

---

### **BACKGROUND:**

On November 20, 2018, the City Council adopted a motion appointing Council member Bloyer and Planning Director Roberts to serve on the JAZB (Joint Area Zoning Board) for the Lake Elmo Airport.

The City recently received notice from the Metropolitan Airports Commission that the City of Lake Elmo must formalize the JAZB appointments for the Lake Elmo Airport by adoption of a Resolution.

### **ISSUE BEFORE CITY COUNCIL:**

Who should Council appoint to the JAZB by Resolution?

### **PROPOSAL:**

The JAZB for the Lake Elmo Airport has had two meetings to date and I expect there will 3 or 4 more meetings of the Board. In the end, the goal of the Board is to create a zoning ordinance for the lands around the airport that will be acceptable to all the affected jurisdictions, including Lake Elmo. I recommend keeping Council member Bloyer and Planning Director Roberts as the two Lake Elmo representatives to the JAZB.

### **FISCAL IMPACT:**

NA

### **OPTIONS:**

- 1) Affirm the appointment of Council Member Bloyer and Director Roberts to the JAZB
- 2) Appoint two different individuals to the JAZB
- 3) Do not participate in the JAZB

### **RECOMMENDATION:**

Staff is recommending that the City Council adopt the attached Resolution about the appointments to the Lake Elmo Airport JAZB.

***“Motion to adopt Resolution 2019 – 065 that appoints Council Member Bloyer and Planning Director Roberts to serve on the Lake Elmo Airport JAZB.”***

### **ATTACHMENTS:**

- MAC Letter 10-26-18
- Resolution 2019 - 065



## Metropolitan Airports Commission

6040 28th Avenue South, Minneapolis, MN 55450-2799 • 612-726-8100 • metroairports.org

October 26, 2018

Ms. Kristina Handt  
City Administrator  
City of Lake Elmo  
3800 Laverne Avenue North  
Lake Elmo, MN 55042

Dear Ms. Handt:

As discussed at the informational meeting held on Tuesday, October 9, 2018, the Metropolitan Airports Commission (MAC) intends to establish a Joint Airport Zoning Board (JAZB) to develop an Airport Safety and Land Use Zoning Ordinance (Airport Zoning Ordinance) for Lake Elmo Airport.

Airport Safety and Land Use Zoning is addressed in Minnesota Statute 360.061 through 360.074 and MnDOT Aeronautics Rules 8800.1200 and 8800.2400. Through a collaborative process, the JAZB will seek to develop an Airport Zoning Ordinance that considers MnDOT's model regulations and achieves a reasonable level of safety while considering compatible community development. The ordinance must regulate the creation of airport hazards in the vicinity of Lake Elmo Airport, particularly off the runway ends.

State Statute requires MAC to create a JAZB for Lake Elmo Airport. The JAZB will consist of two representatives from each affected community and two representatives from MAC. The communities that will likely be affected by the Airport Zoning Ordinance are Baytown Township, Lake Elmo, Oak Park Heights, Washington County, and West Lakeland Township.

In order to move forward with this process, MAC requests that each affected community appoint two representatives to participate in the Joint Airport Zoning Board for Lake Elmo Airport within 60 days of receiving this notice. Each community may also identify up to two individuals as alternate members who can serve in the event that a primary member is absent.

Each community has the option to decide not participate on the JAZB. Be advised that state law allows the participating members of the JAZB to adopt and enforce an Airport Zoning Ordinance in all affected communities regardless of participation on the JAZB. Please let us know if you decide not to join the JAZB. Also note that failure to respond or appoint two representatives within 60 days will be taken as a decision to not join the JAZB.

We look forward to receiving information for appointments. If you would like additional information regarding formulation of the JAZB for Lake Elmo Airport, please contact Neil Ralston, Airport Planner, at (612) 726-8129.

Sincerely,

Bridget M. Rief, P.E.  
Vice President, Planning and Development

**CITY OF LAKE ELMO  
WASHINGTON COUNTY, MINNESOTA**

**RESOLUTION NO. 2019-065**

**A RESOLUTION AUTHORIZING THE CREATION OF A JOINT AIRPORT ZONING BOARD**

At a meeting of the Lake Elmo City Council, hereinafter called the "City", on September 17, 2019,  
\_\_\_\_\_ and seconded by \_\_\_\_\_, (City Council Person)

\_\_\_\_\_ introduced the following resolution and moved its adoption.

**WHEREAS**, The Metropolitan Airports Commission, hereinafter called the Municipality, owns and controls the Lake Elmo airport; and

**WHEREAS**, Portions of the airport hazard area adjacent to the airport are located outside the territorial limits of said Municipality but within the territorial limits of the City of Lake Elmo; and

**WHEREAS**, The above Municipality has requested in writing that the City of Lake Elmo join with them in the creation of a Joint Airport Zoning Board; and

**WHEREAS**, The City of Lake Elmo deems it necessary and expedient to create a Joint Airport Zoning Board in cooperation with the above Municipality pursuant to Minnesota Statutes Section 360.063, Subdivision 3, and other applicable laws for the purpose of establishing, administering and enforcing zoning laws for the areas surrounding the airport and for the protection of the airport and the public; and

**WHEREAS**, The above statute provides that the City of Lake Elmo has the right to appoint two (2) persons to said Board; and

**WHEREAS**, Subdivision. 3 of Section 32 of the Appropriations Bill passed by the Minnesota Legislature effective July 1, 1973, provides that no moneys shall be expended by the Commissioner of Transportation of the State of Minnesota to improve and maintain an airport unless the governmental unit owning the airport has or is establishing a zoning authority for the airport.

**NOW, THEREFORE, BE IT RESOLVED** By the undersigned of the City of Lake Elmo as follows:

1. That there is hereby created in cooperation with the above Municipality a Joint Airport Zoning Board to be composed of representatives of the undersigned City and representatives of the above Municipality pursuant to Minnesota Statutes Section 360.063, Subdivision 3.
2. That the undersigned City of Lake Elmo hereby appoints Justin Bloyer and Kenneth Roberts to be its representatives on said Board, said persons to serve for an indefinite term until they resign or are replaced by the City of Lake Elmo.

ROLL CALL

Members voting aye: \_\_\_\_\_

Members voting nay: \_\_\_\_\_

Resolution declared passed: \_\_\_\_\_

Mike Pearson, Mayor

Attest: \_\_\_\_\_

I hereby certify that the foregoing resolution is a true and correct copy of the original resolution and is now on file in my office and is recorded in \_\_\_\_\_.

SEAL OR  
NOTARY STAMP

\_\_\_\_\_  
Julie Johnson, City Clerk