Joint Airport Zoning Board  
February 6, 2020  
3:30 p.m.  

Duluth International Airport  
Amatuzio Conference Room  

AGENDA  

1. Roll Call  

2. Approval of Minutes:  
   a. December 12, 2019 Meeting Minutes  

3. Agenda Approval  

4. Community Reports  

5. Public Input  

6. Reports of Committees  

7. Communications  

8. Unfinished Business  
   a. Board of Adjustments  

9. New Business, Motions and Resolutions  
   b. Resolution to Approve the Cost Arrangement for the Airport Zoning Ordinance Revision Support.
Chair Kevin Comnick welcomed everyone and opened the meeting at 3:30 p.m.

1. **Roll Call:**

<table>
<thead>
<tr>
<th>Present</th>
<th>Canosia</th>
<th>Dan Golen</th>
<th>Canosia</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kevin Comnick</td>
<td>Canosia</td>
<td>Dan Golen</td>
<td>Canosia</td>
</tr>
<tr>
<td>John Hegstrom</td>
<td>Rice Lake</td>
<td>Suzanne Herstad</td>
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</tr>
<tr>
<td>Eric Johnson</td>
<td>Hermantown</td>
<td>John Geissler</td>
<td>Hermantown</td>
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<tr>
<td>Frank Jewell</td>
<td>St. Louis Co</td>
<td>Steve Hanke</td>
<td>Assistant City Attorney</td>
</tr>
</tbody>
</table>

   **Absent:** Steve Gerads, Don Monaco, Margie Nelson, Brent Malvick, Duluth; Beth Olson, St. Louis County

   **Visitors:** Mary Ann Wittkop, Tom Werner, and Darren Christopher.

2. **Approval of Minutes of Previous Meetings:** Motion by Suzanne Herstad to approve the minutes of the November 7, 2019 meeting, seconded by John Geissler. All ayes, motion carried.

3. **Agenda Items:** Motion by Suzanne Herstad to approve the agenda items. Seconded by Chair Comnick. All ayes, motion carried.

4. **Community Reports:** Brief community updates around the table.

5. **Opportunity for Citizens to be Heard:** None.

6. **Reports of Committees:** Chair Comnick spoke on the work scope and the RS&H professional services agreement. He invited Mr. Tom Werner, DAA Executive Director to speak on the timeline for this project. Mr. Werner overviewed the timeline and actions needed for the work scope process. Questions followed on the funding of this project and possible commitments from each community. Chair Comnick recommended each Board member have discussions with their community regarding the work scope.

7. **Communications:** Chair Comnick spoke on the letter from MnDOT with update information
on the airport zoning statute. Discussion and questions followed on the letter and zoning ordinance process.

8. **Unfinished Business:** Chair Comnick overviewed on the Board of Adjustment (BOD) membership and appointments. The next BOD meeting is scheduled for January. Discussion followed, Chair Comnick asked communities to bring any recommendations for appointments at the next meeting.

9. **New Business, Motions and Resolutions:** Chair Comnick recommended monthly JAZB meetings the first Thursday of every month, 3:30 p.m. to commence in February. Discussion followed on work scope steps.

**Adjourn:** Frank Jewell made a motion to adjourn the meeting. John Geissler seconded. All ayes. Motion carried. Chair Comnick adjourned the December 12th JAZB meeting at 4:08 p.m.

Respectfully Submitted,

Mary Ann Wittkop  
Recording Secretary
February 5, 2020

Joint Airport Zoning Board  
Duluth International Airport  
Kevin Comnick, Chair

Dear Kevin,

I am following up on our meeting yesterday with John Geissler, Tom Werner, and Mark Papco to discuss the RS&H work order to help the JAZB finalize the zoning ordinance and obtain Minnesota Department of Transportation ("MNDOT") approval, and how to pay for it.

Tom told us MNDOT has agreed to issue a grant up to $62,919.50 of the not-to-exceed $89,885.00 total cost of the RS&H work order and that he plans to recommend to the Duluth Airport Authority ("DAA") Board that the DAA pay up to $20,000.00 of the required 30% matching funds which leaves a shortfall of up to $6,965.50. Tom is asking the City of Duluth, City of Hermantown, City of Rice Lake, and Canosia Township to cover the $6,965.50 plus any additional costs over $89,885.00, if required. Tom is rightfully unwilling to ask for DAA Board approval for the work order until after a commitment is in place to cover the $6,965.50 plus any additional project costs.

Tom and I agreed to confirm that all major airport stakeholders support the Runway 3/21 proposed extension included in the current Airport Layout Plan (8,000 feet long, 150 feet wide, extending from its current position to the north, with 1-mile instrument approach visibility minimums) so the same proposed extension can be included as the recommended alternative in the Master Plan. Doing so should result in the same Runway 3/21 proposed extension to be included in the new Airport Layout Plan published in 2021 or 2022.

Everyone recognized the challenge and time required to get the four municipalities to agree to equitably cover project costs not paid for by MNDOT and the DAA which will delay moving forward with the work order. I then offered to have the Monaco Air Foundation pledge to cover up to $6,965.50, which may or may not be reimbursed by the municipalities. This will allow Tom to request approval to move forward with the RS&H work order at the next DAA Board meeting and for work to begin shortly thereafter. Please accept this letter as a written commitment of that pledge.
We agreed that the previously formed JAZB subcommittee consisting of Mark Papco, Steve Hanke, and me should oversee RS&H work order execution.

We also agreed that if the project is expected to cost more than $89,885.00, the JAZB will address whether, and if so how, to cover the additional scope and cost at that time.

Please distribute this letter at the JAZB meeting tomorrow where I suggest the Board take the following actions:

1. Approve the RS&H Scope of Work totaling $89,885.00
2. Approve accepting MNDOT’s $62,919.50 Grant
3. Approve accepting the DAA’s offer to cover up to $20,000.00
4. Approve the Monaco Air Foundation’s offer to cover up to $6,965.50
5. Approve having the existing JAZB subcommittee oversee the project
6. Define a process for the municipalities to determine whether they will reimburse the Monaco Air Foundation for any funds it provides

Please let me know if you have any questions about the Foundation’s pledge to issue a grant for up to $6,965.50 or anything else in this letter.

Sincerely,

[Signature]

Donald P. Monaco
President

CC: John Geissler
    Mark Papco
    Tom Werner
RS&H, INC. (RS&H or Consultant) agrees to perform and complete the following services in accordance with the terms and conditions of the Professional Services Agreement with the Duluth Airport Authority (Authority), City of Duluth, Duluth, Minnesota (dated February 15, 2015), all of which terms and conditions are incorporated herein by reference:

**Project Location:** Duluth International Airport - Duluth, Minnesota  
**Project Description:** Airport Zoning Ordinance Revision Support  
**Client Contact/Project Coordinator:** Blaine Peterson, Operations Director  
**RS&H Project Manager:** Darren Christopher, PE

**Scope of Services:** This scope of work includes planning services on behalf of the Authority to assist the Duluth International Airport Joint Airport Zoning Board (JAZB) in crafting revisions to its zoning ordinance (Ordinance) to support custom Runway Safety Zones as currently defined by the Minnesota Department of Transportation. The revised Ordinance would apply to the cities of Duluth, Hermantown, and Rice Lake. The specific tasks to be executed are outlined below.

- Task 1 (7 days): Review and assess available Information, including:
  - Proposed Custom Runway Safety Zones Prepared by City of Duluth, City of Hermantown, Canosia Township, and City of Rice Lake.
  - Revised State of Minnesota Statute Chapter 360.063 Airport Zoning; Authority, Procedure.
  - Previously Compiled Runway Safety Data
  - Land Use Protection Requirements
  - Existing Conditions Inventory/Map from the most recent Airport Master Plan, including relevant subsequent changes.
  - Zoning Maps from the most recent Airport Master Plan, including relevant subsequent changes, including:
    - Approach zones
    - Ultimate Runway 3/21 condition (provided by DAA's current ALP and Master Plan Update process)
    - Limited development zone
    - Traffic pattern zones
    - Height restriction zones
    - Most current aerial imagery maps

DLH AIRPORT ZONING WORK SCOPE
• Part 77 Surfaces (current)
• TERPS surfaces map
• Airport boundary map
• Land use maps (existing and proposed)
  o Proposed zoning maps required for Ordinance submittal to MnDOT

• Task 2 (6 days): Develop Public Involvement Program that includes the following:
  o Development of a Public Involvement Program (PIP) that outlines communication strategies to provide information to the public, tenants, and surrounding communities. Outline the zoning ordinance change process
  o Discussion of the need/motivation for changing the zoning ordinance
  o Responding to public comments
  o Providing web site content, on-line survey/comment collection, and social media content for JAZB, Authority, and communities to post on their respective platforms. The Authority will provide a link to on the Airport website and local Communities will be utilizing their own means and methods to post updates.

• Task 3 (15 days): Develop a detailed analysis of the proposed custom airport zoning regulations that includes the following factors:
  o Location of vulnerable populations (schools, hospitals, and nursing homes in the airport hazard area)
  o Availability of contiguous open spaces
  o Airport ownership or control of the federal RPZ and Clear Zone
  o Land uses that
    – Surround airport
    – Create or cause interference
    – Attract large assemblies of people
    – Attract wildlife
    – Make it difficult for pilots to distinguish between airport lights and other lights
    – Inhibit a pilot’s ability to land, take off, or maneuver the aircraft
  o Airspace protection
  o Social and economic costs of restricting land uses
  o Airport’s:
    – Type of operations and how the operations affect safety surrounding the airport
    – Accident rate compared to a statistically significant sample, including an analysis of accident distribution based on the rate with a higher accident incidence
  o Planned uses within an airport hazard area, including any applicable platting, zoning, comprehensive plan or transportation plan
  o Any other relevant information to safety or airport

• Task 4 (10 days): Assist JAZB Attorney in drafting the proposed Ordinance. Said support will include creating exhibits and providing explanations of the technical analyses in support of the effort for the JAZB Attorney but does not include writing the text of the
proposed Ordinance. Deliver presentation to the JAZB describing the proposed Ordinance in terms of its technical justification.

- **Optional Task 5** (5 days): Support the JAZB should the commissioner object to the proposed airport zoning regulations:
  - Review objection report and provide requested information
  - Provide a detailed explanation demonstrating how the JAZB evaluated and responds to each objection (including any action taken or not taken)
- **Task 6** (6 days): Support one public meeting/public hearing with affected communities as identified by the JAZB. The Consultant will not be responsible for answering any questions during the public meeting/public hearing except those that relate to graphics or exhibits. (Optional Second Public Meeting)
- **Task 7** (2 days): Upon approval by the Commissioner of the proposed airport zoning, support the JAZB by filing copies of the adopted regulations with the county recorder in each county that contains a zoned area subject to the regulations.
- **Task 8**: Project management. Consultant will ensure all work is done by qualified staff and meets industry quality standards.
- **Task 9**: Provide legal survey descriptions and exhibit for all 4 runway ends. See attached proposal from Straightline Surveying.

**Schedule:**

Work to begin upon approved Work Order. Completion is anticipated within one year, exclusive of multiple rounds of comments and agency/legislative review times. Actual completion depends on the timely response of entities outside of the Consultant’s control.

**Compensation:**

- **Planning Services: Hourly Not-to-Exceed** $77,588.00
- **Optional Task 5 & Second Public Meeting** $12,297.00
  Total Hourly Not-to Exceed $89,885.00

**Other Considerations:**

The budget for each task is an estimate. The contract is hourly not to exceed. It is understood the amount spent on each task is dependent on the number of questions, responses and tasks requested by the DAA Staff. Additional work items not outlined in the proposal will be reviewed and agreed upon by the JAZB prior to proceeding with additional work.

**Effective Date of this Work Order:** _________, 20___

DLH AIRPORT ZONING WORK SCOPE
"CLIENT"

DULUTH AIRPORT AUTHORITY

BY: __________________________

Thomas J. Werner __________________________
Typed Name

Title: Executive Director

Attest:

BY: __________________________

Joelle Bodin __________________________
Typed Name

Title: Finance & Administration Director

[Corporate Seal]

"CONSULTANT"

RS&H, INC.

BY: __________________________

Patrick T. Frame __________________________
Typed Name

Title: Vice President

Attest:

BY: __________________________

Melanie L. Nichols __________________________
Typed Name

Title: Assistant Corporate Secretary

[Corporate Seal]
## Attachment B
### Fee Breakdown
#### Duluth Airport Zoning Ordinance Support

### B. Basic Services -- Hourly Not to Exceed

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<th>Task</th>
<th>Description</th>
<th>Officer</th>
<th>Manager</th>
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<th>Planner II</th>
<th>Planner III</th>
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<td>Review and assess available information</td>
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<td>Task 3</td>
<td>Analysis of Custom Zoning Regulations</td>
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**Total Hours:** 449

| Burdened Rate | $301.97 | $216.40 | $216.40 | $137.40 | $108.01 | $82.16 | $156.68 |

**Total Burdened Labor:** $2,718

| Total Labor | **$69,408** |

### Other Direct Non-Salary Costs (ODC)

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| Special Services | Survey Subconsultants (Legal Descriptions) | $5,000 |

### Travel

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**Mileage:** 270 Miles @ $0.50 $135

**Total ODC's:** $3,045

**Total Proposed Fee:** $77,588
## Attachment B
### Fee Breakdown
**Duluth Airport Zoning Ordinance Support (Optional Tasks)**

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**Notes:**
- **Burdened Rate** calculated as follows:
  - Burdened Rate = (Employee Base Rate + Fringe Benefit Cost) / Total Hours
- **Total Labor** calculated as follows:
  - Total Labor = Total Burdened Labor + Other Direct Non-Salary Costs (ODC)
- **Total Proposed Fee** calculated as follows:
  - Total Proposed Fee = Total Labor + Miscellaneous Costs (if applicable)
Proposal for Surveying Services

June 13, 2019

RS&H
4525 Airport Approach Road
Suite A
Duluth, MN 55811

RE: Survey Proposal – Zoning Legal Descriptions
Duluth, MN

StraightLine Surveying Inc. is pleased to provide you with this proposal to complete surveying services at the Duluth International in Duluth, Minnesota. We will perform the following services:

➢ Create an Exhibit and Legal Description for 4 Areas for Zoning Purposes
  • One exhibit and legal for each end of the runway zoning area
  • The .dwg file will be provided by the client showing the area and some section/boundary information
  • This includes any/all field verification
  • The area is determined by the client

➢ Project Management and office computations
  • Scheduling – work with the client and airport authorities
  • Office computations

➢ Deliverable Product
  • Electronic format of the exhibits in .pdf format
  • Legal Descriptions in word format
  • CAD (.dwg) file of the survey
  • Points (.csv or .txt) file of points located, if any
  • Any relevant field notes

StraightLine Surveying will provide these services at a NOT TO EXCEED rate of: $5,000

500 Folz Blvd
PO Box 510
Moose Lake, MN 55767

OFFICE: 218-485-4811
FAX: 218-485-4811
straightlinesurveying.com
The above estimate is based on hours to complete the proposed scope of services. All expenses for mileage and material are also included in the above estimate. If the scope of work included in this proposal differs from what you believe is necessary, please contact me to discuss the scope desired.

The staff anticipated to work on this project will be directed by a Professional Land Surveyor licensed in the State of Minnesota. If you have any questions about this proposal, or need to discuss scheduling, please do not hesitate to call our office.

Please feel free to call if you have any questions regarding the scope of services or this proposal in general at 218-485-4811.

Thank you again for the opportunity to provide you with this proposal.

StraightLine Surveying, Inc.

Name: _______________  Date: _______________
Benjamin H. Anderson  June 13, 2019

StraightLine Surveying