

**JOINT AIRPORT ZONING BOARD MEETING PARTICIPATION  
BY TELEPHONE OR OTHER ELECTRONIC MEANS  
PURSUANT TO MINNESOTA STATUTES SECTION 13D.021**

**SEPTEMBER 3, 2020  
3:30 p.m.**

**Duluth International Airport  
Amatuzio Conference Room**

**AGENDA**

1. Roll Call
2. Approval of Minutes:
  - a. July 16, 2020 Meeting Minutes
3. Agenda Approval
4. Community Reports
5. Public Input
6. Reports of Committees
  - a. Work Scope Committee Update
7. Communications
8. Unfinished Business
  - a. Board of Adjustment
9. New Business, Motions and Resolutions
  - a. Finalize Public Hearing

2a.

**DRAFT**

**Joint Airport Zoning Board Minutes**

**July 16, 2020**

**Duluth International Airport**

**Amatuzio Conference Room**

Chair Kevin Comnick welcomed everyone and opened the meeting at 3:30 p.m. Participation for this Joint Airport Zoning Board meeting was in person and held by telephone or other electronic means pursuant to Minnesota Statutes Section 13D.021.

**1. Roll Call:**

**Participating:**

|               |                      |                 |            |
|---------------|----------------------|-----------------|------------|
| Kevin Comnick | Canosia              | *Dan Golen      | Canosia    |
| John Hegstrom | Rice Lake            | Suzanne Herstad | Rice Lake  |
| Eric Johnson  | Hermantown           | *John Geissler  | Hermantown |
| *Don Monaco   | Duluth               | Steve Gerads    | Duluth     |
| Keith Musolf  | SLC                  | *Frank Jewell   | SLC        |
| *Steve Hanke  | Deputy City Attorney |                 |            |

\*Participated via electronic means

**Absent:** Brent Malvick, Duluth,

**Visitors:** Mark Papko, Mary Ann Wittkop, John Mulder (Participating by telephone or other electronic means) -- Darren Christopher, Rosario Souto, RS&H, Mike Couri, Rice Lake Attorney

- Approval of Minutes of Previous Meetings:** Motion by John Geissler to approve the minutes of the June 6, 2020 meeting, seconded by Don Monaco. Roll call -- all ayes, motion carried.
- Agenda Items:** Motion by John Geissler to approve the agenda items. Seconded by Frank Jewell. All ayes, motion carried.
- Community Reports:** Chair Comnick recommended bypassing community reports and move on to business.
- Opportunity for Citizens to be Heard:** None.
- Reports of Committees:** Work Scope Committee -- Steve Hanke, Deputy City Attorney briefed on the draft zoning ordinance, discussion followed on a courtesy draft submittal to MnDOT, public input and date for public hearing. City of Hermantown's public hearing is scheduled for August 18<sup>th</sup> and City of Rice Lake's will be held before the September JAZB

meeting. Don Monaco moved to schedule the JAZB public hearing for September 24<sup>th</sup>, 6 p.m.; City of Hermantown, City of Rice Lake and St. Louis County's input to be incorporated into the draft ordinance for review at the September 3<sup>rd</sup> JAZB meeting. Frank Jewell seconded. Roll call – all ayes. Motion carried.

7. **Communications:** None

8. **Unfinished Business:** The Board of Adjustment (BOA) has been postponed due to COVID-19, will stay on the agenda

Mike Couri, Rice Lake Attorney requested clarification on zoning of properties on the map. Discussion followed. Don Monaco made a motion to make the zone change that the City of Rice Lake has requested. Kevin Connick seconded. Roll call – all ayes, motion carried.

9. **New Business, Motions and Resolutions:** Kevin Connick moved to approve the Duluth International Airport first draft zoning ordinance, Steve Gerads seconded. Discussion followed. Roll call – all ayes, motion carried.

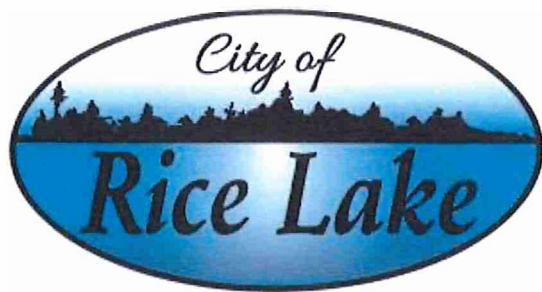
John Geissler moved to approve the resolution to submit the Duluth International Airport draft zoning ordinance version 1 to MnDOT. Frank Jewell seconded. Roll call – all ayes, motion carried.

Chair Connick expressed his appreciation to all involved for getting to this point of submitting the first draft ordinance.

**Adjourn:** Suzanne Herstad made a motion to adjourn the meeting. Eric Johnson seconded. Roll call -- all ayes, motion carried. Chair Connick adjourned the July 16<sup>th</sup> JAZB meeting at 4:09 p.m.

Respectfully Submitted,

Mary Ann Wittkop  
Recording Secretary



# MINUTES

## Planning Commission Meeting

6:00 PM - Tuesday, August 18, 2020  
City Hall

The Planning Commission of the City of Rice Lake was called to order on Tuesday, August 18, 2020, at 6:00 PM, in the City Hall, with the following members present:

**PRESENT:** Member Bruce Karie, Member Bob Whitmyer, Member Katie Vukelich, Member Pete Branca, Member Steve Kossett, Councilor Suzanne Herstad, and Member Warren Koskiniemi

**EXCUSED:**

**STAFF PRESENT:** Deputy Clerk Carley Hungerford, Zoning Official Teresa Koivula, Councilor Bob Quade, Councilor Jayme Heim, Councilor John Hegstrom, Attorney Mike Couri, and Clerk-Treasurer Toni Blomdahl

### APPROVAL OF AGENDA

- a) Teresa requested to change the Ordinance # 22 discussion to potential Ordinance # 22 changes as they relate hot mix/asphalt plants. Member Warren Koskiniemi made a motion to amend the agenda according to Teresa's request. Member Bruce Karie seconded the motion. Carried unanimously.

### APPROVAL OF MINUTES

- a) Member Warren Koskiniemi made a motion to approve the June 16th, 2020 regular meeting minutes and the July 28th, 2020 work meeting minutes. Member Bruce Karie seconded the motion. Carried unanimously.

### PUBLIC HEARING JAZB DRAFT ORDINANCE

- a) **CALL PUBLIC HEARING TO ORDER**  
Steve called the public hearing to order.
- b) **CITY ATTORNEY PRESENTATION OF REVISIONS**  
Mike Couri presented the history of Airport Zoning, explained the current (A, B, C) zoning and the proposed (1, 2, 3) zoning. Mike stated that the Airport Authority is working to extend the runways, which is why there is a need to update the zoning. Mike stated the Airport Authority has listened to the communities and worked to create custom zoning based on our requests. There are several parcels that are affected by the proposed changes. Mike explained that the airport has an interest in purchasing land on the south side of Martin Rd, west of Rice Lake Rd, that is currently residential and privately owned, when the owners choose to sell. Mike explained that the affected parcels are currently airport zone B and would change to airport zone 3

with the new custom zoning. Don Kienholz, 4574 Martin Rd pointed out that the maps provided show part of his land as zone 1 and asked for updated maps showing that it will be all zone 3. Don also asked for contacts at the airport to reach out to in the event he decides to sell his property.

- c) CORRESPONDENCE RECEIVED BY CITY STAFF REGARDING PROPOSED AMENDMENTS  
None
- d) PUBLIC TESTIMONY IN SUPPORT OF PROPOSED AMENDMENTS  
None
- e) PUBLIC TESTIMONY IN OPPOSITION TO PROPOSED AMENDMENTS  
None
- f) COMMISSION/CITY COUNCIL QUESTIONS OR COMMENTS TO PUBLIC  
Suzanne asked for affected property owners show of hands. 3 property owners raised hands. Mike pointed out there are 5 parcels with 3 owners in the area affected.
- g) ANY ADDITIONAL QUESTIONS FROM THOSE WHO OFFERED TESTIMONY  
Don Kienholz stated he is not opposed, but wants to make sure the runway extension is actually necessary. Steve K. stated the 148th would like a longer runway for use during certain weather.
- h) MOTION TO CLOSE PUBLIC TESTIMONY  
Member Warren Koskiniemi made a motion to close the public testimony portion of the hearing. Member Bob Whitmyer seconded the motion. Public Testimony closed at 7:16 pm unanimously.
- i) PLANNING COMMISSION & CITY COUNCIL DISCUSSION/SUGGESTED REVISIONS  
Steve sated he thinks the proposed zoning will work well.
- j) MOTION TO ADJOURN HEARING  
to adjourn the public hearing

#### ~~PUBLIC DISCUSSION~~

~~Scott Ginnott - Ginnott Blacktop asked where the city is with the moratorium process and Ordinance # 22 update.~~

#### ~~CORRESPONDENCE~~

#### ~~CONTINUING BUSINESS~~

~~a) Ordinance # 22 Discussion Land Use Rural Residential 1~~

#### ~~NEW BUSINESS~~

~~None~~

#### ~~COMMISSION MEMBER REPORTS & COMMENTS~~

Planning Commission  
August 18, 2020

~~NEXT MEETING DATE~~

~~a) Regular Planning Commission Meeting: Tuesday, September 15th, 2020~~

~~ADJOURNMENT~~

~~a)~~

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Steve Kossett, Chair

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Carley Hungerford, Deputy Clerk





## RESOLUTION #20-26

### **A RESOLUTION REQUESTING THE DULUTH INTERNATIONAL AIRPORT AUTHORITY DEFEND AND INDEMNIFY THE CITY OF RICE LAKE AGAINST CLAIMS RELATED TO IMPLEMENTATION OF THE JOINT AIRPORT ZONING BOARD ZONING ORDINANCE**

**WHEREAS**, the Duluth Airport Authority ("DAA"), and the City of Duluth, City of Hermantown, City of Rice Lake, Saint Louis County, and Canosia Township (collectively "the Entities") are all of the members of the Duluth International Airport Joint Airport Zoning Board ("the JAZB") formed pursuant to the authority of Minn. Stat. § 360.063; and

**WHEREAS**, In 1988 the JAZB adopted the Duluth International Airport Zoning Ordinance ("the Ordinance") to govern land use and the permitted height of structures, vegetation and other potential obstacles in areas proximate to the Duluth International Airport ("the Airport") and under the approach and departure paths for flights to and from the Airport; and

**WHEREAS**, Under the provisions of the Ordinance, the City of Duluth is designated as the Chief Zoning Administrator who is responsible for administering and enforcing the Ordinance for lands located within each respective Entity; and

**WHEREAS**, In connection with runway construction at the Airport and with other changes made at the Airport since 1988, the JAZB is considering certain amendments to the Ordinance ("the Amendments") that, if formally proposed by the JAZB, must be approved by the Commissioner of the Minnesota Department of Transportation ("the Commissioner") and adopted by the JAZB before they become effective; and

**WHEREAS**, If the Amendments are adopted by the JAZB and approved by the Commissioner, DAA desires that each of the Entities amend its respective comprehensive plan and zoning code to require compliance with the Ordinance as amended by the Amendments ("Amended JAZB Ordinance") and to include the Amended JAZB Ordinance as part of its zoning code. DAA also desires that an employee of each Entity act as the Zoning Administrator to administer and enforce the Amended JAZB Ordinance within its respective boundaries; and

**WHEREAS**, The City of Rice Lake desires to be protected against possible legal liability that may arise from its adoption and administration of a comprehensive plan and zoning ordinance that incorporates the Amended JAZB Ordinance; and

**WHEREAS**, Implementation of the Amended JAZB Ordinance will benefit the DAA as it will improve the safety for airplanes flying into and out of the Airport, thereby making it more desirable for passengers and airlines to use the Airport; and

**WHEREAS**, Implementation of the Amended JAZB Ordinance will benefit the DAA as it will reduce the risk of airplane crashes occurring by limiting the height of buildings within the runway approach zones, thereby reducing potential liability of the DAA from claims arising from such an airplane crash; and

**WHEREAS**, Implementation of the Amended JAZB Ordinance will benefit the DAA as it will likely reduce the potential liability of the DAA should a crash occur within the area governed by the JAZB Ordinance as the limitation on building height will likely result in less people being within a building that may be damaged by an airplane crash.

**NOW, THEREFORE**, the City of Rice Lake hereby resolves to:

1. Request that the DAA agree to defend and indemnify the City of Rice Lake from any and all claims that may arise as a result of Rice Lake's adoption and administration of the Amended JAZB Ordinance.
2. Request that DAA consider the attached Indemnification And Cooperation Agreement Regarding The Duluth International Airport Joint Airport Zoning Board And The Duluth International Airport Zoning Ordinance as a model defense and indemnification agreement to be executed by DAA and the City of Rice Lake.

**APPROVED** by the City Council of the City of Rice Lake, Minnesota, this 24<sup>th</sup> day of August, 2020.

**City of Rice Lake**

  
John Werner, Mayor

  
Toni Blomdahl, Clerk-Treasurer