

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

**OCTOBER 6, 2021**

**3:30 p.m.**

**Duluth International Airport  
Amatuzio Conference Room**

**AGENDA**

1. Roll Call
2. Approval of Minutes:
  - a. August 5, 2021 Meeting Minutes
3. Agenda Approval
4. Community Reports
5. Public Input
6. Reports of Committees
7. Communications
8. Unfinished Business
9. New Business, Motions and Resolutions
  - a. Resolution to Approve Adoption of the Duluth International Airport Zoning Ordinance approved by the Minnesota Department of Transportation on September 24, 2021.

**DRAFT**

**Joint Airport Zoning Board Minutes**  
**August 5, 2021**  
**Duluth International Airport**  
**Amatuzio Conference Room**

Chair Kevin Cornick 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 Cornick	Canosia	Dan Golen	Canosia
*Don Monaco	Duluth	Suzanne Herstad	Rice Lake
*Patricia Stolee	Duluth	*John Hegstrom	Rice Lake
Gary Eckenberg	Duluth	*John Geissler	Hermantown
Steve Hanke	Deputy City Attorney	*Frank Jewell	SLC

\*Participated via electronic means.

**Absent:** Keith Musolf, SLC; Brent Malvick, Duluth; Eric Johnson, Hermantown

**Visitors:** Mark Papko, \*Darren Christopher,

2. **Approval of Minutes of Previous Meetings:** Motion by Gary Eckenberg to approve the minutes for the July 1, 2021 meeting, seconded by Chair Cornick. Roll call -- all ayes, motion carried.
3. **Agenda Items:** Motion by John Geissler to approve the agenda. Seconded by Dan Golen. Roll Call -- all ayes, motion carried.
4. **Community Reports:** Brief report by Hermantown, no other reports by communities.
5. **Opportunity for Citizens to be Heard:** None.
6. **Reports of Committees:**
7. **Communications:** None
8. **Unfinished Business:** None

9. **New Business:** Work Scope Committee -- Don Monaco, Steve Hanke and Darren Christopher, spoke on the public hearing that was held resulting in one question; the ordinance, supporting airport zone analysis 2.5 languages have been updated to address the question. Hermantown and Rice Lake detailed on their community's responses. Reviewed on the process and timeline for submittal; questions and discussion followed. Don Monaco moved to submit the zoning ordinance as drafted and distributed to the JAZB with amended supporting documentation as recommended by Assistant City Attorney Hanke. Frank Jewell seconded. Questions and discussion followed. Roll Call – Ayes – Kevin Comnick, Dan Golen, John Geissler, Don Monaco, Patricia Stolee, Gary Eckenberg, Suzanne Herstad, John Hegstrom and Frank Jewell. Nays – none. Motion carried.

Chair Comnick expressed his appreciation to the Work Scope Committee and all the board members for their time, energy and effort in this long process and huge accomplishment.

**Adjourn:** Suzanne Herstad made a motion to adjourn the meeting. Gary Eckenberg seconded. Roll call -- all ayes, motion carried. Chair Comnick adjourned the August 5<sup>th</sup> JAZB meeting at 3:58 p.m.

Respectfully Submitted,

Mary Ann Wittkop  
Recording Secretary

**STATE OF MINNESOTA**  
**DEPARTMENT OF TRANSPORTATION**

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**IN THE MATTER OF:**

**Docket No. 61**  
**Order No. 638**

The approval of zoning regulations for  
the Duluth International Airport

**FINDINGS, CONCLUSIONS AND  
ORDER**

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**FINDINGS**

1. The Joint Airport Zoning Board of the Duluth International Airport has drafted the "DULUTH INTERNATIONAL AIRPORT ZONING ORDINANCE" and supporting record including a detailed analysis that explains how the proposed custom airport zoning regulations addressed the factors listed in Minnesota Statutes, Section 360.0656, Subd. 1 to provide a reasonable level of safety.
2. The Joint Airport Zoning Board of the Duluth International Airport provided notice to the commissioner of their intention to establish and adopt a custom airport zoning ordinance under the regulations of Minnesota Statutes, Section 360.0656.
3. A public hearing on the proposed "DULUTH INTERNATIONAL AIRPORT ZONING ORDINANCE" was held on September 24, 2020 giving parties in interest and citizens an opportunity to be heard. Notice of this hearing was published three times during the period between 15 days and 5 days before the hearing in an official newspaper, a second newspaper of wide circulation in the area affected by the proposed regulations and on the Joint Airport Zoning Board's website. No notices were published in the legal section of either newspaper.
4. Notice was sent by mail at least 10 days before the hearing to persons and landowners where the location or size of a building, or density of population, will be regulated, and to persons or municipalities that had previously requested such notice.
5. A copy of the notice and a list of the owners and addresses to which the notice was sent was attested to by the responsible person and made a part of the records of the proceedings.
6. The Joint Airport Zoning Board of the Duluth International Airport submitted the proposed "DULUTH INTERNATIONAL AIRPORT ZONING ORDINANCE" and supporting record to the commissioner for review on November 10, 2020.
7. The commissioner examined the proposed "DULUTH INTERNATIONAL AIRPORT ZONING ORDINANCE" and, within 90 days of receipt of the proposed regulations, objected on the grounds that the proposed regulations did not provide a reasonable level of safety.

8. The Joint Airport Zoning Board of the Duluth International Airport responded to the objections of the commissioner and submitted a revised “DULUTH INTERNATIONAL AIRPORT ZONING ORDINANCE” and supporting record to the commissioner for review on August 11, 2021.
9. A second public hearing on the revised “DULUTH INTERNATIONAL AIRPORT ZONING ORDINANCE” was held on July 21, 2021 giving parties in interest and citizens an opportunity to be heard. Notice of this hearing was published three times during the period between 15 days and 5 days before the hearing in an official newspaper, a second newspaper of wide circulation in the area affected by the proposed regulations and on the Joint Airport Zoning Board’s website. No notices were published in the legal section of either newspaper.
10. Notice was sent by mail at least 10 days before the hearing to persons and landowners where the location or size of a building, or density of population, will be regulated, and to persons or municipalities that had previously requested such notice.
11. A copy of the notice and a list of the owners and addresses to which the notice was sent was attested to by the responsible person and made a part of the records of the proceedings.
12. The proposed “DULUTH INTERNATIONAL AIRPORT ZONING ORDINANCE” was made available for public inspection on the Duluth International Airport website from July 6, 2021 to the date of the hearing.

## CONCLUSIONS

1. Adoption of the proposed “DULUTH INTERNATIONAL AIRPORT ZONING ORDINANCE” is necessary for both the operation of the Airport and the safety of both the public frequenting that airport and the occupants of land in its vicinity.
2. The proposed “DULUTH INTERNATIONAL AIRPORT ZONING ORDINANCE” and supporting record evaluate the criteria under 360.0656, Subd. 1 and provide a reasonable level of safety.
3. A bona fide effort to comply with the requirements of Minnesota Statutes, Section 360.065, Subd. 1, was made prior to the approval of the proposed “DULUTH INTERNATIONAL AIRPORT ZONING ORDINANCE”.

Based upon the foregoing Findings and Conclusions, the substantial evidence contained in the record, and the applicable law, the Director of the Office of Aeronautics of the Department of Transportation of the State of Minnesota, issues the following:

### ORDER

The proposed “DULUTH INTERNATIONAL AIRPORT ZONING ORDINANCE” is hereby approved.

**BY ORDER OF THE DIRECTOR OF THE  
OFFICE OF AERONAUTICS OF THE DEPARTMENT OF TRANSPORTATION  
OF THE STATE OF MINNESOTA**

**Cassandra  
Isackson**

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Cassandra Isackson  
Director Office of Aeronautics  
Minnesota Department of Transportation

DATE: \_\_\_\_\_