

PLANNING COMMISSION MEETING
February 6, 2008

PLANNING COMMISSION PRESENT: Joe Paiement, Diane Wirth, Kevin Witt

STAFF PRESENT: Chris Wallberg

OTHERS PRESENT: Ann Jacobs, Steve Jacobs, Roger Jewell, Craig Morris, Nick Reynolds, Melvin Schmidt

1. **CALL TO ORDER** by Chair Paiement at 7:02 p.m.
2. **PLEDGE OF ALLEGIENCE** was said.
3. **MEETING MINUTES – M/S/P (Wirth/Witt) to approve the January 8, 2008 PC meeting minutes. Motion passed.**
4. **APPLICATION BY HELEN COOL FOR CHANGE OF COMPANY NAME FOR BALLOON LAUNCH OPERATIONS AT 16233 FIFTH STREET SOUTH (FORMERLY STILLWATER BALLOON)**
Staff introduced CUP goes hand in hand with Jacob's request to amend Conditional Use Permit for Valley Baptist Church; Stillwater Balloon operation taken over by Steve and Ann Jacobs; existing CUP for Cool family is under name Stillwater Balloon; no change in ownership but transfer to new corporate name which Mrs. Cool prefers standard; they have a couple balloons and other equipment for their own personal use; in order to continue to operate those, they need to maintain their Conditional Use Permit; Staff asking they have discussion and consider recommendation to the CC to make that transfer and change in name; Stillwater Balloon would remain same, but the amount of the equipment that's there will be smaller; CUP doesn't need to be amended in any other way, just transfer from Stillwater Balloon to the corporate name Cool Acre Farms (C.A.F., Inc.) for operation of a couple hot air balloons they have retained.
M/S/P (Wirth/Witt) to recommend to the City Council that the Application by Helen Cool be approved for change of company name for balloon launch operations at 16233 Fifth Street South (formerly Stillwater Balloon) to C.A.F., Inc. Motion passed.
5. **APPLICATION BY STEVE & ANN JACOBS ON BEHALF OF VALLEY BAPTIST CHURCH TO AMEND THE CHURCH'S CUP TO INCLUDE THE LAUNCH SITE & OFFICE FOR STILLWATER BALLOON OPERATIONS**

A. Public Hearing on Application by Steve & Ann Jacobs/Valley Baptist Church

1. **Call to Order** at 7:10 p.m.
2. **Introduction of Application** – Staff provided brief introduction that the Jacobses have taken over the operations for Stillwater Balloon; application actually from Valley Baptist Church to amend their CUP to include those operations that heretofore have taken place on Cool property as part of Stillwater Balloon; one thing to draw their attention to is they are requesting approval for expansion of the storage building and classroom garages that are there presently; they have given a maximum size of expansion, but are not prepared to do that right now; included with this application so should they and the CC determine that this CUP can be amended, they wouldn't have to come back at a later time when they want to make that expansion; hours of operation taken from the old Stillwater Balloon CUP; they have operated there and under these provisions for a long time; this is proposed to basically move to church parking lot. Paiement noted a copy of Jacobses letter to the City outlining the proposed application they have had a chance to review.
Ann Jacobs, 200 Quality Avenue South. They are taking over Stillwater Balloon; in past, Stillwater Balloon launched a number of balloons, sometimes as many as five or six because they flew much smaller balloons; what they fly now is one balloon; there is possibility in future of flying a second one; what that looks like for the neighbors and community is that in the morning or evening when they fly, and it is about 50 times per year for the last couple of years, it would sound in their house like your neighbor turned on a lawn mower for about 15 minutes and then turned it back off; they are hoping that the move closer to the highway and in a commercial setting will not really allow any difficulties that may have been present, although when talking with Staff earlier today, she said it has been years since there has been any complaints about noise or other problems with the balloons; hoping they can just keep going and have lots of fun with the balloons in a little more public place so people can also enjoy it with them. Paiement noted Jacobs stated they have gone from five balloons to one balloon; asked when that started. Jacobs said that has been a gradual step-down for a number of years.
Steve Jacobs, 200 Quality Avenue South. Stillwater Balloon has been in business for about 34 years; when they first started flying, it was one/two balloons at a time; probably about 5-6 years ago, they went to these really big balloons and went down to 2 or 3 balloons at a time; last couple of years, the father and the son of the Cool family died and they went down to one balloon because no one was really interested in flying; he has

been doing it for the last 2-3 years, just one balloon and they are going to maintain just one balloon forever; idea to keep small family business. Wirth asked how many people could fit in a balloon. Jacobs said the biggest one he flies takes sixteen people; theoretically the most cars that would be down there in the parking lot at a time would be 8 passengers and sometimes they will bring family members to watch; pretty low key. Paiement has had the chance to do that last summer, so fresh in his mind; they don't need very much space. Jacobs said just enough room to lie out; balloon he flies about 100-115' long; they only need enough room to lay it out, it stands up, and you are gone. Paiement referred to noise associated with that is right at the beginning. Jacobs agreed there are inflators; balloon takes two or three inflators depending on which ones you use; 15-20 minutes to get it up; because of the way the church is located with the building there and the power lines by the road, they are going to have to go up right away; balloons climb 300-400' per minute when you first take off, so that means you are up and gone; have been flying for 18 years; has been working for company for about 20-21 years; excited about doing it on site at Valley Baptist; they are moving the site 1,500' from where it takes off now to where they take off at the church; seems to fit, plus he goes to church there; hopefully it can be nice for the community also; Cools lost interest in business; ballooning a lot of fun and they would like to encourage people whether neighbors or people down the street to come watch if they want; Cools discouraged that – even to point of putting signs up to stay away. Wirth asked if there is any other spot in Lakeland that would work. Jacobs said there are different ones but they haven't approached any of them such as the Methodist Church, the soccer fields at the school - but then they can conflict with the soccer games; have permission to take off at Bayport; doesn't like that because NSP tower is hard to get over if you are going that direction and not as pretty a view as Lakeland; again he has been flying out of here for 34 years and has gotten used to it and likes it; the other thing they are going to look into is another site in Wisconsin so when winds are coming out of the east, they could take off from over there; last year they flew 55 times; if they get that site approved, they might take off maybe 15-20 less here; people want to go across the River but many times they take off from Lakeland and go right to Woodbury and they are a little disappointed; if they can find a place in Wisconsin, they can eliminate that; good chance the number of flights would even be less than 55; they have complete ownership of business; last time he talked to Mrs. Cool, she didn't want it on her property; Mrs. Cool pretty private lady; balloons almost bad memory; daughter hasn't flown for over two years but may be starting to think about it again.

3. **Public Comments –**

Melvin Schmidt, 16380 7th Street Lane South. Lives directly east of where the balloons are launched; wanted to ask if concerns about launching that off of asphalt which has potential glass, etc. versus previously at the Cools the balloon fabric was on nice soft grass. Jacobs said ideally grass is the best thing, but they make tarps so they will actually be laying out a tarp or something on top of the asphalt; if the CUP goes forward, there is one tree that they could take out between the church and the trees more to the north of the property; there is one tree just to the west of the parking lot; if they took that down, they could get the majority of the balloon on the grass; not really concerned about glass; concern is it is if you are to walk on the balloon and it is on asphalt, you can rip it and wear it out faster; concern for their maintenance than anything else.

Roger Jewell, 16294 7th Street Lane South. Lives just north of church; if it is moved over to grass, that is even closer to his house; knows those blowers make quite a bit of noise because he can hear them from where it is at now; both he and his wife don't like the idea of them taking off from there; nothing against balloons, but just too much noise that early in the morning and also in the evening; also before when Shepherd of the Valley Lutheran Church was there, they were going to sell it to a restaurant or something to that effect and they said no to that because that would also be very noisy and that didn't pass; grateful for the CC for turning that one down; just feel it wouldn't be a good fit in their neighborhood; right now they said they are 1,500' away but that is across the way, across the preserve and up on the hill; thinks more than 1,500'; they can hear the blowers when they first start; also hear when launched; hear in morning if they have their windows open to the north. Paiement, in an effort to understand why Jewell is objecting to it asked if because of the sound generally, the sound wakes him up. Jewell answered the sound generally; that close to his house would be awfully noisy; aware it is 15-20 minutes duration, but always hear them from where they are taking off now.

Nick Reynolds, 16290 7th Street Lane South. Representing the Jackson Farm Homeowners Association as its president; read into the record the letter provided to him for that purpose from Tom and Mary Faust who also live in Jackson Farm who wrote of their disapproval of amending the CUP for Valley Baptist Church [copy of letter on file at City Hall]; at present has heard from probably four different parties of Jackson Farm with concerns about the move; pretty much everyone who has talked to him is represented at this point; personally he is the next property north of Jewell and has long enjoyed seeing the balloons go up but it is true, he does hear the fans when they are going; has taken a ride once about three years back and flew right over his home about a month before he actually moved into it so that was special and again doesn't have anything against them; hope they stay in Lakeland; would love to continue to see them go up; certainly shares the concern of

Jewell in it being a little too much noise right in his backyard although seeing the balloon that close going up without the noise probably wouldn't be; what really jumped out at him right away is the thought that being that close to CSAH could create a real traffic hazard; thinks it will increase the risk of accident and injury in that corridor and thinks that should be taken into account; might be some other open areas in Lakeland that might be more suitable for launching. Paiement asked how many members belonged to the Jackson Farm Homeowners Association. Reynolds said 27 households; the letter he read was the opinion of only one family who just wanted their views to be represented here; they have not met to come to a position on this to present a unified opinion; he has expressed his personal opinions and just the fact that he has heard from a couple families in the Association; have not actually gotten together to agree on what they feel about this so certainly cannot say this represents the views of everyone, it doesn't; can certainly tolerate more in the evening than at 5 a.m. and he has his window open and the fan starts going and wakes him up; that would really tick him off; in the evening, again he likes seeing the balloons go, so would probably would come over and watch more often than not because he tries to make the time whenever they go up to just sit outside and see them go; feeling definitely mixed on issue. Witt asked of the Jacobses if it would be detrimental to their business if they bumped the time out slightly. Jacobs said that in the middle of the summer when the sun rises early, he believes they take off at 6 a.m.; hot air balloons need very stable weather conditions and this occurs after dawn; they want to fly before the sun can heat the ground and the wind and 'up lift' occurs; you need to fly right at sunrise and two hours before sunset – you don't have an option; can fly during the day but it is much more dangerous; in regard to being too close to CSAH 18, knows Wiederkehr has been where he has been a lot longer than they have; doesn't know if there has ever been an accident there for the balloons; won't discount whether or not it will make it harder there; wish they could at least try it for a year and review the CUP annually and then they can review and see how offensive it was to people; on the bluff line where the Cools take off now it is right against the bluff; hard to believe they hear noise that far, but wondering if the bluff has something to do with that; speculating if where the church is that the noise would disperse better; would be totally willing to work with Roger Jewell because he is definitely the closest and maybe do a 10' fence that is between them, the balloon and his window; open to things like that; again, Stillwater Balloon has been in Lakeland for 34 years and it would be fun to keep it; thinks it brings things to the community, a good thing to have in the community, and in a more visible place will bring more to the community; hopes and dreams for wonderful things such as Lakeland Spring Clean Up they can help sponsor; balloons part of Lakeland however that works out. Witt knows there are trees all around Jackson Farm, but are there trees by the parking lot where he is indicating they will be launching from. Jacobs said there are trees bordering the whole property, but probably just one layer of trees; if there was someone who could tell him that a shrub or tree helps out, they would be willing to do things like that. Witt thinking if the noise is bothering them at the church, they are close to CSAH 18, seems to him an expeditious tree might be aesthetically better for them while improving the property all the way around. Jacobs agrees there is highway noise; would hope that it would be something they could work together on. Paiement asked Jacobs if he would be willing to notify those residents who want to be notified in advance. Jacobs said they have a flight information line and anyone can call at any time; hates to say he will notify them in the morning because 75-80% of their flights they schedule they cancel. Witt probably biased but one of the reasons he lives in the Valley is because of the balloons; his father actually won a balloon ride and he went with him; they discovered the Valley basically because of the balloon business; just to be up front with everyone, he has some pretty biased views as he thinks the balloons are a big asset for the area; per the conversation here, hoping they could find a happy medium and figure out a way to make it work for everyone because he thinks they are losing too many businesses in general in their area; looking to hang on to anything here that keeps people coming to the Valley in a good way. Ann Jacobs agrees it is a very scary proposition; when you are thinking about this coming right next to your house, it seems really obtuse; something that would be huge and in the way; what they found from people who tend to live close to it is it is something they get used to; very similar to a neighbor turning on their lawn mower and when your neighbor does that, you think there it goes again if you are in the middle of something and don't want to hear it, but it doesn't make you not want to live in the area; becomes a very natural part of what you are doing in the routine of your life; about traffic, many people want to stop and look; part of what they would do is to put up a sign that invites people in and look at the balloons; hopefully if people are interested in it and wanted to take part in it they would pull off the highway, park, and get out and feel free to stand around and look at the balloons as long as they wanted; traditionally balloons land as close to roads or on roads as they possibly can; they have to pull that balloon out someplace; they have landed in cul-de-sacs in Woodbury and alongside of roads in Wisconsin; constantly taking off and putting down right next to traffic; can't think ever of a traffic issue; someone might slow down or whatever but that is what the roundabouts are all about and hopefully everyone will be going slow anyway; never heard or have seen a safety traffic accident because of the balloons; they would really enjoy this becoming a family and community business again; wants to send

things out with the balloons pointing out parks and to come to Lakeland and enjoy the area; many of their customers afterwards say if they had known there was a restaurant here, they would have had dinner down here, or they ate in Stillwater because it is Stillwater Balloon and they didn't know anything about the area; hopes the church grows again and they have things going on there all the time; wouldn't be noisy raucous stuff but little children playing; like living next to a park; that part she doesn't understand the frustration of; this is a church. Steve Jacobs said 3-4 years ago it was Shepherd of the Valley and thinks what they are proposing way less intrusive than how busy that church got; at the height of what that church was, doesn't think they will be that intrusive ever; on a Sunday SOV probably had about 800 people and on Wednesday probably had 400-500 people going in and out; even opened up back gate on Sundays and they drove through neighborhood; hoping their fears won't be realized; their busiest time of year is between May and November and that is when the 50 flights happen; church is actively pursuing putting a business in it; can't afford building without something; this is a business that seems to be really easy; there have been preschools that approached them, but then there are kids there all day long; sounds terrible but thinks what they are proposing community wise is less intrusive than what they can already do without amending their CUP.

Craig Morris, 16412 7th St. Lane South. Unfortunately his wife Rose couldn't join him but he thinks Reynolds has spoken for them in terms of the formality; just wanted to make a couple points; first of all he has known Ann and Steve for over 20 years and they are great people; they have done great work here in the Valley; like that Witt is passionate about aviation, but unfortunately they are not here about character or what their passions are but they are about the process; addressed two concerns (1) the church is in the R1 district, not RB; to the extent that they had the current zoning framework adopted around 1981-1982, they at that time had approximately five businesses that were protected or 'grandfathered'; the old Larry's which would also have been what is now R1, Wiederkehr Balloon which is in RB, Stillwater Balloon or the Cool operation, and the Bungalow; to the extent that changes have occurred around those businesses they were permitted to continue to operate as they were to the present date; as he reads the current zoning within the City of Lakeland does not permit airports; the FAA designates those and they may designate certain types of aircraft either fixed wing rotor craft lighter than air etc; don't necessarily distinguish in terms of airports by the type of vehicle being used at those facilities; their zoning doesn't permit airports; to the extent they would have administrative operation that could operate there, they could but even by permit it becomes problematic as a property owner he can't apply for a permit and run a heliport out of his back yard and he is in R1; first question is what is the difference; difference is they are talking about a church and typically, historically, churches have been limited to release activities and religious practices, affiliated education activities, nonprofit fundraising activities affiliated with the religious activities and there has been a quasi agreement that those churches operate within a R1 or an R district; while they require a CUP they are allowed to operate as an entity, not as a residence; give and take there; they love the launch; live right next to the Cool driveway and has been around ballooning and at one time actually flew hot air balloons; passionate and adamant about it; that doesn't mean though that just because he likes it makes it right; issue here is does the zoning permit this even with permit, and (2) if they allow this particular permit to be issued against this particular parcel what the implications are for other like parcels should they desire this or other types of activities; that for him is a critical question and doesn't have the answer to that; last thing is he wants to see balloons here too; would hope that if this is something that cannot be permitted, notwithstanding the airport question, if there is an opportunity within the existing RB to designate, he wished they could do that; at one time Lakeland was the only municipality in the State of Minnesota that actually had two designated balloon ports; one of those, the Wiederkehr port had a FAA designated repair station; they are fortunate; they are unique, and he thinks this is a bit of a challenge; thinks with a little more work they might be able to find a way to make this work.

Paiement asked Staff clarification of zoning. Staff confirmed church in R1. Paiement thinks the issue raised of the use of that area as a port is a separate question that really has nothing to do with why they are there tonight and they have no jurisdiction over it unless they have some other information about it; second issue Morris raised about zoning does apply; if it is in the R1 district, they may very well need a variance. Morris said the FAA controls the airspace and those land facilities affiliated with a designated airport; his only point is they don't designate airports, nor does their zoning permit airports within the City of Lakeland; a ballooning operation would have to have some facility for ascension of the craft from the ground to the air; even though they are designating a business that might be limited to administrative operations, they still designating the area; whether they call it an airport or not isn't really the issue; by defacto they will end up doing that though; his only issue is even though they are talking about a permit and he goes back to the reference made earlier when they were exploring and marking the property with Shepherd of the Valley when Dick Anderson was looking at it for a restaurant; went through the whole exercise of rezoning and even questioned whether or not a text change would help; ultimately that decision was terminated; hoping they can find a way to preserve ballooning here in the City; wants to make sure they are doing it within the right district; wants to be clear

because of Paiement's question because he thinks he was doing some math around the numbers in terms of who's here and who isn't; wants to be clear that not all the residents of Jackson Farm received the letter; within the context of that, he hopes he understands that there were certain parties who were either notified either informally or by word of mouth and obviously the affected properties who by Statute receive the official letter; he can't tell him tonight how many people were informed about this; would hope he wouldn't use either those who submitted a letter or their appearing as an indication as least in terms of the response from the Jackson Farm residents. Staff said letters were mailed to all people within 500'; if they can explain how letters can go from City Hall to their house through a post office and get lost she'd like to hear it because that's a problem but they did mail to everyone within 500'. Witt said the part he is struggling with here is Morris' zoning comments legitimate of whether they like ballooning or not is they have two balloon businesses in town basically forever, to him just trying to bring some common sense to this situation, they are better off to locate businesses along CSAH 18 than to try to bury them back in any other neighborhood whether against a bluff line, etc.; to him common sense is this access is easier off of CSAH 18; if they have an issue the fire department sees your access; number of reasons why in his mind is makes more sense to have it there; zoning wise, it is very legitimate; this might need, as Paiement said, a variance but in his mind this could work assuming the neighbors could make it work, it makes sense to have it located somewhere on CSAH 18; he goes back to if indeed that researched and this is still viable, he still thinks anything that is done on the church property if this does work out is of value to them as homeowners but if he lived there, he would want the same thing they do, as much of a barrier blockage as you can get; it is going to improve their property, knock down the noise from CSAH 18; right now they are dealing with highway noise and it's only going to get worse, not better. Ann Jacobs said they have talked with Helen Cool about the business and so forth and indicated to her it would be better to get out of the farm area to be safer; complaints they have heard of in the past have to do with driving on that road past houses there that encouraged traffic; they were trying to switch to this place out of convenience and respect for their neighbors, not to make things more difficult for them; thinks people on the backside of Jackson Farm who did not get a letter are probably just as close or closer to the balloon launch site currently than they would be when they change it so not sure that is a huge issue; as far as moving it into a business area, realistically it is a 100' long balloon; you can't just put it up anywhere; a business that is really busy at different times you can't use their parking lot; as they were dreaming about what would be best for the City, what would be best for the company and what is just feasible, they figured most of the people affected by their current launch site are already affected by the launch site previously used; that they would take away the traffic problem and all of those things would be removed from the issue and they would be right along the highway so people would be expecting a little noise; hoped they were alleviating issues rather than creating them; their understanding is that hot air balloon liftoff doesn't need an airport designation and is a separate flight entity; doesn't need a runway; can talk to Helen Cool but when they talked to Bayport Park who has had balloons there, there was never an issue about FAA designation; will certainly be checking into that now that issue has been raised but their understanding is that they don't need an airport designation to take off hot air balloons. Paiement tends to think that is correct because Wiederkehr Balloons goes up in the middle of a backyard. Staff pointed out that one of the provisions in the existing Stillwater Balloon CUP that she suggests would be rolled over to them is that balloon flight activity is regulated by the FAA; in that way to the extent the FAA has regulations, they are responsible to follow those rules; in terms of their permit, that agency takes care of the flight issue; the City wouldn't be in any way qualified to take care of the flight business; if the idea is to have balloon activity in Lakeland, you will not get farther away from a residential zone anywhere in the City; Wiederkehr is up against residential; right next to homes and there isn't any place in the City that isn't right next to a house that has enough space for them to launch.

Melvin Schmidt, 16380 7th Street Lane South. He grew up in central Minnesota and moved to Chicago for 4.5 years living within five miles of O'Hare Airport; maybe he is a little deaf to sounds, but he will comment that he moved back to Minnesota about 34 years ago and believes all of those years he has been here the balloons have been launched on the Cool property; one of the reasons he ended up moving to where he did which is directly east of where they launch the balloons was the excitement of seeing them go up; doesn't care if in the morning or at night; in the morning he never really hears them go off; has been on his current property about 20 years watching the balloons go off all of the time and he rarely misses one; unique thing about this Valley is that sound really travels; he gets a lot of noise from CSAH 18 and would say it bothers him more than the balloons; another thing is their good neighbors cutting grass; their lawnmowers drive him more crazy than the balloons going up; appreciates the work done on CSAH 18 because that helps alleviate the noise a lot; asked if they could shut down the motor boats on the River; there are a lot of sounds that happen in their society and he thinks this is one they have to sit back and enjoy; would really hate to see it leave. Paiement asked Staff if they had ever forwarded a recommendation to the CC whereby they recommended a six month review/permit rather than waiting the full year. Staff said they never have but it is certainly something they could make

recommendation about and she can check with the attorney to see if that is something that would work; CUP is for a yearly period, but they have certainly been advised against the idea that because they have a annual review that they would begin to take things away from CUP; thinks there are real legal issues with that; could check with the City Attorney what they could do in terms of a trial period to be reviewed in six months. Reynolds thinks what they are talking about is a review period and also the possibility of adding a requirement to set up whatever noise reducing barriers that might be available that would work; he has found living where he does he hears CSAH 18 really well; if he sits on the other side of his house, he doesn't hear it at all. Witt asked if inappropriate to limit the number of balloons launches. Jacobs would be willing to put in a maximum of launches; only time he could foresee more launches is in the fall when they get really busy; might be an opportunity where he adds a pilot just for the month of October for two weeks when the colors change; wants to assure them they are approachable people and will work with them if there are issues he can do something about; will get trial period without setting the rules; if they were to approve this month, next March if it isn't working, he'll find somewhere else to fly; Helen Cool is keeping her CUP open so very likely she would like the extra income and he would move back up there again.

4. **Written Comments** – [copy of letter from Tom and Mary Faust on file at City Hall; no others received]
5. **Hearing Closed** at 7:50 p.m.

B. Discussion & Recommendation

Wirth also loves the idea of the balloons; it is Lakeland's image she would like to portray; however, as passionate as they can be about wanting that business there and she would like to work with them on that, her problem is they are upholding the City Code of Ordinances and that is her job; would like to spell out to everyone and maybe she is wrong but as she is reading it is there is a noise ordinance and it is for less than 10 minutes in any district 75 decibels from 7 a.m. to 6 p.m. and from 6 p.m. to 7 a.m. which would be before sunrise it is 70 decibels; she didn't know what a decibel meant so went online for definition and 70 decibels is a busy street and 60 decibels is conversation, and that is for 10 minutes for less; she then went on to 80 is a vacuum cleaner and 90 is a lawnmower; found a website that told her what the level of a hot air balloon anywhere from 88 (freight train) to 107 (circular saw); these are definitely levels that exceed their Code of Ordinances at any given time. Paiement thought more to it than that and depends on the distance. Wirth said 500' and that is much less than would be next to Jewell's property. Paiement said if that were the case, they wouldn't have anything going on in Lakeland or any other city because every time they start their lawnmower they would be violating their decibel. Wirth suggests they go through this and correct it before they allow them to do that. Paiement can't join with her in thinking they are violating that; thinks two separate issues; their request to amend the CUP is one thing, the noise ordinance and how it affects all of Lakeland and everything anyone is doing here is separate; doesn't disagree with her and it seems like they need to look at it if that is really what it says but he doesn't think that applies to what they are trying to do here. Wirth lives right by Humphrey's Park and one morning she was woken from a dead sleep with a huge sound and thought it was a freight train; probably 20-30' over her house so she knows for a fact they can be loud; being right next to Jewell's house, she can very much sympathize with having it occur. Steve Jacobs reminded the balloons have been in this area for 34 years and there are residents who live right next to it now who are okay with it; really not that intrusive; definitely for Jewell there will be a little adjustment for him; won't argue that one bit but thinks it is one that he is hoping will be very easy; again wanted to reiterate that balloons have been in the Valley and in this City, 1500' away from Jewell's house, for 34 years. Paiement asked Jewell if it changed his opinion at all if this was recommended and approved by the CC to have a one season and it would have to come back for review; if it turned out it was a problem for him he would have opportunity to come in to provide his input/response. Jacobs added the city of Bayport wants them, they are begging them to come up and want them to go to the park and take off from there because they like the balloons; he wants to stay where he lives; not that they don't have a place to go to. Staff had one other observation in that the church is such an underutilized building and facility and it is in the plus column to suggest it would help the church to utilize a little bit more of what they have available too. Paiement supports the idea of recommending this because he thinks with one season's worth some of these concerns will be very minimal; if they are a problem, they will know about it within eight months and they can remedy; Lakeland and balloons go hand in hand and it is yet another business that he thinks they should try to support in whatever way they can balancing interests of those who live around; certainly doesn't want to thrust some kind of intrusive thing upon the neighbors; that's not what they are about either; what they are trying to do through these questions is to balance what they think is a real attribute to Lakeland, the business, with the interests of those who live near there and hopefully strike a compromise that works; certainly understands the noise ordinance and thinks they have to deal with that; doesn't minimize what Wirth stated at all and thinks important; what she brought up applies across the board in Lakeland, not just to these applicants. Wirth said for residential it is even more strict. Paiement considered maybe they need to change the ordinance to something more realistic; doesn't think that should be part of what they are doing tonight.

Wirth said it brings to light exactly what the neighbors are going to have to deal with; whether it doesn't apply – it does apply; it does apply to Jewell. Witt suggested if Jacobses are in agreement with limiting to four launches, in a sense he is almost decreasing the noise from what it was; knows when he did it 15 years ago and knows there were more than five balloons going up; limiting the number of balloon launches in his mind realistically could technically cut down the noise from what occurs now; in his mind, he concurs with Paiement to recommend it; thinks it is a step forward and not a step back; only concern he has is to be realistic to Wirth's concern and in the meantime if they are willing to work together trees don't grow overnight, fences don't grow, but they won't get away from balloon noise the way it is right now; if they are going over, they are going over so really trying to just diminish the noise to start with; asked if there was a way to appease in a good way that could maybe benefit from not just balloon noise but if this church grows or has to put another business in to make the mortgage payments, there is going to be noise, no matter what; they won't get away from noise on CSAH 18; asking if a way to turn this into from a potential perceived negative to a positive. Wirth reconfirmed with Jacobs that it takes longer to fill the larger balloons and Jacobs said the reason they flew six or seven balloons before is because they had the small ones; if for some reason they decided to go to small balloons, he would have two or three balloons taking off each time; you can only take one or two off at a time and that location is going to take one at a time; bigger operation when launching smaller balloons; now it is much simpler at 12-14 people; morning flights are usually only 8; usually he and two or three crew; ideally, he would be a millionaire and Helen Cool would want to sell her farm; the only reason her property has worked for so long is she owns it; worth over \$1M and people can't afford a \$1M balloon port; ideally it would be great to stay there but the next spot would be the church; soccer fields behind the school would encounter conflict with soccer games and that doesn't have a natural buffer; Wiederkehr has a decent spot but doesn't think it is big enough for even the balloons he takes off right now; maybe in some of the parks they could take off but park even worse with houses surrounding and not the big trees; church natural buffer; just properties to north who will hear the fans probably more; fans have gotten better and work faster and they will make sure they are properly maintained with a muffler. Staff stated she will certainly check to see if there is some other sort of permit that would not be a formal amendment to the CUP that legally they could accomplish the same thing by having that season and the CUP renewal a time they have an opportunity to respond and make it more permanent then; doesn't know if that exists but thinks worth pursuing; the only way to remove the amendment to the church's CUP is if indeed the Jacobses would have done something directly contrary to what they had agreed to do; this noise question doesn't fall into that category; from the City's point of view they need to be careful that if an occurrence contrary to what agreed upon, then they can revoke the CUP; really a legal question they need to run by the City Attorney; seems to her if this suddenly became a giant problem, they wouldn't wait until CUP review time; if there was constant noise that nearby neighbors could not deal with it, the City Ordinances still kick in; because it is a CUP doesn't mean they have to live with totally unreasonable conditions; doesn't all rely on the CUP review process; option they might have as it seems like there are questions of whether the FAA does have some kind of heliport designation; doubts it, but it might be worth checking; certainly Jacobses can have a chance to talk to the neighbors and see if they are in agreement of the idea of having a season to try this to see how it works giving her an opportunity to see whatever permits might be permitted so the church is protected to allow that they have a permit to be able to do these things; if the PC would choose to table this, they would have all of those answers and their recommendation would be based on more flushed out ideas. Staff said since other issues are also being discussed, the more complete recommendation they can provide for the CC the better; the other thing would be the recommendation would include whatever permitting is possible to allow a trial season if it can't be done by some other permit. Paiement's thought is supporting the recommendation; Staff's point earlier that if there was a significant noise issue with this the residents would have relief under the nuisance ordinance regardless of what permit would allow them to do this; thinks there is protection for the neighbors if this were to go in the direction it shouldn't be going in; on top of that, their permit will come up for renewal at the end of the season anyway. Jacobs informed he is the church secretary also and he knows how their elders feel; they don't want to offend the neighbors; if there is something the church is doing that isn't working in the neighborhood, they will kick him out even though he is the church secretary; church wants to be a blessing to the community.

M/S/P (Witt/Paiement) to recommend to the City Council approval of the application by Steve and Ann Jacobs on behalf of Valley Baptist Church to amend the church's CUP to include the launch site and office for Stillwater Balloon operations with two modifications – that the FAA is contacted for possible jurisdiction issues and that the applicant limit launches to four per day. Witt thinks the rest will shake out, the annual review, the noise barrier he believes they are going to work together to work it out; thinks it is in their best interests and in the neighbors best interests the more they get down for noise barriers it will be a blessing to the neighborhood. Wirth isn't going to vote for it; opposed to including the noise level according to the ordinances; that is what she is following; listening to the comments the community has poised which would supersede what they said; won't support it; believes Jewell being put in position that he has asked they really

seriously consider this and it is right in his backyard 20' from his house when they ultimately put it off; knows she would have a problem with that in her backyard. Jacobs said the church right now without amending the CUP could go to 800 people a Sunday; could go to 4-500 people on Wednesday; they could start Monday through Friday that could all happen within what is going on right now; she is against something that is by far less intrusive than what they can already do; and just so they know, Jewell is going to fly this year but doesn't know it yet. Staff said on the other hand, church activities are already permitted; this is not permitted. Wirth wants the balloons here; been to Cool residence and there when they have blown up the balloons and it is ideal; doesn't seem like a logical spot to see it right off the highway like proposed. Witt also suggested bringing it to the CC's attention that the ordinance they have in place in his mind is substantially out of date because many citizens of Lakeland are breaking that ordinance right now with the power equipment out there. Wirth also recommends they look at their noise ordinance; however, if she lived someplace between 10 p.m. and 7 a.m. she would want it at 60 decibels which is just conversation. Paiement called question. **Paiement and Witt voted aye. Wirth nay. Motion carries.** Paiement advised the Jacobses that the recommendation goes to the CC in two weeks and they will have an opportunity, and he encourages them, to let them know how they feel about it; what they do is nothing more than a recommendation; non binding and they can do whatever they want and quite frequently they do things much differently than what they recommend they do; strictly speaking, this is like a trial run.

5. COMPREHENSIVE PLAN

[Secretary's note: some information may be missing due to background conversation] Wirth said moving along they were thinking of having the five cities touch base at an Alliance Meeting at the fire department; St. Mary's Point has hired out at \$30,000 so not sure they are interested in joining; Lake St. Croix Beach is almost done; Lakeland Shores and Afton didn't get back to her; draft should be completed by March; have it sectioned off; City Administrator has been very helpful and is making a lot of contacts; moving along, probably not as fast as they would like; has been very interesting even getting out the flat maps and doing the history; for her son it has been a real interesting experience to find out what's involved in being part of the City; would like another PC member to get involved so they could really learn as they are being a Planning Commissioner; such a long time to learn this job that it would be nice if they could get in right now and get involved. Witt give Wirth credit because time-wise the majority of people don't have the time; scares him that ten years from now someone has to relearn it; can see why consultants are hired. Staff said just in terms of what Wirth stated in terms of decibels, she would guess that if three of them decided tomorrow they would form a committee to put that together it would be at least September before they could get it done and that is only that tiny piece; late last fall there was a truck down on the beach and ever since then she has been trying to change one little stipulation in the ordinances that say that you can't have motorized vehicles on City property; Staff also has its priorities; certainly when you bring consultants in you can see why it costs that much money because it is very time consuming; when they give a product back to you, you are going to expect it to be complete where when they can do it they can go back and forth. Wirth thought the City Administrator had suggested they had the option to spend \$20,000; cost so far is what their time is worth and Simon's gas back and forth; open PC seat and curious to know what the plan is for that; are they just waiting for applicants to come in. Staff said there has not been success putting it in the newsletter; thinks it might be a more word of mouth recruiting kind of thing. Paiement thanked Wirth for all the work she has put into this. Wirth said Staff has been wonderful and very supportive every step of the way.

6. MEMBER REPORTS

Paiement said a big issue is whether they are going to have someone to replace Sharon Lee. Staff said if people have ideas or people who might have an interest if they could get in touch with the mayor.

7. ADJOURN – M/S/P (Paiement/Wirth) to adjourn at 9:00 p.m. Motion passed.

Joe Paiement, Chair

Kate Piscitello, Recording Secretary