

## **New information may make a difference in east, west pole heights**

*By Russ Pankonin*

*The Imperial Republican*

Based on new information on airport funding and flight for life situations, school board members agreed to seek a certified survey to help determine the permissible heights of light poles on the new football field.

The board revisited the issue during their regular meeting Tuesday, Jan. 13. They spent about 90 minutes discussing the situation.

In November, after a sometimes heated discussion, the board decided to make application for the light elevations to comply with local airport zoning regulations.

This would have resulted in pole heights of 70 feet on the SW pole, 62 feet on the NW pole, 52 feet on the SE pole and 41 feet on the NE pole.

Kenny Owens, who is chair of the airport zoning board, visited with the school board last week to share new information he'd obtained since the last meeting.

"I got to feeling that something wasn't right," Owens said, which prompted him to investigate the matter further.

He emphasized at the meeting that he was present as a taxpayer and patron of the district, not as chair of the airport zoning authority.

"I'm not here with the blessing of the zoning board," he said.

### **Zoning board must protect airport**

Owens explained the statutory duty of the airport zoning authority is to protect the zoning airspace requirements for the airport. If that duty is ignored, past and future funding for airport improvements could be in jeopardy.

Current zoning requires a 50-1 slope protection on any airspace obstructions. As a result, when the school board applied for the lights at heights that violated the 50-1 requirement, the zoning board was bound to deny those applications.

However, Owens said he learned from an FAA planning engineer in Kansas City that if the pole height does not create a hazard, as determined by the FAA, then funding for the airport is not at risk.

Owens said the airport zoning board cannot approve an application or grant a variance for any pole that violates the 50-1 requirement.

State statutes then allow the school to seek a variance from the local zoning board of adjustments.

If the zoning board of adjustment grants a variance, that decision could still be appealed, which sends it to a district court judge for review.

Owens said the school would have to show a hardship to qualify for a variance, such as costs, etc. He said aesthetics would probably not qualify.

Even if a variance was granted, Owens said he believes the airport zoning board will have done its statutory duty by declining the application. And, as a result, funding for airport projects will not be affected.

### **New pole heights suggested**

One of the first things the school should do, Owens suggested, was to get a survey by a licensed surveyor with the proper equipment on the elevations where the poles are to be located.

Elevations have been an issue in previous applications and Owens said a proper survey would alleviate that issue.

Although, he said there are some people who don't want to see a new football field and the airport serves as a way to stop the process.

Owens suggested the board submit applications for the poles that would be slightly under the 40-1 departure slope. This would allow poles on the east side to be at a height of approximately 52 feet and 62 feet on the west side, depending on the survey.

Owens said the NE pole would still violate the 50-1 zoning and the airport zoning board would be forced to reject it. However, the school could then seek a variance on that pole.

Owens said that by maintaining the 40-1 departure slope height, present instrument approaches for flight for life jet aircraft would not be affected.

Board Chair Sheila Stromberger emphasized the school never intentionally filed any paper work that would jeopardize flight for life. Applications were filed based on the information provided to the school.

"The publicity we have gotten and the people who believe this school would intentionally risk flight for life irritates me beyond belief," she said. "It's absurd to think that any board member wouldn't want flight for life services available in time of need."

That issue was raised primarily as a scare tactic, she added.

### **Committee recommends 40-1 apps**

Members of the board's facilities committee recommended the board seek heights to stay under the 40-1 slope.

Board Member Dirk Haarberg said the NE pole would still violate the 50-1 requirement and the zoning board would be forced to deny it. At that point, the committee recommended seeking the variance on that pole.

He said the NE pole could still go down to 41 feet to comply with 50-1 if a variance isn't granted.

Several board members said they wanted to have the situation settled so there could be lights next season.

Board member Bob Milner said there are enough people against the field that the issue will ultimately be decided in court.

Stromberger reminded board members that the football complex was part of a long-range plan when the school was initially built.

With the joint effort with the city, it was possible to complete the project.

This facility will be here for many years to come, she noted, so the board has to look beyond just next season.

Granted, she said the board won't be looking forward to the heat they'll take if the football field can't be used next season.

However, she said the board shouldn't rush and accept a substandard solution.

"It's better to do it right now and give it every effort we have to get it right," she concluded.

A straw poll from the members indicated a majority wanted to see a 40-1 application process begin, starting with a correct survey.

Superintendent Matt Fisher said he's already been in contact with a firm that could do the survey and will begin the process as directed by the board.