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To: Town of Middleton & Town of Springfield Board Members

From: Mike Davis, City Administrator

Re: Response to Town Officials' Remarks at Joint Meeting of August 20, 2020, and in a Subsequent Letter to Various Officials on September 24, 2020

Date: October 14, 2020

The City of Middleton set out from the very beginning of the Airport Master Plan process to establish the formation of the Airport Master Plan Advisory Committee that includes not only representatives of the Towns of Middleton and Springfield, but also other representatives who are not favorable to the airport. The City has not established a goal to expand the airport as stated publicly to federal and state officials by the Town of Middleton in its letter of September 24, 2020. However, the City has not ruled out expansion, as the Towns would like to do. We insist on having all of the information necessary before jumping to conclusions without evidence. The City has a fiduciary obligation to the taxpayers of Middleton to operate the airport in a sound financial manner.

Following is our response to the Town of Middleton's comments:

I. Keep Inclusive, Balanced Language in the City Comprehensive Plan Transportation Element

We wish to clarify that the airport master plan is a separate plan prepared under State Bureau of Aeronautics (BOA)/Federal Aviation Administration (FAA) regulations. The airport master plan is not part of the City of Middleton Comprehensive Plan under Wis. Stats. s. 66.1001, which governs the City's comprehensive planning process.

We see no conflict between the currently proposed language and the 2019 U.S. DOT report referenced. The language generating the public comment at the Aug. 6 meeting was actually draft language that Mark Opitz prepared in 2016, but has never been adopted by the City. Following is the full excerpt of the language proposed in 2020 (most of which Mark Opitz highlighted in the meeting packet and during the Airport Commission meeting of August 6):

Strategy: Continue to plan for and operate Middleton Municipal Airport—Morey Field in a manner that ensures safe airport operations, supports regional economic development, maximizes financial self-sufficiency, and serves as an attractive and neighborly gateway to the surrounding community.

Action A: Ensure that the airport master plan that is under development complies with all applicable regulations and undertakes a community survey prior to its completion and adoption.

Action B: Promote ongoing pilot safety seminars and other educational programs to maximize safe operations and minimize the potentially negative impact of below-pattern altitude flights over residential areas surrounding the airport while adhering to applicable FAA regulations and standards.

Action C: Protect the airspace and approach corridors in the vicinity of the airport to prevent obstructions from encroaching into existing runway approaches as well as future approaches identified in the airport master plan."

II. 1998 Resolution

In reference to the City Council's 1998 resolution regarding the airport, one Council's resolution does not contractually bind a future Council to the same position 22 years later. Please note that the 1998 resolution also specifically stated, "When and if there is a need to make improvements to the airport, the City will welcome further public input and will hold, at a minimum, one public hearing on the proposed improvements." Since the 1998 resolution, the City has obtained federal funding, going as far back as 2001, which it has used substantially to improve the airport. We do not believe anyone could reasonably rely on the 1998 resolution to conclude that airport operations would be frozen at 1998 levels.

The term "congested area" has been referenced in a misleading manner that suggests airport operations from Morey Airport are somehow inappropriate. No basis exists to draw such an inference. Under FAA rules, pilots are required to fly higher above "congested areas." However, the FAA does not clearly define this term. The longstanding, published traffic pattern altitude for this airport is 1,000 feet above ground level (measured at the airport's elevation). Based on the airport manager's review of noise complaints, almost all are associated with pilots operating legally in the traffic pattern. This topic is described in great detail on pages 3-4 of the Pilot Handbook that was developed and reviewed by the Airport Commission last fall: <https://www.cityofmiddleton.us/93/Airport>

III. Compatible land use is an important issue.

Regarding the "close call" referenced, the airport manager has reviewed the altitude readouts related to the two aircraft and concluded that there was no near miss—that there was adequate vertical separation between the helicopter and the Cirrus aircraft. He reported his finding to Chair Richson on 8/23/20. He also noted that it is "all but impossible to determine relative altitudes from the ground." About a year ago, Airport Commission Chair John Hallick measured noise levels both east and west of the airport, finding them to be reasonable, but his findings have not appeased residents who repeatedly express concern about noise from aircraft.

Therefore, we propose that the City hire an independent consultant to review noise over the Town of Middleton at a place and time of their choosing. On that same day, the consultant would review noise from the airport over Middleton Hills and Downtown Middleton to see how the noise levels compare. We all are part of the greater urban area no matter where we live. Most Town residents derive their livelihood within this urban area, just as most City of Middleton residents do.

Regarding the concern over fuel emissions, the FAA has not required piston-flown aircraft to convert to a lower carbon footprint, and the City has no control over air flight generally, so this concern is beyond the City's control. Other aircraft fly over our area without necessarily using any of the airports located in Dane County.

IV. Town of Middleton Requests

Many other questions are, and will be, addressed in the City's airport master planning process. However, the City has not yet received or reviewed a complete draft of the airport master plan and we do not know what it will recommend. Therefore, the issue of eminent domain is premature.

The City has a Boundary Agreement with the Town of Middleton through early 2024. However, if an approved Airport Master Plan recommends changes to the current configuration and the City decides to proceed with an expansion project, the City would be willing to consider changes to the agreement.

The City Council has rejected the proposal to add Town residents to the Airport Commission. At the City's initiative, the Towns have representatives already on AMPAC. Neither Town has a fiduciary obligation to the airport per the FAA Assurances signed by the City. Mead & Hunt and the Bureau of Aeronautics staff have subsequently confirmed that the airport master plan could recommend the development of a compatible land use document, but it is our understanding that neither the FAA nor BOA require this as part of this master plan.

The Council rejects the proposal to suspend the airport master planning process, as the City needs to look at all options in order to consider the long-term viability of the airport. The Council does not wish to fund operations of the airport from the City's general taxpayers but rather from leases, fees, fuel revenues and Tax Increment Financing for the purchase and development of the airport property. Neither Town has a stake in the legal or fiduciary responsibility for the airport.

The City has and will continue to investigate the feasibility of the sale of unleaded fuel at the airport. We invite the Town to share any actual evidence of problems from leaded aviation fuel in Dane County.

The FAA requires the City to address wildlife management on and near the airport to minimize conflicts with aviation for the goal of heightened public safety. Consequently, the City can't take action contrary to upholding those federal assurances. That said, Rich Morey has confirmed that neither he nor his staff shoot ANY animals on airport property. He uses a pyrotechnic device to scare away birds about 15-20 times a year, and he keeps a detailed log indicating date/time, weather, and bird species.

Response to Town of Springfield

Regarding comments made by the Town of Springfield concerning cooperation between the City and Town, the City wishes to remind the Town of Springfield of the following language in the City/Springfield Boundary Agreement that runs through early 2029:

- In section 8.03(c), "The Town agrees not to object to the orderly development and expansion of Middleton Municipal Airport -- Morey Field."
- In section 12: "Based on the importance of stormwater management, erosion control, and infiltration in this watershed, as depicted on Exhibit 2, City and Town agree to:

12.01 Work with the local office of the U.S. Geological Survey (USGS) to incorporate Best Management Practices for stormwater management into City and county ordinances and into the review of development proposals, including but not limited to measures to enhance infiltration and water quality.

12.02 Require stormwater management plans for all development proposals in this sub-watershed that meet the thresholds in Section 14.46 of the Dane County Erosion Control and Stormwater Management Ordinance, including on-site stormwater detention in such plans where appropriate.

12.03 Work with the USGS, the City of Middleton Water Resources Management

Commission, and other interested entities to identify, officially map, acquire title or development rights, and/or preserve and restore areas that would provide particular infiltration and water quality benefits in this sub-watershed."