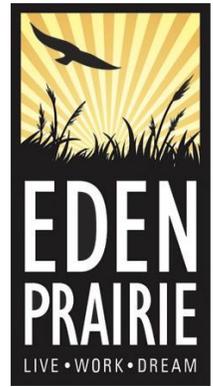


**City Council Workshop
With the
Flying Cloud Airport Advisory Commission**

February 3, 2009



Summary of 2009 Management Audit of Final Agreement

Purpose of the Management Audit

The purpose of the Management Audit is to take a look at how the Metropolitan Airports Commission (MAC) and the City of Eden Prairie (City) are progressing in the implementation of the *Final Agreement Concerning Flying Cloud Airport and MAC Ordinance 51 between The City of Eden Prairie and The Metropolitan Airports Commission, December 2002* (Final Agreement). The Final Agreement also includes the Memorandum of Understanding Concerning Cooperative Solutions to Infrastructure, Right-of-Way/Easement and Park Needs between the City and MAC.

Commitments contain in the Final Agreement were determined by both parties to mitigate the potential adverse environmental consequences of the proposed expansion of the Flying Cloud Airport and retain the fundamental character of the airport. On this basis, the City withdrew its opposition to the proposed airport expansion in exchange for MAC commitments to adopt and enforce mandatory and voluntary noise control measures and to abide by limits on future growth and expansion.

The 2009 Management Audit was prepared by both City and MAC staff. The initial audit took place in 2005.

Status of Compliance with the Articles of the Final Agreement

Article 1 – Definitions

- Not applicable.

Article 2 – Conditions Precedent

- MAC and City are in Compliance.

Article 3 - MAC Commitments and Representations

- MAC is in Compliance.

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- *MAC and City staffs agree that additional efforts may be needed at this time to seek commitments from the Fixed Based Operators and other airport users to use their best efforts to comply with the items outlined in the original letter of intent. MAC will work with the City and the Flying Cloud Airport Advisory Commission to obtain commitments from the Fixed Based Operators and other airport users to comply with the items outlined in the original letter of intent.*
- *Since June 2004, MAC has verified that no Stage II operations have occurred at FCM.*
- *MAC indicates no confirmed violations of Ordinance 97.*
- *MAC has taken additional steps to further monitor and investigate compliance with Ordinance 97 and the voluntary noise abatement measures. This includes a portable camera and aviation radio transmissions accessed remotely.*
- *MAC provides reports to the Flying Cloud Airport Advisory Commission regarding: noise complaints, any violation of Ordinance 97, and Stage II jet operations.*
- *From August 2004 and December 2008, there were 3,076 complaints* registered for operations occurring between 10pm and 7am at FCM. Of these complaints, 830 letters were sent to the respective operators notifying them of a failure to comply with a voluntary measure. (*Top five households accounted for 53% of all complaints)*

Article 4 – Eden Prairie Commitments and Representations

- City is in Compliance.

Article 5 – Third Party Challenges

- None at this time. *At the time of the initial 2005 Management Audit, there was a third party challenge made to the FAA by Northwest Airlines regarding revenue diversion. This complaint has since been withdrawn by Northwest Airlines.*

Article 6 – Dispute Resolution

- City and MAC are in Compliance. *No disputes have been filed by either entity.*

Article 7 – Remedies

- City and MAC are in Compliance. *No remedies needed as of the date of the audit.*

Article 8 – General Provisions

- Not applicable.

Status of Compliance with Memorandum of Understanding

- The City and MAC are in Compliance to date.
- *Remaining items involve transfer of some rights-of-way regarding County Road 1, and use of MAC land for park proposes following final FAA action.*