

**I. CALL TO ORDER**

Chairman, Jim Moeny called the regular meeting to order at 6:00 p.m.

**II. ROLL CALL**

**COMMISSION MEMBERS PRESENT:**

Jim Moeny, Chairman  
Bill Wade, Vice Chairman  
Vernon Reed, Commission Member  
Tim Pebler, Commission Member.

**COMMISSION MEMBERS ABSENT:**

Bill Tinnin, Commission Member.

**III. PLEDGE OF ALLEGIANCE TO THE FLAG**

Chairman Moeny led the Pledge of Allegiance.

**IV. APPROVAL OF MINUTES**

Motion was made by Bill Wade to approve Minutes of July 11, 2018, Vernon Reed 2<sup>nd</sup> the motion. All approved, motion passed.

**V. BREIF SUMMARY**

BRIEF SUMMARY OF CURRENT EVENTS BY COMMISSION, FBO, AND AIRPORT MANAGER – THE PUBLIC BODY DOES NOT PROPOSE, DISCUSS, DELIBERATE OR TAKE LEGAL ACTION ON ANY MATTER BROUGHT UP DURING THIS SUMMARY UNLESS THE SPECIFIC MATTER IS PROPERLY NOTICED FOR LEGAL ACTION UNDER THE NEW OR OLD BUSINESS SECTION OF THIS AGENDA.

Airport Manager, Morgan Scott updated the Airport Commission regarding maintenance on the AWOS. Vernon Reed and Jim Moeny volunteered not only their time but expert knowledge, the AWOS is functioning better. However, we are still waiting for the wind sensor component which should arrive any time. Vernon Reed, asked if we received the correct key pad and Morgan stated that we did.

- VI. CALL TO THE PUBLIC - This portion of the agenda is set aside for the public to address the Commission regarding an item that is not listed on the agenda for discussion. However, the Commission cannot engage in discussion regarding any item that is not officially listed on the agenda for discussion and/or action (A.R.S. §38-431.02.A. (H).) *Therefore, pursuant to A.R.S. §38-431.01.G., action taken as a result of public comment will be limited to directing staff to study the matter, responding to any criticism or scheduling the matter for further consideration and decision at a later date.***

**Comments are limited to a 3-minute time period.**

Several residents from the area, Robert Feeser from Clarkdale, shared concerns he had with flights over his home approximately 60 in one day. Apparently it is flight schools that are training pilots and they have very noisy planes. He would like to see flight patterns change and the noise reduced. Mike Sullivan from Pine Shadows Residential Community shared similar concerns regarding the noise and flight patterns, with flight students doing “touch and goes”. He spoke with a person at Embry Riddle and basically was told that they could not do anything about the noise or the flight lessons. Next resident from Pine Shadows was Ruth Edwards who had same issues, but came with some possible solutions. First they would like to have these issues put on the next agenda so the Commission can respond to them; second they would like the commission to appoint a committee that will examine a guide from the Aircraft Owners and Pilots Association (AOPA) as there are many innovative ideas for some of the issues that are being brought forth; third, review the Cottonwood Airport Operating Rules, 2.3, B1 and 2.3, C2; they would like the committee to write a noise abatement policy and specify for purposes of aviation easements, that normally airports do not have “TGL’s” for more than 5 hours a day. Mr. Gradijan spoke up regarding some of their issues. Taylor Anderson also a Pine Shadows resident brought up the issue of safety of homes, with student pilots doing “touch and goes” one of them could crash into a home at the end of the run way.

## VII. NEW BUSINESS –

### 1. Presentation by Skydiving companies who are interested in operating at the airport. **No Action at this time.**

Nathaniel Crawford introduced himself, he is an outdoor adventure guide, is currently residing in Maricopa, Arizona. Mr. Crawford would like to set up a business and be part of the community. Would like to help increase the revenue and provide a great outdoor experience for people that live in, or are visiting our community.

### 2. FBO Amendment to contract.

Orville Wiseman (FBO) is enroute to the meeting. We will come back to this item when he arrives.

Morgan explained that out fuel tank is not lined and there was rust that was suctioned out during a cleaning maintenance. That is the disadvantage with having an unlined fuel tank, the maintenance is more frequent at least once every three to five years. We all assumed the tank was lined when Mr. Wiseman entered into the contract with the city. Since we found it to be otherwise, we felt that we could amend the contract with the city and the airport would take responsibility for the cleaning maintenance of the fuel tank, every three to five years. This is if the Council agrees to the amendment.

Orville Wiseman (FBO) arrived, and updated the status of his arrival to our airport. He began with the fact that the fuel tank was an issue and that the amount of time it took to have his contract reviewed by our City Attorney did in fact hold up his time as to when he would begin. He did suggest that the city consider contracting with an aviation attorney as they have experience with the issues that deal with the FAA, the airports’ grants and assurances along with other aviation type issues. He also expressed the time

plus expense in setting up accounts and trailers to bring gas to us. He has been paying fees on everything, even though he has not been able to use it to bring in revenue until his contract was approved. He is concerned about possibly having to replace a fuel tank and he feels it is a liability. There is a jet fuel tank that is not sumped or inspected, which causes concern and the fuel farm is a bit of an issue. Another issue is the cars traveling by the tie downs and do the cars really have enough insurance if they were to clip a wing; next issue is the Ultra Lights, they are a safety concern. There is going to have to be some change, the city is growing and there will be change in the airport, I like a challenge and I have a long term vision.

Tim Pebler, directed several inquiries to Mr. Scott, regarding the Jet A fuel tank. Is it being used now? What is the condition of that tank? And will it stay?

Mr. Scott, replied that the only Jet A tank is privately owned and does not belong to the city.

There was further discussion regarding the issue of getting a lined fuel tank or being able to line the one we have, either solution would be very costly. Mr. Scott stated it would cost about a quarter of a million dollars if there is no additional infrastructure needed.

Chairman Jim Moeny, asked commissioners if they had read and reviewed the amendment regarding the fuel tank and if they had questions or comments.

Bill Wade, suggested that the tank issue be moved out of Wiseman's Lease and that the city take responsibility for it.

There was continued discussion regarding the fuel tanks.

Bill Wade moved that the lease be amended to move the responsibility to the City. Jim Moeny seconded the motion, motion approved unanimously.

### **3. 1983 (100 year) Lease:**

Morgan Scott came before the Commission to ask for two (2) commissioners to volunteer to sit on a committee being formed to assist in drafting an action plan to correct issues pertaining to the 1983 (100 year) Lease.

Chairman Moeny - asked for more information regarding what Morgan's goals are and why this is being reviewed now and who is asking for this review.

Morgan Scott – stated that most of them are familiar with the Commercial Standards and the issues with the 100 Year Lease; basically this is a 100 Year Lease with no escalator and come to find out there is an escalator and it has not been implemented in the last 30 years; also the tenants are required to carry \$5 million dollar insurance policy a year and that hasn't been happening, those are the two main issues.

Chairman Moeny – asked who will be on this committee?

Morgan Scott – myself, one tenant representative, one member of Country Bank (they do the lending), two members of the community involved with real estate law or land development and then two members from this Commission.

Chairman Moeny – are there any comments from the floor?

Jerry McCann, from Pine Shadows Retirement Community – is this what you are talking about to expand the airport?

Morgan Scott – no, sir this is a 1983 existing lease

Jerry McCann – I know it is a lease, but you are trying to change it, is this how you are going to be expanding the airport? Mr. McCann kept questioning Mr. Scott regarding expanding the airport.

Morgan Scott – explained this is not about expanding the airport. It has to do with tenants being compliant with the Lease Contract that was entered into over 30 years ago. Mr. McCann understood that this issue was not regarding any expansion of the airport.

Bill Wade – asked if Morgan was going to address the land the city has in the airport and how there needs to be some adjustment made to the airport? Morgan replied, yes, at least that's the goal of this committee.

There was continued discussion, Mr. Gradijan, shared history of the airport at the time of contract was entered into. Vice Chairman Bill Wade, was around in during the time that the contract was entered into and his suggestion is that the contract needs to be cleaned up.

Mr. Lawrence Minch spoke of his dissatisfaction of the review and possible adjustments to the 1983 Lease, regarding the issues that this new formed committee will be submitting an action plan to correct these issues. He stated that the bottom line of this contract is the FAA. In 2014, a Mr. Garcia of the Aviation District Office (ADO) in Los Angeles, conducted a survey of the airport and came up with a list of problems with the leases. The City commissioned an appraisal to be done on the properties and Mr. Minch disagreed with the terminology used in the findings of the appraisal. Mr. Garcia of the ADO still has not made a ruling on the property. Mr. Minch stated that this is not an Airport issue, it is a City and a contract issue that needs to be in the hands of lawyers, city executives, or managers this should not be dropped on the committee or commission to clean this up. Discussion continued regarding the property and suggested that Morgan write a letter to the FAA regarding what happened back in 1983 and asking if they have ideas on how we can fix this contract.

Vice Chairman, Bill Wade asked, do you believe that asking the FAA to get involved as some kind of resolution process is wise?

Mr. Minch, stated, there is no other answer in my view. The FAA has Grant Assurances, the City has been violating the Grant Assurances and all it takes for the proper complaint to show that and when you violate a Grant Assurance you get no more federal money for highway, streets, for anything until you remove the violations. The only way to do this is

ask the FAA to come in and give us some direction. They are the final ruling on how that property is used and evaluated. The discussion continued.

Vice Chairman, Bill Wade, stated that he was reluctant to throw it at the FAA, their resolution may bring on the problem you are discussing, as far as making adjustments. It would seem to like the committee resolution to the issue maybe the way to start.

Mr. Minch continued on regarding what he feels should happen and that the FAA is probably the only way to go.

Bill Wade asked, if the committee debated all these issues and left it the way it is and brought the city into it as a lease holder and they brought in some type of money, do you think that would help?

Mr. Minch, continued to express that he can't see a committee go over the leases until the first thing that is done is the city pays what they owe the airport and stop saying that the airport is losing money.

Bob Backus, I am a leasee at the airport. This thing has been going on for a long time, I suggested something back when Mr. Garcia came and inspected. I have wondered about all this property outside the airport. Why is it on their airport lay out plan? We're supposed to put a layout plan together every five years. When was the last time the city put an airport layout plan together? The problem is the land outside of the airport, keeps getting put on the airport layout plan when that property was never part of the airport itself. It was part of the land that the city got from the county or whoever they got it from, they never got it from the FAA. The FAA never owned that property out there, so why do we have all of this property that the city has and they can't use it because it is on their airport lay out plan. Apparently it is being used as some kind of assurance for whatever they have borrowed from the FAA. Which again is not permitted according to this lease. The term Landlord shall refer to the Town of Cottonwood and any successors or assignees. This lease shall not be assigned by the Landlord unless the tenant agrees. How did this property get assigned, as something that the FAA could have hold of as assurance for the FAA? It never belonged to the FAA and it should have never been on the airport lay out plan. The answer to this is to do a new airport layout plan and take all this property off of it that the FAA has no reason to have, and the only reason they think they have those assurances is because it is on the airport layout plan. Let's change the airport layout plan, let's stop asking the FAA for money if we can't pay for it. Mr. Backus stated his disappointment in the amount of money that was spent tearing up the asphalt out at the airport and then having to replace the seal coat because it had chips in it.

Mr. Scott stated that Mr. Minch presented a good idea. He felt that is the direction we should be going, but he did disagree with not having public input. The purpose of this committee is to gather public input, so that the city management can put a plan together to present to the FAA. There is a process that the FAA has that is called self-reporting and they look on that favorably when an agency comes forward and self-reports on something. If there is no public input that would be a disservice and a mistake.

Mr. Scott confirmed that the two commission members who volunteered for this committee are Jim Moeny and Vernon Reed.

#### **4. Hanglider/Paraglider Proposal-**

Morgan Scott was approached by the Arizona Hanglider/Paraglider Association regarding possible landing options at the airport. We have one of the best hanglider jumping off points west of the Mississippi River, on Mingus Mountain. There are several points that will be discussed, one being communication, radio communication with the ground and also landing west of the airport off of the runway; for safety, they should not land inside the fence it should be west of the fence. We are asking for discussion and direction today which based on that I will draft an agreement and bring it back to the commission for a motion.

Tim Pebler, expressed communication has to be key, as it is frustrating flying in and out of here and see hanggliders as you take off; or seeing them circling when you are coming in to land.

Jim Moeny, stated that it does need to be moved away to the west, there is a land swap area that we've discussed and it may be even better past that. There were a lot of people from out of state that were hanggliding over the weekend and several landed on the safety zone which is unacceptable and I did speak to many of them regarding that issue. Where are you suggesting they operate?

The discussion was directed to an aerial map, where Morgan Scott pointed out the different land areas that are being looked at that are as far west as the airport currently controls. In one area there is an obstruction of power lines which could prove dangerous, but he pointed out an area that is west of the power lines that could be a possibility. Commission continued with further discussion.

Jim Moeny, the bail out zone that is further west than the power lines, correct? Mr. Scott answered that is correct.

Bill Wade, the landing zone is one thing, the biggest concern is keeping them away from the traffic pattern in and out bound. Is there a way we can prohibit them flying in that area? What if they violate that, do we have any resolution for that?

Vernon Reed, preference at most airport is to have a left down-wind approach to an airport. I can't tell you how many times I've caught people coming over here from Prescott flying on the west side of the airport down-wind on three-two. That is begging for somebody's death or multiple deaths, in the scenario that these people are jumping off of Mingus, in spite of the fact that these people are doing what they are supposed to do don't go past the airport. Unless we are extremely pro-active about documenting the activities around the airport this has to be well documented in federal documents in chart supplements, if you don't make these notifications extremely clear, NOTE - NO FLYING FOR AIRCRAFT WEST OF THE AIRPORT; or it's going to happen like just like the balloon incident way back when. Moving them as far away from the airport definitely preferred, but we've got other things to contend with, including looking at some of the noise abatement scenarios and having to take into account the traffic of those Ultra Lights and Hanggliders as well.

Dale Williams, shared his concerns about skydivers and hanggliders landing in the same areas west of the airport. Apparently he witnessed a couple of close call incidents between a skydivers and hanggliders. We must keep those landing areas separated.

Jim Moeny, asked Morgan Scott if we could explore other city land for a landing zone for the hanggliders.

Morgan Scott stated we do have the property around the wastewater and public works property, so the idea came up could there be a trade. He pointed to some land that is further west from those properties but it puts it closer to Mesquite Hills and Cottonwood Ranch and it may not be received well by those residents. Riverfront Park already has a hanglider drop zone, but the city is considering turning it into soccer fields. This went into further discussion about the options for landing zones and Mr. Wiseman brought up whether we are obligated to have hanglider and paraglider landing areas.

The Commission directed Morgan Scott to have a meeting with the association to discuss options that have been presented and to find out if they have any other suggestions that could be considered by the Airport Commission.

#### **5. SID LLOYD (KESTREL AVIATION -**

Sid Lloyd stated, he supports the Commercial Operating Standards for businesses. He explained the Commercial Operating Standards and had an idea of how to be a better competitor by suggesting a flat fee of \$100 for Commercial Operators. There was discussion and the Commission directed Morgan to draft the proper paperwork and bring it before the Commission, so they could present it to the City Council for approval.

#### **6. NON-AIRWORTHY AIRCRAFT -**

Morgan opened discussion regarding Airport Operating Rule that addresses Non-permissible use of an Airport facility re aircraft that is inoperable being stored at the airport facility. Commission felt our Operating Rules are adequate and in keeping with the FAA's, we do not need to make any new rule for the same issue. Commission directed that enforcement of our Operating Rules should be done.

#### **VIII. ADJOURNMENT -**

Bill Wade moved to adjourn, seconded by Tim Pebler. Motion passed unanimously.

The regular meeting was adjourned at 7:53 p.m.