

DRAFT SUMMARY MINUTES OF THE REGULAR MEETING OF THE COTTONWOOD AIRPORT COMMISSION OF THE CITY OF COTTONWOOD, ARIZONA, HELD JANUARY 15, 2009 AT THE CITY COUNCIL CHAMBERS BUILDING, 826 NORTH MAIN STREET, COTTONWOOD, ARIZONA.

Chairman Gradijan called the meeting to order at 6:00 p.m.

Roll call was taken as follows:

Commission Members Present

Aleck Gradijan, Chairman
Larry Minch, Vice Chairman
John Altizer, Commission Member
Margaret Austell, Commission Member
Jim Moeny, Commission Member
Bill Tinnin, Commission Member
Allyson Waak, Commission Member

Staff Members Present

Tim Costello, Public Works Director
Doug Bartosh, City Manager
Barb Herrick, Administrative Coordinator

PLEDGE OF ALLEGIANCE TO THE FLAG

Chairman Gradijan led the Pledge of Allegiance.

APPROVAL OF MINUTES

Mr. Gradijan asked for comments or objections of the minutes for the regular meeting of the Airport Commission held on December 18, 2008. There were no comments regarding the minutes. Mr. Tinnin moved to approve the minutes as written and Mr. Moeny seconded the motion. The vote was in favor of the approval of the minutes.

BRIEF SUMMARY OF CURRENT EVENTS

Mr. Costello informed the Commission that the Electrical Upgrade Project was nearing the end. He noted that the PAPIs were installed on both runways and they are on during the daytime. He also asked the members that would be flying if they could check out the lights for any problems. The new REIL is on the 14 end. The REIL for the 32 end has not been delivered yet. Mr. Costello also stated that the Perimeter Road Project is now complete.

Regarding the Federal economic stimulus talk that is now going on in Washington, the city has put in \$600,000 to put a seal-coat across the entire taxiway and apron system. We would like to be optimistic, but it is a “wait and see”.

Mr. Altizer asked if the work on the beacon was complete. Mr. Costello acknowledged that the work was completed and there are new anti-collision lights that are LED and they are much brighter.

CALL TO THE PUBLIC

Mr. Gradijan asked for any comments from the public. Mr. Minch indicated that he would like to speak. He spoke from the podium and stated that he excused himself from membership in the committee.

Mr. Minch’s resignation and comments are listed below:

Resignation and comments from Mr. Minch 1/15/2009

This being a call to the public, I will first excuse myself from my membership in the Commission.

I resign from the Cottonwood Airport Commission effective immediately this day, January 15, 2009

As a private citizen I can now speak at the Call to the Public.

Getting sucked into believing that we were going to follow the mandates of Ordinance 505, which set up this commission I willingly took the oath to uphold the Laws of the State of Arizona and the City of Cottonwood. My oath also mandated strict adherence to the State of Arizona Open Meeting Law.

I first objected to covering up a valid Resolution with another by simply painting over it. There was no attempt to rescind the earlier proper one.

I can read the Ordinance 505 under which the Airport Commission operates and it says in black and white "Roberts Rules". There is nothing vague about that and no mention about any other rules version. Robert's Rules does not allow a valid resolution to be covered up with a contradictory resolution and if that is done the latter one is invalid.

Quoting from the December 16 City Council minutes" Mr. Al Gradijan, Chairman of the Airport Advisory Commission stated the Airport Commission had decided it would not follow strict Robert's Rules. Who decided that? I didn't vote on that. That is in direct conflict with my oath because it violates the ordinance 505 which is crystal clear. Did any of you vote on that one? I don't see it anywhere in the minutes. However Mr. Horton affirmed in the minutes that Mr. Gradijan was correct.

So then we have Roberts rules (official version), Modified Roberts Rules (per Mr. Horton), Relaxed Roberts rules (per Mr. Bartosh), Modified relaxed Roberts Rules (per Mr. Costello Dec. 18 Commission Meeting) and not strict Roberts rules (per Mr. Gradijan and affirmed by Horton Dec. 16 Council meeting). Wow, where does that leave a person who swore that they would uphold the Law??? What law..what rules???

My second objection pointed out that a two word description on the agenda for a major change in direction did not inform the public about the actual intentions of the Commission. The two words "Airport Ordinance" were used on the October agenda to describe a totally different and new concept.

The Open Meeting Law was drilled into our heads at an early Commission meeting and we were presented with a 4 page summary called Open Meeting Law 101, outlining our obligations. The two word description "Airport Ordinance" of an agenda item in October was used to rescind a valid earlier resolution and institute a new concept calling it "Airport Ordinance". Those same words "Airport Ordinance" were previously used three times on earlier agendas to describe a 7 item bulleted list to be sent to Council to be codified.

Some quotes that were made should be included here. According to the Dec. 16 City Council meeting minutes on page 9, Mr. Gradijan said that the majority of the Commission also believed that the manual should be adopted as an ordinance. The fact is that it was a three to two vote and it was a majority of those attending but NOT a majority of the Commission as Mr. Gradijan stated. A majority of the commission is not three.

According to the Dec. 16 page 9 Council Minutes Mr. Gradijan stated that the airport commission decided that it would not follow strict Roberts Rules. Did we vote that in? I am not able to find that in the minutes. Anyway that would be in direct violation of 505, against my oath and against the laws of the City of Cottonwood!

Finally according to the draft minutes of the December 18 meeting of the Airport Commission Mr. Gradijan stated that once a vote is taken, it should be respected or put back on the agenda. What happened to the August unanimous vote by the commission to approve the bulleted items as the ordinance. Is that resolution chopped liver? Shouldn't we respect that as being valid as Mr. Gradijan admonishes.

We all took that same oath. The words are simple and clear. "I swear"

Mr. Gradijan thanked Mr. Minch for his comments and stated that because of the Revised Statutes no comments can be made to the Call to the Public. Mr. Gradijan also verified that the clerk had recorded the resignation from Mr. Minch.

There were no other comments from the public.

UNFINISHED BUSINESS

Reference Book Corrections

Mr. Costello explained that at an earlier meeting the Commission discussed the need to update the airport reference books, such as the FAA Airport Facilities Directory. In the earlier discussions it was noted that the updates would take place once the Electrical Upgrade Project was complete. Along with the electrical improvements, the self-fueling needs to be updated, and the contact phone number will need to be changed. Mr. Costello also said he will try to update the reference map in the directory.

Mr. Gradijan suggested that there should be clarification of the taxiway for the hangars on the southeast side so it is not mistaken as a runway. He also suggested that the contact information should be directed to the Airport Manager and not the FBO.

Mr. Gradijan wanted to know if there was a list of other publications used by aviators and is someone monitoring the list. Mr. Gradijan felt that the commercial versions are more widely used than the FAA publication.

It was recommended that the following publications be reviewed and revised: 1. AOPA, Flight Guide and AirNav.

Tie-downs for Mechanic/FBO

Mr. Gradijan recalled that this was discussed while dealing with the FBO Agreement and it was determined that there are no real assigned tie-downs to the FBO.

Mr. Costello acknowledged that this was correct and it is also true for Hanger B, which is the hangar leased for mechanical work. Both leases were silent in regards to tie-down spaces. Mr. Costello noted that after looking at the history of the leases, they were always included; therefore, it was continued with the thought that when the documents get rewritten, it can be formalized.

Mr. Gradijan asked Mr. Costello how many tie downs should go with the hangar in his opinion.

Mr. Costello stated that currently we have four.

Mr. Gradijan stated that part of the past conversations expressed concerns about the two rental airplanes that are not paying any rent. He also noted that there is a lot of congestion at the north end of the airport. He suggested that maybe we should think about maybe taking out a couple of the tie down spaces to make more room.

Ms. Austell commented that it would be prudent to wait until we re-write the contract because it will be up at the end of this year. She also stated that she was not in favor of hurting businesses, and we could end up with fewer flight students.

Mr. Gradijan noted that another issue to be discussed is how long should an airplane sit on the ramp in maintenance.

Mr. Altizer felt that if the Airport Manager is going to allow a number of spots for the FBO and Hangar B, it is up to the person occupying the spaces to use them to the maximum advantage, and he did not feel we had any say as to what airplanes are placed in the tie-down spaces.

Mr. Gradijan stated that some good suggestions have been made, and agreed with Ms. Austell to wait until the end of the lease to make any changes.

Promotion Committee Report

Mr. Moeny reported that the Promotion Committee had met last week and the date for the Airport Show is still undecided. In the meantime, a lot of the details are being taken care of.

Mr. Tinnin noted that the CAP has been notified as far as security and they are good to go. He also said that the CAP could do the cooking on the big grill if needed.

Mr. Bartosh informed the Commission that the Chamber of Commerce has money set aside, and maybe they should coordinate with them.

Mr. Gradijan noted that Casey Rooney has tried to get Debbie to a meeting, but she has not been able to attend.

Financial Report

Mr. Altizer stated that he felt the agenda was misleading. He went on to say that at the last commission meeting he requested that an item be added to the agenda to discuss the desire to continue the financial report. He felt that this was not reflected.

Mr. Altizer also stated that he could not get a good balance sheet on expenditures and suggested that Mr. Rodriguez present quarterly summaries of the expenditures and that would take the place of the financial report.

Mr. Altizer made a motion to dispense with the financial report on a monthly basis and on a quarterly basis we would go to a summary which is provided by the Finance Director on a quarterly basis.

Mr. Tinnin seconded the motion and the vote was unanimous in favor.

NEW BUSINESS

Consideration of Rules of Order and Commissioners Responsibilities

Mr. Altizer opened the discussion by reading the following statement:

Commission Member John Altizer's objection to consideration of "Rules of Order"

Parliamentary rules used by this Commission are set forth in Ordinance 505, Section 2.96.100, "Revised Robert's Rules shall apply." Robert's Rules Revised are the only rules that govern parliamentary procedures of this Commission.

The agenda for tonight's meeting does not further define "Rules of Order. " You can discuss Robert's Rules Revised all night, but by Ordinance and Agenda those are the only parliamentary rules that can be discussed. There is no evidence in the Agenda that the intent is to change parliamentary procedure and dump Robert's Rules Revised. There is nothing in the Agenda that indicates that the Commission will discuss a recommendation to Council to dump Robert's Rules Revised and adopt the proposed Rules of Order for the Cottonwood Airport Commission which is included in our packet for tonight's meeting. Therefore it is my opinion that to discuss these proposed "Rules of Order" would be a violation to the Arizona Open Meeting Law.

You may however discuss Commission's responsibilities until the cows come home.

Arizona Statute 38-431.09 Declaration of Public Policy states:

"A. It is the public policy of this state that meetings of public bodies be conducted openly and that notices and agendas be provided for such meetings which contain such information as is reasonably necessary to inform the public of the matters to be discussed or decided. Toward this end, any person or entity charged with the interpretations of this article shall construe this article in favor of open and public meetings."

Paragraphs 7.7.1 and 7.7.2 of the Arizona Open Meeting Law, a document prepared and released by the Arizona Ombudsman -Citizens' Aide expands on the meaning of the statute.

Mr. Altizer went on to say that after reading the statement, it is his opinion that proper notice was not given, and this should not be discussed at the meeting tonight

Mr. Gradijan thanked Mr. Altizer for his opinion. He also noted that there has been a lot of controversy about this. Mr. Gradijan stated that we are here to advise the City Council on how to run the airport and not to advise them on law. We have a city attorney that does that. The Airport Commission was formed to advise on technical matters relative to aviation at the airport.

Mr. Gradijan stated that he talked to the Mayor and had talks with Mr. Bartosh and the city attorney, and he stated that his perspective is that he is here to advise. He went on to say that

Robert's Rules of Order are not used by any commission or by the city council. Mr. Gradijan also said that "Simplified Robert's Rules" can be found on the internet and it is written for situations like ours.

Mr. Altizer responded by saying that the public needs to be notified first if changes are to be made. He said his objection is based on the Open Meeting Law.

Mr. Tinnin commented that he finds it amazing how caught up in semantics we are getting.

Mr. Altizer again read from a prepared statement which is listed below:

I am not going to revisit the details of what I believe to be an illegal motion and vote as set forth by Robert's Rules Revised or a violation of the Arizona Open Meeting Law that occurred in the Commission Meeting on October 16, 2008. Only time will tell. However, I object to the Commission not following Robert's Rules Revised for parliamentary procedure as is dictated by Ordinance 505, Section 2.96.100.

I strongly object to being criticized, insulted and degraded for expressing a view different from this Commission Chairman and the City Management. In an article on the City Council meeting of January 6, 2009, verdenews.com reported that the Chairman, referring to the previous Council meeting in December, thought the outcry "whether it was passion or civic duty" "discredited the Commission" and he thought it "was shameful." Since when does taking a position not consistent with the City Management and Chairman in an open session of City Council discredit the Commission? Furthermore, a review of Roget's Thesaurus will reveal that the word "shameful" is extremely insulting and degrading. Whether the Chairman meant his comments to refer only to the Commission members who spoke or to the members of the public who spoke, or both, it is my opinion that he is the one who discredited the Commission because he was speaking in his capacity as Chairman of the Commission.

I also object to the Commission's violation of Ordinance 505 by recommending that the Council adopt the entire Operations Manual as an Ordinance when it was prepared and previously released and published by the City as a Manual, excluding those items the violation of which could incur a penalty, and particularly after there was a legitimate motion, second and unanimous vote by the Commission on August 21, 2008 to do otherwise. This motion and vote were never rescinded. It should be noted that those items excluded from the Manual were the basis for a proposed ordinance approved by the City Attorney and included in the packet for the Commission meeting of October 16, 2008 for consideration by the Commission to make a recommendation to City Council that the document become an ordinance.

I object to references describing this Commission as advisory when the Ordinance specifies separate tasks to be undertaken independently by the Commission without the approval of Council. Other tasks are enumerated where the Commission will advise Council, all of this to be reported to Council quarterly in writing, which to my knowledge

has never occurred. And finally, there is nothing in the Ordinance which states or indicates that the Commission is advisory only.

It is my opinion that this Commission has ceased to perform its intended mission and has instead become a political organization whose primary concern is furthering and legitimatizing the wishes of the City Management. This is especially disconcerting to me because, as you all know, Al Gradijan, Larry Minch and I spent many hours developing a document and negotiating with the former City Manager and former City Attorney. This document was adopted by City Council as Ordinance 505 and resulted in the formation of this Commission. It is with extreme regret and sadness that I conclude the following:

I took an oath to uphold the laws of this Country, State and City. It has become obvious to me that I cannot comply with this oath and remain a member of this Commission. Therefore, for reasons set forth above, I resign from the Cottonwood Airport Commission.

*Respectfully,
John Altizer*

Mr. Gradijan continued by asking the members if the Commission wants to provide guidance on aviation and airport matters or do we want to be a group that argues about things that are the job of the city attorney? Mr. Gradijan asked for comments from the Commission Members.

Ms. Austell stated that we need to establish rules in order to do that. That is why we were to have the bylaws, but we never did. We do need to unify and agree on whatever rules we can work with. Ms. Austell did not understand why we had to come up with our own rules when we had simplified Robert's Rules of Order.

Ms. Waak added that we have gone way off base and we need to retain our focus.

Mr. Moeny agreed with Ms. Waak and he said we need to get down to the business at hand.

Mr. Gradijan mentioned that the "Simplified Robert's Rules of Order" is what is in the packets, but not verbatim. It was modified to apply to the Commission.

Ms. Austell stated that when we started Mayor Joens was very happy to have aviation experts to advise the Council, but when we did advise the Council they did not like our opinions.

Mr. Bartosh added that the Mayor and City Council realize the confusion that has been created over the ordinance and the direction from the Mayor to the city attorney is to revise the ordinance to make it more consistent with other commissions.

Mr. Gradijan made the suggestion that we have Simplified Robert's Rules and continue the item on the agenda and everyone should be prepared to debate the issue for the next meeting.

Mr. Costello mentioned that when the agenda items are constructed they are designed to be loose so the discussion is not tied down. In addition, every agenda goes through the city attorney and he will return comments on them.

Mr. Gradijan added that when the Rules were being reviewed by Mayor Joens, she commented on one item that the Council does not do. That item was the one that gave every Commission Member the right to speak one time before someone can speak a second time.

Cost of a Tetrahedron

Mr. Costello stated that information was not readily available for a tetrahedron. He mentioned that they are for skydiving and they are huge. The size was 15 feet long and 10 feet tall. Mr. Costello stated that he discussed this with the airport engineer and his response was that they are generally not in practice anymore, but a few airports still have them. It was also suggested that they should not be used for wind direction, but for landing direction.

Mr. Gradijan noted that we investigated and we learned and we don't need to spend money we don't have.

Fuel Sign by Self-Serve Tank

The general discussion indicated that it would be informative if we had a sign mounted on the overhead canopy that said Self-Serve 100LL. Mr. Costello stated that we could probably get a sign between \$500 - \$700. Because of the increased costs of the sign, it was suggested that a separate sign could be used to show the price of the fuel.

Mr. Gradijan made a motion for the Airport Manager to investigate the cost to be held under a reasonable figure of \$700, we put a sign indicating where the self-service tank is and the type of fuel at the self-service tank. Mr. Tinnin seconded the motion and the vote was unanimous in favor.

Location of "Call to the Public" on Agenda

After a brief discussion, it was decided to leave the "Call to the Public" at the beginning of the Agenda.

Monthly Fuel Usage

Mr. Costello mentioned that the Monthly Fuel Usage under Unfinished Business had been skipped. Mr. Costello informed the Commission Members that a new load of fuel would be delivered on Friday and the new fuel price would be \$3.35 a gallon. This price will be lower than most in the area.

SET FUTURE AGENDA ITEMS

1. Elect a Vice Chairman
2. Rules of Order

ADJOURNMENT

Mr. Moeny made the motion for adjournment. Mr. Tinnin seconded the motion. The vote was unanimous and the meeting was adjourned at 7:09 p.m.