

DRAFT SUMMARY MINUTES OF THE REGULAR MEETING OF THE COTTONWOOD AIRPORT COMMISSION OF THE CITY OF COTTONWOOD, ARIZONA, HELD FEBRUARY 4, 2008 AT THE CITY COUNCIL CHAMBERS BUILDING, 826 NORTH MAIN STREET, COTTONWOOD, ARIZONA.

Chairman Gradijan called the meeting to order at 6:30 p.m.

Chairman Gradijan took roll call as follows:

Commission Members Present

Aleck Gradijan, Chairman
Margaret Austell, Commission Member
James Moeny, Commission Member
Lawrence Minch, Vice Chairman
Donald Thompson, Commission Member
Allyson Waak, Commission Member

Commission Members Absent

Bill Tinnin, Commission Member

Staff Members Present

Douglas Bartosh, City Manager
Tim Costello, Public Works Director
Trudy Elkins, Acting Administrative Coordinator, Public Works
Casey Rooney, Economic Development Director
Michelle D'Andrea, Attorney from Mangum, Wall, Stoops and Warden, P.L.L.C

PLEDGE OF ALLEGIANCE TO THE FLAG

The Pledge of Allegiance was led by Chairman Gradijan.

APPROVAL OF MINUTES

Mr. Gradijan asked for comments and approval of the minutes of the regular meeting of the Airport Commission on January 7, 2008. There were no comments.

Mr. Minch moved to approve the minutes of the regular meeting of January 7, 2008.

Ms. Austell seconded the motion. The motion passed unanimously.

BRIEF SUMMARY OF CURRENT EVENTS

Mr. Costello reported that he had spoken to the contractor about the timeline for installing the card reading device for the automatic fuel system. The computerized aspect of the device is undergoing minor programming revisions by the manufacturer. Mr. Costello stated the contractor will install the device at the airport as soon as the computerized part is received from the manufacturer.

UNFINISHED BUSINESS

Consideration of corrections to the draft bylaws

Mr. Gradijan asked for comments on the draft bylaws.

Mr. Minch submitted his request to not adopt the bylaws as they are now. He offered his opinion that there are too many discrepancies and inconsistencies in the current draft of the bylaws. He expressed his concern that the bylaws are not consistent with the requirements of Ordinance 505. Mr. Minch requested that consideration of the bylaws be tabled until after a work session of the Airport Commission is held to reconsider certain items in the bylaws.

Mr. Gradijan commented that he also had found inconsistencies in the bylaws to the requirements of Ordinance 505.

Mr. Minch made a motion to table consideration of the draft bylaws until after a work session is held to re-write the current draft of the bylaws.

Mr. Moeny seconded the motion.
The motion passed unanimously.

Mr. Gradijan announced the order of business to be followed during Airport Commission meetings until the bylaws are in effect. Mr. Gradijan stated the order of business will follow the meeting agenda as follows:

- 1) The Chair will state the agenda item.
- 2) Commission members will discuss the agenda item issues.
- 3) At the conclusion of the discussion, one member of the Commission will make a motion regarding action on the item.
- 4) Another member of the Commission will second the motion.
- 5) The Chair will call for a vote on the motion.
- 6) The Chair will tally the vote and report the effect of the action.

Mr. Minch asked for a change in the order of the agenda for the current meeting to allow latecomers to participate in the consideration of the draft Operations and Procedures Manual. Mr. Minch made a motion to move the Operations and Procedures Manual agenda item to the last order of business under unfinished business. Mr. Gradijan seconded the motion. The motion passed unanimously.

Discussion of new rates for tie-down leases

Mr. Gradijan reiterated that the tie-down rental rates have not been raised in at least 20 years, and that the Airport Commission voted unanimously at the January 7, 2008 Commission meeting to raise the rates.

Ms. Austell asked if the FBO's proceeds of the tie-down rent are being applied in their entirety to pay off the debt the FBO owes to the City of Cottonwood.

Mr. Gradijan responded that the contract with the FBO states that the FBO will receive \$25 per rented space for both the covered and uncovered tie-down spaces. Mr. Gradijan stated the \$25 rate would remain the same after the tie-down rental rates are raised because the FBO contract is not being revised.

Mr. Gradijan reported on comparison rates with other airports. He stated that generally a covered tie-down rate is about one-third to one-half of a hangar rental rate. Mr. Gradijan stated that the Cottonwood Airport hangar rental agreements have an escalation clause raising the rents about 7 percent per year. He noted the Cottonwood tie-down rental agreements have no escalation clause.

Discussion followed on comparison of amenities at other airports and how that might affect the tie-down space rental rates. Ms. Austell noted that some covered tie-down spaces at the Cottonwood Airport do not provide full shade coverage and this should be taken in consideration when comparing with higher rates at Deer Valley Airport where similar spaces have better shade coverage

Mr. Gradijan made a motion to raise the open tie-down rental rate \$10.00 above the existing base rate of \$25.00 a month for a total fee of \$35.00 plus tax, and to raise the covered tie-down rental rate \$20.00 above the existing base rate of \$65.00 per month to a total fee of \$85.00 per month plus tax.

Mr. Minch seconded the motion.

Mr. Gradijan tallied the vote as follows:

Approve: Mr. Thompson, Mr. Moeny, Mr. Gradijan, and Mr. Minch.

Object: Ms. Austell and Ms. Waak

Mr. Gradijan declared the motion passed by a majority vote.

Mr. Casey Rooney asked Mr. Gradijan if the tie-down rate increases would be done in phases with increases each year. Mr. Gradijan replied that there is no escalation clause in the tie-down rental agreement. Mr. Gradijan stated that rent increases will be handled as needed over a reasonable length of time.

A member of the public, Mr. Ken Romm, commented that Deer Valley Airport provides electrical service to their covered tie-down spaces and Cottonwood Airport does not. He remarked that Cottonwood would be charging the same as Deer Valley without offering the same services. Ms. Austell agreed that Cottonwood Airport offers fewer amenities.

Mr. Costello noted that rents are due quarterly and he suggested to Mr. Gradijan that the memo of recommendation to the City Council state the effective date of the new tie-down rental rate to be April 1, 2008, at the start of the second quarter. Mr. Gradijan agreed to Mr. Costello's recommendation.

Mr. Minch asked Mr. Costello if the City of Cottonwood offers incentives to pay covered tie-down rent on an annual basis. Mr. Costello replied that he was not aware of a discount for annual payment. Mr. Minch suggested it would be a good idea to offer a rental discount to customers who pay their tie-down rent annually. He asked Mr. Costello to inquire to the City Finance Department about an annual discount rate. Mr. Costello agreed to inquire at the City Finance Department.

Discussion of hangar development on the west access road

Mr. Costello used a projected layout of the airport from the Airport Master Plan to discuss hangar sites on the west access road. Mr. Costello reported on how the continuity of the west access roadway would be changed if hangars were developed on the road. Mr. Costello provided two handouts to the committee, one cross-section of the proposed new fire lane and one layout sketch of proposed box-style hangars and retaining wall on the west access road.

Mr. Costello reported that measurements taken on the west access proposed hangar site indicate that there would be space for a minimum width road of 20' to 22' to be routed behind the hangars with a 4 to 5 foot retaining wall. Mr. Costello suggested keeping the existing gate that is sometimes used for fuel tank access. He reported that utilities are currently routed east of the fence and there is a sewer line under the relocated west access roadway. He stated that these would not be a problem in developing the hangar sites and access roadway. In response to a question from Mr. Gradijan, Mr. Costello stated that APS and QUEST utility lines would probably be approved routed under pavement but could be relocated if a utility company required it.

Mr. Gradijan asked Mr. Costello to speak to the process of creating the hangar expansion plan and the need for creating an amendment to the Airport Plan. Mr. Costello confirmed that an amendment to the Airport Layout Plan could be done independently from updating the Airport Master Plan.

Ms. Austell asked for consideration of the parking area required by the skydive center. Mr. Costello replied that the final plan could allow for a shift in position of the hangar sites to preserve parking area.

Mr. Gradijan summarized the next steps to implement the proposed plan as 1) amend the Airport Layout Plan and 2) contact the FAA to get approval to make changes to the west access road. Discussion followed about the process of moving forward on getting approvals for the proposed hangar development plan.

Mr. Minch made a motion to have Mr. Costello contact Z&H Engineering in Phoenix for a cost estimate for a proposal to amend the Airport Layout Plan.

Ms. Austell seconded the motion. The motion passed unanimously.

Mr. Minch asked for a report of Mr. Costello's contact with Z&H Engineering to be added to the agenda of the next Airport Commission meeting. Mr. Costello agreed to create the agenda item.

Consideration of the Draft Operations and Procedures Manual

Mr. Gradijan reminded the Commission members that Ordinance 505 mandated that the Airport Commission create an airport operations and procedures manual. Mr. Gradijan asked for comments from the Commission.

Mr. Minch took exception to the concept of adopting the Operations and Procedures Manual as an ordinance. He asked Mr. Costello about the need for creating an ordinance. Mr. Costello noted that the existing street and sewer ordinances had encouraged compliance to the rules. He noted that ordinances carry weight and can be revised if needed.

Mr. Minch asked for comment from Attorney D'Andrea. Ms. D'Andrea remarked that portions of the draft Operations and Procedures Manual include penalties that would need enforcement. Ms. D'Andrea stated that the City Council would need to create an ordinance to empower the enforcement of the penalties. She noted if the manual stated only procedures without penalties then the manual would not necessarily need to be an ordinance.

Mr. Gradijan remarked that penalties listed in the draft Operations and Procedures Manual may not be necessary. He suggested an alternative method of enforcement of rules could be cancelling key card privileges for the electronic gate at the airport entrance. Mr. Gradijan asked Ms. D'Andrea if the manual could avoid being an ordinance if penalties were removed from the text. Ms. D'Andrea concurred but cautioned that if the manual is not an ordinance, it would not be in the City Codes and there could be other ramifications for not being an ordinance. She asked the Chair to consider whether or not the Airport Commission wants legal advice on this, which would require more research time.

Mr. Moeny asked Mr. Gradijan if the FAA would allow someone to be barred from the airport without an ordinance. Discussion followed on whether or not a pilot landing at

the airport could be barred from the airport after the airplane has landed. It was mentioned that other airports control access to the airport by issuing security passes as a method of enforcing airport rules.

Mr. Bartosh, Cottonwood City Manager, suggested that an ordinance with clear rules and penalties might preclude the need to have to enforce them. He also noted that speed limits for automobiles on streets are controlled by state laws, not local jurisdiction.

Mr. Minch referred to Ordinance 505, Article 2.96.070 Duties, Item A.

“The duties of the commission shall include, but are not limited to, the following: A. To develop an operations and procedures manual for the airport... ”.

Mr. Minch emphasized that the wording does not say “ordinance” but rather “an operations and procedures manual.” He expressed strong objection to making an operations and procedures manual an ordinance.

Mr. Minch referred to Ordinance 505, Article 2.96.080 Recommendations to council.

“...the commission shall periodically recommend to the city council that it promulgate such rules and regulations, orders and instructions as are necessary, in the commission’s judgment, based on the prevailing facts and circumstances.” Mr. Minch noted that rules can be handled individually by recommendation to city council. Mr. Minch requested that all wording in the Operations and Procedures Manual referring to an ordinance be removed and that all penalties listed be substituted with the penalty of revocation or suspension of the badge allowing entrance to the airport. Mr. Minch requested another Operations and Procedures Manual meeting to discuss his recommended changes to the manual. He also requested the establishment of a new subcommittee to discuss rules for recommendation to council as described in Ordinance 505, Article 2.96.080. Mr. Minch suggested a quarterly review of rules and recommendations.

Mr. Minch continued the discussion with the suggestion that a representative of the Cottonwood Airport Users Association (CAUA) distribute copies of the draft Operations and Procedures Manual to the CAUA members in order to get their input. Mr. Gradijan encouraged all members of CAUA to carefully read the draft manual and submit their comments and suggestions to the Operations and Procedures Manual subcommittee through a representative of CAUA.

Mr. Thompson made a motion to table the item.

Mr. Minch seconded the motion. The motion passed unanimously.

Mr. Gradijan made a motion to go back to committee for further discussion of revisions to the draft Operations and Procedures Manual.

Ms. Austell seconded the motion. The motion passed unanimously.

Mr. Costello confirmed the date of the next meeting of the Operations and Procedures Manual Subcommittee will be February 21, 2008 at 8:30 AM at the City of Cottonwood Public Works department at 1490 W. Mingus Avenue, Cottonwood.

Mr. Minch read aloud his suggested first page of the Operations and Procedures Manual as follows:

“The Cottonwood City Airport Operations and Procedures Manual as set forth herein was developed pursuant to and under the authority of Ordinance 505, section 2.96.070 A. Duties: to develop an operations and procedures manual for the airport.” Mr. Gradijan thanked Mr. Minch for his suggestion

NEW BUSINESS

Financial Report

Chairman Gradijan reported that Mr. Altizer, who prepared the financial report, was ill and unable to present the report. Mr. Minch stated he had talked to Mr. Altizer by phone and would like to speak from information gathered from Mr. Altizer. Mr. Minch stated he had discussed his concern about the cost of legal counsel with Mr. Altizer. Mr. Minch noted there are 17 boards and commissions in the City of Cottonwood. Mr. Minch asked Mr. Costello how many of the 17 entities have legal counsel. Mr. Costello replied that he did not have that information. Mr. Minch recommended using legal counsel on an “as needed” basis such as sending draft documents for legal opinion after final drafts are prepared rather than having legal representation at all Airport Commission meetings.

Mr. Gradijan stated he was in accord with getting legal advice on an “as needed” basis rather than on a continuous basis. Mr. Gradijan asked Mr. Costello to look into the cost incurred for legal counsel. Mr. Minch gave to Mr. Costello a copy of the financial report prepared by Mr. Altizer.

Mr. Gradijan made a motion to table the financial report until the next Airport Commission meeting to allow Mr. Altizer to present the financial report. Mr. Minch seconded the motion. The motion passed unanimously.

FUTURE AGENDA ITEMS

Ms. Austell requested consideration of revision of the aircraft storage permit. She requested consideration of time limits for vacancy in a leased space.

Mr. Minch requested an earlier pickup date for the Airport Commission meeting packets.

Mr. Minch asked if it is necessary to go into executive session when discussing whether or not to retain legal counsel. Ms. D’Andrea noted that the decision about legal counsel is made by the City Council. Mr. Minch agreed but stated that recommendations could go to City Council. Mr. Gradijan noted that the topic of legal counsel is being addressed at the staff level by the City Manager and the Airport Manager.

Mr. Minch suggested that Call to the Public be moved to the beginning of the meeting agenda business. Mr. Gradijan agreed.

Mr. Minch requested an agenda item to discuss implementing a discount rate for tie-down space rental payments that are paid annually instead of quarterly.

Mr. Minch asked for an agenda item to continue the consideration of the By-laws and an agenda item to continue consideration of revisions to the Operations and Procedures Manual.

Ms. Austell requested consideration of revising the rule of 30 days advance notice for special events. She noted this had been suggested as an agenda item in a previous meeting and had not yet been addressed. Mr. Costello noted that the item will be considered as an issue in the Operations and Procedures Manual rather than a separate agenda item.

CALL TO THE PUBLIC

Mr. Dick Lucas, a resident of Cottonwood, spoke to the commission about the changes that would occur if local resident Senator John McCain were elected President of the United States. He asked the commission to plan ahead for the consequences of a President flying into the area. Mr. Lucas asked the commission to consider the consequences of additional flight restrictions, secret service agents at area airports and need for additional security. He suggested doing housekeeping at the Cottonwood Airport such as removal of inoperable airplanes and general cleanup. He also suggested having Jet A fuel available.

Mr. Howard Beck, a resident of Clarkdale, noted that he is hard of hearing and wondered if the microphones worn by the commission members were working. He was told that the microphones are for the purpose of recording the speakers on cassette tape. It was noted that it is possible to request a hearing device to be provided at the meeting if the request is made in advance.

There were no additional comments from the public.

ADJOURNMENT

Mr. Thompson moved to adjourn the meeting.

Mr. Minch seconded the motion. The motion passed unanimously.

The meeting was adjourned at 7:52 p.m.