



Grand Junction Regional Airport Authority Board
Regular Board Meeting
Meeting Minutes
December 17, 2013

I. Call to Order

Mr. Denny Granum, Board Chairman, called the meeting of the Grand Junction Regional Airport Authority Board to order at 5:16 PM on December 17, 2013 in Grand Junction, Colorado and in the County of Mesa.

Present:

Commissioners Present:

Denny Granum, Chairman
David Hibberd, Vice Chairman
Sam Susuras
Tom Frishe
Rick Wagner
Steve Wood
Paul Nelson

Airport Staff:

Amy Jordan, Interim Director of Aviation
Gary Schroen
Kathie Lucas
Ben Peck
Victoria Villa

Other:

Ryan Chessmore, Fentress
Larry Kempton Jr., AOPA
Larry Kempton, Kempton Air Service
Robert Caskey, GJAUTA
Jerry McDonough, CAF
Jim Kenley, AOPA
Guy Parker, Citizen
Drew Armstrong, Citizen
Wayne Clark, GJAUTA
David Shepard, GJAUTA
Shannon Kinslow, TOIL
Deborah Gaul, Citizen
Bob Erbisch, Citizen
Eddie Clements, Citizen
Mike Quinn, Aviation
Dennis Corsi, Armstrong
Sterling Hurst, EAA
Ed Behen, CAP
David Hartman, ACI
Roger McClellan, Citizen
Phillip Winerey, Citizen
Dave Krogman, WSA
Alan, Citizen
Harry Griff, Attorney
G.R. Feather, Citizen
Jim Grady, GJAUTA
Mark Spidell, Equal
Rose Pugliese, County Commissioner
Michael O'Connell, Citizen

Justin Pietz, Armstrong
Bill Marvel, GJAUTA
Tom Lambert, CFC
Jason Hofman, BLM

II. Approval of Agenda

Commissioner Susuras moved to approve the agenda. Commissioner Frishe seconded. Voice vote: All Aye. The agenda was approved as distributed.

III. Conflict Disclosures

Chairman Granum – Hangar Owner
Vice Chairman Hibberd – Hangar Owner
Commissioner Wood – Hangar Owner
Commissioner Susuras – None
Commissioner Frishe – None
Commissioner Wagner – None
Commissioner Nelson – None

IV. Commissioner Comments

Commissioner Wood commented on the loss of Dana Brewer. Commissioner Wood also commented on the 110th anniversary of the Wright Brothers “First Flight”.

V. Recess in Executive Session

Discussion:

Airport Counsel, Mike Morgan explained to the Board that he had received a request from Mr. Tippetts attorney, that all discussion relative to Mr. Tippetts employment be conducted in open session. Mr. Morgan said that Colorado State Law provides this right to an employee. Mr. Morgan told the board that they could still receive legal counsel on the basis of general principles of employment, but the Board could not discuss Mr. Tippetts employment, unless in open session.

Commissioner Hibberd moved to adjourn executive session to confer with the Authority’s legal counsel for the purpose of receiving legal advice relating to a pending investigation, as authorized by Colorado State Statute 24-6-402(4)(b), to discuss general principles of employment as authorized by Colorado State Statute 24-6-402(4)(f), and to discuss security sensitive information, as authorized by Colorado State Statute 24-6-402(4)(c). Commissioner Susuras seconded. Voice vote, All Aye.

The Board adjourned into executive session at 5:17 PM

The Board reconvened into regular session at 6:05 PM.

VI. Convene in Regular Session

The Board reconvened into regular session at 5:44pm

VII. Citizens Comments

Dave Shepard, GJAUTA

Mr. Shepard stated that he appears on behalf of the Grand Junction Airport User and Tenants Association. Mr. Shepard first acknowledged the death of three local citizens in an aircraft accident that happened earlier in the week, including the owner of Monument Aviation, Dana Brewer. Mr. Shepard said GJAUTA would also like to acknowledge the efforts of the local Civil Air Patrol who executed the search that resulted in closure for the families. Mr. Shepard commented on a second topic which included, GJAUTA objecting to the inclusion of October financials in the consent agenda. Mr. Shepard says that, under the present circumstances, the term “financials” and the phrase “consent agenda” should not be used in the same sentence. Mr. Shepard recalled a statement made by the Authority’s finance Director, stating that the Airport Director withheld financial information from him. GJAUTA suggested widely disseminating preliminary financials on the authority’s web page for all to see and that there should be no hurry to accept financials; until the board is assured they are correct. Next, Mr. Shepard says that GJAUTA does not regard the problems at the airport as one-dimensional; rather they think a break down in basic governance occurred. Mr. Shepard shared the examples. Mr. Shepard stated that the common theme was when citizens tried to come forward with concerns, the board’s reaction was to attempt to “shoot the messenger”. Mr. Shepard commented that until this board defines systems and internal control to prevent the same outcome, the Authority will remain dysfunctional and it could very well happen again. Mr. Shepard said their members want a vital, successful and respected airport, and to make sure the corrected actions are comprehensive and complete.

Wayne Clark, GJAUTA

Mr. Clark commented on a meeting that took place with the General Aviation community and some of the Airport Authority staff. Mr. Clark said it was a very cordial and informative meeting. Mr. Clark said he felt it was a giant step forward.

Tom Lambert, CFC

Mr. Lambert withdrew his comment.

Discussion:

Commissioner Wagner stated, in response to Mr. Shepard, that the process the board is engaged in at the moment, speaking specifically to the investigation committee, while he does not expect it to supplant concerns Mr. Shepard may have had about procedures in the past, he does want Mr. Shepard and the community to know that, all of the factors, some of which Mr. Shepard mentioned, are specifically being

examined. Wagner said that issues will not be passed over by the adoption of the budget and that they are examining things very carefully along with a number of items that have been brought up. Wagner added that none of the concerns are being taken lightly and at this point all matters are being examined. With no attempt to brush off any notions, Wagner said they would like to diffuse any untrue notions as quickly as possible.

VIII. Consent Agenda

A. Minutes: December 17, 2013 Regular Board Meeting

Airport Authority Attorney Mike Morgan noted he was at the December 3, 2013 board meeting and stated in the minutes on page 3, under Action Items, the minutes reflect that Chairman Granum had recused himself from discussion pertaining to the Director of Aviation, Rex Tippetts. However, Mr. Morgan states he recalls that Chairman Granum specifically recused himself from all matters relating to the ongoing internal investigation, including those that may relate to the Director of Aviation, Rex Tippetts.

Chairman Granum stated that was correct.

Commissioner Wood also made corrections to the December 3, 2013 Minutes. Wood stated on the top of page 4 under section IX B the word “competent” should read “component”. Commissioner Wood added that in the same paragraph in the second line there is an extra “s” and should read “in” rather than “sin”.

B. Financial Statements: October 2013

Commissioner Wood suggested, in light of the comment made by Mr. Shepard, the Financial Statements be moved from the Consent Agenda to the workshop for discussion following the regular meeting.

Commissioner Wood made a motion to remove the Financial Statements from the Consent Agenda and move them to the workshop at the end of the session.

Commissioner Frishe seconded. Voice vote. All Ayes. Motion passes.

Commissioner Nelson moved to approve the consent agenda with changes.

Commissioner Hibberd seconded. Voice vote: All Aye. Motion passes.

IX. Action Items

A. Resolution 2013-011: The Termination of Employment of Director of Aviation

Commissioner Wood requested to add an action item that was not on the agenda. Commissioner Wood introduced for the Boards consideration, Resolution 2013-011:

The Termination of Employment of Director of Aviation. Commissioner Wood read the following Resolution:

WHEREAS, the Grand Junction Regional Airport Authority (the “Authority”) operates the Grand Junction Regional Airport (the “Airport”) pursuant to the Colorado Public Airport Authority Act, C.R.S. §41-3-107(1), and in doing so exercises essential governmental powers for a public purpose.

WHEREAS, the Director of Aviation is an at-will employee of the Authority, and pursuant to Article V, Section 1 of the Bylaws of the Authority he serves “at the pleasure of the Board.”

WHEREAS, it would be in the best interests of the Authority if Mr. Tippetts’ employment with the Authority be terminated effective immediately.

NOW, THEREFORE, on motion duly made, seconded and carried, that this resolution be adopted. IT WAS RESOLVED, the Mr. Tippetts’ employment with the Grand Junction Regional Airport Authority shall be terminated effective immediately.

Discussion:

Attorney Harry Griff commented that this has taken Mr. Tippetts by surprise. Griff said that they understood the rationale for putting him on paid leave and they appreciate that it was paid leave. Mr. Griff stated that the reality was that there have been no charges brought. Griff said that the Authority has made clear that they don’t know what is being investigated. Mr. Griff said that he has talked board members who were on the board at the time the scope of the subpoena alludes to and they don’t know what is being investigated. Mr. Griff said the past board members shared with him the controversy over the fence and as far as they were aware, they were operating completely transparently, squeaky clean and there was nothing that was a miss at the airport during this time frame. Griff stated that it was his understanding that during the time fumes involved and previous board members involved, Mr. Tippetts annual reviews were great and there was nothing adverse in his employment. Mr. Griff said he thinks this is bigger than Mr. Tippetts. Mr. Griff stated that he was the airports attorney for he believes 13 years and the Airport Authority has always prided itself on being a fair employer and treating its employees with due process and the respect they deserve. Griff said it is hard to keep everybody happy whether you are City Council or County Commissioner or an Airport Authority Board member. Griff stated there has always been controversy whether it was about the policies, lease rates or the fence. Mr. Griff stated that he there has to be protocol and an understood way of doing business and not let different constituency’s circumvent protocol. Mr. Griff stated that if the Board terminates Mr. Tippetts while the investigation has just started, who’s going to want to be the next airport manager? Mr. Griff asked who would want to work for a facility that operates like this. Griff said this is bigger than just what to do in this moment in time with Rex, who has been charged with nothing, who has been found guilty of nothing, who has been accused of nothing and who has

stellar recommendations from past boards. Mr. Griff asked why there was rush to judgment. Mr. Griff asked the board to keep Mr. Tippetts on paid leave and to let Mr. Taylor complete his investigation, which they have been fully cooperating with and will continue to do so. Mr. Griff finished by saying to take this step in the middle of this process for no apparent reason, without any due process to Mr. Tippetts is not the right thing to do.

Commissioner Sam Susuras commented that when he voted for the motion to put the Director on administrative leave, they had no evidence then and they don't have any evidence now, and his feeling was that he would be on administrative leave until evidence was produced to them. Mr. Susuras said "I had no idea that this motion would be presented tonight and I got the feeling some people do know this motion would be presented tonight." Mr. Susuras stated that it was beyond his understanding why the board had not discussed it before and that he will probably abstain because of it.

Commissioner Wood made a motion to adopt Resolution 2013-11: The Termination of Employment of Director of Aviation. Commissioner Frishe seconded. Roll call vote. Commissioner Nelson, Aye; Commissioner Wood, Aye; Commissioner Hibberd, Aye; Commissioner Granum, Abstain; Commissioner Wagner, Aye; Commissioner Susuras, Abstain; Commissioner Frishe, Aye. Motion carries.

C. New Standard Form Lease Extension Request

Airport Authority Attorney Mike Morgan briefed the Board on the new adopted aeronautical lease guidelines that provided a new form of aeronautical use ground lease, that existing tenants could apply for and the lease would be available to all new tenants. Mr. Morgan stated the board has received a request from a tenant for a further six month extension after the deadline of February 28, 2014.

Discussion:

Chairman Denny Granum commented that it was his understanding that the request was for an addition three months from February.

Commissioner Wood commented that as it has been pointed out before, there is no compelling need to deny an extension request. People have the opportunity now to adopt a new standard lease if they wish to. Mr. Wood stated that his opinion would be that a six month extension is fine.

Commissioner Susuras asked, why this continues to be extended. Mr. Susuras stated they should let them get their leases finished and out of the way rather than to keep extending the time limit.

Chairman Denny Granum stated that he received the request. Granum said with everything going on at the airport, this person felt it would be in the best interest of the airport to extend it. Commissioner Granum said he was under the impression it was an additional 90 days and he did not have a problem with it but he wanted to bring it before the board.

Commissioner Susuras commented that he think there needs to be a solid date and make it important to get these leases renewed instead of letting them stretch it out.

Commissioner Wagner stated that he agrees with Mr. Susuras.

Chairman Granum stated that this particular tenant is a large tenant and felt that in light of what is going on it might be appropriate.

Commissioner Wagner commented that as long as whatever is extended is done so for the large and small, but he does think that there needs to be a set date.

Commissioner Hibberd moved to allow the extension of 90 days after February 28, 2014. Commissioner Susuras seconded. Voice Vote. All Ayes.

D. Recommendation: Engineering Services Selection

Commissioner Wood addressed Recommendation: Engineering Services Selection and its process. Commissioner Wood shared that they received four statements of qualifications from interested entities. Mr. Wood stated that it is the unanimous recommendation of the source selection committee that the Airport engage Armstrong Consultants for this engineering service. Mr. Wood pointed out that in adopting this recommendation; the Airport Authority has not committed any funds, and will work on engaging an agreement and negotiate fees.

Discussion:

Commissioner Frishe commented that the process was very thorough and was a unanimous decision

Commissioner Wood commented that Amy Jordan and Ben Peck were also a part of the committee.

Chariman Granum asked if the current firm was going to go through with the current projects that are underway or if they were going to be handed off.

Commissioner Wood replied that it could be a combination of both.

Commissioner Wood made a motion to appoint Armstrong Consultants as the Airports Engineer subject to the satisfactory negotiation of a contract. Commissioner Frishe seconded. Voice Vote. All Aye.

E. Security Solutions Committee Update

Commissioner Wood briefed the Board on Security Solutions. Mr. Wood reported that evaluation testing took place and they also were able to demonstrate the function of the equipment to TSA. Mr. Wood said it was a very favorable presentation and would like to extend their thanks to West Star. Mr. Wood stated the committee presented a draft amendment to TSA and are expecting to hear back from them quickly.

Discussion:

Commissioner Wood stated that the objective is to see if there is an alternate to the gate and fence situation on C1A, and the initial focus was for finding that alternate to that particular situation.

Chairman Granum stated he felt this is an important step forward and he supports this program.

Commissioner Wagner made a motion for the committee, with the help of staff, to draft appropriate solicitation for Security Solutions. Commissioner Frishe Seconded. Voice Vote. All Ayes.

X. Discussion Items

A. 2014 Audit

Gary Schroen briefed the board on the engagement letter he received for the 2014 audit. Mr. Schroen asked the Board if they wanted to send out an RFP for another independent CPA firm or continue using CSD. Mr. Schroen added that CSD currently audits the City of Grand Junction and many schools. Mr. Schroen said they have been auditing the Airport for at least seven years.

Discussion:

Commissioner Wagner stated that he would like if Mr. Taylor would examine the engagement letter and give a recommendation and possibly a scope of other items they may need to be included.

Commissioner Susuras commented that he would hate to spend the additional legal fees on a letter that looks to him to be totally acceptable.

Commissioner Wagner stated there are good reasons to have Mr. Taylor review it.

Commissioner Susuras said that this Board needs to be very careful on legal expenditures moving forward, because not much money is going to be left over in 2014.

Commissioner Wood concurs to be careful with legal fees but in his opinion, he feels it is in their best interest to consider a different auditing firm.

Commissioner Wagner stated that with the work of the special investigation committee, The Authority may save money by constructing a proper audit engagement letter and asking particularized questions. Mr. Wagner said that is why he is asking Mr. Taylor to look over the engagement letter.

Bill Taylor commented that he would be pleased to look at the engagement letter and possibly differing on making a decision until he reports to the board and special litigation committee his recommendations.

B. Terminal Exit Lane

Kathie Lucas briefed the board on the Terminal Exit Lane process. Ms. Lucas said an RFP was put out for services and received three different bids. However, Ms. Lucas reported, that on Tuesday December 10, 2013 a Bipartisan Budget act of 2013 reached an agreement that included a provision that directed TSA to retain its responsibility in monitoring the exit lane. Ms. Lucas said TSA told the Airport since no action had been taken, the Airport should still move forward in taking over the exit lane. Ms. Lucas then said a notification came from TSA stating they will continue monitoring the exit lane. Ms. Lucas stated that at this time the process has been suspended and until further notice TSA will continue monitoring it

Discussion:

Commissioner Wagner commented that he would like to encourage the soon elected representatives to preserve to keep TSA from pushing this back on the airport.

C. Snow Removal Operations Update

Kathie Lucas briefed the board on the snow removal plan that was approved in the airports certification manual by the FAA. Ms. Lucas also briefed the board on a meeting The Authority staff had with GA tenants about the snow removal plan and the agreements they came to. Ms. Lucas stated it was a very good meeting.

Discussion:

Commissioner Wood stated that snow removal businesses should be able to go through un-badged but would still need access with a key and/or code.

D. Terminal Phase I Update

Chairman Denny Granum briefed the board on the Terminal Phase I project currently underway. Mr. Granum stated the construction price, with approved changes, is \$6,262,473.00 and is allocated by FAA, State funding and Grand Junction Regional Airport Authority funding. Mr. Granum said the way it was bid out, the \$6,262,473.00 cost is the total cost for the contract with Shaw construction. Mr. Granum said there are additional costs for design work and fees regarding TCP and inspection fees that are outside of the contract. Mr. Granum stated there are some items that are not under the bid from Shaw such as, computer equipment, landscaping, security, appliances, locker rooms and necessary furniture. Mr. Granum stated that some Authority staff and some board members, as well as their Attorney Mike Morgan, will be attending a meeting in Denver on Friday December 20th, with the State and the FAA to go over present grants that are out there as well as new grants to submit applications to.

Discussion:

Commissioner Wagner commented that he is concerned about some of the structuring that took place on this project and is very pleased that everyone is getting on top of the issue right now and is very thankful for the meeting with the FAA. Mr. Wagner stated he is looking forward to having his concerns alleviated.

Mr. Morgan stated the FAA is very helpful to airports but not this helpful. Mr. Morgan said they are going out of their way to help Board understand.

Chairman Granum stated it will be very helpful and informative for the board and for their constituents.

Amy Jordan commented on the grants. Ms. Jordan stated that the "Master Plan Update" grant has been submitted and the FAA has given an extension till the end of December.

Commissioner Wood commented that the building is costing a lot more than what the Board was told it would cost. Mr. Wood stated he thinks that should not go unrecognized because he is indignant about it and as a tax payer he is not sure why they are even building it. Mr. Wood said the building will only house six people and will have an ARFF bay that he thinks is only there to justify on getting FAA funding.

E. Hangar Use Request

Attorney Mike Morgan briefed the board on two requests the Authority received to use two airside hangars. The requested stated that one hangar be used for the storage of busses and the other for storage of BLM equipment. Mr. Morgan said the busses will be used to bring people to the airport but the functions of the hangars are to store those. Mr. Morgan said under FAA grant assurance, non-aeronautical use of the airside is not permitted. Mr. Morgan stated that although these two uses might have some relationship to the airport they are not aeronautical. Mr. Morgan recommended against entertaining the requests unless the board is willing to amend the leases,

change the rate structure of the hangars and are willing to make a case to the FAA that the land cannot be used for aviation.

Discussion:

Commissioner Wood commented that if the BLM's request pertains to storage of equipment that is used to in aerial firefighting then that could be up for consideration.

Commissioner Wagner stated that his impression was that this was for storage of equipment associated with the hotshot team which is aerial firefighting.

Mr. Morgan said they would clarify that.

Amy Jordan stated she received the request from Ben Hill as a realtor who has been working with the two entities and he did not indicate a specific hangar.

Kathie Lucas stated typically those coaches are used when the airlines decide to bus people when they have diversions and transport them to various location.

Chariman Granum asked Mr. Morgan if it would be appropriate to ask Friday at the meeting with the FAA.

Mr. Morgan responded that he would follow up on it.

F. Special Litigation Committee Update

Commissioner Hibbered stated that he did not have much more to add from last meeting.

Commissioner Wagner stated that they are moving forward quickly and hope to be closer to having a more complete report at the next meeting. Mr. Wagner stated that they have had great cooperation from everyone.

VIII. Any other business which may come before the board

Commissioner Wood asked the board to authorize the staff to proceed with filling the vacancy that was created when Ben Johnson left a year ago with all due haste.

Discussion:

Commissioner Wood stated that the help is needed

Amy Jordan stated that Ben Johnson was the Special Projects Coordinator but the position is classified as an Airport Specialist IV. Ms. Jordan said that two Airport Specialist IV positions are currently vacant.

Commissioner Wagner asked what personnel policies they had to go through to fill those positions.

Ms. Jordan said they would advertise the position, take applications, and then interview qualified applicants.

Commissioner Hibberd asked Ms. Jordan if she had the ability to do that as the managing body.

Commissioner Wood stated that brought up another point. Mr. Wood stated they should have a policy that no hiring or firing or personnel decisions are made without Board approval

Mr. Morgan stated that the Authority's bylaws provide the employees other than the Director of Aviation serve at the pleasure of the Director of Aviation who may then fire them on his/her own. Mr. Morgan stated right now the board has an interim that is filling that position.

Commissioner Wagner stated that the board could ask her (Ms. Jordan) as part of their direction to her not to take personnel actions without asking the board first, for a certain amount of time.

Mr. Morgan commented that there is a vacancy in the position of Director of Aviation as well and asked if they should appoint Board members to a committee to pursue filling that position.

Chairman Granum said they should wait until the January 2nd meeting.

IX. Adjournment

Commissioner Frishe moved to adjourn the meeting. Commissioner Wagner seconded.

Voice vote. All Ayes

The meeting adjourned into workshop at 7:08 PM.

Denny Granum, Board Chairman

ATTEST:

Amy Jordan, Clerk to the Board