

AIRPORT AUTHORITY MINUTES
April 28, 1977

Members Present: Chairman Larry Brown, Commissioner Maxine Albers, Errol Snider, Harry Colescott, Robert Van Houten. Airport Manager Jim Spelman, Acting Clerk Mary Ann Harms

The meeting was called to order by Chairman Brown. The February 24, 1977 Minutes were corrected to reflect the proper date on pages 2-4 and on page 1, line 3, the word execution be changed to read "election". Due to Commissioner Albers having to leave, the presentation to retiring Board Members Harry Colescott and Rober Van Houten was moved to the top of the Agenda. Chairman Brown presented Harry Colescott with a Service Award and a Resolution of Appreciation (Resolution attached). Commissioner Snider moved the Resolution be passed, Commissioner Albers seconded the motion which passed unanimously. Chairman Brown presented Commissioner Robert Van Houten with a Service Award and Resolution of Appreciation. Commissioner Albers moved the Resolution be adopted and Commissioner Snider seconded the motion which passed unanimously (Resolution attached). Commissioner Albers left at this point.

Mr. Spelman asked the bank signature cards and Resolution be signed per authorization at the February meeting. The Accounts Payable were presented for \$56,128.21. Commissioner Van Houten moved that the payables be approved, Commissioner Colescott seconded the motion which passed unanimously.

Mr. Spelman presented the NHPQ Contract for approval. This was the successful proposal for a general survey and water study as presented last summer to be done for \$3,500.00. Mr. Spelman

posed BLM water and sewer locations in relation to the area of new terminal development. According to the provisions in the BLM contract the Airport could enlarge on their system by paying the added cost. This would mean running the larger water line just to the north of H Road and the sewer line 304 feet north of H Road to the first manhole. According to the BLM engineers estimate, the water and the sewer lines with a 20% overhead factor to GSA would be about \$20,000. Under the Airport Act any project in excess of \$10,000 must be bid and suggested that the airport part of the project be bid as an alternate. Commissioner Van Houten suggested that there be two bid alternates one their size and one the oversized. After some discussion Comm. Van Houten moved that the difference between the bid with the original plan and the alternate oversized line be reviewed by the board before acceptance. Comm. Snider seconded the motion restating it that the Airport Manager be authorized to have the GSA award the alternate bid not to exceed \$20,000 after NHPQ review. The motion carried unanimously.

There was some further discussion on the water line and the rights contained in the easement. The Airport does not guarantee the volume or rate of flow except as it allows taps to be made on the line for its own use or tenants it guarantees to the BLM 385 gallons per minutes at 35 pounds of pressure.

The discussion then shifted to the Sewer Easement. The present sewer line does not belong to the Airport but the Airport does own the land. The BLM proposed to have the airport give the land easement to install, use and maintain the sewer to the City. This was discussed with Attorney Ashby and Daryl Lowder

and the City does not want to have the easement say they will install the sewer even though they are not. The Sewer easement need to be redrafted to clarify this. It was pointed out that some expediency was needed as the BLM would like to commence construction the middle of May and Spelman proposed a Resolution that would give the Chairman the power to execute a new easement when redrafted. Comm. Van Houten said that as much as he would like to comply that handing the Chairman a blank check on such projects placed too much responsibility on him and that it would be better to bring it back to the Board at a special meeting if necessary for Board review. Comm. Snider moved and Comm. Colescott seconded the motion for the Chairman to sign the Water Easement. There was some discussion about the manner in which the meeting should be recalled in order to review the sewer easement when all the necessary information had been gathered. Comm. Colescott moved that the Chairman be authorized to sign the easement when all was in order but the motion died for lack of second. It was decided to call a special meeting to settle this issue and Mr. Spelman would post the necessary notices throughout the City and County.

Mr. Spelman said that the Pond Extention Agreement had been given to Mr. Pond with the changes the Board had requested but it had not been returned. Mountain West Charters had executed their part of the sublease for the Western Air Stages terminal space along with a check for the nine month lease but Western Air Stages had not signed the Sublease. Comm. Van Houten moved that the Chairman be authorized to sign the Approval of the Sublease, Comm. Colescott seconded the motion which passed

unanimously.

Mr. Cyphers and Mr. Cox had met with the Airport Manager to discuss the rent-a-car agreements and presented some items for negotiation. The main item was a set term of five years. They are currently on a holding over provision however when the new agreements are signed they will be retroactive to January 1, 1977. As there is no rush it was decided to let the negotiations take their course.

Mr. Spelman returned to the Airport Layout Plan to explain the history and location of the Parcels involved in the land trade. In 1972 the Airport with the approval of the FAA traded several Parcels of land at Walker Field. The Airport has 1/100 of an Acre more than we agreed to give up but the lands are generally of equal value, size, and location. The FAA administration changed and declared the transaction illegal as some of the land traded had been granted to the Airport by a Patent which stated that any use other than airport use had the land revert back to the federal government. The Curriers gave a Quitclaim Deed on the Parcel E back to us. Gerald Ashby made application for exemption according to the rights and conditions of the Patent (Section 16 conditions of the Airport Act) which went to Mr. Taylor, General Counsel, of the FAA. Mr. Taylor said the FAA did not have the power to release the Airport from the terms of the Patent under the Surplus Properties Act of 1944. Mr. Ashby went to Senator Dominick for legislation granting to the FAA the power to release the Airport from the reversionary provisions of the Patent. Senator Dominick left office about this time. At this point Congressman Johnson submitted the legislation that was to

become P.L. 94-244 as enacted by the 94th Congress. This gave to the FAA the power to release this piece of ground in accordance with the conditions of the Surplus Property Act of 1944, which says the FAA can add reservations to protect U.S. interests. We went through all the conditions and a year later received a deed of release which contains some reservations we are to "agree" to as per #1, 2, and 3; #3 of which was incorporated into a proposed deed to be given the Curriers stating ". . . grantor reserves the right to enter upon the land to cut or remove any growth or object." The inference is trespass and the standards upon which the entry is to be made are not spelled out. Albin Anderson, Attorney for the Curriers, objects to this section unless a court review is provided for. If this section is not changed we will have suit brought against us by the Curriers and if we delete this from the Deed the FAA will declare us out of compliance and take the land back. Mr. Spelman had prepared a new paragraph 3 which provided for standards and court review. After a brief discussion, Comm. Van Houten moved the deed be rewritten to clarify paragraph 3, setting standards for entry and allowing court review and if Mr. Anderson concurs send it back to the FAA for execution. Comm. Colecott seconded the motion which passed unanimously.

Mr. Spelman briefly gave the status on the ADAP 01 and 02 projects. It appears the FAA will disallow about \$3,000 on the 02 project and they are still reviewing the 1971, 01 Project. There have been some cost discontinued items as insufficient backup has been produced. Nothing has been heard on the suit Walker Field versus Brock Adams. A Request for Reimbursement on 03 is being submitted for \$33,075.53. The tower lease renegotiation

are to commence with concurrence of the Board and the enplaned passenger report was corrected to reflect a negative 8,265.

The Treasurer's Report showed the Airport operating in the black and beginning to gain after a slow first quarter. Chairman Brown asked that the Manager mail him a computer report of the March accounting and that all members of the Board receive one. After brief review Comm. Van Houten moved and Comm. Snider seconded that the Treasurer's Report be accepted. The motion passed un-animously.

Mr. Spelman said a new man has been hired to the maintenance staff bringing it up to four.

Chairman Brown mentioned that the Board meeting one night a month seemed inadequate and suggested a second informal meeting held on a dutch treat basis at the airport for lunch, and suggested that the first one be the second Thursday in May, and that this would also give the new Commissioners the opportunity to tour the Airport and meet the personnel. It was also decided to invite Lou Berets as an honored guest as he has just completed 30 years with Frontier Airlines. Chairman Brown put his suggestion in the form of a motion to have an informal meeting the second Thursday of the month to be held at the airport and to include the tenants. Comm. Colescott seconded the motion which passed unanimously.

The Chairman of the Chamber Aviation Committee, Dennis Lowery, was greeted by Chairman Brown and his attendance was welcomed and the Board hoped that it would continue.

Chairman Brown made a brief farewell speech to Comm. Colescott and Comm. Van Houten at the close of which Comm. Van Houten moved the meeting adjourn and Comm. seconded the motion at 9:30 p.m.