

REGULAR MEETING  
MARCH 3, 1983

MEMBERS PRESENT: Frank Dunn, Chairman, Commissioners H.R. Barnett, Maxine Albers, Betsy Clark, Louie Brach, George White, Dick Pond (arrived at 8:07 a.m.), Airport Manager Paul D. Bowers, Attorney Randy Pearce, and Deputy Clerk Janie Stilwell.

OTHERS PRESENT: Jim Bernath, The Daily Sentinel; Pat Bridger, APCOA; Gene Harrison; Joe Bestgen, Avis; Mona Hicks, KQIL; Lance Hernandez, KREX; Derry Newby, NOAA; Bill Miers, Budget; Duane Phelps, Frontier.

OPENING

The meeting was called to order by Chairman Dunn at 8:05 a.m. He welcomed all guests and reported that enplanements were up in February '83 compared to February '82. He also stated that a meeting had been held with Grandmet's Ted Daniells. It was noted that the menu had been changed (food and prices) and they have a new Manager, Andy Simms. They assured the airport they would get caught up financially with the Authority. The finance committee met last night and Mesa United Bank has stated they are willing to meet with the Authority at any time and are very positive about us. Chairman Dunn and Paul Bowers met last week regarding the signage and a sign package will be going out for bid. It was noted that the Executive Committee/John Pabst meeting has been cancelled and will be rescheduled by Attorney Pearce. Mr. Bowers has a new tenant in mind to lease one of two spaces available.

I. MINUTES APPROVAL

Louie Brach made a motion to approve the February 24, 1983 Minutes as set forth and Betsy Clark seconded the motion. The motion carried un-animously.

II. INTRODUCTION OF GUESTS

The Chairman introduced Pat Bridger with APCOA. Mr. Bridger stated they had some technical problems with equipment originally since it had never before been used in an airport and they are making significant progress on this. Commissioner White asked about the buses breaking the gates. Mr. Bridger said he has a call into Continental Trailway's Manager currently and the gates can accommodate buses. Commissioner Brach noted that the gates were not designed for buses as it had been intended for them to use the rent-a-car parking area and felt the rent-a-car parking lot should be looked at again. Commissioner White reminded the Board that the contract states the rent-a-cars will have a specified number of spaces.

Mr. Bridger stated they had also been discussing problems between the Restaurant and the Parking Operations. Commissioner Pond asked if Mr. Bridger had designed the parking lot. Mr. Bridger stated it was APCOA's engineers and the Authority's engineers. Commissioner Clark asked Mr. Bridger to explain how the ticket system worked and if the arrival time was printed on the ticket. Mr. Bridger explained that the time is initially printed on the ticket when entering; when leaving, the attendant enters the time into the computer shown on the ticket; it prints the time the attendant entered next to the actual time the computer printed. The attendant compares the two times and then the computer does the rest of the figuring for charges. Betsy Clark told of the complaint made by customer, Bill Robinson and asked if the computer could have errored. Mr. Bridger said he would question Mr. Robinson's watch before the computer and suggested if Mr. Robinson could produce his receipt/ticket, they could check their records to insure he was charged correctly. Commissioner Pond asked Mr. Bridger if he would like to run a business with the parking lot like it is? Mr. Bridger

asked for some examples of complaints. Commissioner Clark asked if the restaurant will validate parking tickets for customers. Mr. Bridger stated that they will and infact, APCOA has been more lenient with this restaurant than any other they have dealt with at other airports. APCOA pulled 1,000 questionable tickets (restaurant) in December and 500 in January. Commissioner Pond stated he was sure it was not APCOA's fault. Commissioner Clark suggested the restaurant's waitresses remind the customers before they leave to validate their ticket. Mr. Bridger stated that he would be meeting with the restaurant management this afternoon and had several suggestions for them. Commissioner White asked if the attendant's have the authority to validate tickets. Mr. Bridger stated they did not and would recommend that the customer contact management if they felt a mistake had been made. Commissioner Barnett stated that he felt it was a question of training APCOA's personnel properly; the manager selecting competent employees; insuring employees have uniforms; and he needs to know what problems there are. Mr. Bridger assured the Board that this was why he was here; to solve any problems. Commissioner Albers asked if there was a local supervisor. Mr. Bridger stated there is a local Manager, plus Mr. Mackey is the supervisor in Denver and Mr. Bridger can be reached at 1-800- 821-7368 anytime there is a problem. He told of an incident involving another airport where bomb threats had occurred and the APCOA manager had been threatened. Commissioner Barnett gave another example of a parking complaint. Commissioner Clark questioned the advertising on the gates at the entrance and exit. Mr. Bridger said he was working on getting this type of advertising stopped at all airports and he didn't approve of it either. Commissioner Dunn asked Mr. Bridger if he thought APCOA would be interested in cooperating with the Authority during Colorado Aviation Week involving an open house and free parking one day. Mr. Bridger said it would have to be tightly controlled and the booths could not be totally shut down for a day but a validation system could be worked out and APCOA would work with the airport on this. Commissioner White felt the parking situation had improved and stressed the importance of courteous employees. Commissioner Barnett asked if the customer could appeal the charges? Mr. Bridger said yes; the manager's phone number should be on each booth. Commissioner Barnett suggested that the employees be aware that the customer can appeal the charge and inform the customer if there is a problem. Mr. Bridger stated they are working on this and the employee is very important as they are the last person the customer deals with at the airport. Commissioner Albers suggested the employees wear name tags and Mr. Bridger agreed they should already be wearing them. Commissioner Pond stated he would like to reiterate his comment regarding the restaurant and parking problems as his comments were too harsh. Chairman Dunn suggested cards be available in the booths for the employees to hand out to customers listing who they can contact with problems/complaints/suggestions. Mr. Bridger said they have done this in other airports and it works well; he will check into doing it here. Commissioner Dunn thanked Mr. Bridger for his time in coming before the Board. Mr. Bridger reminded them to call his "800" number when problems arise. Commissioner Brach asked if the original contract needed to be amended reflecting the change from 10 minutes of free parking to 20 minutes. Mr. Bridger said yes, it would have to be changed before yearend as it does affect revenues.

### III. MANAGEMENT REPORT - 1. BY-LAWS REVISION

Commissioner Albers stated that the whole By-Laws needed to be redone. Chairman Dunn suggested it be done at the March 9th workshop. Commissioner Albers stated she was not happy with them as they stood. Commissioner Brach suggested that everyone read the By-Laws and mark the changes they wish and bring them to the workshop. Commissioner Dunn asked that this be added to the March 9th agenda. Commissioner Brach stated that six of

the Commissioners were under oath through the City and/or County and should it not be included in the By-Laws that all new Board Members take an oath. Attorney Pearce agreed since the Authority Board members make public policy and decisions regarding financial matters.

## 2. GRANDMET RESTAURANT LEASE FOR OFFICE SPACE

Attorney Pearce stated Grandmet will be billed currently \$1548.61 for the office space for the months of December, Jan., February, and March; \$446.00 per month. Commissioner Albers made a motion that the lease be signed by the Authority and the restaurant billed accordingly. Commissioner Brach seconded the motion which carried unanimously.

## 3. MARCH 9TH WORKSHOP AGENDA

The agenda was reviewed and it was requested by Chairman Dunn that Item Five. By-Laws be added.

## 4. AIRPORT SYSTEMS PLAN MEETING

Chairman Dunn stated that Mr. Bowers would be attending this meeting on the 16th of March and would also be finalizing the airline's contracts in Denver as well as their landing fee rates. Commissioner White asked if it was possible that fully executed contracts could be accomplished during this meeting. Mr. Bowers stated it was doubtful since the airlines would be required to have corporate approval. Mr. Bowers said that landing fee rates would also be discussed reflecting an adjustment of between 5 and 10%. He recommended that an interim agreement on inflationary adjustments and landing fees be signed with the airlines until the runway construction is completed. Chairman Dunn asked when the new rates go into effect. Mr. Bowers said 2-16-82; they would be retroactive since the contracts are based on construction costs and not all figures are in. Chairman Dunn said that things are coming together, problems are being solved, and the airport is operating fairly well.

## 5. NOAA RELOCATION

Mr. Bowers asked that this be added to the agenda as the NOAA (weather Service) is looking for a relocation area involving approximately 10 acres with a new facility to be built on it. NOAA would like to know if the Airport is receptive to this as a long range plan. Mr. Bowers introduced Mr. Derry Newby of the NOAA. Mr. Newby stated that the inflation shelter is already inadequate and as new construction around the airport progress this problem will worsen. The NOAA feels that it is necessary that this new facility be located on airport property. Commissioner Albers asked if the NOAA was looking at any areas in particular. Mr. Newby stated that after a tour of the airport properties with Mr. Bowers, he felt the property behind the Motel Six looked satisfactory. Mr. Bowers stated the criteria for the property involved room to do two balloon launches each day and visibility around Horizon Aviation for weather checks. Usually the NOAA leases large (10) acreage and the airport builds the building and the NOAA builds the pressure chamber. Mr. Bowers suggested a twenty year lease with a cost to build the facility of \$250,000. Before terms of the lease and details can be discussed, the NOAA needs to know if the airport is receptive to this facility. Commissioner White made a motion to write a letter to the NOAA approving the concept and agreeing to have the land available for the NOAA. Commissioner Clark seconded the motion. Commissioner Barnett asked who would build the inflation chamber? Mr. Newby stated it would be built by the NOAA. Commissioner Barnett asked if the present facilities could be relocated. Mr. Bowers said no; it would be a totally new facility.

Commissioner Barnett stated that ten acres sounded like alot of land for the facility. Mr. Newby stated that the ideal location for the inflation shelter would be on top of a small hill and not at the end of a small ravine. He said the NOAA is very satisfied with the Airport Board and their relationship with Mr. Bowers. Their present facility is outdated.

At the request of Commissioner Clark, Mr. Newby gave a detailed and very accurate weather forecast for the day.

#### 6. COUGHLIN AND COMPANY LETTER

Mr. Bowers stated that Allen Heimer of Mesa United Bank will be in touch with Mr. Thompson regarding refinancing our bond (1982). Commissioner Barnett stated that this was also brought up at the finance committee meeting March 2nd and at the right time, it should be considered. Mr. Bowers stated that it was a potential to look at if rates continue to drop. Chairman Dunn stated Mr. Heimer thinks rates will be flexible - up and down at 10 1/2 to 13 1/3%. Commissioner Barnett suggested that Mr. Heimer and Mr. Thompson be monitoring this. Commissioner Brach stated if it should become feasible, it should be open for bidding. Commissioner Clark asked if Mr. Thompson was asked to send this letter after another firm similar to Coughlin and Co. came to the airport offices showing their interest in refinancing this bond. Mr. Bowers said he did not know another firm had come into the office and therefore, he had not contacted Mr. Thompson.

#### IV. OTHER MATTERS AS THE COMMISSIONERS DESIRE

##### DISCRETIONARY FUNDS

Commissioner Albers stated while in Washington she had contacted Mr. Greg Walcher, Mr. Kramer, Mr. Kogosek, and tried to contact Mr. Shea. They are very sympathetic with our funding efforts. She stated she had suggested the Jobs Bill. Mr. Bowers said the Jobs Bill included AIP monies. Commissioner Albers said Mr. Walcher asked the Board to keep them informed if they are really interested in getting this through. Commissioner Albers also mentioned the BLM land and Mr. Walcher stated he was not aware of it. He asked that Mr. Bowers contact him regarding this land acquisition. Commissioner Dunn said we will continue to keep them informed and Mr. Bowers should write letters to Mr. Kogosek and Mr. Hart regarding these funds. Commissioner Clark suggested that a strategy be developed for going after federal funds. A worksheet should be organized and drawn up stating the number of acres (6,000) we are seeking from the BLM, etc. so we can refer to the worksheet when talking with people and also as a handout when we go to other cities. Commissioner Albers suggested that the 1981-1985 Capital Improvement Plan also be given to all Commissioners. Commissioner Clark stated we need to document who and when we talk to about getting any funds. She suggested a committee or sub-committee for this purpose. Commissioner Albers suggested we accomplish this through the Manager, Mr. Bowers. Commissioner Barnett suggested Commissioner Clark be in charge of completing this worksheet and also mentioned the Chamber should be contacted and our position on funding acquisition/land acquisition be reinforced. Mr. Bowers said he would work with Commissioner Clark on setting this up. Commissioner Clark then passed out a report from the Airport Commissioners Board regarding new airport Board members/more effective members. Commissioner Albers suggested an orientation session for new Board Members.

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## LANDSCAPE COMMITTEE

Commissioner Clark stated that the problem of getting electricity to the Mangold needed to be discussed. Commissioner Barnett stated it should be laid before the plants are in. Commissioner White asked the approximate cost. Mr. Bowers said it would not be significant. Commissioner Barnett made a motion that Commissioner Clark and Mr. Bowers coordinate the installation of the electricity to the Mangold prior to planting. Commissioner Albers seconded; the motion carried unanimously.

## GUESTS COMMENTS

Chairman Dunn asked if there were any comments/suggestions from the audience. Duane Phelps, Frontier Airlines Station Manager, informed the Board he felt Mr. Bowers was doing a good job at Walker Field and he has never seen a manager doing a better job than Mr. Bowers is at any other airport he has worked at.

## ALLEGATIONS REGARDING CONDUCT BY PAUL BOWERS

Commissioner Brach stated he had a personnel matter to bring before the Board and made a motion to go into executive session. Mr. Dunn stated he opposed executive session. Commissioner Brach said it was regarding airport manager, Paul Bowers, and did he want executive session or public? Attorney Pearce said that since it was regarding allegations, it was Mr. Bowers choice as to an open or closed session, but Board would need to vote (5) to go into an executive session. Several Board Members asked Commissioner Brach if this had to be done at this time. Mr. Brach stated that for the past year to year and a half he has been uncomfortable about sitting on this Board and he needs to know what is going on. Attorney Pearce suggested that Chairman Dunn asked Mr. Bowers if he wants this session now closed and the Board polled. If so, and if five members do not vote in favor of executive session, Mr. Brach can continue. Chairman Dunn asked Mr. Bowers if he wanted the meeting now closed and the Board polled or to remain open. Mr. Bowers stated he wanted it to remain open to the public.

Commissioner Brach began to read ten questions (Exhibit A attached) directed at airport manager, Paul Bowers for his reply as follows:

1. Is it true that you used airport staff time to type your college papers? Mr. Bowers stated he had Mary Mathis work on his Lease Cost Methodology and Janie Stilwell work on a marketing study on the airport and copies are available of these for Board members. The Lease Cost Methodology was passed out to the Board previously.

2. Is it true that you, at times, closed the airport office to all phone calls to accomplish this? Mr. Bowers stated no.

3. By your own offer of restitution (\$2,000.00 - \$3,000.00) this would equate from 300 to 500 hours of staff time based on \$6.00 per hr. Is this true? Mr. Bowers stated he did not see it as inappropriate time.

4. Did you continue using airport staff after the depositions were completed? Mr. Bowers stated his marketing study was in process during the time depositions were taken.

5. Is it true that airport staff time was used not only for your own work, but for your entire college class as well? Mr. Bowers stated that on the marketing study, the other students did the work and he coordinated it.

6. Is it true that you knew back in December that Grandmet was going to go way over the \$400,000.00 budget? Mr. Bowers stated yes. Mr. Brach asked Mr. Bowers if he thought the Board should have been advised? Mr. Bowers stated the Board knew it would go over. Mr. Brach stated we are going to be stuck for alot more. Mr. Bowers stated that Grandmet agreed to pay excess.

7. Is it true that the ATO spaces are not being charged the going lease rate and that we don't have leases ready for them? Mr. Bowers said that this was discussed here today. We can not do this until all costs are in. They are being billed currently back to December 16th at the anticipated rate. Commissioner Brach asked if Mr. Bowers would do this if it was his own business? Mr. Bowers said we had estimated costs not to exceed \$15.50 square foot before we moved into the building (interim agreement).

8. Is it true that the WestCom contract appears to be in trouble? Mr. Bowers said that was the impression he got from our attorney. Mr. Brach asked if Mr. Bowers had approached Mt. Bell. Mr. Bowers stated the Westcom problem had just come to the surface. Mr. Brach asked if Mr. Bowers would do this if it were his own business facing this problem? Mr. Bowers said he would use Westcom, based on their proposal, again.

9. Is it true that you used airport staff time to dispatch buses several weekends? Mr. Bowers stated Mary Ann Harms was transportation coordinator two Saturdays. Before that we were using one of the operators and it did not work out. Larry Gavin from the City use to do it but declined two years ago. Whether we pay our staff, city staff, or Fraiser to do this it has to be done. Commissioner Brach asked if Ms. Harms was paid for her time? Mr. Bowers said she was paid time and a half. Commissioner Brach asked why it wasn't a cheaper employee? Mr. Bowers said the police would cost the same. Commissioner Albers said Paul was acting on behalf of the Board

10. Is it true that you failed to complete the Currier land transaction causing delay of the Horizon and H Road construction? Mr. Bowers stated that the Currier package was not done in the time frame we wanted. Mr. Currier did sign a letter of intent subject to drainage but Penner delayed for over one year; recently they came back on it and said it wasn't their problem. It has not been in a timely fashion. Mr. Brach said Mr. Bowers was instructed to do this over a year ago. Mr. Bowers said he tried several times to resolve drainage with Penner and city. The hotel will handle drainage only on their property. It has been resolved but not as timely as City wanted. Commissioner Brach stated the City Council had approved the road improvements but had no right of way and now the city will be hung up on this. Commissioner White stated it is not on Paul's back. It's difficult to work with City, Isbil and contractors. Mr. Bowers stated the holdup was with Penner and they were contacted repeatedly. They didn't do anything on it until the last minute, and then we did get it resolved.

Commissioner Brach stated he would like to throw this entire matter up for discussion with the Board. Commissioner Barnett suggested they wait until next meeting. Commissioner Brach asked that the first five be discussed and added he remembered giving Mr. Bowers the o.k. to go ahead with the Lease Cost Methodology but not to use airport staff and supplies. Commissioner Albers said she remembered giving Mr. Bowers permission to work on his masters and it did deal with the airport and the airport would benefit from the paper. Regarding the staff, she didn't know about it until later. Mr. Bowers stated that the paper was on lease methodology and he used it as a master's paper also Commissioner Barnett said he thought it should have been checked out more carefully regarding staff use; similar studies would have cost the airport \$6,000.00 in his business. Commissioner Pond said our attorney had talked to

Mr. Bowers and he admitted he had made a mistake, however that week or following week he used staff 8-10 days after that. Mr. Bowers said he did not agree with those figures. Commissioner Pond said he got this information from Mr. Bower's staff and another Board member heard it also. Commissioner Brach stated he wanted to know what went on regarding the first five questions. Attorney Pearce stated the next step was either to make a motion, call for postponement, or, if satisfied with answers, the matter will be dropped. The next step is Commissioner Brach's. Commissioner Pond said he thought this had been on everyone's mind and thought it took courage on Commissioner Brach's part to bring it out. We need to discuss this and resolve it. I also have other points regarding Bowers' ability to manage the airport. Mr. Brach made the following motion: that the Board request that Mr. Bowers resign as Airport Manager at Walker Field by submitting a letter of resignation to the Chairman before 5:00 p.m. today; that the Board request the resignation be effective March 17, 1983; that effective March 17, 1983, Mary Ann Harms shall be acting airport manager until further action by the Board; that the Authority begin the process for selection of a replacement immediately. Attorney Pearce said a motion was on the floor and the Chairman must call for a second. If after three calls for a second, none is made, the motion dies and the floor is then open for discussion. Commissioner Pond asked if it could be delayed. Commissioner Albers told the Chairman Mr. Pond was out of order, as no second had been made. Chairman Dunn called for a second thrice; the motion was seconded by Commissioner Pond. Commissioner Albers said he would be re-evaluated March 31st and the Board was not aware this was going to happen. Commissioner White agreed with Commissioner Albers and added he felt it has been a difficult situation and the Board has not set policy for management to run the airport. Commissioner Clark said she supported the trial period time but can not deal with the fact that staff time was used after Mr. Bowers was placed on probation to finish master's thesis and the timing was inappropriate on the manager's part. Commissioner Clark continued that the motion reads Mary Ann Harms would be acting manager as she has trouble with that part of the motion and didn't think we have a staff member capable of handling acting manager. I move that we amend the motion to not make Mary Ann Harms acting manager but for her to retain her present title. Commissioner Brach seconded the motion. Discussion followed.

Commissioner Pond stated he was unaware of what was happening today. I am not sure what we should do but I think we should honor the March 31st date. If the Board is willing to discuss it at another meeting, it is fine with me. Commissioner Dunn said he has tried to be fair with each member of the Board and feels honor bound to the March 31st commitment date. Commissioner White said we are to review his (Bowers) performance at that time. Commissioner reminded the six members of the City/County that they are under oath. Commissioner Barnett stated he is also willing to take an oath of office if Commissioner Brach wanted him to. Commissioner Brach assured him that was not necessary but that the other six who had taken an oath should be reminded that this is a breach of public funds when the airport manager used staff to do these papers. Commissioner White said the Board comes out here periodically and feels it is qualified to direct this airport; he feels uncomfortable about this. He was aware Paul was doing his thesis and had trouble with him using airport staff. Regarding the phone system, the problem came up in the last few days. We are taking some cheap shots at the manager. Commissioner Barnett said he felt some of our problems are the state of the economy and I feel this is premature. I think we agreed to wait until the end of the month. We have several other problems to address first. Commissioner Clark said she can not buy using staff after he was informed not to. Commissioner Albers reminded them that Mr. Bowers came in under another Board. Commissioner Dunn stated he felt the Board all agreed it was wrong to use airport staff. Commissioner Clark added especially during his probation period.

A vote was taken on the amendment regarding Mary Ann Harms as temporary manager. The vote was unanimous that the original motion be changed to exclude Mary Ann Harms as manager. Roll call vote was taken on the original motion as amended. Commissioner Brach - yes; Commissioner Clark - yes; Commissioner White- no; Commissioner Albers- no; Commissioner Barnett- no; Commissioner Pond - no; Chairman Dunn- no. The motion was defeated.

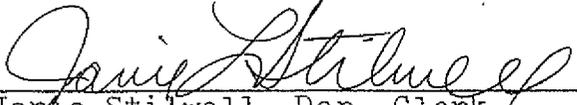
Commissioner Brach stated his next step was to resign. Commissioner Pond urged him to stay on the Board until March 31st. Commissioner Albers said she told Mr. Bowers she would re-evaluate him on March 31st and she still intended to.

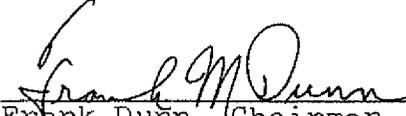
Attorney Pearce informed the Board that he was put in a very uncomfortable position by the Board regarding legal procedures in this matter and not being able to disclose these proceedings to the Board. He didn't have any policy on this type of situation & asked for guidance from the Board on this. Mr. Bowers commented that the board has very little guidance policy.

Commissioner Barnett made a motion that the meeting adjourn with Commissioner Brach's second to the motion. The motion carried unanimously.

The meeting adjourned at 10:20 a.m.

Approved as set forth this 17<sup>th</sup> day of March, 1983.

  
Jamie Stilwell, Dep. Clerk

  
Frank Dunn, Chairman