AIRPORT ADVISORY COMMITTEE
REGULAR MEETING MINUTES
AUGUST 8, 2006

A	The duly posted Airport Advisory Committee meeting was called to order in the Council Chambers at approximately 4:00 p.m. by Dick Walker, Chair, followed by the Pledge of Allegiance.	Meeting Time & Place
B	**ROLL CALL:** Chair Dick Walker, Vice Chair Ward Johnson, Members, Gary Spragins, Donovan Thornhill, and Dick Mumma. **ABSENT:** Members Hilda Crawford and Barbara Schneider.	Roll Call
C	**STAFF PRESENT:** Ted Anderson, Airport Manager.	Staff Attending
D	**OTHERS PRESENT:** None	Others Attending
E	**Open Call to the Public**	
F	James Garner requested the Committee fill Hilda Crawford's vacancy as soon as possible.	James Garner Committee Opening
G	Robert Oswald, Payson Aviation, stated there were 2 independent issues concerning a second FBO for the Committee to consider: 1. Should a second FBO be allowed? He believed FAA grant Assurance #22 required allowing the second FBO, but he believed Grant Assurance #23 was being ignored since it specifically allowed for single FBOs for small airports. He believed the Town had the ability to deny the Bravo Partner's request for a second FBO. 2. Should a second FBO be allowed access to Town owned fuel storage tanks? He believed the answer was "no" according to the current FBO lease, the FAA grant assurances and the increased liability risk. He further discussed these and other objections. Mr. Oswald denied his fuel prices were among the highest in the state as stated in the Bravo Partner's proposals. He disagreed with the statement that an ADOT license to sell fuel was needed and the business was not expanding.	Robert Oswald Payson Aviation Objections to Second FBO
H	Dan Anderson spoke for Bravo Partners. He said they were proposing this business venture because they believed it would be profitable, an additional fuel vendor at the airport would benefit the aviation community, airport users and the town, and that they had a right to do so. Dan Anderson referred to an email by Tony Garcia, FAA, supporting their right to be a second FBO.	Dan Anderson Bravo Partners
I	Ted Anderson, Airport Manager, noted that both gentlemen spoke during an open call to the public and the Committee could not discuss	Ted Anderson Point of Order

or take action on matters raised during public comments. They could, however, ask staff to review a matter or put it on a future agenda. He read the agenda item before the Committee. He also read a memorandum the Legal Department sent to Manager Anderson and Mr. Mumma stating that a specific operator or specific business could not be discussed by the Committee.

A Chair Walker closed the public comments and asked questions from the Committee concerning comments from Payson Aviation and Bravo Partners.

Public Comments Closed
Questions from Committee to Comments

B Chair Walker was concerned with a second fueling operation the Town would have to supply separate tanks since the existing tanks are leased to Payson Aviation. He asked Dan Anderson to answer questions concerning his plans for an office and the need for separate tanks. Dan Anderson said there were many details that would have to be worked out and discussed ways to share the tanks.

Chair Walker/
Mr. Anderson
Concerns

C Manager Anderson clarified that comments made by the Chair concerning the use of fuel tanks were his personal thoughts and not the necessarily the opinion of the Town staff or legal department. He reiterated that Chair Walker's discussion was in contradiction to the opinion given by the Legal Department.

Manager Anderson
Clarification of
Legal Status

D Member Mumma declared this was economic development discussion and not a policy decision or a decision the Airport Manager can make on his own. He stated it had been held back from the Committee. It was before the Committee because he had completed a records request to see the Bravo Partners proposal. He asked questions from Dan Anderson and requested a business plan. Dan Anderson answered questions concerning their plans and discussed the inability and refusal of the current FBO to service the market. Member Mumma discussed Payson Aviation's service and Bravo Partners proposal. He was concerned about breaking the lease for the fuel tanks.

Member Mumma
Economic Development
Not Policy Decision

E Member Spragins stated his opinion that two FBO's at the airport were viable. He agreed with Bob Oswald concerning FAA grant assurances. He believed this to be a policy decision that should be before the Committee. Member Spragins proposed a motion to deny the request of Bravo Partners and if the Town Council decided to ignore their recommendation and grant anther FBO at the airport that that FBO be set up in exactly the same way as the current FBO with its own tanks, its own area and its own building, so that the two leases would be identical.

Member Spragins
Motion to Deny

A	Chair Walker asked Manager Anderson what was legal for them to discuss. Manager Anderson answered that in his opinion the existing discussion had been inappropriate and left it to the Chair. He said the Committee was in a direction contrary to legal opinion. No one from the Legal Department was present.	Manager Anderson Discussion Contrary to Legal Opinion
B	Vice Chair Johnson commended Bravo Partners and Payson Aviation for their presentations. He believed competition was good for the Town.	Vice Chair Johnson
C	Member Thornhill believed their discussion was not in the purview of the Committee. He agreed with Vice Chair Johnson that competition was good. He didn't believe the discussion should go any further. He would abstain from any vote.	Member Thornhill Discussion Should Stop
D	Robert Oswald pointed out Payson Aviation fueled 24 hours a day mandated by their lease and a letter from Native Air commending their service. He discussed the Town's preventing off-airport fueling.	Robert Oswald
E	Chair Walker stated the Committee was now out of the realm of their business.	Chair Walker
F	Member Spragins read an email to Manager Anderson from the Deputy Town Attorney, Tim Wright. He restated his motion to recommend to the Council to deny a second FBO at the airport, but should the Council approve a second FBO its lease should be set up in exactly the same way as the current FBO with its own tanks, its own area and its own building, so that the two leases would be identical. Member Mumma seconded the motion.	Member Spragins Restated His Motion
G	James Garner suggested any future lease, in light of the grant assurances, determine what a 'through the fence' operation meant, rent for facilities, flowage fees, staffing levels, telephone service, weather information, parking for employees, specific insurance amounts and types, and hours of operation.	James Garner Lease Suggestions
H	A vote on the motion was taken. Motion carried 3-1. Vice Chair Johnson dissented, Member Thornhill abstained.	Motion Carried 3-1 Johnson Dissented Thornhill Abstained

AIRPORT MANAGER'S REPORT

I	Manager Anderson reported lightening strikes had affected the AWOS	Manager's Report

and gates. AWOS should be operational next week. New surge protectors are being installed. Gates should be repaired by the end of the week. The white portion of runway painting should be done this Friday. It was noted to put any outage of the AWOS in notification to pilots.

Vice Chair Johnson asked what happens if the Legal Department did not agree with the appropriateness of the motion. Manager Anderson said he did not know.

ADJOURNMENT

C The meeting of the Airport Advisory Committee adjourned at approximately 5: 15 p.m. Adjournment

Approved:

_____ Date:_____

Clyde "Dick" Walker, Chair

ATTEST:

_____

Gaye Stidham, Deputy Town Clerk

Certification

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Airport Advisory Committee of the Town of Payson held on the 8th day of August 2006. I further certify that the meeting was duly called and held and that a quorum was present.

DATED this ____day of _____, 2006.

_____
Gaye Stidham, Deputy Town Clerk

Affix Town Seal
gls