

**From:** [Village of Ephraim Administration](#)  
**To:** [clerk@townofgibraltar.us](mailto:clerk@townofgibraltar.us)  
**Subject:** August 15, 2017 7PM Joint Boards and Commission Minutes  
**Date:** Wednesday, August 16, 2017 1:40:07 PM

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## **VILLAGE OF EPHRAIM Founded 1853**

**Approved by Town of Gibraltar September 6, 2017**

**Joint Meeting of the Town of Gibraltar and the Village of Ephraim Boards and  
the Ephraim-Gibraltar Airport Commission  
Tuesday August 15, 2017 7:00 P.M.**

**Present: Ephraim-** Mike McCutcheon- President, Cindy Nelson, Paul Roppuld, Tim Nelson

Absent: Jim Stollenwerk

**Gibraltar-** Richard Skare- Chairman, Steve Sohns, Dwayne Daubner, Brian Hackbarth, Barb McKesson

**Airport Commission-** Martin Franke- Chairman, Ephraim Representative, Jon Neville, John Cox, Brett Lecy, Myrvin Somerhalder, Gary Chaudoir

**Staff:** Ephraim Brent Bristol- Administrator, Susan Shallow – Ephraim Deputy Clerk

**Guests:** Members of both communities were present for this meeting.

1. **Call to Order:** Meeting called to order by Ephraim President Mike McCutcheon
2. **Roll Call / Quorum:** A quorum is present for the Ephraim Board, Gibraltar Board and the Airport Commission
3. **Approve agenda:** Assembly approved the Agenda as posted

**Motion per McCutcheon to approve the Agenda as posted, seconded by C. Nelson, motion carried.**

**Motion per Scare to approve Agenda as presented seconded by Sohns, motion carried.**

4. Approve minutes of March 9, 2016

**Motion per Jon Neville to approve the March 9, 2017 Meeting minutes as presented, seconded by T. Nelson, motion carried.**

**5. Airport Operations Agreement:** A copy of an Operation and Maintenance Agreement for the Ephraim Gibraltar Airport was provided for Board and Commission review. McCutcheon began by stating that the Ephraim Board is very strongly in favor of the Commission operating as provided by Statutes and that they should be allowed to control the day to day operations of the Airport. McCutcheon feels that some of the language in items 6 and 7 of the proposed agreement are redundant and are already addressed in the appropriate statutes.

Item 6 – Gibraltar Board member Hackbarth stated that where the funds are to be deposited should be determined by the two Boards. Brief discussion on this topic.

Item 7 the Management of Operations Hackbarth wonders why this function should be at the discretion of the Commission, when they depend on the allocation of budgetary funds from both Communities and eventually this could lead to increased costs and higher taxes. McCutcheon suggested that may be so but the statutes give them that power.

Item 13 of the agreement could put us in a position of coming to a loggerhead if both sides don't see eye to eye on a future change to the document per McCutcheon.

Cox stated that the statutes are clear and they state the Commission should control the day to day affairs of the Airport. Hackbarth feels that the Town and the Village should determine what banks are used and what our individual staff will do. McCutcheon stated that if the Commission determines they can go outside to find an outside party for services they can do that. Hackbarth replied that hiring or outsourcing to operate the Airport could then cost more on the budget. Franke stated that it might cost the same or less and perhaps they could hire a 1099 employee or use the services of a volunteer. Somerhauler is concerned about liability if the outsource work. Skare stated that the Gibraltar insurance policy covers volunteers. Hackbarth hesitant to support the Commission designating where funds are located, because switching the bank accounts may be cumbersome. Cox stated that both communities utilize the same auditors and receive a report from same with suggestions for improvements and if they see a problem with this we can rectify the problem. Cox sees no issue with the Town handling the funds now but 10 years from now that may change. McCutcheon suggests that the wording and/or the Village be added to item 6, or leave it in the hands of the Commission to choose one.

Somerhauler thinks there is no problem with the way it's going now. McCutcheon inquired if it is mutually agreed upon by the two Boards, does the Commission have the ability to choose who will handle their funds. Cindy Nelson quoted the statute. 114.14(2)(g) that states the Commission has the authority to choose and that we need to adhere to it. Sohns stated he feels the statutes are vague on this point. Stat 114.14(2)(a) was quoted by Franke. We have a Commission in place with equal members represented and they should be allowed to operate per the Statutes. Sohns feels it should be mentioned in the agreement. Hackbarth would like to read a complete copy of the Statutes before making any decisions. Cox stated that it sounds to him that a clear effort is being made to control the finances of the Airport. By consensus both Boards agree that this version of the Agreement should go back to each community for potential revisions and then be run thru their individual Attorneys and then another Joint meeting should be scheduled to discuss a final agreement.. Sohns agrees as does Hackbarth. Franke suggests perhaps binding arbitration should occur if the Boards and the Commission cannot come to agreement.

6. **Wilder Road Brushing:** Skare stated we have a shared road and some brushing needs to be done on that road. Gibraltar has the equipment and needs Ephraim's cooperation. No clear cutting. McCutcheon feels Ephraim should send this to their Physical Facilities Committee for their recommendations. Agreeable.

7. **Airport Height Limitation Ordinance Enforcement:** Franke provided a little history for this item. Franke inquired if the Town and the Village have received an opinion from their respective Attorneys regarding whether this Ordinance is enforceable. The Commission has not received a clear response from either municipality to date but both do agree with the opinion of an outside Attorney, which was paid for by a member of the "friends", that it is an enforceable Ordinance. Franke added that we can either enforce this Ordinance or we can go to an Avigation Easement.

8. **Avigation Easements:** Franke repeated that there are 2 ways to address this safety issue, either enforce the ordinance or go for Avigation where we could possibly obtain the ability to trim the trees perpetually. Possible to cost for this option could be \$250,000 which would be in the form of a grant. About \$70,000 of that would be split among the involved property owners and the rest to be applied to administrative fees. Franke added that it could cost double or more should we decide to remove the 80 or so trees creating the safety problem. If we tell the State to go ahead and top the trees they would probably eventually die. The right thing to do would be to take the trees down added Franke. Neville asked what the

consequences would be if we do nothing, Franke replied that the FAA could withhold future funding. Skare stated the Gibraltar attorney has stated the ordinance is valid. McCutcheon feels the property owners seem willing to work with the Airport and to just enforce ordinance would be a last case scenario. It is more logical to work with the property owners. Franks feels some of them are looking for a lot more money. It was suggested that a rider accompany any new surrounding property sales requiring the purchaser to sign off that they are aware that an Airport is in close proximity. An audience member suggested that we recommend alternative or slower growing trees. The overgrown trees are a safety issue it is not cosmetic concern and we don't want someone to get killed by hitting one of them when landing. The BOA would come in and negotiate with neighbors if we go with avigation noted Franke. McCutcheon shared a brief story regarding his conversations with neighbors regarding brushing. Then unfortunately the vendor that was hired to do the brushing came in and over cut and the home owners were shocked and no longer on our side. Neville added that the Friends of the Airport are willing to plant trees on those properties that don't grow to a great height.

Hackbarth inquired why Skare or a representative of Gibraltar did not attend those meetings with the property owners. McCutcheon stated that it was an oversight, it was felt that if only a couple of people approached them an agreement could be worked out, he was asked to participate and he did. Neville volunteers to meet again with the homeowners. Hackbarth feels that in the spirit of transparent government that such a meeting should be done at a public meeting with all participants present. We should get them all together. Chaudoir feels the property owners may be more comfortable in an informal setting first.

Audience members inquired about the amount of money they would receive from Avigation, one property owner does not feel that \$17,000 each is very much.

Clarification of how the money is raised was provided by Franke who again noted that it is in the form of a grant. It is the BOA that controls the process noted Franke. We get \$150,000 per year from the BOA to support our Airport now noted a Commission member. Hackbarth inquired if there was a less expensive way to do this.

McCutcheon inquired if it is the consensus that on a casual basis 1 or 2 members of the commission meet with each property owner? Hackbarth does not agree, he feels that all of the parties involved should be present as they each bring something good to the table. T. Nelson is good either way, the point is that the land owners need to be accommodated. Roppuld feels we all need to be sensitive to public opinion the more transparent we are the better. The proper care of the funds we receive is

important. We should leave the decision on how to proceed up to the Commission.

9. **Williams Property Purchase:** Update from Neville that the property in question has been sold and an opportunity missed by us. Should an opportunity for buffer space for the Airport become available how do we act quicker inquired McCutcheon? Each Board should discuss this themselves. Hackbarth feels this should be addressed in the operating agreement. We need to sit down and talk this out more often.

10. **Use of Airport Property for Recreational Use:** This has come up before the commission previously. The property where the volleyball court is used by the public, they have a use lease and they provide maintenance of the site. Perhaps a dog park around County A would make the Airport more resident friendly. McCutcheon thinks this should go to the Commission for discussion. Franke has sent a handout to both Board regarding a letter from the BOA on use of Airport properties. Somerhauder commented that using the property for something other than Airport function may be allowed but must have a time limit. There are certain leeway's that we can do. There are some options but it will cost a lot of money added Neville. Franke stated that we are giving them (BOA) a guarantee every year that this property is being used only for Airport operations. The BOA says absolutely not, no dog trails, no recreational use. There is a way to do it by purchasing other parcels but it would be costly. Hackbarth inquired about a short term lease. Franke will be happy to make that inquiry of the BOA. Sohns feels he would like to have a meeting with the Town Board about what we would want to have on the property. Franke stated that would be a good pitch to the BOA, helping out the neighbors. Gibraltar will discuss this. For Ephraim T. Nelson feels that making this property more public friendly may be a good thing. Hackbarth inquired if we still allow hunting on that property, Somerhauder stated that yes, and we don't want a deer problem on the runways.

11. **Use of Town Truck/Employees:** Cox mentioned that a couple of months ago he became aware that the Commission does not seem to have a fair grasp on what is being done and how much it is costing to lease Town trucks and manpower. Does not feel the Village is getting a fair shake and it appears that the Commission is not being allowed to manage the Airport. Wants to re-visit the idea of the Airport Commission being able to dictate its desires on how to run the day to day operations. Is it a contract or an agreement with the Town? Cox will not support the budget until we know all these things.

Neville has no problem with the maintenance people using the truck but if they come in the truck and get onto the tractor why are we paying for the time the truck is sitting

unused. He is looking for accountability. Franke also has issues with the charges the Commission receives for the truck. Hackbarth states the Town has not discussed this issue before and he would like the opportunity to discuss this issue as a Board. Skare asked Beth Hagen the Gibraltar Clerk to explain how this is being charged and she provided historical information. Hagen feels that the question of what employee is assigned to perform a task at the Airport is the decision of the Town as it relates to staff scheduling they cannot always send the lowest paid employee, Hagen noted that the Commissions is charged the loaded labor rate.

When it comes to vehicle and equipment usage at the Airport they are utilizing a 2012 County pricing list for equipment use. These fees were implements a few years ago at the behest of the former Gibraltar manager. They try and be very mindful of what they do and both Kelly and Beth ere on the low side when determining their labor on behalf of the Airport. They can provide copies of the time/run sheets if the Commission requires them. This item will also be placed on a Town Agenda for future consideration. Because these changes in charging were not discussed by the entire Town Board and a motion made perhaps we should consider refunding the Commission for the truck time noted Hackbarth. No comments from the Ephraim Board on this item. An audience member commented on the condition of the Airport property and specifically a fairly new tractor and the apparent general lack of maintenance at the Airport. There is a lot of volunteers willing to help maintain the Airport grounds and they should be appreciated noted the audience member. We have a beautiful setting for this Airport.

**12. Process of Paying Airport Bills:** Cox would like the Commission to see the bills to be paid monthly and that the Commission should approve them prior to payment. Neville added a comment about an electrical payment done last year without Commission notification that greatly impacted their budget. Hackbarth thinks all bills should be presented monthly for approval and payment. How to do this will be an agenda item for the next Commission meeting.

**13. Allocation of Personal Property Tax on Airport Property:** Cox has limited knowledge on this and would like clarification. The Commission would like to know why those funds are going to the Town. Cox feels the tax should go back to the Commission or why it is not split with the Village. Franke stated that he has asked this question before, however according to the Statutes the Airport Commission has the ability to tax for the Airport. The personal property is the hanger stated Franke. Where should this tax money be going asked Franke. Roppuld commented that he applauds Franke for his efforts to keep the Commission intact. Roppuld asked them does the Commission operate of a fiscal basis or an annual basis, Franke replied annual basis and further do they have an audit conducted annually (yes) and that the

audit reports be provided the Village Treasurer for the last 3 years. Hackbarth feels that is a great proposal and supports that personal property funds go to the Commission with the agreement that any personal property funds that would go to Ephraim at some point in the future also go to the Commission. Question regarding a sewer bill that goes to Gibraltar once a year for \$31.50, Village will look into this. It was mentioned that most Airports are a tax draw on taxpayers this one is not, this one makes money and is not a tax payer burden.

14.

Adjourn

**Motion per T. Nelson to adjourn this meeting of the Joint Board and the Airport Commission, seconded by C. Nelson, motion carried.**

Recorded by:

Susan Shallow- Ephraim Deputy Clerk

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