

**MINUTES OF THE REGULAR MONTHLY MEETING  
OF THE **WHITESIDE COUNTY AIRPORT BOARD****

The regular monthly meeting of the Whiteside County Airport Board was held **September 13, 2016** at the Terminal Building at the Whiteside County Airport at 5:00 p.m.

Present for the Board were: Chairman Stan Domack, Jerri Robinson, Chris King, Dave Koster and John Zaeske. Others present were County Board Representatives Jim Duffy, Bill McGinn, Gene Jacoby and Sue Britt and Ron Hammer, Bill Havener, Michael Battles, Mckinzie Battles, Augie Ufkin, and Dave Murray.

Chairman Domack called the meeting to order and asked for the roll call. The Chairman then asked for approval of the minutes of the August 18, 2016 meeting as well as the Minutes of the Special Meeting on August 22 along with the Executive Session Minutes of the August 18 and August 22, 2016 meetings. Upon motion and second, all four sets of minutes were unanimously approved as written.

The following financial transactions were reported:

The itemized bills were presented for payment, a copy of which is attached hereto. Upon motion duly made and seconded, the bills were unanimously approved, 5 votes in the affirmative.

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CD Interest	\$613.96
3 <sup>rd</sup> RE Tax Distribution	\$9,132.69
VOID Check #5106 – Nelson’s Electric	\$100.00
Total Disbursements for September 2016 (See Itemized list of bills attached)	\$96,015.20

The following Receipts and Accounts Receivable were reported. Upon motion duly made and seconded, the Receipts and Accounts Receivable were unanimously approved, 5 votes in the affirmative

**RECEIPTS**

T-Hangar Rents	\$2,864.00
Radio Ranch, Inc.	977.00
Illinois State Police	\$2,643.13
M & M Aviation Services – Flowage Fee	\$127.97
Perry Ports – 6SW Garage	--
Jeff Conklen – 6NE Garage	--
Civil Air Patrol - Building B Rent	\$150.00
Dave Murray	--
	<hr/> \$6,762.10

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**FUEL**

Total Gallonage sold by M & M Aviation, Ltd. For month of: August

Total Jet A Gallons Pumped: 285  
Total 100 LL Gallons Pumped: 1421

### BUSINESS & ECONOMIC REPORT

For the month of: August

M & M Aviation Services, Ltd.	Visitors and Fuel Customers:	8	14
Radio Ranch, Inc.	Customer Planes:	19	19
	Total		<u>33</u>

### OTHER SPECIAL BUSINESS

NONE

### ACCOUNTS RECEIVABLE

Allen Swift	2A	March/September	\$206.00
Nelson Hostetler	3C	September	\$94.00
Illinois State Police	4C	May & July & Oct- Nov & Feb., Nov, Feb., Mar- July	\$5,173.88
Greg Dempsey	6A	July	\$136.00
Jeff Conklen	6NE	September	\$100.00
		TOTAL	<u>\$5,709.88</u>

### Old Business.

1. Hangar 4. Dowell reported again that Herbie's Hangar Door Service from Burlington, Wisconsin has made a proposal to install the bottom bi-fold door frames for \$8,410.00. However, Mike reported that the doors from Erect-A-Tube will likely be more money. He has received an email which would appear to increase their bid approximately \$488.00 for each door and the cost appears to be the cost of the entrance doors. The Board unanimously agreed to table the matter until such time as the bid from Erect-A-Tube is definite and complete and full costs are known.
2. Hangar 5 Flashing Repair. The Board again discussed at some length the proposed replacement of the flashing which had cost over \$2,000.00 in 2014. Gutters are not possible due to the construction of the building. Gary Fulrath has agreed to do the flashing again and Mike would like to replace at least the flashing on the west side of the building. The Board is of the opinion that \$2,000.00 for flashing every two (2) years is still excessive and wants to continue to explore cheaper options before taking action.
3. CMT Outstanding Bills. Attorney Murray explained the rationale for CMT's engineering bills. Under the IDOT's procedure, we are to pay the engineering services and be reimbursed by the State for Projects 4363 and 4110. We have submitted reimbursement forms to IDOT and have received or will receive about \$75,000.00 in reimbursements. Most of that money has been deposited to our

airport account but was reappropriated by the County Board to the extent of \$80,000.00. Tonight's bill was approved for payment to CMT for \$82,205.60 which should pay all outstanding bills to date. There will be further reimbursement from the State of about \$14,000.00 and perhaps a small bill from CMT.

4. Report on Legal Matters. Murray reported on legal matters which have occurred since the meeting on August 22 as follows:

1. **Michael A Dowell filed a complaint with the Attorney General's office that the notice for the special meeting held on August 22, 2016 was defective according to the Illinois OMA in that the time was not specified for the meeting which he had posted himself on August 19.** A response was filed by the Board Attorney and Ward, Murray, Pace and Johnson admitting that the notice did not include a time, but noted that Mr. Dowell himself was fully aware of the time of the meeting and in fact attended that meeting and had a previous appointment with the Airport Board to attend that meeting. Further, as Airport Manager, he was the agent of the Airport Board and it seems a specious and curious argument that Mr. Dowell, as Airport Manager, complains of the notice which he himself was responsible for posting and indeed did post, either not noticing the time was omitted or realizing the time was omitted and still posting! Dowell has been given the opportunity by the AG to respond to the Board's response but nothing has been received to date.
2. **A FOIA request was received shortly after August 22 from John Kraft, the self-styled Edgar County Watchdog,** requesting copies of all communications between the Board Attorney and any member of the Board during the past 4 months including but not limited to letters, emails and text messages. These were furnished to him and the Board Attorney talked with him personally and believes he is satisfied.
3. **A FOIA request was received at the same time from Carol L. Miller of Schaumburg, Illinois** which requested copies of the 2015 and 2016 budgets, copies of all contracts the Airport has for those years and all information concerning any certificates of deposit which the board held or holds. This took some time but, was fully responded to with copies of all those documents by the Board Attorney and the County Treasurer.
4. **Michael A. Dowell has also written to the Attorney General's office complaining that in addition to the OMA violation the Board should not have held an executive session to discuss his 2017 FBO/Airport Manager lease.** He asserted that since his company is being paid to perform such services it is not a true lease and he believes this is a deliberate violation of the Open Meetings Act. It is difficult to understand what remedy he is seeking but apparently he seeks to vitiate his own FBO/Airport Manager lease. The Attorney General has not responded to Dowell's letter as of this date.

**Board Attorney Dave Murray** questioned Mr. Dowell as to why he filed those actions and what benefit he hopes to derive from them. He said the Board has often expressed displeasure with Mr. Dowell's attitude toward the Board and he advised Mr. Dowell one of the issues discussed in the executive session was the lack of trust and **lack of appreciation** exhibited by Mr. Dowell toward the Board. These actions only exacerbate that strained relationship and Murray expressed his belief that filing these actions against the Board was very ill advised and he does not understand what purpose Dowell hoped to achieve by continuing to irritate the Airport Board by unnecessary litigation. The result of that litigation was to cause County Administrator Horn extra work, cause Darlene Hook, the County Treasurer, extra work and cause the Airport Board to defend those actions, resulting in more legal fees for essentially no discernible purpose. He stated it is difficult to understand why Dowell wants to "bite the hand that feeds him \$96,000.00 a year" and provides him free rent, free utilities and has installed a self-fueling system which relieves Dowell of a fueling employee and provides him substantial fuel income.

Dowell responded and stated if he is wrong he will publicly apologize. He explained that he filed the complaint because he felt that by the meeting in executive session M & M would be treated unfairly. He stated that he felt the "inquiry" would help "to maintain a professional relationship with the Board and to hopefully stop the Board from again violating a portion of the OMA." He said it was not his intention to cause duress or animosity between M & M Aviation and the Whiteside County Airport Board.

### **New Business.**

1. TIPS Meeting. Murray advised the Board the TIPS meeting is scheduled for October 13, 2016 in Springfield at 1:30 PM.
2. Economic Development. Board Members King and Koster attended a special economic seminar in DeKalb on September 8 with Mr. Camarano. An economic airport consultant from Oregon provided ideas for airport economic development and acknowledged that the only 2 economically self-sufficient airports in the state are O'Hare and Midway because of a \$4.50 passenger charge.
3. FBO/Airport Manager Lease. After discussion, a motion was made and seconded to renew the current lease between the Airport Board and M & M Aviation for a one-year term at the current rate of \$96,000.00 yearly. The Board Attorney asked Mike Dowell if the form of the current lease was satisfactory. Dowell said it was except he wants a 60 day period after lease cancellation which would enable him to remove his equipment and property from the Airport. Murray recommended to the Board that this would be reasonable and advised Dowell this would be acceptable providing the cancellation clause could be exercised by either party with or without cause. Dowell said that was acceptable to him. Thereupon a motion was made and seconded to execute a lease of the airport premises with M & M Aviation in substantially the same terms as the current lease for the purpose of providing FBO and Airport Manager services at the airport for \$96,000.00 per year commencing October 1, 2016 and ending September 30, 2017. The motion was approved 3 votes yes and two no. Thereupon, a motion was made, seconded and passed unanimously approving the change in the proposed lease

to provide for 60 days for removal of equipment by operator in the event of cancellation during the term of the lease by either party which may be made with or without cause.

4. 2017 Preliminary Budget. Chairman Domack presented a proposed preliminary budget for 2017 which he said was a very conservative budget in view of the challenges we will face next year with regard to repairs to buildings, equipment and other property and perhaps acquisitions. He noted that the budget provides for income of \$332,849.00 and expenditures of \$374,900.00. He noted that the farm lease is expiring this crop year and a new lease may or may not provide the income of the current year. He also noted that we constantly have 5 or 6 empty hangars so it is difficult to project the income accurately although expenses continue. After discussion, a motion was made, seconded and passed unanimously to approve the 2017 preliminary budget as presented.

### **Manager's Report**

1. Tree Trimming. Mike reported that bid specs have been published and offered to four local contractors. The bids are due September 20, 2016 at 10:00 a.m. He advised the Board the specs were all clearly defined and he is meeting with the contractors.
2. NOTAMS. The FAA has a new system of issuing notices to airmen. As of October 1, 2016 all NOTAMS will be issued directly through the FAA's air traffic controllers. A webinar will be held at the airport at 9:00 a.m. on Tuesday, September 20, 2016 and everyone is invited to attend

**Public Comment.** Bill Havener announced that the "Old Fogeys" fly in will be held at the airport this Saturday from 11:00 – 2:00 p.m. Barbecues and baked beans will be served and everyone is invited.

John Zaeske advised the Board that the group establishing a Rock Falls Veterans Memorial would like to hold a concert fundraiser at the Airport if possible at an uncertain date. Mike advised of difficulties **due to state statute requiring money raised at the Airport going to the Airport Board only** and County Chairman Duffy advised that no alcohol may be served on County property.

**Next Meeting.** The next regular meeting is scheduled for October 13, 2016 at 5:00 p.m. at the Airport Terminal Building.

**Adjournment.** There being no further or other business to come before the meeting, on motion duly made, seconded and passed unanimously, the meeting was adjourned at 7:15 p.m.

Respectfully submitted,

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Secretary