

**CITY COUNCIL MINUTES
JOINT MEETING
CITY COUNCIL, HUMBOLDT COUNTY COMMISSION AND WINNEMUCCA
MUNICIPAL AIRPORT BOARD
MARCH 7, 2016**

The Winnemucca City Council met in a special joint meeting with the Humboldt County Commission and the Winnemucca Municipal Airport Board on Monday, March 7, 2016 at 10:30 a.m. in the Humboldt County Courthouse meeting room at 25 West Fifth Street. City Officials present: Mayor Di An Putnam, Councilmen Mike Owens, Theresa Mavity, Ken Tipton, Jim Billingsley and Paige Brooks. City Staff present: City Manager Steve West, City Attorney Kent Maher and City Clerk Lorrie Haaglund. County Officials present: Commission Chairman Marlene Brissenden, Commissioners Garley Amos, Mike Bell, Jim French, and Ron Cerri. County Staff present: County Administrator Dave Mendiola, County Clerk Tami Spero and District Attorney Mike Macdonald.

CALL TO ORDER

Mayor Putnam called the City Council portion of the meeting to order at 10:30 a.m. The County Commission meeting was already in session. The Airport Board meeting was not called to order.

PUBLIC-PERSONAL COMMUNICATION

There were no public or personal communications.

DISCUSSION / ACTION ON ITEMS OF BUSINESS & OTHER REPORTS:

BUSINESS IMPACT DETERMINATION

After review and consideration of the effect each item could potentially have on a "business," as the term is defined by statute, the Council agreed that no item on this agenda appears to impose a direct and significant economic burden on a business or appears to directly restrict the formation, operation or expansion of a business. Councilman Tipton moved to make a finding that no item on the agenda appears to impose a direct and significant economic burden on a business or appears to directly restrict the formation, operation or expansion of a business. Motion carried unanimously.

VETO OF JANUARY 11, 2016 AIRPORT BOARD DECISION TO AUTHORIZE MEDX AIR-ONE HELICOPTER LANDINGS AT PILOT'S DISCRETION NEXT TO THE HELICOPTER SERVICE HANGAR AT THE WINNEMUCCA MUNICIPAL AIRPORT

Mayor Putnam thanked the Airport Board and all boards for their dedicated service to the community, noting excellent people are appointed to serve on such boards, and careful consideration is given to the appointments. There is an excellent Airport Board appointed to oversee the activities at the airport. In reviewing the information provided to the Council for this meeting, it appears that there are no Federal Aviation Administration regulations or Municipal Airport regulations that prohibit helicopter landings at locations other than the helipad at the airport. The majority of the Airport Board felt that the landing location decision was best made by the pilot who is trained to fly the aircraft. The Airport Board, in their due diligence, discussed the landing proposal with FAA personnel, insurance representatives, aircraft operators, hangar owners, and the helicopter operator. The opinions were strong on both sides, so it came down

to trying to fairly evaluate the level of safety of the operations proposal. The area where the landings will occur has always allowed aircraft to operate with their engines running even though there is vehicle and pedestrian traffic in that area. There is also a residence in that general area, however, it is unlike a typical residence because its main purpose is for airport security. In the past there were no safety issues raised about aircraft presence in the congested area, but it has now become an issue because a helicopter service has advised they will be landing in front of their hangar. This is somewhat different than taxiing regular aircraft in that area, but all aircraft are operating with their engines on and propellers rotating. It is apparent that the Airport Board performed their due diligence, and ultimately ended up with a split decision. This is now a question of whether boards are allowed to do their jobs; is it appropriate for the City or County to second guess the Airport Board members, most of whom have substantial aviation experience. The Mayor said she honestly believes that the Airport Board used their knowledge and experience in making this decision and said if the Council believes the Airport Board was negligent in their decision, she will entertain a motion to veto their action. Councilman Owens, Airport Board member, felt that the Airport Board had done their due diligence in order to make the most informed decision on this matter. Councilman Tipton said he had reviewed all of the information provided on this matter and he felt strongly that it would have to be very serious for a City or County board to overrule another board's decision, especially when the decision making Board members had more experience with the subject matter. Tipton stated at this point he did not see anything in the information provided that would make him veto the decision. Councilman Mavity agreed with the Mayor, Councilmen Tipton and Owens. Mavity said she felt the Airport Board and staff did their due diligence and sees no reason to overturn their decision. Councilman Billingsley agreed as well. Commission Chairman Brissenden asked for comments from the Commissioners.

Commissioner French stated this is not about whether due diligence had been done but rather a difference of opinion with the Airport Board. French said he too had looked at the information provided on this issue and that he had talked to several individuals. If there is a bad occurrence or mechanical failure it will impact other individuals not just the owner of the helicopter. French questioned why, other than for operator convenience, is this particular operator being allowed to do something that could potentially pose a risk to another party. This issue has been contentious and a County appointed member of the Airport Board resigned over the decision and brought the proposed veto action to the Commission. The hospital is building a hangar next to their helipad at the hospital so this is kind of a moot point. French said he had lunch with the chief pilot of MedX AirOne and asked what the deal is now. The pilot stated he is still going to use the hangar at the Airport a couple of times a month mainly for parts storage or possible storage of another helicopter. French felt that the helicopter should be required to land at the helipad and be pulled on a dolly to the hangar. French suggested a dangerous precedent is being set by allowing a helicopter to land in front of their hangar. French agreed with the Mayor that it is a very serious thing to overturn another board's decision and he did not take it lightly either. Commissioner French asked newly appointed Airport Board County representative Mike Bell his opinion.

Commissioner Bell stated he had closely reviewed the information provided and he could not support a veto of this Airport Board decision. Commissioner Cerri stated we appoint boards and commissions and we need to stand by their decisions. Commissioner Amos agreed.

Tom Fransway, hangar owner of Lease Tract 6, agreed that overruling a decision made by an appointed board is nothing to take lightly. Fransway is concerned about the safety of the operation being discussed. Fransway felt the landing decision made at the September 21, 2015 Airport meeting was not properly noticed in accordance with the Nevada Open Meeting Law.

The meeting agenda was not adequately worded and neither the stake holders nor the public were aware of the action to be taken. The FAA has not condoned this operation and has said it is "risky" business and if the Airport Board does not take this seriously then the Commission needs to step in and overturn their decision. Fransway said we shouldn't sacrifice safety for convenience. Fransway read from the 2011 adopted Winnemucca Municipal Rules and Regulations regarding takeoffs and landings which provide that no person shall takeoff or land except on a runway or a designated helipad, except as allowed under FAA flight rules (which defer to pilot judgment). No person shall taxi an aircraft except on areas designated for taxiing and all taxiing shall be performed in a safe manner. If it is impossible to taxi an aircraft in compliance with this section then the engine shall be shut off and the aircraft towed to the new location. Fransway stated he finds this disturbing and that it is not good policy and he asked the Commissioners to overrule the City/County Airport Board.

Wes Gossard, a hangar owner, commented he doesn't see why the Airport Board is setting this precedent. Gossard said there is a helipad and that's what it is for. The price of a tow bar or cart is minimal compared to the price of the helicopter.

Dick Robie, former member of the Airport Board, stated the issue is safety. Robie quoted from the Chapter 7 of the FAA Operation Manual, "the sponsors (governing boards) are responsible for ensuring the public safety and the safety of public buildings and facilities."

Lewis Trout, former member of the Airport Board, stated this is a case of reasonable people having reached different conclusions. Trout said he was present at the September 21, 2015 and the January 11, 2015 Airport Board meetings. Trout stated the FAA spokesman that was interviewed by phone did make the statement that landing in front of the hangar was the "least desirable" from a safety point of view but he did not say it was "risky" or "unsafe." The FAA neither restricted it nor opposed it. Trout stated, in his opinion, he did not believe the open meeting law was violated at the September 21, 2015 Airport Board meeting. The Attorney General's office will make a determination of the matter in the near future. Trout said there had been issues at the Airport in the past which involved mechanical issues and human error; but all airport operations involve an element of risk. Anytime an airplane lands or takes off there is an element of risk. Mechanical failure and operator error result in accidents. Three members of the Airport Board felt it was not an excessive risk; two members felt it was an excessive risk. This is a case where reasonable people have come to different conclusions, based on their experience or personal knowledge.

City Manager West, who is also the Airport Manager, stated that he appreciated the clarifications presented by Trout. West believes the September 21 meeting agenda was appropriately worded to cover the Board action. It is important to keep in mind that the September agenda was posted prior to any known controversy on this matter. The agenda item was "approval commercial activity / approval sub lease / Tract LT-10." West believed that this language was appropriate because part of the commercial activity was landing and taking off from that location. However, prior to any knowledge that there had been an open meeting law violation complaint filed, the Board placed the item on their next meeting agenda for reconsideration. The agenda item language was expanded to specifically include landings and takeoffs from the sub-leased location. The statement made by one of the prior speakers that the FAA had stated that it was a "risky venture" to land helicopters in this area was inaccurate. The FAA representative simply pointed out that the proposed hangar landing was the "least desirable," because it is the most congested of the three landing areas which were discussed. West said hangar owner Hal Phillips attended the first meeting and indicated that he had no problem with the landing of helicopters in front of his hangar. It was his opinion that helicopters

typically land in confined/congested areas. West stated before this became controversial, he talked to the City airport consultants, Armstrong Consultants, to get their opinion on landing a helicopter of this size in that location. Armstrong Consultants indicated that it was normal to land helicopters in front of hangars in congested areas. West also discussed the landing proposal with experienced pilot and former Winnemucca FBO Randy McCoy prior to the September meeting and he said that he had no problem with it. West believes the Airport Board did a great job researching all of the factors. In this case, intelligent people developed very different, extremely strong opinions on the matter. West did discuss the request with the insurance agent and they responded in an email saying this request seems normal and they did not have a problem with the proposal. West stated he personally feels the Airport Board made a very good decision based on a lot of factors and he is sorry that it was contested and ended in a split vote but feels it was an appropriate vote for the right reasons.

Airport Board member Brad Wigglesworth stated he talked to Randy McCoy after the February (2016) meeting and asked him his feelings on this issue and McCoy's comment was that he didn't have a problem with a helicopter landing in front of his hangar which is situated differently than this confined area; a helicopter approach to hangars in a wide open area is just fine. Wigglesworth said Armstrong's comments were based upon a Google Earth map of the area, as were the comments of the FAA Inspector. The Google Earth map does not show (according to Wigglesworth) all the hazards that are present within that confined area. Wigglesworth stated that Armstrong Consultants prefaced their approval of the landing area as an air taxi into the area not as a full power steep approach into the area. The Airport Board did not receive anything in writing from Armstrong or from McCoy. This is a matter of risk, public safety versus convenience; Wigglesworth said he hasn't heard any good reason to allow it.

City Manager West clarified that: (1) his conversation with Randy McCoy was in regard to this specific landing location; and (2) Armstrong Consultants also reviewed (in addition to the Google Earth maps) their very accurate auto cad maps of the airport and the Armstrong staff has been at the airport many times, they had the exact dimensions of the area, and they knew exactly where the landings and takeoffs were proposed. West stated this isn't a cost issue for MedX AirOne but rather a huge liability for them in moving their helicopter using wheels and a tow bar; it's not just convenience but a substantial issue to the helicopter operator.

Tom Fransway stated he talked to Randy McCoy and McCoy said there is no way he said it was a safe place to land in this congested area.

City Councilman and Airport Board member Mike Owens commented that if West says something to the Airport Board, Owens has no doubt that it is accurate. Not once at any of the meetings addressing the matter did West express an opinion on how he stood; he just provided the facts. Owens continued saying that no decision has been received as to whether an open meeting law violation occurred. Owens stated that two members of the Airport Board have substantial helicopter experience and they both voted in favor of the hangar landings. They said it is a typical way for a helicopter to land. Owens said that after this many meetings and discussions, it is time to move on; it's been a three to two vote to allow the landings every time it was considered, even with more information and listening to the FAA representative and others. Owens feels comfortable with the decision and suggested moving on.

Commission Chairman Brissenden stated we need to show respect to all the boards and how they make their decisions on votes. Brissenden said when it comes to public safety, we are responsible for that and should not take that lightly. She questioned why this precedent would be set. It is time for MedX AirOne to be good neighbors and abide by the rule book.

Commission Chairman Brissenden called for a motion. Commissioner Bell moved to uphold the Airport Board decision and to not veto their action. Motion carried with Commissioners Bell, Amos and Cerri voting aye and Commissioners French and Brissenden voting nay.

Mayor Putnam asked if the City Council wanted to make a motion. There was no motion from the City Council.

PUBLIC-PERSONAL COMMUNICATION

There were no public or personal communications.

The meeting was adjourned at 11:36 a.m.

Respectfully submitted,

Lorrie Haaglund
City Clerk

PASSED AND ADOPTED: March 22, 2016

VOTE OF COUNCIL:

AYES:	Councilmen	<u>Owens, Mavity, Tipton, Billingsley, Brooks</u>
NAYS:	Councilmen	_____
NOT VOTING:	Councilmen	_____
ABSENT:	Councilmen	_____

APPROVED:

ATTEST:

Di An Putnam
Mayor

Lorrie Haaglund
City Clerk