# City of Greensburg

Board of Aviation Commissioners

Thursday, January 6, 2022

6:00 PM – City Hall

**314 W. Washington Street**

**Call to Order** – President Bill Ernstes called the meeting to order at 6:00 pm.

**Roll Call** - Board members present were: Bill Ernstes, Jon Dooley, Kevin Whipple and Deborah Potter. Paul Shaffer of BF&S, Don Tribbett of Tribbett Law, and Airport Manager Jerry Scheidler were also present. Board member Gary Bailey was absent. Judy Curd performed the duties of secretary.

**Agenda Approval** - The meeting agenda was reviewed. Jon Dooley made a motion and Kevin Whipple seconded the motion to approve the agenda as presented. The motion passed unanimously by voice vote 4-0.

**Minutes** – The minutes of the November 22, 2021 meeting were reviewed. Kevin Whipple made a motion and Jon Dooley seconded the motion to approve the minutes as written. The motion passed unanimously by voice vote 4-0.

**Election of Officers for BOAC President and Vice-President for 2022.**

Kevin Whipple made a motion and Jon Dooley seconded the motion to nominate Bill Ernstes for President for 2022. There were no nominations from the floor. The motion passed unanimously by voice vote 4-0. Deborah Potter made a motion and Kevin Whipple seconded the motion to nominate Jon Dooley for Vice President for 2022. There were no nominations from the floor. The motion passed unanimously by voice vote 4-0.

**Financial Report –** Jon Dooley read the Financial Report. Bill Ernstes noted that the price of fuel on hand is $44,613.26 as of 1/1/2022 and since that we have uploaded jet fuel.

 **NEW BUSINESS**

**Update on Runway Construction – Paul Shaffer of BF&S**

1. **Runway 1-19 Grade and Drain Update**

There is no activity at this time. The contractor has wintered the project site the best they can in an attempt to stabilize the site and are in a holding pattern at this time. They will resume work on April 1. We did do a topographical survey of the site in its current condition to see exactly how far along the contractor got. BF&S is currently reviewing the survey. HIS is providing a survey also. All of this will be completed this winter so that we will know where we stand on April 1, 2022.

1. **Runway 1-19 Grade and Drain Action Items**
2. Since there has been no work between this month and last month, there will be no Contractors Progress Estimate for HIS Constructors this month.
3. Paul requested that the board approve AIP-16 Partial Pay Request #11 for the inspection services for the prior month which is 100% Federally Funded. Kevin Whipple made a motion and Deborah Potter seconded the motion to approve AIP-16 Partial Pay Request No. 11 for $30,273.12. The motion passed unanimously by roll call vote 4-0. This request puts us at 73.29% of the grant completed for an amount of $783,382.27 to go.
4. Paul requested that the board make a motion to approve the FY 2022 Letter of Intent to use the FAA Non-primary Entitlement Funding. Jon Dooley made a motion and Kevin Whipple seconded the motion to approve that the board approve the FY 2022 Letter of Intent to use the FAA Non-primary Entitlement Funding. The motion passed unanimously by voice vote 4-0.
5. **Runway 1-19 Paving and Lighting Update**
6. We continue to work on a supplemental grant with the FAA. We have learned the lowest amount you could get is what the FAA has announced in the amount of $3,085,853 for Greensburg. The FAA has pushed a request up to headquarters for the additional $2,507,174 needed to fund the actual bids.
7. Dave O’Mara has agreed to accept a partial Notice to Proceed and hold the balance for FY 2022.
8. **2023-2027 Capital Improvement Plan**

Paul Shaffer requested a motion to approve the 2023-27 CIP for submission to INDOT. Kevin Whipple made a motion and Deborah Potter seconded the motion to approve the submission of the 2023-2027 CIP to INDOT. The motion passed unanimously by voice vote 4-0.

**Update on Properties - Don Tribbett of Tribbett Law**

1. **Dickman Avigation Easement** – The Avigation Easement document was signed and the payment has been sent and was received. We have concluded the Dickman property acquisition.
2. **The Robbins Family Trust –** We are acquiring 1.557 acres in fee simple and are acquiring 2.474 acres for an avigation easement from the Robbins Family Trust. Our appraiser appraised the fee simple property at $23,355 and appraised the avigation easement over the property for $26,000. However, the court-appointed appraisers valued the fee at only $15,570.00 and the avigation easement at only $12,370.00 for a total of $27,490.00. This amount has been paid to the clerk and has been certified to the county auditor. The airport is now shown as the owner of the Robbins fee simple and avigation easement. The Robbins Family has filed exceptions to the appraiser’s report, and unless we reach agreement before the trial date, they will go to trial for a decision on the amount. In anticipation of the trial, Mr. Tribbett has sent interrogatories (written questions) and a request for production of documents to the Robbins’ attorney and they have approximately two weeks to respond to our interrogatories and request for production.
3. **Steve Lowe Property –** With regard to the .64 acre avigation easement over the Steve Lowe Property, Mr. Tribbett has been asked by our appraiser to furnish him with some information, including the survey drawing and the legal description of the property. He would like to see the actual avigation easement so that he could get some idea what the limitations on the use of the property will be. As soon as he gets that information, Mr. Tribbett will put together a contract with the appraiser and the review appraiser and let them get started.
4. **Beggs, Haston, and Goddard Properties -** There has been a claim in at least two of the discovery responses with regard to a cost-to-cure based upon some drainage work. We don’t have much information on that: What the need is, what the perceived need is, or what they actually plan on doing. So, Mr. Tribbett has served some subpoenas on the two entities who will do the drainage work: 1) Dieckmann Farms, and 2) Johannigman Excavating. Mr. Tribbett is also trying to get convenient dates set for the trials. The attorney on the case is the same for all three defendants, Mr. Sever from Carmel. There has been no response from him to date regarding trial dates. So, Mr. Tribbett is going to ask the judge to set the date.
5. **Fred Sterchi Land Acquisition** – We have a trial date set for Jan 24, 2022, so the lawyers have been talking among themselves. As required by statute, the GBOAC recently offered Mr. Sterchi $259,740, which is the amount of the court-appointed appraisers’ award for both the fee simple and avigation easement. However, that offer was initially rejected. Mr. Sterchi made a counter-offer of $100,000 more. However, Mr. Sterchi recently made a settlement proposal whereby Mr. Sterchi would accept the $259,740 for the 15.362 acre fee simple appropriation and the .960 avigation easement but conditioned on the airport agreement to purchase the 5.698 acre residue remaining at the same per acre value paid for the for the 15.362 acre fee simple appropriation. The amount paid to Mr. Sterchi for this 5.698 acre parcel would be $94,017.

In addition, Mr. Tribbett stated that the 5.698 acre residue property is different than the Beggs, Goddard, and Haston fee simple properties in that it provides access to the newly acquired airport property which is essential for the Airport’s contractors to gain access to the construction site. Mr. Tribbett considers this access as a must have. The airport had a temporary agreement with Mr. Sterchi last year for use of that driveway to access the construction project, but the agreement expired December 31, 2021. So, Mr. Tribbett said that it is worth the extra money and he is recommending that the board agree to the counterproposal and purchase the 5.698 acres for $94,017.

Jon Dooley reiterated that the extra 5.698 acre parcel has unique characteristics that allows it to be valued differently than the other properties. It is not comparable to other properties. It is located right on the highway. The asking price proposed by Mr. Sterchi for the 5.698 acre parcel is valued at the same price per acre as the court-appointed appraisers’ award for the 15.362 acres, which Mr. Sterchi has now accepted.

Mr. Tribbett also added that the highway access has been approved by INDOT.

Jon Dooley made a motion and Kevin Whipple seconded the motion that, given all of the circumstances discussed previously, the airport board accept Mr. Sterchi’s counter-offer including the purchase of the 5.698 acre parcel for $94,017. The motion passed unanimously by roll call vote 4-0.

**Airport Manager’s Report – Jerry Scheidler**

Airport Manager Jerry Scheidler reported activity is normal for this time of year. We recently received a load of jet fuel. So, daily fuel sales continue. One hangar (A5) has been vacated. The vacancy has been filled and all hangers are full at this time. Our hangar waiting list was shortened by four people because their situation has changed and they are no longer interested in coming to the Greensburg airport. We have at least two people from the Batesville area interested in either renting a new hanger built by the airport or building their own hanger.

**Approval of Bills –** Bill Ernstes presented Docket #1 dated January 6, 2022 for Payroll Expenses and General Claims:

December Claim $110,075.28

January Claims 194,847.28

Tribbett Law 12,986.75

Total $ 317,909.31

 Jon Dooley made a motion and Kevin Whipple seconded the motion to approve the payment of Docket #1 for a total of $317,909.31. The motion passed unanimously by roll call vote 4-0.

**Comments from the Board and/or Public** – None

**Meeting Adjournment & Next Meeting Date** - There being no further business before the board, Jon Dooley made a motion and Kevin Whipple seconded the motion to adjourn the meeting. The motion passed unanimously by voice vote 4-0. Bill Ernstes adjourned the meeting at 6:50 p.m. The next meeting will be held on Thursday, February 3, 2022 at 6:00 p.m. in the Council Chambers at the City Hall located at 314 W. Washington Street.

Respectfully submitted,

Judy Curd

Recording Secretary

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 Bill Ernstes – President Date

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Jon Dooley – Vice President Date

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Gary Bailey – Board Member Date

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Deborah Potter – Board Member Date

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Kevin Whipple - Board Member Date