

**TOWN OF LA POINTE  
SPECIAL TOWN BOARD MEETING  
MINUTES**

**MONDAY, MAY 24, 2010**

**At 5:30 At Town Hall**

**Revised on June 15, 2010, pending Town Board approval; Additions in bold and underlined.**

Called to order at 5:35 PM

Members Present: Beth Fischlowitz, Greg Nelson, Jim Patterson, Ham Ross

Public Present: Gene Nelson, Leslie Mack, Keith Sowl, Michael Dalzell

The purpose of this meeting is to discuss and resolve various issues related to the Airport and Airport Hangar Leases.

Gene Nelson stated that although his hangar lease fee was reduced by \$3000 to compensate for the damage to his hangar, he has still had out-of-pocket expenses amounting to \$3841.75. He feels that the greatest damage to his hangar occurred when the pump shorted, raising the water table and eventually breaking the slab. Gene Nelson states that, "the real issue came up when the town crew decided that they wanted to maintain the pump [word indistinguishable] and the uh cord got pulled out of the top of the submersible pump. It shorted out the [word indistinguishable] and the water table came up to ground level and the slab is broken all over the place." His estimate for replacing the concrete floor is \$22,350.00. He also feels that he lost a possible sale due to the damage.

Jim Patterson asked the cost of patching the floor rather than replacing it. Mr. Nelson did not know.

Greg Nelson asked if the sand had been moved; Keith Sowl answered yes. Greg Nelson asked Gene Nelson if the expenses were accrued because the sand was there for one year? Gene Nelson answered that he couldn't use the hangar during that year.

Greg Nelson asked Lesley Mack to verify the damage to the hangar owned by Warren Mack (her father). She replied that her father had paid to repair the damage himself. She explained that due to the proximity of the sand, there was no heat to the hangar all winter, but that her father did not wish to pursue the expense with the Town.

Gene Nelson stated/asked about the depth of the drain tile.

Keith Sowl replied that the drain tile is at least three (3) feet deep.

Greg Nelson asked about the status of the project [which has caused sand & gravel to be stockpiled at the airport]. Keith Sowl answered that it is half done.

Keith Sowl stated that it's hard to know how to remedy the cracking when the hangar is heated but the apron is not.

Greg Nelson added that the Town is not responsible for the apron that lifted.

Gene Nelson said that moisture is what makes it move, and if it's dry, it won't heave. He suggested a "French drain."

Greg Nelson asked for clarification of the situation in the Mack hangar.

Leslie Mack replied that it's not too bad; the taxiway is fixed already.

Beth Fischlowitz commented that there are inherent legal issues in this situation that the Town may not be knowledgeable enough about to deal with. She asked Gene Nelson to elaborate on a reference he had made earlier to the Town having mitigated a situation for another citizen.

Keith Sowl responded that when construction began at another hangar site, the process of digging revealed asphalt and other debris under the ground. In response, the Town hauled in sand to back fill but did no compaction.

Beth Fischlowitz asked if the Bureau of Aeronautics proscribes a base for these hangars.

Keith Sowl stated that therein lies the problem: is the Town responsible for what lies beneath the airport?

Beth Fischlowitz asked what the premise was in the beginning. What responsibility did the Town take in the lease agreement? What responsibility does the lessee have? She further stated that she does not want the Town to be guilty of selling a "pig in a poke." She reiterated that a legal opinion might be a next necessary step.

Keith Sowl suggested that he speak to a representative of the Town's insurance provider. They can determine what they would pay, and, since the lessees are required to have insurance on their hangars [by the terms of the lease], perhaps the two insurers could agree to split the award for damage.

Beth Fischlowitz asked that both Gene Nelson & Leslie Mack write up a narrative of what has happened and what they want. The Town will take it to the Town's insurance provider.

The consensus of the Board is that this is an issue that will have to be dealt with in future leases at the airport.

Motion to ask Gene Nelson and Leslie Mack (acting as agent for her father) to present a narrative of their perceived damages along with causes and potential repair costs and forward the narrative to the Town so that it may determine its level of liability. BF/HR 4A MC

### **Regarding a plat map of the hangars at the Airport**

Jim Patterson asked how many available building sites remain.

Keith Sowl replied: 13 or 14

Michael Dalzell added that the lots cannot be platted till it is known what will be built there.

Jim Patterson suggested that any future lessors need to have an engineering analysis prior to any construction.

Greg Nelson speculated that an attorney may not find that to be fair.

Beth Fischlowitz suggested that an attorney be asked to create a formula for future damages.

Adjournment at 6:45 PM

Submitted by Patty Hobin, Town Clerk

Approved as corrected by Clerk on 6/22/10; *Patty Hobin, Town Clerk*