IAHA Board Meeting

November 21, 2003

The meeting was called to order at 7:38 PM. Present were Alan Wright, Gary Van Horn, Carole Gabel, Robert English, and Phyllis Upright. We had a quorum of five.

The minutes of the previous meeting were read by all present. There were some corrections: the pipe under Craig McLean's taxiway easement is eight inches and not six as was originally written. There were also some spellings of people's names that were corrected. Gary made the motion to approve the minutes as corrected, and Carole seconded. All approved by voice vote.

Neither of the maintenance chairs were here, but Carole brought up the concern about silting in the drainage ditch along the south edge of Skylane taxiway. Carole said that Buzz Thede had some equipment that could help remove the buildup. The issue was tabled until the next meeting when Craig and/or Lynn could attend.

The vote count: there are 111 votes as of now, and only another 12 or so are necessary in order to get the 75% yes votes necessary to affect the change in the by-laws. Carole went into some detail about the absentee landowners that she had called to inform them about the issue before us. The year-end banquet on the 7th should see the proposed change approved.

The main business this evening was the ODA's most recent draft of the agreement for Independence Airpark. There was a section that attempts to hold the Homeowners Association responsible for pilots violating approach regulations. Alan has stated that this is not something that any Homeowners Association should be responsible for, and he has already written the ODA about striking this section from the agreement.

One points of discussion was the part about the prohibition of people using their own hangars to work on third-party aircraft (3.5 and 3.6). The intention was to not take business away from the local FBO or mechanic on the premises, but the way this current draft is worded implies that only antique or experimental aircraft can be worked on in one's own hangar. The consensus was that taking out the condition of "personal and antique" would make this section workable.

Another point (3.12) was evaluated as a potential problem, but it was ascertained that it really did not pertain to this airpark. The language in it relates to a commercial operator (for whom some standardization is a good idea) and not for personal hangar space.

There was one stipulation that was considered a good thing as worded: that the Homeowners Association gets one and a half percent (1 ½ %) of the collected dues for ingress/egress. The Association will be writing the check to the ODA minus the 1 ½ %. There was a section that referred to a late fee if the amount owed the ODA was ten days overdue (2.2 A), however, that the interest rate charged on this was 1% per day. There is a potential problem here, as the legal interest rate that a State entity can charge is 9% per year. This part needs to be contested, and Alan said he would include it in his next letter.

Gary said he had two questions that he would like to see an attorney address:
1) given the language in our original agreement, is there a precedent for charging a fee that has already been paid for;
2) the only basis for a fee is providing a service – as this ingress/egress is not a service per se, does that make this fee a tax? If so, what would be the difference in how this is treated?

There was another point about whether having an attorney present would be a beneficial move for the Homeowners Association in its discussions with the ODA. But that could wait for another time. Gary stated that he found nothing wrong with paying $15.00 a month, but he wanted to cover all the angles. This is information gathered just for our edification and all discretion is to be used by the attorney. The value of this information is to have a good answer for any airpark resident who asks " why do we have to pay this money at all?".

The Stearman Street agreement was also a topic of discussion. The value of that Stearman St. agreement was to get ODA to lengthen the current agreement. Alan said that it might come down to the Stearman Street residents making that decision for themselves, and he was in favor of that.

Alan called for a vote on this issue, and the five people present voted yes. Craig Cowles (over the phone) was the lone "nay" vote. The motion passed. The attorney will be contacted about these concerns and if he will do the job for the $2,000 spending cap then the information will be gathered.

Carole brought up her observations about Dewey's current condition, that his mind is still in good shape and that he's doing physical rehab on a regular basis.

The last order of business was to write up an agenda for the year-end banquet on December 7th. Once this was mapped out, the meeting was adjourned at 9:10 PM.

Respectfully submitted by Robert English, secretary.

Meeting112103.doc