

MONTAGUE CITY COUNCIL  
MINUTES  
March 4, 2013 4:30 PM

SPECIAL MEETING

<b>CALL TO ORDER</b>	4:30PM
<b>ROLL CALL</b>	Keller, Benson, Robustellini and Aiello
<b>ABSENT</b>	Gray
<b>OTHERS</b>	J. Sprague, (City Attorney) Rob Taylor, (FBO) Rex Mayes and (FBO Assistant Manager) Bob Ireland

**PUBLIC COMMENTS:** None

**SPECIAL MEETING AGENDA:**

1. Discussion of Airport Sublease "Exhibit C" to the Airport Master Lease Agreement between the City of Montague and Montague Soaring Center.

The meeting began with the Mayor giving a brief summary of the history of the old Airport Master and Sublease and how a new Master and Sublease became necessary to protect the cities interests due to several incidents that occurred at the airport.

February 2012 the city council approved the new FBO to manage the Montague Airport and at that time the new Airport Master Lease and Sublease were tabled for further discussion at the request of the FBO.

A workshop meeting was held around March 2012 to address issues in both documents, which resulted in the Airport Master Lease being approved at the May 2012 council meeting and the Sublease (Exhibit C) to the Master Lease being tabled for further discussion. Further discussion on the sublease was brought back to a special meeting on March 4, 2013.

This workshop meeting began with all present working from various version of the sublease; the latest from February 2012, then the one that came out of the March 2012 workshop and a February 2013 proposal by Rex Mayes and the city attorney responses to the Mayes proposal.

All present at this meeting began by reading line by line from the March 2012 version and comparing that with the Mayes February 2013 version and the city attorney response. Those document sections that Mayes proposed for change were discussed and the new wording was agreed to before moving on.

Each section was read and the following changes were noted:

All the of "Whereas" in the beginning were ok.

1.1 amended

1.2 amended

2.1 amended, so anniversary due dates will cycle to calendar year

2.2 left as is, if the hangar is occupied by the owner then the tenant has the option to insert a zero dollar amount, because the sub-leasee is paying by the square footage.

3.1 ok as is

3.2 amended

3.3 was added

Mayes 3.2a was changed to 3.4 resulting in the rest of the numbering changing.

Mayes 3.4 became 3.5 ok as is

Mayes 3.5 became 3.6 ok as is

Mayes 3.6 became 3.7 ok as is

Section 4 all ok as is

Sections 5.1 , 5.2, and 5.3 all ok

A new 5.4 was added which changed the rest of the numbering

Mayes 5.4 became 5.5 ok as is

Mayes 5.5 became 5.6 ok as is

Mayes 5.6 became 5.7 ok as is

Mayes 5.7 became 5.8 ok as is

Mayes 5.8 became 5.9 ok as is

Mayes 5.9 became 5.10 ok as is

Mayes 5.10 became 5.11 ok as is

5.5 was added changed the rest of the numbering.

5.9 amended

6 ok as is

7 ok as is

8 ok as is

Mayes noted that he wanted all of the references to tenant/city changed to ready tenant only.

The attorney stated that in some of the sections the tenant/city needed to remain, because it did not protect the city's liability, which was at issue with the old sublease.

The city clerk commented on how the FBO was paying the city with regard to the subleases. She is concerned that the FBO has been paying the city even if the sub-leasee had not yet paid the FBO. The clerk was said it took over six months for the city to get all of the subleases caught up after the former FBO-Weld's left, many did not have current insurance and were behind in their monthly rental payments, which meant these individuals were in breach of their agreements. The clerk said if the current FBO were to leave and the city had to step in again, then the city would not have a true and accurate accounting of who was behind or paid ahead.

Mayes also noted that sections of the airport municipal code needed revising, stating it didn't have any teeth to it. The city council made note of this and the city clerk stated that the code would require another workshop, a public hearing and two separate readings at two separate (consecutive) regular city council meetings. No date was selected at this time for a ordinance workshop.

Motion to adjourn at 6:15PM.

**ATTEST:**

**CITY OF MONTAGUE:**

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Janie Sprague, City Clerk

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Jayne Keller, Mayor