



# TOWN OF ERIE

645 Holbrook Street  
Erie, CO 80516

## Meeting Minutes

### Airport Economic Development Advisory Board

Thursday, June 18, 2026

6:30 PM

In-Person

#### **1. Meeting Called to Order at 6:30**

Duration: 2 hrs 45 min:

#### **2. Roll Call and Quorum**

- A. Michael Bowden – In attendance
- B. Kevin Cain – Not present
- C. Emmet Dowling – In attendance
- D. Paul Houghtaling – In attendance
- E. Lyle Martin – In attendance
- F. Steven Toebben – In attendance
- G. Jennifer Webb – In attendance
- - - - -
- H. Julian Jacquin – In Attendance
- I. Jason Hurd – In Attendance
- J. Brandon Bell – Not Present
- K. Anil Pesaramelli – Not Present

#### **3. Pledge of Allegiance**

#### **4. Approval of Meeting Minutes**

- A. April 2026 Agenda

#### **5. Public Comment**

8 members of the Erie AirPark HOA

#### **6. General Business**

- A. Officer Reports
  - 1. Chair Houghtaling – Notification that after 6 years of being chair, this was the last meeting he plans to serve as chair of this board and does not seek

reelection. It is time to step down. Thanks to Paul for his 6 years of service.

2. Vice Chair Dowling – None
3. Secretary Bowden – None

**B. Committee Reports**

1. Airport Fund Report
  1. Report presented and available
2. Hangar Committee
  1. Julian provided an update on the submitted proposals for hangar development and the selection on one to move forward with.
  2. Request for update
3. Community Engagement
  1. We will attempt to start participating in town events for 2026 but will not be able to start with the Erie Town Fair on May 16<sup>th</sup>
4. Airport Manager
  1. Jason provided update on warranty work in progress and discussed options for supporting unleaded fuel in the future
5. Request for next year budget request for Air Fair will remain the same as last year.
6. Request was made for an advisory board Work Plan. Draft was compiled in the meeting.
7. Advisory Board bylaws were requested and described.

**7. New Business**

- A. Documentation provided by the HOA regarding the legitimate existence and active status of the Erie AirPark HOA will be entered into public record with the meeting minutes.
- B. Emails from airpark residents will also be entered into the record with the meeting minutes.
- C. Presentation by a representative of the Erie Airpark HOA regarding the proposed fee structure provided to the town council
- D. Vote on motion to rescind the proposed fee structure provided to council. The motion did not pass.
- E. AEDAB Officer elections
  1. Emmet Dowling was elected Chair
  2. Paul Houghtaling was elected Vice Chair
  3. Mike Bowden was elected Secretary

**8. Adjournment at 9:15 PM**

Next regular meeting – Thursday, July 13, 2026

## Airport Fund 2026 Q2 Report (6/9)

Description	Budget		Actuals	
Beginning Unrestricted Net Position	\$	168,400.64	\$	168,400.64
<b>Revenues:</b>				
<b>Total Operating Revenue</b>	<b>\$</b>	<b>(180,848.00)</b>	<b>\$</b>	<b>(31,438.00)</b>
Miscellaneous Income	\$	(69,707.00)	\$	-
Lease/Rental Income	\$	(54,306.00)	\$	(6,310.00)
FBO Fees	\$	(42,660.00)	\$	(17,500.00)
Aviation Gas Taxes - Colorado	\$	(8,400.00)	\$	(2,322.38)
Fuel Flowage Fees	\$	(5,250.00)	\$	(2,141.34)
Investment Income - Pooled	\$	(525.00)	\$	(3,085.08)
Investment FVA - Pooled	\$	-	\$	(79.20)
Crossing License	\$	-	\$	-
<b>Total Capital Grant Revenue</b>	<b>\$</b>	<b>(987,261.00)</b>	<b>\$</b>	<b>-</b>
Pavement Maintenance	\$	(549,808.00)	\$	-
Vault Building	\$	(437,453.00)	\$	-
<b>Total Revenue/Sources</b>	<b>\$</b>	<b>(1,168,109.00)</b>	<b>\$</b>	<b>(31,438.00)</b>
<b>Expenditures:</b>				
<b>Total Operating Expenditures</b>	<b>\$</b>	<b>404,635.17</b>	<b>\$</b>	<b>109,088.52</b>
Airport Manager Contract	\$	247,200.00	\$	100,000.00
Bldgs/Grounds Maint Services	\$	20,000.00	\$	-
Utilities	\$	35,600.00	\$	9,009.53
Maintenance Contracts	\$	-	\$	-
Consultation Services	\$	22,000.00	\$	-
Indirect Cost Allocation	\$	38,135.17	\$	-
Insurance	\$	36,500.00	\$	-
Tools & Equipment	\$	-	\$	-
Legal Services	\$	3,500.00	\$	-
Membership Dues	\$	-	\$	-
Advertising & Publishing	\$	-	\$	-
Travel & Conferences	\$	-	\$	-
Bldgs/Grounds Maint Supplies	\$	1,500.00	\$	-
Printing & Copy Services	\$	-	\$	-
Permits, Licenses & Other Fees	\$	200.00	\$	70.00
Postage	\$	-	\$	-
Bank Charges	\$	-	\$	8.99
<b>Total Capital Expenditures</b>	<b>\$</b>	<b>1,075,605.00</b>	<b>\$</b>	<b>24,919.00</b>
Construction - Pavement Maintenance	\$	589,547.00	\$	-
Construction - Vault Building	\$	486,058.00	\$	24,919.00
<b>Total Expenditures</b>	<b>\$</b>	<b>1,480,240.17</b>	<b>\$</b>	<b>134,007.52</b>
<b>Net Position (before Transfer)</b>	<b>\$</b>	<b>(143,730.53)</b>	<b>\$</b>	<b>65,831.12</b>
<b>Town General Fund Transfer</b>	<b>\$</b>	<b>190,000.00</b>	<b>\$</b>	<b>190,000.00</b>
Ending Unrestricted Net Position	\$	46,269.47	\$	255,831.12

### **Revenues & Expenses**

<b><u>2025</u></b>	<b><u>Airport</u></b>
Beginning Balance	\$ 4,876,393.82
Revenues	\$ 175,699.83
O&M Expenses	\$ 336,352.96
Capital Expenses	\$ 265,316.05
Transfers	\$ 212,989.00
Net Change	\$ (212,980.18)
<b>Net Fund Balance</b>	<b>\$ 4,663,413.64</b>

### **Assets & Liabilities**

<b><u>2025</u></b>	<b><u>Airport</u></b>
<b>Assets:</b>	<b>\$ 4,717,381.15</b>
Cash	\$ 209,485.92
Receivables	\$ 12,777.17
Capital	\$ 4,495,013.06
Prepaid Expenses	\$ 105.00
<b>Liabilities:</b>	<b>\$ 53,967.51</b>
GF Loan	\$ -
Accounts Payable	\$ 53,967.51
Retainage Payable	\$ -
Deferred inflow	\$ -
Long Term Debt	\$ -
<b>Net Fund Balance</b>	<b>\$ 4,663,413.64</b>
<b>Net Investment in Capital Assets</b>	<b>\$ 4,495,013.06</b>
<b>Unrestricted Net Position</b>	<b>\$ 168,400.58</b>

**From:** [Braun Mincher](#)  
**To:** [Jennifer Webb](#); [members](#)  
**Cc:** [Council Mail](#); [Town Clerk](#); [amclean@erieco.gov](mailto:amclean@erieco.gov); [Emmett Dowling](#); [Kevin Cain](#); [Paul Houghtaling](#); [Lyle Martin](#); [Michael Bowden](#); [Julian Jacquin](#); [David Pasic](#)  
**Subject:** Supplemental Comments for June 18 AEDAB Meeting – Resident TTF Fee Recommendation, Public Record, and Community Engagement (TTF Fee Proposal #2026-119)  
**Date:** Monday, June 15, 2026 5:08:58 PM  
**Attachments:** [2956 A Airport Economic Development Advisory Board 26-06-18 Meeting Agenda.pdf](#)  
[Erie Airport TTF Increased Fee Proposal #2026-119 – Request for Legal, Financial, and Procedural Clarity Before Advancement-20260217.pdf](#)  
[Erie Airport TTF Increased Fee Proposal #2026-119 – Follow-Up Email Re Defecit Clarification-20260403.pdf](#)  
[Presentation from Town Staff-Erie Municipal Airport-20260217.pdf](#)  
[1987 Easement White Paper - Frasca Law Firm Opinion-2012.pdf](#)

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**External Email:** Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Chair and Members of the Airport Economic Development Advisory Board,

I am writing in advance of the June 18, 2026 AEDAB meeting regarding the continued discussion of the Erie Municipal Airport / Erie Air Park through-the-fence fee proposal and related agenda items.

I am submitting these comments in my individual capacity as an Erie Air Park homeowner, aircraft owner, pilot, and directly affected stakeholder. I am not writing on behalf of the organization styled as the Erie Air Park HOA, the Erie Air Park homeowner group, or any other organization.

**Please include this correspondence, together with the attached prior correspondence and supporting materials, in the June 18 AEDAB meeting packet if feasible, and in any event in the permanent meeting record and minutes for the June 18 meeting. I also respectfully request that the minutes reflect receipt of this written submission and identify the attached materials as part of the record. If this submission cannot be included in the packet before the meeting, I respectfully request that it still be circulated to AEDAB members before discussion of the resident TTF fee agenda items, if feasible, and preserved as written public comment for the June 18 meeting.**

I am copying the Town Clerk, Town Council, Town staff, and the Erie Air Park homeowner Google Group so that the same comments are available to AEDAB, the affected neighborhood, and the broader public record.

I appreciate that the published June 18 agenda includes several important items, including the agenda item described as the Airpark HOA presentation, Jennifer Webb's motion to rescind the resident TTF fee recommendation, the 2027 budget request, the annual presentation to Town Council, the draft AEDAB bylaws, and the 2027/2028 work plan. Because these items are interrelated, I respectfully offer the following supplemental comments.

By way of background, I previously submitted detailed correspondence to the Mayor, Town Council, Town staff, and AEDAB members on February 17, 2026, raising legal, financial, FAA, property-rights, and procedural concerns regarding the proposed TTF fee restructuring. I also submitted an April 3, 2026 follow-up regarding the apparent difference between the previously referenced \$272,677 airport deficit figure and the materially lower recurring General Fund subsidy figure later discussed publicly. In addition, I submitted written comments in April through the Erie Air Park homeowner Google Group thread after Ms.

Webb invited homeowner input regarding AEDAB's request for an HOA presentation.

*This email is intended to consolidate those prior public-record concerns, supplement the record in advance of the June 18 AEDAB meeting, and request that these issues be affirmatively reflected in the Board's minutes and permanent record.*

First, I support AEDAB's review of Ms. Webb's motion to rescind the resident TTF fee recommendation, or at minimum to withdraw or defer that portion of the prior recommendation until the Town has completed a clearer legal, financial, FAA, and procedural review.

As stated in my prior correspondence, I do not oppose a financially sustainable airport or fair, lawful, and properly documented user fees. I support Erie Municipal Airport and want it to remain successful. My concern is that the resident TTF fee proposal appears to have advanced before several threshold issues were resolved, including:

1. the actual airport funding target the Town is trying to meet;
2. whether the claimed deficit is a recurring operating shortfall, a broader enterprise accounting number, a capital-related figure, or something else;
3. how future hangar development revenue, ground leases, fuel flowage, FBO revenue, and other airport revenue streams are being incorporated;
4. whether property-tax-supported costs are being separated from enterprise-specific airport costs;
5. whether affected residential properties have been accurately identified and categorized;
6. whether comparable on-airport users have been identified for FAA-consistency purposes;
7. how existing recorded easement rights are being evaluated;
8. whether the 1987 Easement has been analyzed through a current legal opinion;
9. what legal authority and governance structure would support any future taxiway or property-owners association;
10. how any fee would actually be billed, collected, disputed, enforced, and administered; and
11. whether affected homeowners have received adequate direct notice and opportunity to be heard.

Second, I respectfully request that the Board be careful not to treat the Airpark HOA presentation as a substitute for direct homeowner input.

To avoid misunderstanding, I use "HOA" only as shorthand for the voluntary or informal organization commonly referred to as the "Erie Air Park HOA." To my knowledge, that entity is not a mandatory Colorado Common Interest Ownership Act homeowner's association with any authority to bind all Erie Air Park property owners on matters involving individual property rights, easement rights, airport access, municipal fee obligations, or potential future taxiway governance.

I appreciate any neighbor or community representative who is willing to engage with AEDAB and the Town. However, that organization does not speak for me, and I do not believe it should be treated as the sole or binding representative of Erie Air Park property owners on matters affecting individual rights or obligations. Nor should it be treated as an authorized agent for all affected property owners absent clear evidence that those owners have expressly granted it that authority.

I appreciate that Ms. Webb previously posted to the Erie Air Park homeowner Google Group inviting homeowner input regarding AEDAB's invitation for an HOA presentation. I also responded in that same thread and copied AEDAB, Town Council, Town staff, and other stakeholders with written comments for the Board's consideration.

That said, the Google Group outreach appears to have had limited reach, and I am not aware of any broader follow-up outreach to affected record owners in advance of the June 18 meeting. Given the significance of the issues being discussed, including residential TTF fees, recorded access rights, potential airport funding assumptions, future budget planning, and future work-plan priorities, I respectfully suggest that AEDAB and the Town not rely solely on Google Group or informal organization-channel communications or an HOA presentation as a substitute for direct notice and meaningful input from affected homeowners.

I also respectfully request that the June 18 meeting record reflect receipt of my April written comments, my prior February 17 and April 3 correspondence, and this supplemental submission, and that these materials be preserved as part of the public record for the resident TTF fee discussion.

Third, the 2012 White Paper now attached to the June 18 agenda reinforces the need for caution. That White Paper addresses historical Erie Air Park through-the-fence easement issues and concludes that *the easement remains significant*. Whether or not the Town agrees with every conclusion in that document, its inclusion on the agenda confirms that legal uncertainty remains part of the discussion. AEDAB should not treat that uncertainty as resolved unless and until the Town obtains and publicly discloses a current legal analysis addressing the 1987 Easement, the affected properties, and the Town's authority to impose new or restructured residential access charges.

Fourth, I continue to believe the Town should first define the airport funding target before debating fee mechanics. The February 17 airport presentation referenced a current annual net impact of approximately \$272,677, while later public discussion suggested a materially different recurring General Fund subsidy figure. **That distinction matters.** A fee structure cannot be evaluated fairly unless the Board and the public know what amount is actually being recovered, why that amount is needed, and which costs are included.

Before AEDAB makes or renews any fee recommendation, I respectfully suggest that it request a written staff reconciliation showing:

1. recurring airport operating expenses;
2. recurring airport operating revenues;
3. capital expenses and grant-match obligations separately stated;
4. administrative overhead and indirect Town costs separately stated;
5. any General Fund transfers or interfund amounts separately stated;
6. existing revenue from on-airport tenants, hangars, tie-downs, fuel flowage, FBO operations, commercial users, and residential TTF users;
7. anticipated future revenues from hangar development or related airport projects; and
8. the specific annual revenue target any new fee structure is intended to achieve.

Fifth, the proposed structure should be evaluated under a transparent cost-of-service and comparability framework. If the Town believes residential TTF users should contribute to airport costs, the Town should clearly identify what costs are being recovered from those users, how those costs were calculated, and how those charges compare to similarly situated

on-airport users.

That analysis should account for distinctions among affected properties. Direct runway/taxiway lots, inland deeded-access lots, vacant lots, homes with hangars, homes without aircraft, active aircraft users, and non-aircraft-owning access properties may not all be similarly situated. If they are treated the same, the Town should explain why. *If they are treated differently, the Town should explain the basis for those classifications.*

Sixth, the proposal should account for property taxes and avoid double recovery. Erie Air Park homeowners already pay property taxes, a portion of which supports the Town. To the extent airport-related administrative, public-safety, infrastructure, or overhead costs are already supported by general revenues, the Town should clearly explain how any new access fee avoids duplicative recovery.

Seventh, the Town should reconcile the affected-property count. Prior materials appear to reference a limited number of residential TTF properties, but my review of plats, easements, and Air Park lot configurations suggests the access-property universe may be more complex. If access-based fees are being structured around property counts, those counts should be documented, publicly verified, and tied to the applicable recorded property rights.

Eighth, the consultant concept of a residential taxiway or property-owners association requires careful legal and practical review. Publicly available prior airport planning materials appear to contemplate a structure under which residential Air Park properties might form an association to collect TTF fees and remit a single payment to the Town. While that may have been intended as an administrative simplification, it raises threshold questions:

1. Who would create the association?
2. Who would be required to participate?
3. What legal authority would compel participation?
4. Would the entity be voluntary or mandatory?
5. How would directors be selected?
6. What authority would the Town retain?
7. What statutory framework would govern the entity?
8. What enforcement rights would exist if a property owner refused to pay?
9. How would existing easements and private taxiway obligations be handled?
10. Would such an entity create new CCIOA, municipal-authority, or property-rights issues?

Those questions should be resolved before any recommendation assumes that a homeowner or taxiway association is a workable collection or governance mechanism.

Ninth, I urge AEDAB and the Town to avoid any fee methodology that relies on ADS-B or similar flight-tracking data to impose landing fees, touch-and-go fees, or airspace-radius-based charges.

ADS-B is fundamentally a safety and situational-awareness technology. Using it as an automated billing platform raises separate legal, policy, privacy, implementation, and public-trust concerns that should not be casually folded into the residential TTF discussion. **Any proposal using ADS-B, flight-tracking data, or automated aircraft movement data for billing should receive separate legal, policy, FAA, and public review before being considered.**

That does not mean the Town cannot consider fair and reasonable airport fees. It means that ADS-B-based billing should be treated as a separate and highly sensitive policy issue.

Tenth, if AEDAB discusses the 2027 budget request, I respectfully request that any assumed revenue from new or increased residential TTF fees be separately identified as provisional and not treated as adopted policy. Budget planning should not create pressure to adopt a fee structure before the legal, financial, FAA, and procedural issues are resolved.

Eleventh, if AEDAB prepares its annual presentation to Town Council, I respectfully request that the presentation include not only the Board's prior recommendation, but also the unresolved resident concerns that have been raised in writing. Council should be advised that the resident TTF recommendation remains disputed and that affected homeowners have raised issues regarding easement rights, FAA compliance, cost-of-service methodology, access-property counts, HOA representation, public outreach, property-tax overlap, enforcement mechanics, and fee administration.

Twelfth, as AEDAB reviews its draft bylaws and 2027/2028 work plan, I encourage the Board to include a **formal community engagement process** for airport matters affecting Erie Air Park residents and other affected stakeholders. At minimum, that process should include:

1. direct written notice to affected property owners before recommendations affecting access rights or fees are advanced;
2. a clear written-comment procedure;
3. remote or hybrid participation options where feasible;
4. a process for acknowledging written submissions in meeting minutes;
5. public posting of materials sufficiently in advance of meetings;
6. coordination with the Town Clerk to preserve the administrative record; and
7. a standing work-plan item for residential TTF access, airport-neighborhood relations, taxiway coordination, and FAA compliance.

Finally, I am unable to attend the June 18 meeting in person. As I have noted before, it is unfortunate that AEDAB meetings appear to remain in-person only, without a practical remote participation option. These issues directly affect many homeowners, pilots, and property owners, and a remote or hybrid option would likely increase participation by residents who cannot attend in person on a weekday evening. I encourage AEDAB to consider remote participation, written comment procedures, and broader outreach as part of its bylaws, work plan, and community engagement efforts.

Erie Municipal Airport and Erie Air Park have a long and unusual relationship. Residential and commercial through-the-fence access is not an incidental issue at this airport; it is one of the defining features of the airport's history, planning, and long-term relationship with the surrounding neighborhood. That relationship deserves a deliberate, transparent, and legally defensible process.

I respectfully request that AEDAB rescind or defer the resident TTF fee recommendation unless and until the Town has completed the necessary legal, financial, FAA, and procedural work; broaden resident outreach beyond the HOA presentation; avoid treating any voluntary Air Park organization as the binding representative of all affected property owners; and ensure that all written stakeholder submissions are preserved in the public record.

Respectfully,

Braun A. Mincher  
2520 Cessna Drive  
Erie, Colorado 80516  
Office: (970) 212-7201  
E-Fax: (970) 224-4999  
Email: [Braun@BraunMincher.com](mailto:Braun@BraunMincher.com)

Attachments:

1. February 17, 2026 correspondence regarding Erie Airport TTF Increased Fee Proposal #2026-119
2. April 3, 2026 follow-up regarding airport deficit clarification
3. April 22, 2026 homeowner / AEDAB correspondence regarding TTF fee issues (Below)
4. February 17, 2026 Town airport presentation materials
5. 2012 Frasca legal opinion / White Paper regarding Erie Air Park through-the-fence access

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**From:** Braun Mincher

**Sent:** Wednesday, April 22, 2026 6:39 AM

**To:** 'Jennifer Webb' <jwebb@erieco.gov>; members <members@eahoa.org>

**Cc:** Council Mail <council@erieco.gov>; Townclerk@erieco.gov; 'amclean@erieco.gov' <amclean@erieco.gov>; 'Emmett Dowling' <edowling@erieco.gov>; 'kcain@erieco.gov' <kcain@erieco.gov>; Paul Houghtaling <phoughtaling@erieco.gov>; 'lmartin@erieco.gov' <lmartin@erieco.gov>; Michael Bowden <mbowden@erieco.gov>; 'jjacquín@erieco.gov' <jjacquin@erieco.gov>; David Pasic <dpasic@erieco.gov>

**Subject:** AEDAB Topics Relevant to Erie Air Park Homeowners – Request for Inclusion in Record (TTF Fee Proposal #2026-119)

Dear Ms. Webb and Members of the Airport Economic Development Advisory Board,

Thank you for Ms. Webb's email yesterday, included below, regarding AEDAB's invitation for community input. In light of that invitation, I am providing the following input directly for the Board's consideration.

I am writing as an Erie Air Park property owner and directly impacted stakeholder regarding the proposed through-the-fence ("TTF") fee structure currently under consideration by the Town.

This correspondence is intended to (i) consolidate prior input previously provided to the Town and AEDAB, (ii) incorporate observations based on recent Board discussions, and (iii) respectfully request that this submission be included in the AEDAB meeting packet and entered into the official administrative record as the process moves forward.

I am copying the Town Clerk as well, with the request that this submission be included in the Town's official administrative record relating to the proposed TTF fee structure.

**I recognize that AEDAB's role is advisory and that final policy decisions, if any, will ultimately rest with Town Council.**

For reference, I previously submitted detailed communications to the Town on February 17, 2026 and April 3, 2026 outlining legal, financial, and procedural considerations associated with the proposal. For convenience, I am attaching copies here again, along with a copy of the Airport Update Presentation made by Town staff on February 17, 2026.

### **Independence of Submission**

This submission is provided independently for direct consideration by AEDAB and is not conveyed through or limited by any homeowners association representation.

### **Additional Material for Awareness (Attached)**

For completeness of the record, I am attaching a memorandum that was recently circulated by an anonymous sender under the name “Erie Taxpayers.”

I do not have any knowledge of the author’s identity, and I am not in a position to verify or adopt the specific claims or conclusions contained in that memorandum. *However, given that it has been broadly distributed to Town officials and stakeholders and appears to reflect a detailed review of the issue, I wanted to ensure the Board is aware of it and has access to it.*

My comments below are independent of that memorandum and are based on my own review of publicly available materials and AEDAB discussions. I am not coordinating with or submitting this correspondence in concert with the sender.

### **Prior Materials Already Before the Board**

As reflected in AEDAB materials, a legal white paper addressing Erie Air Park easement rights has already been provided to the Board. That material raises significant issues, including:

- Enforceability of existing easement rights
- Potential constitutional implications
- FAA-related considerations tied to TTF access

Given that these issues are already part of the record, clarification as to how they are being incorporated into the evaluation of the proposed fee structure would be helpful.

### **Clarifications Based on April 16 AEDAB Discussion**

Based on the [April 16 AEDAB meeting](#), several points appear directly relevant:

- Concerns regarding potential litigation risk and FAA compliance exposure
- Discussion of whether the recommendation should be reconsidered or modified as it applies to Airpark residents
- Acknowledgment that AEDAB relies on Town staff and legal counsel for analysis
- Recognition that certain legal and policy questions remain unresolved
- Variability in financial assumptions, including differing deficit figures

In light of these statements, clarification as to how these issues are being addressed prior to further advancement of the proposal would be appreciated.

### **Key Issues for Consideration**

Based on both prior correspondence and recent discussion, several areas appear to warrant

Careful evaluation:

### **1. Financial Model Clarity**

- Consistency of deficit figures and underlying assumptions
- Transparency of methodology used to evaluate “revenue neutrality”

Public Town materials, including the February 17, 2026 airport presentation, appear to rely on a specific revenue model and deficit analysis in support of the proposed fee restructuring, which further underscores the importance of transparency regarding assumptions and methodology.

The February 17, 2026 staff presentation reflected a modeled increase in fee and rent revenues from approximately \$141,367 to \$385,129 and a reduction in the stated annual net impact from approximately \$(272,677) to \$(28,915); however, as noted in my April 3, 2026 follow-up correspondence, subsequent public discussion appears to reflect a recurring general fund operating subsidy of approximately \$168,000, which further underscores the importance of transparency regarding the assumptions and methodology underlying the Town’s financial model.

### **2. Legal and Property Rights Considerations**

- Interaction between proposed fees and existing easement rights
- Potential constitutional considerations

### **3. FAA / Grant Assurance Considerations**

- Whether FAA coordination has occurred
- Potential exposure to Part 13 or related compliance concerns

### **4. Equity Across Airport Users**

- Comparative treatment of residential TTF users versus other airport users
- Interaction with property taxes and existing obligations

### **5. Enforcement Framework**

- Legal authority and mechanism if fees are not paid

The same presentation also reflects that new hangar development was already being actively pursued, which reinforces the importance of incorporating reasonably foreseeable hangar-related revenue into any long-term airport financial analysis.

Relatedly, previously circulated consultant materials appear to contemplate a homeowners/property owners association structure for residential TTF properties, which makes clarity regarding any such governance concept especially important.

### **Process Transparency and Accessibility**

In attempting to review publicly available materials, certain [AEDAB resources](#) appear difficult to access, including non-functional links and limited availability of agendas and minutes. Additionally, AEDAB meetings appear to be conducted in person without remote participation options, despite recordings being made available afterward.

Given the significance of the proposed TTF fee structure and its direct impact on a defined group of stakeholders, improved accessibility, whether through clearer materials or

participation options, may support more effective community engagement.

### **Prudence in Advancement of the Proposal**

Given the number of unresolved legal, financial, and procedural questions reflected in both the existing public record and recent AEDAB discussion, it would be prudent for any further advancement of the proposed residential TTF fee structure to await reconciliation of the underlying record and completion of the Town's legal and regulatory review.

### **Requested Actions**

In the interest of supporting a well-informed process, I respectfully request:

1. That this submission, together with the attached memorandum referenced above, be included in the AEDAB meeting packet and entered into the official administrative record for any future Council consideration of this issue;
2. Clarification as to how existing legal materials and recent discussion points are being incorporated into the evaluation; and
3. Availability, to the extent appropriate, of:
  - a. Financial modeling assumptions
  - b. Legal analysis
  - c. FAA coordination status
  - d. Enforcement framework

### **Closing**

I appreciate the time and consideration of AEDAB, Town Council, and staff on these issues. As a local resident and stakeholder, I am available as a resource if helpful and would be glad to provide any supporting materials referenced above.

Thank you for your continued work on this matter.

Respectfully,

Braun Mincher  
2520 Cessna Drive  
[Braun@BraunMincher.com](mailto:Braun@BraunMincher.com)

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**From:** Jennifer Webb <[jwebb@erieco.gov](mailto:jwebb@erieco.gov)>  
**Sent:** Tuesday, April 21, 2026 10:25 AM  
**To:** members <[members@eahoa.org](mailto:members@eahoa.org)>  
**Subject:** AEDAB Topics Relevant to Airpark Homeowners

Dear Erie Airpark Homeowners,

In response to your request, I am providing information that may be of interest to the community.

At the April 16th meeting, the Airport Economic Development Advisory Board

(AEDAB) invited the HOA to deliver a guest presentation at their upcoming meeting. Unlike standard public comment, this format gives the HOA a dedicated platform to have an open, two-way conversation with the Board. Please reach out to the HOA with your input regarding the airport fee structure that was recommended to the Town so the HOA can represent the community accurately. Residents are also welcome to attend the next meeting to offer your own public comment.

For more context, interested parties can view the archived video of the April 16th AEDAB meeting: [https://erie.granicus.com/player/clip/3500?view\\_id=16&redirect=true](https://erie.granicus.com/player/clip/3500?view_id=16&redirect=true)

Regards,

Jennifer Webb  
AEDAB

# Erie Municipal Airport Residential Through-the-Fence (RTTF) Fee and Airport Fund Framework

## Consolidated Issues, Legal/Policy Questions, and Recommended Process

*A Counsel-Neutral Working White Paper for Discussion — **Shareable Public Version***

TTF Fee Proposal #2026-119 | Erie Municipal Airport (EIK) | Erie, Colorado

Updated by Braun Mincher on July 7, 2026 at 7:00 am MDT

Purpose and important disclaimer. This consolidated working paper synthesizes public records, Town of Erie code and presentation materials, Erie Municipal Airport planning documents, FAA guidance, recorded property instruments, prior written resident and advisory-board correspondence, and resident-prepared issue analyses concerning the proposed restructuring of residential through-the-fence (TTF) and related airport fees at Erie Municipal Airport. It is prepared for discussion by AEDAB members, Town staff, Town Council, Erie Air Park residents and owner groups, airport users and tenants, and attorneys advising the Town or residents.

This paper is not legal advice, does not assume the proposed fee is unlawful, and does not assume the proposed fee is appropriate or ready for adoption. It treats the proposal as a governance, finance, FAA-compliance, municipal-law, airport-policy, and stakeholder-process problem, and its purpose is to identify what should be clarified and documented before any residential TTF or access-fee structure is advanced. Statements drawn from informal stakeholder communications are identified as resident or stakeholder understanding and framed as points requiring confirmation; legal conclusions are deliberately not reached and are instead framed as questions for the Town Attorney and outside aviation, municipal-finance, and TABOR counsel.

**What this paper is / is not.** It is resident-prepared. It is counsel-neutral. It is not legal advice. It does not oppose all residential TTF fees. It does not endorse the February 2026 proposal. It recommends sequencing: funding target, legal authority, access categories, collection mechanism, FAA/TABOR review, and stakeholder process first — rates second.

**Source-confidence legend.** Statements in this paper are drawn from, and where helpful labeled by, the following source classes, in descending order of independence: (1) confirmed public record (adopted ordinances, resolutions, audited financial statements, published minutes); (2) Town presentation or public meeting material (slides, agenda packets, statements at public meetings); (3) written resident correspondence (dated letters and working papers in the Town's correspondence record); (4) recorded instruments / title documents; (5) anonymous written submissions — requiring confirmation and never treated here as established fact; (6) stakeholder understanding — informal, requiring confirmation; and (7) legal questions for counsel — deliberately left open. Where a statement rests on classes (5) or (6), the text says so.

## Part One — Executive Summary

***The central conclusion of this paper is procedural, not substantive: before fee mechanics are debated further, the Town of Erie should define — publicly and in writing — the airport funding target, the legal authority for each category of charge, the parcel-level access categories, the collection and enforcement mechanism, the FAA compliance framework, and the stakeholder process.*** None of those six foundations is fully in place on the current public record, and each one materially affects whether any residential TTF fee is lawful, fair, collectible, and durable.

### Where things stand (July 2026)

In February 2026, the Airport Economic Development Advisory Board (AEDAB) recommended, and Town staff presented to Town Council (File #2026-119, February 17, 2026), a restructured airport fee schedule. As presented, it would replace the current \$600-per-year residential TTF permit (charged in practice to residents with aircraft) with: a \$0.32-per-square-foot annual charge (with an \$800 minimum) for residential properties with access and a hangar; a flat \$800 per year for residential properties with access but no hangar; a new \$800-per-aircraft annual base fee; a commercial TTF rate increase from \$0.25 to \$0.32 per square foot; and roughly doubled tie-down, port-a-port, and fuel-flowage charges. Staff modeling showed total fee and rent revenue rising from approximately \$141,367 to \$385,129 and the stated annual net impact improving from approximately \$(272,677) to \$(28,915) against expenses of \$422,969.

Council received the presentation, and no ordinance has been introduced; legal and financial review appears from the current record to be continuing. Per the Council liaison's written statement read at the June 18, 2026 AEDAB meeting, the Town has retained an airport attorney working with its regular attorneys to review the deeded-access and fee-structure issues before any Council vote; the current status and scope of that review are points requiring Town confirmation. At the June 18, 2026 AEDAB meeting, a representative of the Erie Air Park homeowner organization presented a formal request that AEDAB rescind its recommendation; a board member's motion to rescind the resident TTF portion failed for lack of a second. The recommendation therefore remains before the Town. That pause is an opportunity: the open questions cataloged in this paper can be answered in an orderly way before any Council action, at lower cost than answering them afterward.

### The six unresolved foundations

1. **The funding target is not reconciled.** Public figures for the airport's shortfall range from approximately \$168,000 (the recurring General Fund operating subsidy stated publicly by the Finance Director in April 2026, per written resident correspondence of April 3, 2026) to approximately \$272,677 (the February 2026 staff presentation, on a blended basis), alongside an actual 2025 transfer of \$212,989, a budgeted 2026 transfer of \$190,000 (June 18, 2026 AEDAB reconciliation materials), and a working target of roughly \$250,000 referenced in stakeholder discussion. These figures measure different things — operating gap, liquidity restoration, budget transfers, and blended enterprise results — and no single published reconciliation ties them together (detail in Section 3). This should be resolved before the Town relies on any figure: a fee cannot be sized, judged, or defended against a target that has not been fixed.
2. **The legal authority for each charge category is unconfirmed.** Erie Municipal Code Section 2-7-1 authorizes residential access permits for residents “seeking ground access” and ties the residential fee to the on-airport tiedown rate; whether it authorizes a mandatory charge on

properties with dormant or merely deeded access, or a per-aircraft base fee layered on other charges, is an open question of code interpretation. Colorado fee-versus-tax doctrine (TABOR), the unresolved 1987 Easement Agreement (with its CPI-adjusted fee cap and a contrary 2012 legal opinion), fee-silent recorded taxiway easements, and the absence of a published cost-of-service analysis all bear on defensibility and remain unaddressed on the public record.

3. **The fee universe (access categories) has not been mapped.** Counts of affected properties differ materially across sources: the 2023 consultant report used 55 TTF-access homes; the February 2026 staff model used 33 residential-with-aircraft plus 22 with-access-without-hangar properties; written resident analysis counts approximately 128 platted lots with approximately 93 holding access by frontage or deeded easement. No Town-published, title-verified, parcel-level access map exists. Until it does, the rate base, revenue projections, and fairness analysis are all unstable.
4. **The collection and enforcement mechanism is undefined.** The 2023 consultant concept — a mandatory homeowners/taxiway association remitting one annual check, with airpark-wide access termination for nonpayment — conflicts with the existing Airpark association's governing documents (which prohibit dues and disclaim easement authority), raises CCIOA, due-process, and FAA sponsor-control questions, and has no identified legal pathway. A Town-administered permit and recorded-access-agreement framework under Chapter 7 appears more workable but requires drafting, notice, default, and appeal procedures that do not yet exist.
5. **The FAA compliance framework has not been documented.** FAA guidance supports charging TTF users no less than comparable on-airport users, and 49 U.S.C. § 47107(s) prescribes minimum terms for residential TTF access agreements. But federal law does not mandate this particular fee structure, does not require the airport to be revenue-positive each year (Grant Assurance 24 requires only that the airport be “as self-sustaining as possible” under its circumstances), and requires that aeronautical fees be reasonable, transparent, and not unjustly discriminatory. Layered base-plus-hangar-square-footage-plus-access charges, and any charge on non-users, need documented comparability and cost rationales — and, prudently, FAA coordination — before adoption. Written submissions have also raised revenue-use questions tied to the characterization of a \$240,000 General Fund transfer (Section 3.4); whatever their merits, this creates avoidable risk if not clarified before adoption, and a clean written reconciliation would reduce the likelihood of later dispute.
6. **The stakeholder process has relied on channels that do not appear able to bind or reach all owners.** Notice to date has flowed largely through an informal homeowner [Google Group](#), a contested homeowner organization with limited formal authority, and standard meeting postings. On its own governing documents and public statements, the association appears unable to bind owners or administer easements, and residents report that many owners of record are not on the email list. Direct, parcel-level notice to owners of record, accessible financial documents, published Q&A, and written-comment opportunities are needed before any recommendation is finalized.

## Recommended path in brief

Section 9 of the master paper details a ten-step staged process: (A) publish a reconciled airport funding target; (B) publish a title-verified legal/access-category matrix; (C) publish the financial model and assumptions; (D) conduct structured stakeholder Q&A; (E) obtain and disclose FAA and legal review, including a current opinion on the 1987 Easement; (F) model alternatives (revenue and cost measures beyond residential TTF fees); (G) present phased options; (H) gather written input from owners of record; (I) only then have AEDAB make or renew a recommendation; and (J) take

Council action only after the record is complete. This sequence is designed to save time and legal expense, reduce litigation and FAA-compliance risk, and give the Town a defensible foundation for whatever fee structure — if any — it ultimately adopts.

**What this paper does not conclude.** This paper does not conclude that residential TTF fees are unlawful, that the airport should be subsidized indefinitely, or that residents owe nothing. Reasonable, comparable, cost-based access fees on actual airport ground access appear supported by FAA policy and Erie’s own code, subject to counsel review. Nor does it conclude that the February proposal is lawful or ready. It concludes only that the sequence matters: authority, target, categories, mechanism, compliance, and process first; rates second.

## Part Two — Master White Paper

### Section 2. Background and Timeline

#### 2.1 Erie Municipal Airport and Erie Air Park

Erie Municipal Airport (EIK) is a public-use general aviation airport owned and operated by the Town of Erie as airport sponsor. Erie Air Park is the adjacent residential subdivision — one of the oldest neighborhoods in Erie — developed beginning in the late 1970s around the airport when the airfield was privately owned. The neighborhood contains approximately 128 platted residential lots (per written resident analysis of recorded plats and GIS data); a smaller subset of lots directly abut the runway/taxiway system, and a larger group of inland lots hold recorded taxiway easement rights. Stakeholder understanding places roughly 30 properties with direct taxiway access and roughly 55 additional properties with deeded or easement-based access, but those counts have not been Town-verified and differ from the counts used in Town presentation materials — a discrepancy addressed throughout this paper.

Aircraft ground access between the Air Park and the airfield is the classic “residential through-the-fence” (RTTF) arrangement: private homes and hangars on private land, connected to a federally obligated public airport by private taxiways and recorded easements. The 2016 Erie Municipal Airport Master Plan identifies TTF access as one of EIK’s defining features. Nationally, RTTF arrangements are uncommon and are governed by a specific federal framework (49 U.S.C. § 47107(s); FAA Order 5190.6C; FAA Compliance Guidance Letter 2021-03) discussed in Section 4.

#### 2.2 Recorded access instruments

Several categories of recorded instruments bear on which properties hold access rights and on what terms. The descriptions below reflect the recorded documents and written resident summaries of them; parcel-specific confirmation through title work is a recurring recommendation of this paper.

- **1981 Master Taxiway Easement (Reception No. 1877289, recorded December 18, 1981).** A recorded taxiway easement expressly benefiting identified Air Park lots (including inland lots), stated to run with the land for present and future owners. Written resident review indicates it primarily creates access rights and non-interference obligations (no structures or plantings obstructing aircraft passage; taxiing aircraft yield when crossing dedicated streets) and does not reserve an access fee.
- **1987 Easement Agreement (Skies Unlimited, Inc., June 8, 1987).** A recorded agreement described in the 2012 legal memorandum discussed below, and in resident and anonymous written submissions, as granting perpetual, non-exclusive aircraft access to benefited lots, with an annual fee originally set at \$187 and adjustable by CPI (roughly \$540 in 2026 dollars on the calculation presented in written submissions — a figure requiring confirmation), a runway-length condition, and an opt-in clause for later owners. The Town’s working position appears from the current record to be that the agreement is unenforceable — a position the Town should confirm on the public record; a 16-page 2012 memorandum by the Frasca law firm, commissioned on behalf of Air Park owners, concluded the easement remains valid and enforceable, and that memorandum has been included in AEDAB public meeting materials. The prior *Simmons v. Town of Erie* litigation was dismissed on statute-of-limitations grounds without adjudicating the merits. The number of benefited properties is understood by residents to be approximately 15 — a point requiring confirmation through title work.

- **Block-specific taxiway easements (e.g., Reception Nos. 02078170, 2544783–84).** Additional recorded, fee-silent easements identified in anonymous written submissions as running with the land for particular blocks. Easement language varies by lot.
- **1994 “Conditions of Ingress and Egress.”** Described in written submissions as the only Town instrument that ever charged for access before the current Chapter 7 framework; expressly temporary and expired in December 1996. A point requiring confirmation from Town records.
- **Private taxiway corridors.** Many taxiway segments are privately owned or easement-based rather than Town-owned common areas. Prior litigation (a 2021 Weld County case concerning pedestrian use of the recorded Taxi Easement at Reception No. 1753141) resulted in a permanent injunction limiting entry to occupants of actively taxiing aircraft — confirming that these corridors are sensitive private easement areas, not neighborhood common elements, and that access-rights questions are parcel-specific.

### ***2.3 Public ownership and FAA obligations***

The private airport experienced financial difficulty and bankruptcy in the early 1990s; the Town acquired the airport in 1994 with FAA assistance (the 2012 legal memorandum in AEDAB meeting materials states that the FAA aided the purchase; the amount — understood by stakeholders to be roughly \$700,000 of an approximately \$1 million acquisition — is a point requiring confirmation from grant records). Since then, the Town has accepted FAA (and CDOT) grant funding for airfield improvements, making EIK a federally obligated airport subject to the FAA grant assurances, including Grant Assurance 22 (economic nondiscrimination), Grant Assurance 23 (exclusive rights), Grant Assurance 24 (fee and rental structure / self-sustainability), and Grant Assurance 25 (airport revenues). Ordinance 421 (September 12, 1991) created the Airport Fund, with self-supporting, repayment, and discretionary closure language that remains in Section 2-7-2 today (terminology updated by Ordinance 031-2023). Ordinance 03-2010 codified the current Chapter 7 TTF license and permit framework.

### ***2.4 Fee history and the 2023 management transition***

The current residential TTF permit fee of \$600 per year, tied by code methodology to the on-airport tiedown rate, has been unchanged for roughly 15 years; written resident analysis of the longer 1994–present history notes earlier periods of steep increases followed by a long freeze. In practice, the fee has been collected from residents who actively base aircraft — the February 2026 staff model counts 33 such properties — rather than from all access-right holders.

For an extended period before 2023, the airport was managed under an earlier arrangement that statements at the June 18, 2026 public AEDAB meeting characterized as revenue-neutral to the Town, spanning roughly 12 years, with annual contributions supporting the Airport Fund; those characterizations, including any specific dollar amounts, have not been documented in published records reviewed for this paper and are points requiring Town confirmation. Following a consultant review, the Town entered a compensated airport management agreement (Resolution 23-156, November 2, 2023; approximately \$240,000 per year per written submissions citing the resolution — a figure confirmable from the resolution itself and consistent with public meeting discussion). Airport expenses rose to approximately \$423,000 per year, and the operating gap that motivates the current fee discussion emerged in substantially its present form. Anonymous written submissions assert that the management contract was directly negotiated rather than competitively bid — a characterization requiring Town confirmation or correction on the record, noted here only because it recurs in public discussion and is readily answerable from procurement files.

## **2.5 The 2023 consultant recommendation**

The 2023 Airport Business Solutions (ABS) Strategic Business Plan, FBO Alternatives & Rate Study recommended (at pages 65–66) increasing residential TTF access fees to \$1,000 per homesite annually for all 55 homeowners identified as having TTF access, “regardless of whether it is utilized or not,” on a property-value-premium rationale (analogizing to lakefront or golf-course premiums); requiring those residential properties to form a homeowners/property owners association with an agreement with the Town covering rules, fee obligations, and off-airport taxiway maintenance; having the association remit a single annual check (\$55,000 in Year 1); and preserving the Town's ability to “terminate access for the entire residential airpark if the full \$55,000 annual fee is not paid.” The report also recommended continuing to base commercial TTF fees on the prevailing on-airport unimproved ground rent. The association/collective-payment concept, its property-value rationale, and its all-or-nothing enforcement mechanism are analyzed critically in Sections 4, 5, and 6; they were framed by the consultant primarily as financial and administrative concepts, not as a legal analysis.

## **2.6 February 2026: the recommendation and the first wave of resident concerns**

AEDAB discussed and advanced a restructured fee schedule at its February 12, 2026 meeting (File #2026-135), following roughly six to nine months of board work and, by stakeholder account, a mayoral directive to identify a path to compliance with the Airport Fund ordinance's revenue-neutral language. On February 17, 2026, Town staff presented the recommendation to Town Council (File #2026-119). The presented schedule and revenue model are set out in Section 3.2. The published agenda provided no public-comment opportunity at that special meeting, and the homeowner organization circulated an urgent written notice to members only the day before, stating the board itself had learned of the meeting three days earlier.

On February 17, 2026, an Air Park resident (the preparer of the underlying working papers consolidated here) submitted detailed written comments to the Mayor, Council, and staff requesting deferral until nine items were addressed: a formal legal opinion on the 1987 Easement; a published cost-of-service analysis; incorporation of projected hangar-development revenue; clarification of property-tax-supported costs; reconciliation and public verification of access-property counts (noting the ~93 vs. ~88 discrepancy); enhanced direct notice to owners of record; clarification of the legal authority and governance of any taxiway association; phased implementation; and verification of the deficit calculation. Council directed staff to conduct financial and legal due diligence before any ordinance action.

Beginning February 19, 2026, an anonymous correspondent styled “Erie Taxpayers” began circulating written submissions to Town officials and residents. Anonymous written submissions have raised the following issues requiring confirmation: a Colorado Open Records Act request (PR-2026-50) reported to have returned “no responsive documents” for any promissory note, interfund loan agreement, or amortization schedule supporting characterization of a \$240,000 General Fund–to–Airport Fund transfer as a loan; a notice of intent to file an FAA Part 13 informal complaint alleging unlawful revenue diversion; and later a “documented briefing” and a memorandum for the official record raising audit findings (reported as Findings 2024-003 and 2023-002 in the Town's 2024 audit materials) and the 1987 Easement fee cap. These submissions are anonymous; their claims are not verified in this paper and are not relied on as established facts anywhere in it. They are noted because they are part of the correspondence record before the Town and identify specific documents (the 2024 ACFR interfund-transfer note, the CORA response, Resolution 23-156, the recorded easements) that

the Town can readily confirm or correct; used that way, they function as a question list, not as evidence.

### ***2.7 March–June 2026: reconciliation questions and the June 18 AEDAB meeting***

At the April 2, 2026 State of the Town, the Town Finance Director publicly stated that the General Fund subsidized the airport by approximately \$168,000 in the prior year; written resident correspondence of April 3, 2026 placed that statement on the record and contrasted it with the \$272,677 figure from the February presentation. At its April 16, 2026 meeting, AEDAB discussed litigation and FAA-compliance risk, the variability of deficit figures, and invited a presentation from the homeowner organization; a board member invited homeowner input through the neighborhood [Google Group](#), and written resident comments (April 22, 2026) were submitted for the record.

At the June 18, 2026 AEDAB meeting: (i) a homeowner-organization representative presented a formal demand that AEDAB rescind its February recommendation, supported by a slide deck and a spreadsheet (“Exhibit A”) containing more than 100 questions on accounting, legal, and comparability topics, including the assertion that the Weld County Assessor already reflects a “runway access” attribute in Air Park valuations (raising a claimed double-charge concern); (ii) public commenters raised cost-side review, commercial-versus-residential rate logic, deeded-easement layers, and the 1987 agreement; (iii) a board member moved to rescind the resident TTF portion of the recommendation, and the motion failed for lack of a second; (iv) the Council liaison's written statement, read into the meeting, confirmed that the Town has hired an airport attorney working with the Town's regular attorneys to review the deeded-access and fee-structure issues before any Council vote; and (v) Town finance staff presented an Airport Fund reconciliation showing a 2025 General Fund transfer of \$212,989 made to restore the fund's statutorily required unrestricted net position to approximately \$168,400, and a 2026 budgeted transfer of \$190,000 that staff noted would likely need to increase to maintain required liquidity. The exchange was at times adversarial; a June 23, 2026 written resident follow-up urged a return to a constructive, fact-based process and cautioned that no single presentation or speaker represents all Air Park homeowners.

### ***2.8 Late June 2026 resident working papers; current status***

On June 25–26, 2026, the resident preparer circulated three written working papers to AEDAB, Council, and staff: (1) a Chapter 7 / Airport Fund analysis (ordinance-versus-Grant-Assurance-24 comparison, access categories, funding-target framing); (2) a TABOR supplemental issue note (fee-versus-tax framework, category risk tiers, enterprise/revenue-limit questions); and (3) a collection/enforcement and association-authority analysis (concluding the existing Airpark association's governing documents — which prohibit dues, permit only voluntary fundraising, disclaim easement authority, and were structured to avoid CCIOA — make it an unsuitable fee-collection vehicle, and recommending a Town-administered permit/recorded-agreement framework). Those papers are incorporated into and superseded by this consolidated document.

As of July 2026: the AEDAB recommendation stands; the Town's outside aviation counsel and financial review are ongoing; no ordinance has been introduced; the homeowner organization opposes the recommendation as presented; the hangar-development process is proceeding (per the February 17, 2026 staff presentation, the RFP posted January 9 drew four responses by the February 6 deadline, with staff planning to recommend a preferred partner to Council in executive session; current selection, ground-lease, and projected-revenue status should be confirmed in the public record, given their implications for the financial model); and residents continue to submit written questions. Stakeholder understanding is that the overall process is expected to continue well into the

coming year, with multiple opportunities for engagement before Council action — an expectation the Town could usefully confirm by publishing a process timeline.

## Section 3. What Problem Is the Town Trying to Solve?

### 3.1 Why the target must come first

Every downstream judgment — legal defensibility, FAA comparability, fairness across categories, the choice between fee revenue and cost measures, and the political sustainability of any structure — depends on what number the Town is trying to reach and what that number is made of. On the current public record, at least five distinct figures are circulating, each measuring something different:

Figure	Source (public/written)	What it appears to measure
≈ \$272,677	Feb. 17, 2026 staff presentation	Stated current annual net impact: \$150,292 total revenues against \$422,969 expenses, on a blended presentation. Written resident comments (Feb. 17, 2026) note that the underlying August 5, 2025 presentation blended operating items, capital expenditures, transfers, contract offsets, and fund-balance use, so this figure may not isolate a recurring operating deficit.
≈ \$168,000	Finance Director statement, Apr. 2, 2026 State of the Town (memorialized in Apr. 3, 2026 written resident correspondence)	Prior-year recurring General Fund operating subsidy to the airport.
\$212,989	Airport Fund reconciliation presented at the June 18, 2026 AEDAB meeting	Actual 2025 General Fund transfer, sized to restore the Airport Fund's unrestricted net position to the statutorily required liquidity level (≈ \$168,400) at year-end 2025.
\$190,000	2026 budget, per the same reconciliation materials	Budgeted 2026 transfer; staff noted at the June 18 meeting that this will likely need to increase to keep year-end unrestricted net position above the statutory floor.
≈ \$250,000	Stakeholder understanding of the working target given to AEDAB	Round-number cost-recovery goal referenced in board and neighborhood discussion; not tied on the public record to a specific reconciliation.

These are not contradictions so much as different accounting lenses — but until the Town publishes a single reconciliation explaining how they relate, every fee debate is anchored to a moving number. A structure that recovers \$244,000 (the February model's revenue increase) against a true recurring need of \$168,000 over-collects by roughly \$75,000 a year without a stated airport purpose; a structure sized to \$168,000 against a true need of \$272,000 under-solves the stated problem. Written resident comments have made this point repeatedly since February, and the June 18 finance presentation was a constructive first step toward answering it.

### 3.2 The proposed fee schedule and revenue model

For reference, the February 17, 2026 presentation set out the following schedule (current versus proposed) and modeled revenues:

Fee / rent item	Current	Proposed
TTF – Residential w/ plane	\$600 / yr	(category eliminated; replaced by categories below plus base fee)
TTF – Residential w/ access & hangar	—	\$0.32 / sq ft annually, \$800 minimum

Fee / rent item	Current	Proposed
TTF – Residential w/ access, no hangar	—	\$800 / yr flat
Base fee (per aircraft)	—	\$800 per plane annually
TTF – Commercial	\$0.25 / sq ft	\$0.32 / sq ft
Small / large port-a-port	\$50 / \$60 per mo	\$100 / \$125 per mo
Tie-down (nightly / monthly)	\$10 / \$50	\$20 / \$100
Fuel flowage	\$0.07 / gal	\$0.15 / gal
Ground lease (+15%)	—	\$0.32 / sq ft annually, \$800 minimum

The revenue model counted 33 residential-with-plane properties (current revenue \$19,800), and under the proposal, 33 residential access-and-hangar properties (~\$31,680), 22 residential access-without-hangar properties (\$17,600), plus \$148,000 in new per-aircraft base fees across residential and on-airport users, alongside increases to commercial TTF, port-a-port, tie-down, fuel flowage, and facility rents – total fee and rent revenue of \$385,129 versus \$141,367 today, narrowing the stated annual net impact to \$(28,915).

### **3.3 Operating deficit versus capital, transfers, and liquidity**

The reconciliation presented on June 18 clarified an important mechanism: because the Airport Fund is a fund account of the Town (not, on the current record, a TABOR “enterprise” – see Section 4.6), the Town is required by law to keep a minimum unrestricted net position in the fund, and the annual General Fund transfer is sized to hit that liquidity floor, not simply to cover the year's cash operating loss. That is why the 2025 transfer (\$212,989), the liquidity floor (~ \$168,400), the budgeted 2026 transfer (\$190,000), and the stated “deficit” (~ \$272,677 on the blended presentation) can all be simultaneously true and different. The publishable reconciliation the Town needs would separate: (i) recurring operating revenues and expenses (including the ~\$240,000 management contract and other O&M); (ii) capital expenditures and grant matches; (iii) legal/consultant costs attributable to the fee initiative itself (which stakeholders have noted are being charged to the Airport Fund, compounding the gap the fee is meant to close); (iv) indirect Town overhead allocations; and (v) the statutory liquidity mechanics.

### **3.4 The \$240,000 transfer characterization**

A specific reconciliation item deserves separate mention because it has become the subject of federal-compliance questions in written submissions. Anonymous written submissions assert that: the 2024 Annual Comprehensive Financial Report records a \$240,000 General Fund-to-Airport Fund transaction as a non-reciprocal “Transfer In” for “support for airport improvements”; a CORA response (PR-2026-50) found no promissory note, loan agreement, or amortization schedule; and portions of the fee justification have nonetheless described the amount as a repayable obligation. If those factual claims are accurate, FAA revenue-use policy distinguishes sharply between reimbursable, contemporaneously documented sponsor loans and non-reimbursable sponsor contributions, and recovering the latter from newly levied aeronautical fees can constitute revenue diversion under Grant Assurance 25. This paper does not adopt those claims; it recommends that the Town reconcile the characterization in writing – transfer or loan, with the supporting documents or a plain statement that none exist – before any fee rationale relies on repayment. This should be

resolved before the Town relies on the figure; a clean reconciliation is a low-cost step that would reduce the likelihood of later dispute.

### ***3.5 Local ordinance versus federal requirement***

It is important to keep two standards distinct, because public discussion has at times merged them. Erie Municipal Code Section 2-7-2 — a local policy choice dating to 1991 — requires the Airport Fund to be self-supporting, not an encumbrance on other funds, provides that assistance from other funds “will be repaid,” and states that Council “may consider closing the facility” if fiscal balance is not achieved. FAA Grant Assurance 24, by contrast, requires only a fee and rental structure that makes the airport “as self-sustaining as possible under the circumstances existing at that particular airport,” and FAA Order 5190.6C makes clear that reasonableness of aeronautical charges takes precedence over self-sustainability and that cost-based (not market-maximizing) charges satisfy the requirement for aeronautical users. The stricter rule is Erie’s own; it can be amended by Council if it no longer reflects Town policy (for example, to recognize documented community, economic-development, transportation, and emergency-access benefits — the CDOT aviation system study cited in Town materials attributes substantial annual economic impact to EIK, with figures in circulation ranging from roughly \$23 million to \$36 million that should themselves be reconciled). Conversely, the closure sentence should not be treated as a practical off-ramp: EIK is federally obligated, closure would require FAA release and resolution of federal interests, and the sentence’s rhetorical use in fee discussions has been counterproductive. Written resident comments and the homeowner organization’s June 18 presentation both urged that this framing be retired; the recommendation here is more modest — the Town should state clearly which constraints are federal, which are local, and which are policy preferences.

### ***3.6 What should be published***

1. A single reconciled statement of the airport funding target: the recurring operating gap, stated with and without the fee-initiative legal/consultant costs, with capital and liquidity mechanics shown separately.
2. A five-year pro forma incorporating reasonably foreseeable revenue: the pending hangar development (ground lease, rents, fuel flowage), any FBO transaction, commercial TTF normalization (Section 5.7), and fee alternatives.
3. A statement of which costs are enterprise-specific versus supported by general revenues, addressing the double-recovery concern raised by property-tax-paying residents (including the Weld County Assessor “runway access” valuation attribute claim, which the Town can confirm or correct with the Assessor).
4. A written reconciliation of the \$240,000 transfer characterization with supporting documents.
5. The annual revenue target any proposed fee structure is intended to achieve, so proposals can be judged against it.

## Section 4. Legal and Policy Framework

This section identifies the legal frameworks that any residential TTF fee must satisfy, and the open questions under each. It reaches no legal conclusions; the questions are consolidated in the counsel checklist (Part Four).

### 4.1 *Erie Municipal Code Chapter 7*

Section 2-7-1 establishes the Town-administered TTF framework: through-the-fence operations are “activities permitted or licensed by the town to off airport users authorizing ground access”; the Town has no obligation to authorize ground access from adjacent property; each Erie Airpark resident “who wishes to have ground access” must apply for an annual residential access permit; the permit fee “is required of all Erie Airpark residents seeking ground access”; the residential fee methodology is based on the current yearly on-airport aircraft tiedown rate, while the commercial license fee methodology is based on the yearly rate for unimproved on-airport land; the Town retains the sole right to grant ground access and designate access locations and taxiways; permits are subordinate to FAA grant assurances (with unilateral Town amendment/termination rights for compliance); late fees of 12 percent per annum apply; permits transfer, with Town approval, to a subsequent resident at the same address; and unpermitted TTF use is a noncriminal offense.

Three code-interpretation questions follow directly from that text. First, the operative language is framed around residents “seeking” or “wishing to have” ground access — an activity-based permit model — whereas the proposed structure would charge properties “with access” regardless of whether the owner seeks a permit, owns an aircraft, or uses the access. Whether current Chapter 7 authorizes a mandatory charge on dormant access-right holders, or would require amendment, is a threshold question for counsel. Second, the current residential methodology is anchored to the tiedown-rate benchmark; the proposed structure departs from that benchmark (flat \$800, hangar square footage, per-aircraft base fee), and the code's own fee-basis language would need to be amended and the departure explained. Third, the code separates residential and commercial methodologies; the proposal moves residential hangar properties onto a square-footage basis resembling the commercial methodology, which public commenters have criticized as taxing a personal-storage cost center like an income-producing business — a comparability question addressed in Sections 4.3 and 6.

### 4.2 *The Airport Fund ordinance (Section 2-7-2)*

As discussed in Section 3.5, Section 2-7-2's self-supporting, repayment, and closure language is a 1991 local policy choice, stricter than the federal standard. Two counsel questions matter here: whether the current text permits any non-repayable General Fund appropriation (the text says assistance “will be repaid,” which is in tension with the actual practice of transfers recorded as support), and whether Council should amend the ordinance to align with Grant Assurance 24's “as self-sustaining as possible” standard, expressly authorize documented-value support, or both. Options short of amendment (interfund loans, service agreements for documented airport services to other departments, dedication of airport-related revenues) each carry their own documentation requirements.

### 4.3 *FAA grant assurances and TTF guidance*

- **Grant Assurance 24 (fee and rental structure).** Requires a structure making the airport as self-sustaining as possible under its circumstances. FAA Order 5190.6C, Chapter 17, recognizes that not all airports can be fully self-sustaining and directs long-term goals and strategies where

they cannot; for aeronautical users, reasonableness takes precedence, and cost-based charges satisfy the requirement.

- **TTF-specific guidance.** FAA Order 5190.6C, Chapter 12, provides that a sponsor should obtain fair return from off-airport entities with TTF access, with the benchmark that a TTF user should pay no less than the comparable fee paid by on-airport tenants or users making similar use (the on-airport tiedown analogy for a single-engine operator). TTF operators are not protected by the grant assurances the way on-airport aeronautical users are; the sponsor may charge more than the comparable on-airport fee, but not less. For residential TTF at general aviation airports, 49 U.S.C. § 47107(s) requires written access agreements that include, at minimum, access charges comparable to those charged on-airport tenants making similar use; the property owner bearing the cost of access infrastructure; residential/noncommercial use limits; prohibitions on pass-through access from other properties; and a refueling prohibition. FAA Compliance Guidance Letter 2021-03 supplies the review framework for existing and proposed RTTF agreements, including whether the sponsor has an effective program to collect access fees and verify all RTTF users are paying, and contemplates that an association's governing documents can support an agreement only if they actually bind the relevant users.
- **Grant Assurance 22 (economic nondiscrimination).** Aeronautical fees must be reasonable and not unjustly discriminatory, with distinctions grounded in legitimate operational or cost differences. Layered charges (per-aircraft base fee plus hangar square footage plus access) require articulation of what each component funds and how duplication is avoided; square footage used as a proxy for ability to pay rather than cost of service invites challenge. Board discussion in February 2026 itself referenced a large fee increase at a peer Colorado airport that drew a Part 13 complaint — a cautionary comparator.
- **Grant Assurance 25 (airport revenues).** Airport revenue must be used for airport purposes; recovering an undocumented prior sponsor contribution through new aeronautical fees can constitute revenue diversion (Section 3.4). Conversely, revenue collected well in excess of a documented airport need, without a stated airport-purpose use, invites both TABOR and FAA scrutiny.
- **Preservation of rights and powers / sponsor control.** The sponsor must retain control over airport access. This cuts both ways in the current discussion: it supports the Town's sole authority to permit and price ground access (as Chapter 7 provides), and it cautions against delegating fee collection, user verification, or access termination to a private association the sponsor does not control (Sections 4.8 and 2.5).

A final federal point of framing discipline: nothing in this framework requires the Town to impose residential TTF fees at any particular level, or at all. Federal law permits and supports comparable access charges; it does not mandate this proposal. Anonymous written submissions report that FAA regional compliance staff confirmed in writing that the fee is discretionary — a report the Town can easily verify — and in any event the discretionary character means the Town owns the fairness and documentation of the charge and should not attribute it to a federal mandate.

#### **4.4 Colorado fee-versus-tax doctrine and TABOR**

Colorado's Taxpayer's Bill of Rights (Colo. Const. art. X, § 20) requires voter approval for new taxes but not for bona fide user, access, service, or regulatory fees. The governing distinction (*Barber v. Ritter*; *Colorado Union of Taxpayers Foundation v. City of Aspen*; *Bloom v. City of Fort Collins*) turns on the charge's primary purpose and practical operation: a charge is a fee when it defrays the reasonable direct and indirect costs of providing or regulating a service for the class charged and bears a reasonable relationship to those costs; labels are not controlling; exact cost-matching is not

required; and charges on property owners can qualify where reasonably related to access or service infrastructure benefiting the charged class. Issue-spotting only, and subject in every respect to counsel review, the TABOR risk gradient for the current proposal appears to run approximately as follows: lowest for active direct-access users charged a fee benchmarked to comparable on-airport charges; low-to-medium for active deeded-access users; medium for dormant access-right holders charged a full active-user rate (a lower availability/administration fee, or an activation-based permit, being easier to defend); and highest for any blanket charge reaching properties with no legal, physical, or practical access, or any structure publicly framed primarily as closing a revenue gap (“we need \$250,000, so the Air Park must pay”) rather than as cost-based access regulation. The absence of a published cost-of-service study is the single largest fee-characterization vulnerability, and the property-value-premium rationale in the 2023 consultant report (lakefront/golf analogy) is precisely the kind of value-based framing that Colorado case law associates with taxes rather than fees. Separately, even a valid fee generates revenue that counts against TABOR fiscal-year limits unless the Airport Fund qualifies as a TABOR enterprise (a government-owned business with revenue-bond authority receiving under 10% of revenue from state/local grants), the revenue is otherwise exempt, or voter-approved retention applies; the fund’s treatment as an “enterprise fund” for accounting purposes does not answer the constitutional question, and it appears from public meeting discussion in June 2026 that the fund is presently operated as a governmental fund account rather than a TABOR enterprise — a point requiring confirmation. Both questions — fee characterization and revenue-limit treatment — are legal questions for TABOR counsel and should be resolved before adoption.

#### ***4.5 Property tax, special benefit, and user-fee distinctions***

Air Park owners pay property taxes, a portion of which funds the Town’s general government. Residents have raised two related concerns: (i) if general revenues already support airport-related administrative, overhead, or public-safety costs, layering access fees without delineation risks duplicative recovery; and (ii) the claim that the Weld County Assessor’s valuation model already includes a “runway access” attribute, meaning access-benefited properties already pay more in ad valorem taxes on account of the access. Neither concern appears, on its own, to preclude a properly structured access fee — property taxes fund general government, while user fees fund identified services — but the interaction is a question for counsel, and both concerns are answerable with documentation: the Town should identify which airport costs are enterprise-specific versus generally funded, and confirm with the Assessor how access is reflected in valuations. Separately, if the Town’s actual objective for non-user properties is contribution based on property-value benefit rather than access services, a more appropriate legal vehicle may be a special assessment or district mechanism (with its own notice, hearing, benefit-finding, and potentially TABOR-election requirements), subject to counsel review; a value-based objective pursued through a user-fee label is the core concern residents have identified in the flat non-user charge.

#### ***4.6 The 1987 Easement and recorded access instruments***

The 1987 Easement Agreement presents the most concrete legal collision in the record: if valid, it appears to cap access/maintenance charges for its benefited properties at a CPI-adjusted amount (roughly \$540 in 2026 on the calculation in circulation), below the proposed \$800; and recorded fee-silent easements raise the distinct question whether the Town can condition or price access that was conveyed by recorded instrument before the Town acquired the airport in 1994. The Town’s apparent working position — that the 1987 agreement is unenforceable — has never been adjudicated on the merits (the Simmons dismissal was on limitations grounds), should be confirmed on the public record, and is contradicted by a substantial written 2012 legal opinion now included in AEDAB public

meeting materials. The practical point is process, not threat: billing benefited owners at materially increased rates while the validity question is unresolved creates avoidable risk if not clarified before adoption, and resolving the question by opinion letter first is far less costly than resolving it in litigation afterward. The recommendation — made in resident correspondence since February and not yet answered on the public record — is that the Town obtain and disclose a current formal legal opinion addressing: whether the 1987 Easement remains enforceable; which properties are beneficiaries; how it interacts with the 1981 and block-specific easements; and whether, and on what terms, new or restructured access charges are permissible for benefited parcels. If the opinion concludes the agreement is valid, the Town needs a negotiated resolution with the benefited owners; if invalid, the Town needs to say so formally and accept the litigation risk knowingly.

#### ***4.7 Access-rights geography and sponsor access control***

Because many access taxiways are privately owned or easement-based, enforcement questions are physical as well as legal: the Town controls the airport boundary and can condition entry onto airport property, but it cannot simply police private easement corridors, and prior litigation confirms those corridors are not general common areas. Any fee framework must therefore specify, parcel by parcel, the access right, the airport-boundary access location (which Chapter 7 lets the Town designate), the permit or agreement attached to it, and the consequence of nonpayment at the boundary — questions for counsel listed in Part Four.

#### ***4.8 HOA and taxiway-association authority***

Two distinct entities/concepts require separation. First, the existing organization commonly referred to as the Erie Air Park HOA: its status is itself contested in public discussion (at the June 18 meeting, the chair stated he had been told no HOA exists, while a resident countered that the organization is registered, holds elections, and meets monthly). What the governing documents reviewed in the resident working papers show is narrower and more important than the label: the recorded covenants create limited land-use and architectural authority and make the Town, the board, and any lot owner enforcers of the covenants, but contain no assessment article, lien mechanism, or airport-fee authority; the 2009 bylaws state that no dues shall be charged, permit revenue only through voluntary fundraising, cap board spending authority at \$2,000 per project and one-year contracts absent a two-thirds member vote, and direct the board to avoid CCIOA applicability; and the association's own [website](#) states it is neither a party to nor has authority over any easement in the community. Additional written materials (2022 litigation disclosures showing no insurance agreement, a limited 2022 financial summary, and a November 2025 IRS notice concerning tax-exempt status) raise unresolved tax-status, insurance, and governance questions. Practically speaking, the reviewed documents suggest a voluntary resident organization with limited formal authority, rather than an association capable of binding owners, levying fees, or administering easement rights. Whatever the association's value as a communication channel, it appears unable, on the reviewed documents, to bind owners, levy or lien fees, administer easements, or serve as the Town's collection agent — a conclusion counsel should confirm from the governing documents themselves — and **it should not be treated as the authorized representative of all owners for notice or consent purposes.**

Second, the 2023 consultant's mandatory-association concept: requiring TTF-access properties to form a new association that remits a single annual check, with airport-wide access termination for any shortfall. Beyond the collection-agent problems above, this concept raises unanswered formation questions (what authority compels owners to join or bind parcels; CCIOA implications; governance, insurance, records, and holdout/future-owner problems), a collective-punishment enforcement

design in tension with individual easement rights and due process, and FAA sponsor-control concerns about delegating access administration. Written resident correspondence of February 17, 2026 reports that prior separate attempts — by a resident and by the then-airport manager — to establish such a group were unsuccessful. The concept should not be assumed workable; if the Town wishes to pursue it, counsel should first identify the legal mechanism that would bind non-consenting and future owners.

#### ***4.9 Collection and enforcement constraints***

The current informal model — voluntary payment by active aircraft owners, administered through the airport operator — functions at a \$600 fee among a small cooperative group but is not a durable foundation for a materially higher fee or a broader fee universe. The realistic mechanism menu, with preliminary viability as analyzed in the June 26, 2026 working paper: existing-association collection (low viability — no dues/lien/easement authority); a new voluntary taxiway association (low-to-medium — binds only signatories; holdout and future-owner problems unless recorded agreements run with the land); Town-issued annual permits under Chapter 7 (high — directly supported by existing code; needs categories, billing, default, appeal, and transfer procedures); recorded Town access agreements running with the land (high — ties obligations to the access right and gives future-owner notice; requires parcel-specific drafting and 49 U.S.C. § 47107(s) terms); municipal-code enforcement (medium-to-high — Chapter 7 already makes unpermitted access a noncriminal offense; physical enforcement across private easements needs counsel review); Weld County tax-roll certification of delinquent amounts (possible but counsel-dependent — requires a valid governmental lien/assessment/certification mechanism; a private association appears to lack authority to certify charges to the tax roll — a question for counsel); and a special or improvement district (possible but heavy — likely disproportionate for annual access fees, with its own election and TABOR issues). The working recommendation is a Town-administered permit and recorded-access-agreement framework, with nonpayment consequences defined before any revenue is assumed.

## Section 5. Access Categories

Any defensible structure begins with a title-verified map of who holds what. The categories below should each be analyzed separately for legal authority, fairness, FAA treatment, billing feasibility, and enforcement. The February 2026 model effectively recognized only two residential categories (33 with aircraft; 22 with access, no hangar); the record suggests the real landscape is more granular, and the counts themselves (55 in the 2023 consultant report; ~88 implied in presentation materials; ~93 of ~128 lots in written resident analysis) have never been reconciled. A neutral third party — a title company or specialized firm, at Town expense — was suggested in both resident correspondence and AEDAB's own February task list, and remains the right first step.

Category	Authority & fairness considerations	FAA considerations	Billing & enforcement
1. Direct runway/taxiway-adjacent properties (≈30, per stakeholder understanding)	Strongest case for a full access fee under Chapter 7 and fee-versus-tax doctrine, particularly where the owner actively uses access. Fairness favors benchmarking to comparable on-airport charges and crediting any recorded-instrument constraints (1987 Easement beneficiaries).	Core RTTF class; § 47107(s) written access agreements appropriate; comparable-charge floor applies (no less than on-airport comparables).	Most feasible: identifiable parcels, clear access locations; permit + recorded agreement; boundary-level enforcement available. Risk posture: lower risk if active use and comparator-supported.
2. Deeded/easement access properties actively using access	Similar to Category 1 if legal/practical access exists and is used; fee should reflect comparable use and who maintains access infrastructure.	Same framework; owner bears access-infrastructure cost under § 47107(s).	Feasible with parcel-level review; route designation needed where access crosses other private parcels or streets. Risk posture: moderate risk; requires title and use confirmation.
3. Inland lots with access rights but no aircraft (dormant access-right holders; ~22 in the staff model)	The contested gray zone. Charging the full active-user rate (\$800) is hard to square with an access/service fee; a lower availability/administration fee, or activation-based (pay-on-permit) model, is easier to defend. The property-value rationale points toward assessment law, not user fees. The claimed Assessor “runway access” valuation attribute, if confirmed, sharpens the double-charge objection.	FAA does not require charging non-users; comparability is measured against similar use, and a non-user has none. Preserving access rights has some administrative cost that can be documented if a smaller fee is pursued.	Hardest to bill and enforce: no permit is sought, so the Chapter 7 hook appears weak; the nonpayment consequence (loss of a dormant right?) raises takings/easement questions for counsel. Would require code amendment and counsel review before inclusion. Risk posture: higher risk if charged at the active-user rate.
4. Owners with aircraft based at EIK (on-airport)	Already pay tie-down/hangar/port-a-port charges; the new \$800 per-aircraft base fee stacks on those. Duplication should be explained: what does the base fee fund that tie-down/hangar charges do not?	On-airport aeronautical users are protected by GA 22 reasonableness; layered charges need cost articulation.	Easily billed through existing tenancy relationships; the design question is duplication, not collection. Risk posture: moderate risk pending component/duplication documentation.
5. Owners without aircraft (no access rights)	Weakest apparent basis for any TTF charge; a fee here presents the profile of a general neighborhood charge rather than a user fee. If contribution is sought on a benefit theory, it would require separate legal authority or findings (assessment/district, with its own owner/voter process) — a legal question for counsel.	Appears outside the residential TTF access framework unless counsel identifies a separate legal basis.	Not readily billable as an access fee; inclusion presents heightened risk for minimal revenue. Risk posture: highest risk absent separate legal authority.
6. Hangar homes vs. non-hangar homes	The \$0.32/sq ft hangar charge shifts residential methodology toward the commercial land-rate	Square-footage proxies require cost justification under GA 22; commercial rates for	Measurable and billable if adopted; the issue is justification, not mechanics.

Category	Authority & fairness considerations	FAA considerations	Billing & enforcement
	model. Whether hangar size tracks cost of service (vs. ability to pay) should be documented; residents note hangars are already reflected in assessed value and property tax.	noncommercial storage drew specific public objection.	Risk posture: moderate risk pending cost-of-service documentation.
7. Commercial TTF users	Separate code methodology (unimproved land rate). Stakeholder understanding is that several commercially developed areas with airport access (e.g., off-airport business parks and hangar developments) pay negotiated, varied, or in some cases no TTF charges today. Normalizing commercial TTF before or alongside residential increases is both a fairness and a revenue point.	ABS 2023 recommends 100% of prevailing on-airport unimproved ground rent applied to all associated land; GA 22 comparability applies.	License agreements exist as instruments; audit of current commercial arrangements is a near-term, high-yield task. Risk posture: lower risk; primarily administrative normalization.
8. Existing on-airport tenants and tiedown/hangar users	Bear the doubled tie-down/port-airport rates and fuel flowage increase plus the base fee; the current residential fee benchmark (tiedown rate) means residential and on-airport rates move together and should be modeled together.	Protected aeronautical users; increases must be reasonable and cost-based.	Existing billing relationships; straightforward. Risk posture: lower risk if increases are cost-based and documented.
9. Visitors and guests	Chapter 7 already provides that transient use by a permittee's invitees requires no additional fee; any landing/operation-based visitor fee is a separate policy (see Section 6.9 on ADS-B billing) and should not be conflated with TTF access.	Landing fees at GA airports raise their own comparability and collection issues; reports of FAA concern with ADS-B-based billing require verification.	Collection against transient traffic is notoriously leaky; low-yield, high-friction. Risk posture: separate policy issue; not part of the TTF access framework.

The overarching point, framed as risk posture rather than conclusion: categories 1, 2, 4, 6, 7, and 8 appear addressable within a documented user-fee framework, subject to counsel review; category 3 requires a deliberate legal design choice (reduced availability fee, activation model, or exclusion) and presents higher risk if charged at the active-user rate; category 5 should not be included in any TTF access-fee framework absent separate legal authority, benefit findings, and counsel review; and category 9 is a separate policy issue. Defining these boundaries before setting rates is what converts a contested proposal into a defensible one.

## **Section 6. Fee-Structure Issues**

This section evaluates the main structural options, including those in the February proposal, against the frameworks in Section 4. The evaluations are directional, not conclusions; each option's viability ultimately depends on the cost-of-service documentation and category mapping recommended above.

### **6.1 Flat per-property fee**

Administratively simple and predictable, but the weakest fit with fee doctrine when applied uniformly across heterogeneous categories — a flat \$800 on an active hangar-home and on a dormant inland lot treats materially different service relationships identically. A flat fee within a properly defined category (e.g., all active access-permit holders) is far more defensible than a flat fee across the neighborhood.

### **6.2 Per-aircraft fee**

The proposed \$800-per-plane base fee tracks use intensity loosely and is easy to administer for based aircraft, but it stacks on tie-down/hangar/access charges without a stated allocation of what each layer funds, and it compounds steeply for multi-aircraft owners (public comment noted effective increases of 400% and more). If retained, each layer's cost basis should be articulated and duplication expressly addressed; alternatively, the base fee could be folded into the access or storage charge.

### **6.3 Hangar-square-foot fee**

Square footage is a reasonable proxy for land occupied where the charge is a land rent (the commercial ground-lease logic), but for residential TTF access the service consumed is airfield access, which does not scale with hangar size. Unless the Town documents a cost relationship (e.g., larger facilities imposing greater demands), square footage functions as an ability-to-pay proxy, inviting GA 22 and fee-versus-tax challenge. It also double-interacts with property tax, since hangar improvements are already assessed.

### **6.4 Taxiway frontage / access-configuration fee**

A fee varying with access configuration (direct frontage versus easement route) has intuitive fairness appeal and some cost logic (differences in access-location administration and infrastructure), but requires the parcel-level access map before it can be designed, and must account for who actually maintains the private taxiway segments (under § 47107(s), the property owners bear access-infrastructure costs).

### **6.5 Combination models**

Combinations are not inherently improper — most airport rate structures are combinations — but each component must have a stated purpose and a non-duplication explanation. The February structure combines four components (access, hangar square footage, per-aircraft base, and activity charges) without published component-level cost allocations; that documentation gap, more than any single rate, is the structural vulnerability.

### **6.6 Voluntary phase-in**

A 3–5 year phased implementation (recommended in resident correspondence since February) reduces shock, allows the financial assumptions to be validated annually against actuals, gives time for legal questions and the hangar-development revenue to resolve, and materially lowers the

temperature of the process. A first-year step benchmarked to the current code methodology (tiedown-rate parity) with published triggers for later steps is one workable design.

### **6.7 Fee credits and offsets**

Several equitable-credit questions should be resolved in design rather than in dispute: credit for documented private taxiway maintenance borne by owners; treatment of the 1987 Easement beneficiaries pending the validity opinion (billing them above the claimed cap invites the test case); proration or transfer treatment on mid-year sales (the code currently prohibits proration); and whether the current-year \$600 payments credit against any new structure's first year.

### **6.8 Whether non-users can or should be charged**

This is the fulcrum of the dispute. “Can” is a legal question with a gradient answer (Section 4.4): a modest, documented availability/administration fee on dormant access-right holders may be defensible; a full active-user rate on them is much harder; and any charge on no-access properties would require separate legal authority or findings — a legal question for counsel. “Should” is a policy question on which reasonable residents differ — some written resident views support the principle that benefited access properties contribute something, given the property-value and optionality benefit, while the homeowner organization's June 18 position is categorical opposition to non-user charges as a tax. The path through is the same either way: define the category precisely, price it to a documented basis, and give affected owners direct notice and a chance to be heard on that specific design.

### **6.9 Problems with ADS-B or operation-count billing**

Suggestions occasionally surface to bill by operations (landings, touch-and-goes) using ADS-B tracking. Issue-spotting: reports in aviation-industry discussion suggest FAA discomfort with use of ADS-B-derived data for billing, including at least one airport reportedly asked to pause such use — reports that require verification against primary FAA sources before being relied on; owners can increasingly block registration and tracking data; out-of-state LLC registration complicates collection; and vendor-administered systems introduce cost and error. Whatever their merits elsewhere, operation-count fees should be evaluated separately and not bundled into the residential TTF decision.

### **6.10 Comparability with on-airport users**

The through-line of FAA guidance: residential TTF users should pay no less than comparable on-airport users making similar use. Applying it requires the Town to name the comparator (tiedown, port-a-port, hangar ground lease, or a blend), disclose what those users pay under both current and proposed schedules, and show the derivation of each residential rate. Because the code's residential benchmark is the tiedown rate, and the proposal doubles the tiedown rate while restructuring the residential charge, the comparability math changes on both sides simultaneously and should be shown, not asserted. Peer-airport context also belongs in the record: anonymous written submissions assert that comparable Colorado public airports publish only on-airport rates and no residential TTF line item, and public comment cited materially lower monthly tie-down rates at nearby airports. Peer scarcity does not make Erie's fee improper — few Colorado airports have Erie's RTTF geography — but the Town should assemble its own comparator set rather than leave the comparator analysis entirely to critics.

## Section 7. Financial Alternatives and Revenue Sources

A durable plan will almost certainly combine measures. The alternatives below are sequenced from least to most contentious; several could plausibly close a large share of a reconciled ~\$170k–\$270k gap before the most contested residential categories are reached.

1. **Define the target first.** Every alternative is sized against the reconciled number from Section 3.6; publishing it is itself the first “revenue measure,” because it prevents over-collection and anchors the debate.
2. **Existing airport revenues, collected fully.** Public comment and stakeholder discussion both flagged verification of existing contracts and receivables — collecting what is already owed, auditing lease escalators, and eliminating legacy under-market arrangements — as the zero-controversy starting point.
3. **Commercial TTF normalization.** Stakeholder understanding is that several off-airport commercial areas with airfield access pay negotiated, varied, or no TTF charges. Applying the code's own commercial methodology (unimproved-land-rate basis, per the 2023 consultant recommendation) consistently across commercial access holders is both a fairness predicate for any residential increase and a potentially significant revenue line. This should be quantified and published.
4. **Hangar development and ground leases.** Per the February 17, 2026 staff presentation, the Town's hangar RFP drew four responses, with staff planning to recommend a preferred development partner to Council; current selection and ground-lease status should be confirmed in the public record. Projected ground-lease, rent, and incremental fuel-flowage revenue from that development belongs in the five-year model before residential burdens are set; excluding foreseeable revenue while increasing resident fees overstates the burden that must fall on existing users. Market evidence (waiting lists) suggests genuine demand.
5. **Fuel flowage and FBO revenue.** The proposed flowage increase (\$0.07 to \$0.15/gal, modeled at ~\$12,450) spreads cost across all fuel purchasers, resident and transient alike, and is among the least contested elements. The pending FBO/land transaction and unleaded-fuel transition also carry revenue and cost implications that should be modeled.
6. **General Fund policy choice.** Council may be able, subject to counsel review, to amend Section 2-7-2 to provide that the airport — like other Town amenities that operate with general support — merits a defined annual contribution reflecting documented community, economic-development, transportation, and emergency-access value (with the CDOT economic-impact figures reconciled and cited). That is a policy choice, not a legal necessity in either direction; the point is that it should be made deliberately rather than defaulted into by an unamended 1991 ordinance.
7. **Property-tax contribution recognition.** Confirm with the Weld County Assessor how airport access and hangar improvements are reflected in Air Park valuations, and account for enterprise-versus-general-fund cost boundaries, so the double-recovery objection is answered with numbers rather than assertions.
8. **Grants and capital matching.** Keep capital projects on the FAA/CDOT grant track (90/5/5 in stakeholder description) and out of the operating-gap narrative; preserving match capacity is a reason for fund liquidity, and should be presented as such.
9. **Cost controls and contract review.** The expense side (\$422,969) has had no published breakdown; public comment asked for one. Items to examine: the management contract's scope, escalators, and market-testing (confirming or correcting the reported direct-negotiation history);

consultant spending discipline; whether fee-initiative legal costs are charged to the Airport Fund or the General Fund; and one-time versus recurring items.

10. **Residential TTF fees, phased.** After the above, size the residential component to the remaining documented gap allocable to residential access, benchmark it to the named on-airport comparator, tier it by verified category, and phase it over 3–5 years with published triggers.

## Section 8. Process and Governance Concerns

- **Direct homeowner notice.** Notice to date has traveled through the [Google Group](#), the contested homeowner organization, and standard agenda postings (which by rule may appear only 24 hours in advance). The February special meeting reached the neighborhood essentially one day ahead, without a public-comment slot. For a proposal affecting recorded property rights and recurring obligations, mailed notice to owners of record — using a title-verified affected-parcel list — should precede any AEDAB recommendation renewal and any Council action. Informal channels should supplement, not substitute.
- **Accessible financial documents.** The reconciliation materials shown at the June 18 meeting were constructive but were visible only in the room. Financial summaries, the fee model and its assumptions, the reconciled target, meeting materials, and legal-question lists should be posted in one accessible location and pushed to subscribers, not merely made available on request or by open-records process.
- **AEDAB agenda, minutes, and video access.** Residents have noted delays in posted minutes and materials after contested meetings, and requested remote-participation options. Prompt posting, inclusion of written public comments in packets and minutes (as repeatedly requested in the written record), and hybrid access would materially improve trust at low cost.
- **Role of the HOA and informal representatives.** The homeowner organization's status and authority are themselves contested but may offer a limited stakeholder voice, and its June 18 presentation — whatever its tone — surfaced substantive questions (Exhibit A) that deserve written answers. But on its own documents it appears unable to bind owners, and its email list does not appear to reach all owners of record. *No single HOA presentation, board position, or Google Group thread should be treated as binding resident consent, comprehensive resident opposition, or a substitute for direct owner notice* — a caution that written resident submissions on all sides of the issue have themselves urged.
- **Stakeholder Q&A.** More than one hundred written questions are already pending (Exhibit A), alongside the question lists in the resident working papers and this paper's counsel checklist. A structured written Q&A — posted, numbered, and updated — would convert the current adversarial dynamic into a tractable work plan and would demonstrate that input is being processed rather than merely received.
- **Attorney review before recommendations are finalized.** AEDAB members stated publicly on June 18 that the board lacked legal counsel when it formulated the recommendation and relied on the Town to supply legal review afterward. That sequencing appears from the current record to be in the process of correction (per the Council liaison's June 18 written statement, an airport attorney has been retained; the review's status should be confirmed); the governance lesson is to complete and disclose the legal review — including the 1987 Easement opinion and TABOR analysis — before AEDAB renews or revises any recommendation, and to give the board access to counsel during deliberations on legally contested subjects, with the cost allocated deliberately (residents have reasonably asked whether fee-initiative legal costs should fall on the Airport Fund the fee is meant to balance).
- **Tone and conduct.** The record now includes personal accusations in public meetings, anonymous submissions, and references to federal complaints and litigation. None of that changes the underlying issues, and all of it raises the cost of solving them; this paper deliberately frames such matters as avoidable process risks to be resolved, not as threats. The constructive written submissions on file — from residents, board members, and staff alike — model the alternative: source-based questions, attributable statements, and requests that can actually be answered.

## Section 9. Recommended Path Forward

The following staged process sequences the work so that each step de-risks the next. Steps A–C are staff work products; D and H are engagement; E and F are professional review; G, I, and J are decision points. Several steps can run in parallel; the essential discipline is that I and J come last.

- A. **Publish a reconciled airport funding target.** One document reconciling the \$272,677 / \$168,000 / \$212,989 / \$190,000 / ~\$250,000 figures; separating operating, capital, liquidity, and initiative-specific legal costs; resolving the \$240,000 transfer characterization in writing; and stating the annual revenue target.
- B. **Publish a legal/access-category matrix.** Commission a neutral title/easement review of all Air Park parcels; publish the resulting parcel-category map (direct, deeded-active, dormant, no-access, 1987-benefited, commercial); reconcile the 55/88/93/128 counts.
- C. **Publish the financial model and assumptions.** The five-year pro forma including hangar development, commercial TTF normalization, FBO and fuel items, expense breakdown, and each fee component's cost basis and comparator.
- D. **Conduct stakeholder Q&A.** Mailed notice to owners of record; posted written answers to pending questions (including Exhibit A); at least one open house/workshop with staff and, on legal topics, counsel; hybrid access.
- E. **Obtain FAA and legal review.** Complete and disclose (at least in summary): the 1987 Easement opinion; the Chapter 7 authority and amendment analysis; the TABOR fee/enterprise analysis; the collection/enforcement mechanism design; and FAA coordination on the proposed structure (with § 47107(s) agreement templates) before adoption rather than after complaint.
- F. **Model alternatives.** Present the Section 7 menu quantified against the reconciled target, showing how much of the gap each measure closes and what residual is proposed for residential TTF fees.
- G. **Present phased options.** Two or three complete packages (categories, rates, phase-in schedule, credits, enforcement mechanism), each with its legal-risk and revenue profile, rather than a single take-it-or-leave-it schedule.
- H. **Gather written input.** A defined written-comment window for owners of record and airport users on the specific packages, with comments compiled into the record.
- I. **AEDAB recommendation only after these steps.** With counsel available during deliberation, AEDAB affirms, revises, or replaces its February recommendation on the completed record — the board's own stated intention on June 18 (“when we get those answers... make further recommendations”) points the same direction.
- J. **Town Council action only after the record is complete.** Ordinance introduction with the reconciled target, category matrix, model, legal summaries, FAA coordination, and comment record attached — a record built to survive scrutiny under CORA, Part 13, and Colorado fee doctrine because it was built in the open.

Nothing in this sequence prevents near-term, low-controversy action: collecting existing receivables, normalizing commercial TTF arrangements, adopting the fuel-flowage change, publishing the reconciliation, and commissioning the title review can all begin immediately and would demonstrate momentum while the contested residential questions are resolved properly.

## Source and Provenance Note

This paper draws on: (1) public records and official Town materials, including Erie Municipal Code Chapter 7 (Sections 2-7-1 and 2-7-2), the February 17, 2026 Town staff presentation to Council (File #2026-119), AEDAB agendas and public meeting proceedings, and Airport Fund reconciliation materials presented publicly on June 18, 2026; (2) Erie Municipal Airport planning documents, including the 2016 Master Plan Update and the 2023 Airport Business Solutions Strategic Business Plan, FBO Alternatives & Rate Study; (3) FAA materials, including the Airport Sponsor Assurances, FAA Order 5190.6C (Chapters 12, 17, and 22), FAA Compliance Guidance Letter 2021-03, and 49 U.S.C. § 47107(s); (4) recorded property instruments, including the 1981 Master Taxiway Easement (Reception No. 1877289) and materials describing the 1987 Easement Agreement, together with the 2012 Frasca law firm memorandum; (5) prior written resident, AEDAB, and Town correspondence of February 17, April 3, April 22, June 15, June 23, and June 25–26, 2026, and written homeowner-organization communications, including the June 18, 2026 presentation and its Exhibit A; (6) resident-prepared working white papers of June 25–26, 2026 on Chapter 7/Airport Fund issues, TABOR considerations, and collection/enforcement mechanisms, which this document consolidates; (7) anonymous written submissions circulated under the name “Erie Taxpayers,” which are identified as such wherever used and whose factual claims are treated as points requiring confirmation; and (8) informal stakeholder communications, used solely as background understanding and identified in the text as resident or stakeholder understanding or as working assumptions. Where information is not independently supported by public records or written correspondence, it is framed as understanding or as a point requiring confirmation, and nothing herein should be read as a legal conclusion.

## Part Three — Issue Matrix

The matrix consolidates the open issues into a single working page for tracking. Priority: 1 = threshold (resolve before any recommendation renewal); 2 = required before Council action; 3 = design-stage.

Issue	Why it matters	Current known facts	Open questions	Who should answer	Suggested next step	Priority
Funding target not reconciled	Fee cannot be sized, judged, or defended without a fixed, explained target; over-collection invites TABOR/FAA scrutiny.	Circulating figures: ≈\$272,677 (Feb. presentation, blended); ≈\$168,000 (Apr. 2 Finance Director statement); \$212,989 actual 2025 transfer to ≈\$168,400 liquidity floor; \$190,000 budgeted 2026; ≈\$250,000 working target (stakeholder understanding).	What is the recurring operating gap? What is capital/liquidity vs. operating? Are initiative legal costs inside the number? What annual revenue target is the proposal meant to hit?	Finance Director; Town Manager	Publish one written reconciliation (Step A).	1
\$240,000 transfer characterization	A repayment rationale premised on a loan that audited records reportedly describe as a transfer has been cited in written submissions raising Part 13 revenue-diversion questions; a clean reconciliation would reduce the likelihood of later dispute.	Anonymous written submissions cite 2024 ACFR "Transfer In..." support for airport improvements" and a CORA response (PR-2026-50) finding no loan documents. Unverified in this paper.	Transfer or loan? What documents exist? Does any fee rationale rely on repayment?	Finance Director; Town Attorney	Written reconciliation with documents or a plain statement none exist.	1
1987 Easement validity & fee cap	If valid, appears to cap charges for benefited lots (≈\$540 CPI-adjusted per circulating calculation) below the proposed \$800; contrary 2012 legal opinion exists; merits never adjudicated.	Town's apparent working position: unenforceable (to be confirmed on the record). 2012 Frasca memo: valid/enforceable; included in AEDAB public meeting materials. Simmons dismissed on limitations only. ≈15 benefited homes (resident understanding, requiring confirmation).	Enforceable? Which parcels benefit? Can new charges apply to them, and at what level? Negotiate or litigate?	Outside aviation/real-property counsel	Obtain and disclose a current formal opinion (Step E).	1
Access counts / fee universe	Rate base and revenue projections unstable; fairness analysis impossible without parcel map.	55 (ABS 2023); 33 + 22 (Feb. 2026 model); ≈93 of ≈128 lots (written resident analysis); ≈30 direct + ≈55 deeded (stakeholder understanding). Never reconciled; no Town-published map.	Which parcels hold what access, by what instrument? Which are active, dormant, no-access, 1987-benefited?	Title company / neutral third party; Town staff	Commission title review; publish category matrix (Step B).	1
Chapter 7 authority for proposed categories	Code is framed around residents seeking access, benchmarked to tiedown rate; proposal charges properties with access regardless of use and departs from the code's own fee basis.	Code text of §2-7-1 (permit on application; fee "required of... residents seeking ground access"; tiedown-rate methodology; no proration).	Does current code authorize charging dormant holders or a per-aircraft base fee? What amendments are needed? Can obligations run with the land via recorded agreements?	Town Attorney; outside aviation counsel	Authority memo + draft amendment scope before rate design.	1
TABOR fee-vs-tax and enterprise status	Blanket or value-based charges risk tax characterization requiring voter approval; even valid fee revenue may hit TABOR	No published cost-of-service study; ABS rationale is property-value premium; Airport Fund treated as accounting fund, not	Fee or tax by category? Is the fund a TABOR enterprise? Voter-approved retention applicable? What findings/cost study best support fee characterization?	TABOR/municipal-finance counsel	Commission cost-of-service study + TABOR memo (Step E).	2

Issue	Why it matters	Current known facts	Open questions	Who should answer	Suggested next step	Priority
	limits absent enterprise status or authorization.	(on this record) a TABOR enterprise.				
FAA comparability & structure	GA 22/24, §47107(s), and Order 5190.6C require comparable, reasonable, documented charges; layered base+sqft+access needs component justification; peer Part 13 precedent noted by the board itself.	Proposal doubles tiedown benchmark while restructuring residential charge; no published component cost allocation; anonymous submission reports FAA regional confirmation the fee is discretionary (unverified).	Named on-airport comparator? Component-level cost basis? FAA coordination before adoption? §47107(s) agreement templates?	Outside aviation counsel; FAA ADO coordination	Comparability workpaper + FAA pre-coordination (Step E).	2
Collection & enforcement mechanism	Projected revenue is speculative without a lawful billing/enforcement path; association concepts lack identified authority.	Existing association bylaws: no dues, voluntary fundraising only, no easement authority, CCIOA-avoidance clause; 2023 consultant proposed mandatory association + all-or-nothing termination; Chapter 7 supports Town permits.	Town permits + recorded agreements? Nonpayment consequences? Tax-roll certification authority? Boundary enforcement across private easements?	Town Attorney; Weld County Treasurer (procedure)	Design Town-administered framework; counsel memo on liens/certification.	2
Commercial TTF normalization	Fairness predicate and revenue source; residents question residential increases while commercial access arrangements vary.	Stakeholder understanding: some off-airport commercial areas pay negotiated, varied, or no TTF charges; code and ABS 2023 prescribe unimproved-land-rate basis.	Which commercial parcels have access? What does each pay vs. the code methodology? Revenue at full normalization?	Airport manager; Town staff	Audit commercial access arrangements; publish (Step C/F).	2
Expense-side review	\$422,969 expense base has no published breakdown; cost measures are part of any credible plan; management-contract procurement history recurs in public criticism.	Management agreement (Res. 23-156) ≈\$240k/yr; anonymous submissions report direct negotiation rather than competitive bid (unverified; requires Town confirmation); fee-initiative legal costs reportedly charged to Airport Fund (requires confirmation).	Recurring vs. one-time items? Contract market-testing? Where should initiative legal costs sit?	Town Manager; Finance	Publish expense breakdown + contract review (Step C).	2
Dormant/non-user charge design	The most contested category; full active-user rate on non-users drives tax characterization and litigation risk.	Proposal: flat \$800 on ≈22 access-without-hangar properties; Assessor "runway access" valuation attribute claimed (unverified); HOA position: categorical opposition; some resident views support modest contribution.	Reduced availability fee, activation model, or exclusion? Assessment/district mechanism if value-based? Assessor confirmation?	Counsel; Assessor; Council (policy)	Decide design after Steps A–E; direct notice to affected owners.	2
Notice & engagement process	Property-rights-affecting changes advanced on 24-hour agenda norms and informal channels; association appears unable, on its own documents, to bind or reach all owners.	Feb. special meeting: ~1 day neighborhood notice, no public comment slot; Google Group reach incomplete; >100 written questions pending (Exhibit A).	Owner-of-record mailing list? Written Q&A process? Hybrid access? Packet inclusion of written comments?	Town Clerk; staff; AEDAB	Mailed notice + posted Q&A before any recommendation renewal (Step D).	1
Ordinance 2-7-2 policy review	1991 self-supporting/repayment/closure language is stricter than GA 24, drives the initiative, and its closure sentence inflames the process.	Text permits Council-approved transfers but says assistance "will be repaid"; closure discretionary; ELK federally obligated (closure impractical).	Amend to "as self-sustaining as possible" standard? Authorize documented-value support? Retire closure framing?	Town Attorney; Council	Counsel options memo; Council policy discussion (Step F/G).	3

## Part Four — Attorney Review Checklist

Questions for the Town Attorney and outside aviation, municipal-finance, real-property, and TABOR counsel before any fee is adopted. Grouped by subject; numbering continuous for reference.

### **A. Municipal code authority**

1. Does current Section 2-7-1 authorize a mandatory charge on properties with dormant or merely deeded access where the owner does not apply for a permit or seek ground access? If not, what amendment is required?
2. Does Section 2-7-1's tiedown-rate methodology for residential fees constrain the proposed flat/square-foot/base-fee structure absent amendment, and what findings should accompany any change of methodology?
3. Does Section 2-7-2 permit any non-repayable General Fund support for the Airport Fund; should it be amended to align with Grant Assurance 24's standard; and what is the legal significance of its closure sentence for a federally obligated airport?
4. Can residential access obligations be embodied in recorded access agreements that run with the land and bind future owners, and what recording language and consideration are required?

### **B. Recorded instruments and property rights**

5. Is the 1987 Easement Agreement enforceable; which parcels are beneficiaries; does its CPI-adjusted fee cap constrain new charges to benefited parcels; and should the Town negotiate, seek declaratory relief, or proceed with disclosed risk?
6. What rights do the 1981 Master Taxiway Easement and block-specific fee-silent easements convey; can the Town condition or price airport-boundary access for parcels holding recorded easement access that predates the 1994 acquisition; and does doing so raise inverse-condemnation exposure?
7. Parcel by parcel, what is the legal access right, the designated airport access location, and the lawful consequence of nonpayment at the airport boundary where access crosses private easement corridors the Town does not control?

### **C. TABOR and Colorado finance**

8. Would each proposed charge category be characterized as a fee or a tax under Colorado law, and what cost-of-service findings best support fee characterization?
9. Can dormant access-right holders be charged an availability/administration fee, and does charging them the full active-user rate materially increase tax-characterization risk?
10. Would any charge on no-access properties require a special assessment, improvement district, or voter-approved mechanism, and what notice/hearing/benefit findings would that entail?
11. Is the Airport Fund a TABOR enterprise or only an accounting enterprise fund; would new fee revenue count against fiscal-year limits; and does existing voter authorization cover retention?

### **D. FAA compliance**

12. What federal obligations currently encumber EIK (grant history, land acquisitions), and should the proposed structure and §47107(s) access-agreement templates be coordinated with the FAA Denver ADO before adoption?

13. What documentation demonstrates GA 22 reasonableness and non-discrimination for each component (access, hangar square footage, per-aircraft base, activity charges), including the named on-airport comparator and non-duplication analysis?
14. Does any element of the fee rationale rely on recovering the \$240,000 transfer, and if so, does the documentation support reimbursable-loan treatment under FAA revenue-use policy, or should that rationale be withdrawn?
15. Do the current commercial TTF arrangements comply with the code methodology and grant assurances, and what corrective normalization is appropriate?

***E. Collection, enforcement, and governance***

16. What is the recommended collection framework (Town permits, recorded agreements, late fees, default, appeal, suspension/nonrenewal, municipal citation), and can unpaid amounts be made municipal liens or certified to the Weld County Treasurer for tax-roll collection?
17. Does the existing Airpark association (or any new taxiway association) have, or could it lawfully acquire, authority to bind owners, levy assessments, lien parcels, or administer easements — and if not, should all association-based collection concepts be formally retired?
18. What direct-notice process to owners of record is legally advisable (and what is minimally required) before AEDAB renews a recommendation and before Council acts, given the property-rights character of the changes?
19. How should fee-initiative legal and consultant costs be allocated between the Airport Fund and the General Fund, and how should they be treated in the funding-target reconciliation?
20. Should the Town adopt findings and an administrative record (cost study, category matrix, comparability workpaper, FAA coordination, comment record) contemporaneously with any ordinance, to position the structure defensibly for CORA, Part 13, or judicial review?