

Wahoo Municipal Airport Minimum Standards for Commercial Aeronautical Activities

WAHOO MUNICIPAL AIRPORT, Wahoo, Nebraska, February 11, 2013

INTRODUCTION

The Airport Authority of the City of Wahoo, Nebraska (hereinafter referred to as the "Authority"), is charged with the responsibility for the administration of the Wahoo Municipal Airport, Wahoo, Nebraska (hereinafter referred to as "Airport"). In order to foster, encourage, and insure the economic health and orderly development of general aviation and its related aeronautical activities at the Airport, and in order to insure safe and orderly operation for all users of the airport, the following Minimum Standards and requirements for commercial aeronautical tenants (as defined in Section 1.1), (hereinafter referred to as "Operator"), have been adopted.

This document sets forth the Minimum Standards for an entity based upon and engaging in one or more aeronautical activities at the Airport. Any Operator who is based on the Airport will be subject to applicable federal, state and local laws, codes, ordinances, and other regulatory measures, including Airport Standard Operating Procedures. The Authority reserves the right to change Minimum Standards at its discretion. All persons affected by such changes will have an opportunity to comment on proposed changes and will be informed of the dates such changes are implemented. A written lease agreement, properly executed by Operator and the Authority, is a prerequisite to tenancy on the Airport and the commencement of operations. Lease provisions will be compatible with these Minimum Standards and will not change or modify such standards. All leases shall include a number of standard items that are a part of all leases between the Authority and any person or entity based on the Airport and engaged in aeronautical services or activities.

GENERAL POLICY STATEMENT

A fair and reasonable opportunity, without discrimination, shall be afforded all applicants to qualify, or otherwise compete, for available airport facilities and the furnishing of selected aeronautical services; subject to the Minimum Standards as established by the Authority. An Operator shall have the right and privilege of engaging in and conducting the activities selected and specified by the written contract contingent upon meeting the established Minimum Standards, the execution of a written lease with the Airport, the payment of the prescribed rentals, fees, and charges, and compliance with all federal, state, county, and airport laws, rules, codes, and regulations. The granting of such right and privilege, however, shall not be construed as affording the Operator any exclusive right of use of the premises and facilities of the Airport, other than those premises which may be leased exclusively to the Operator, and then only to the extent provided in a written agreement. The prospective Operator shall select one or more aeronautical services covered by these Minimum Standards. When more than one activity is proposed, the minimum requirements will vary (dependent upon the nature of individual services in such combination) but will not necessarily be cumulative in all instances. Because of these variables, the applicable Minimum Standards to combinations of service will be discussed with the prospective Operator at the time of application. The Authority reserves and retains the right for the use of the Airport by others who may desire to use the same, pursuant to applicable federal, state, and local laws, ordinances, codes, Minimum Standards, and other regulatory measures pertaining to such use. The Authority reserves the further right to designate the specific

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Airport areas in which aeronautical services may be conducted. Such designation shall give consideration as to the nature and extent of the operation and the lands available for such proposed uses, consistent with the orderly and safe operation of the Airport, the Airport Layout Plan, and intended changes to the Airport Layout Plan.

Enforcement of Minimum Standards

In the case where violations to the minimum standards are identified by the Authority, the steps will be taken to remedy the violations.

- 1) Verbally notify the Operator of the violation. This will include working with the Operator to ensure that the operator understands the violation and an agreement is made on the resolution.
- 2) If the Operator does not correct the issue identified in step 1) within a reasonable time as deemed by the Authority, a written notice to the Operator will detail the violation and the expected steps to remedy the violation.
- 3) If the Operator does not correct the issue identified in step 2) within a reasonable time as deemed by the Authority, a written notice to the Operator notifying them that they are in violation of the Minimum Standards and are required to cease operations at the Wahoo Municipal Airport.

The Authority retains the right to determine what is considered reasonable dependent on the violation and the willingness of the Operator to comply. In some cases where there is a minor violation, the time frame may be extended to a time convenient for the Operator. In other cases where there is a major violation or no intention of the Operator to comply, the time frame may be very short.

1 ARTICLE ONE

DEFINITIONS/QUALIFICATIONS/REQUIREMENTS

1.1 Definition of an Aviation Operator

An aviation Operator is defined as an entity engaging in an activity, which involves, makes possible, or is required for the operation of aircraft, or which contributes to, or is required for the safety of such aircraft operations. The purpose of such activity may be to secure earnings, income, compensation, or profit, whether or not such objective(s) are accomplished. Authorized activities by an Operator shall be strictly limited to any one or a combination of the following aeronautical services performed in full compliance with the specific standards for that activity as set forth herein:

- 1.1.1 Aircraft sales (new and/or used)
- 1.1.2 Airframe and power plant repair facilities

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- 1.1.3 Aircraft rentals
- 1.1.4 Flight training
- 1.1.5 Line services (aircraft fuels and oil dispersing)
- 1.1.6 Specialized aircraft repair service - radios, propellers, instruments, and accessories.
- 1.1.7 Aircraft charter and air taxi
- 1.1.8 Specialized commercial flying services
- 1.1.9 Agricultural Aerial Applicator services
- 1.1.10 Aviation operators subleasing from another aviation operator (See Section 1.4(A)(8))
- 1.1.11 Other aviation related activities
- 1.1.12 Any other activities not specifically provided for in these Minimum Standards, will be subject to negotiation.

1.2 Prequalification Requirements

The prospective Operator shall submit the following information to the Airport Manager, in writing, at the time of application:

A) Intended Scope of Activities. Before being granted an operating privilege on the Airport, the prospective Operator must submit to the Authority a detailed description of the intended activity(s), and the means and methods to be employed to accomplish the activity(s). This description shall include:

- The services to be offered.
- The amount of land to be leased
- The building space to be constructed or leased
- Estimated number of aircraft to be utilized

B) Financial Responsibility. At the request of the Authority, the prospective Operator shall demonstrate the financial capability to initiate operations and for the construction of improvements and appurtenances that may be required commensurate with the proposed operation(s). The requested documents may include, but not be limited to, Articles of Incorporation, Lines of Credit, 5 years of company financials statements, business plan as related to the operation at the Airport.

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1.3 General Requirements

A) Requirement of a Written Agreement. Prior to the commencement of operations, the prospective Operator will be required to enter into a written agreement with the Authority. It should be understood that these Minimum Standards do not represent a complete recitation of the provisions to be included in the written agreement. Such contract provisions, however, will not change, modify, or be inconsistent with these Minimum Standards.

B) Site Development Standards

- **Physical Facilities.** The minimum space requirements shall be satisfied with one (1) building, attached buildings, or separate buildings on permanent foundations of sufficient size to hangar the type and number of aircraft the operator intends to utilize. All new hangars shall be steel buildings with a full concrete floor. All facilities shall connect to the existing taxi lane/taxiway system via concrete taxi lanes. All construction must be approved by the Authority and other appropriate agencies.
- **Engineering Standards.** No person shall make any alterations of any nature whatsoever to any buildings, ramp or other Airport space, nor erect any building or other structure without prior submission of a written request, including detailed plans and specifications, and have receipt of written permission from the Authority. Prospective Operators shall comply with all building codes of the City of Wahoo and shall deliver to the Airport Manager "as built" plans upon completion.

C) Insurance: The Operator shall provide insurance coverage for all operations performed in amounts as defined from time to time by the Authority and set forth in schedule A.

D) Additional uses or commercial operations: The Operator shall be limited to operations set forth in its intended scope of activities submitted to and approved by the Authority. In the event the Operator conducts operations or activities on the Airport which are not included in that description and approved by the Authority, shall be grounds for termination of the lease and continued operation of all activities on the Airport.

1.4 General Lease Clauses

A) For all Airport Lease Agreements

- 1 **Airport Development:** The Authority reserves the right to further develop or improve the airfield. If the physical development of the Airport requires the relocation of Operator-owned facilities, the Authority agrees to provide a comparable location, and agrees to relocate all Operator-owned buildings or provide similar facilities for the Operator at no cost to the Operator. The Authority will provide a minimum of 60-day notice of intention to relocate.
- 2 **Authority's Rights:** The Authority reserves the right (but shall not be obligated to the Operator) to maintain and keep in repair the airfield. The Authority shall have a limited right to regularly audit the financial records of all Operators if the Authority has an interest in the records. Such a financial audit shall be conducted confidentially and at mutual convenience and shall be limited in scope to records directly reflecting the

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Operator's on-airport activities. The Authority shall have the right to inspect all Operators in order to establish proof of currency of all licenses, compliance with all laws, rules, regulations, and standards with which the Operator is required to comply. The Authority reserves the right to operate or conduct any or all aeronautical activities, as a part of airport operations, as necessary to benefit the Airport.

- 3 **Airport Layout:** The Authority reserves the right to determine approve or disapprove the location of any proposed new construction or facilities enhancements based on the Airport Layout Plan or intended modifications to the Airport Layout Plan.
- 4 **Subordination:** Airport leases shall be subordinate to the provisions of any existing or future agreement between the City of Wahoo and the United States, relative to the operation or maintenance of the Airport, the execution of which has been or may be required as a condition precedent to the expenditure of federal funds for the development of the Airport.
- 5 **Compliance with Laws, Etc.:** The Operator shall at all times comply with the airport rules and regulations, federal, state, and local laws, ordinances, codes and other regulatory measures now in existence or, as may be hereafter modified or amended, applicable to the specific type of operation contemplated. The Operator shall procure and maintain during the term of the Agreement all licenses, permits, and other similar authorizations required for the conduct of his business operations.
- 6 **Misrepresentation:** All terms and conditions with respect to these Minimum Standards are expressly contained herein, and the Operator agrees that no representation or promise has been made with respect to these Minimum Standards not expressly contained herein.
- 7 **Subleasing:** If permitted in the lease between Operator and the Authority, all or a portion of a leased area may be subleased to another Operator. No such Operator shall be exempt from these Minimum Standards. All subleases shall require approval from the Authority.
- 8 **Private Property Operations:** There will be no approval of taxi lanes/taxiways etc., to private property operations at the Airport, beyond what is currently allowed by previous agreement.

B) For Agreements which provide services to the Public:

- 1 The Operating entity, its heirs, personal representatives, successors in interest, and assignees, as a part of the consideration hereof, does hereby covenant and agree as a condition of the land lease that in the event facilities are constructed, maintained, or otherwise operated on the said property described in an Airport lease for a purposed for which a Department of Transportation program or activity is extended or for another purposes involving the provision of similar services or benefits, the Operators shall maintain and operate such facilities and service in compliance with all other requirements imposed in federally assisted programs of the Department of Transportation, and as said regulations may be amended.
- 2 The Operating entity, for itself, its heirs, its personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree as a condition of the land lease that:

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- a) No person on the grounds of race, sex, color, marital status, or national origin shall be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.
 - b) That in the construction of any improvements on, over, or under such land and the furnishing of services thereon, no person on the grounds of race, sex, color, marital status, or national origin shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination,
 - c) That the Operator shall use the premises in compliance with all other requirements imposed by or pursuant to 49 CFR Part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation and as said regulations may be amended.
- 3 The Operator assures that it will undertake an affirmative action program as required by 14 CFR Part 152, Subpart E, to insure that no person shall on the grounds of race, creed, color, national origin, or sex be excluded from participating in any employment activities covered by 14 CFR Part 152, Subpart E. The Operator assures that no person shall be excluded on these grounds from participating in or receiving the services or benefits of any program or activity covered by their subpart. The Operator assures that it will require that its covered sub-organizations provide assurances to the Operator that they will undertake affirmative action programs and that they will require assurances from their sub-organizations, as required by 14 CFR Part 152, Subpart E., to the same effect.
- 4 Operator agrees to furnish service on a fair, equal and not unjustly discriminatory basis to all users thereof, and to charge fair, reasonable and not unjustly discriminatory prices for each unit of service; PROVIDED, that Operator may make reasonable and nondiscriminatory discounts, rebates, or other similar types of price reductions to volume purchasers. None of the above provisions are required for a hangar lease where space is used only for storing lessee's aircraft, and no services are provided to the public, however, the leases must state the intended use, and stipulate that services to the public are prohibited. Reference FAA Advisory Circular 150/51907, *Minimum Standards for Commercial Aeronautical Activities*, and the Airport's Rules and Regulations, as may be amended.

2 ARTICLE TWO

FIXED-BASE OPERATORS

2.1 Qualifications

A fixed-base operator (FBO) shall perform more than one operation as listed in Section 1.1 of these Minimum Standards. The Operator shall demonstrate that the premises from which it operates at the Airport and the personnel employed by it comply with the following requirements, as appropriate to the conduct of Operator's business.

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2.2 Minimum Area

The Operator shall construct a building or lease all or a portion of a building to provide suitable facilities for the type of operations proposed. Such space shall include an office area, parking for employees and customers, and properly lighted and heated restrooms for customers and employees. The building shall include a general aviation service hangar area sufficient for intended use (as specified in Section 1.3). In the event that the ramp is new construction, the ramp area constructed shall be a minimum of 1.5 times the area of hangar.

2.3 Personnel

Provide employees with the proper training and certifications for the operations proposed.

2.4 Equipment

Provide the equipment necessary to perform the operations proposed.

2.5 Hours of Operation

The Operator shall post and maintain hours of operation convenient to customers.

3 ARTICLE THREE

AIRCRAFT SALES

Any aeronautical service desiring to engage in the sale of new or used aircraft must lease or provide as a minimum the following:

3.1 Minimum Area

The Operator shall construct a building or lease all or a portion of a building to provide suitable facilities for office space, flight planning, customer lounge area, aircraft parking and storage (as specified in Section 1.3), and automobile parking for customers and employees.

3.2 Personnel

The Operator shall provide one or more persons holding a current pilot certificate and ratings appropriate for the type of aircraft to be demonstrated. Provision must be made for the office to be attended during posted business hours.

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3.3 Parts and Service

The Operator shall have access to an adequate supply of parts and servicing facilities to provide maintenance service to customer's aircraft.

3.4 Hours of Operation

The Operator shall provide hours of operation convenient to customers.

4 ARTICLE FOUR

AIRFRAME AND/OR POWER PLANT REPAIR OTHER SPECIALIZED AIRCRAFT MAINTENANCE SERVICES

Any service desiring to engage in airframe and/or power plant repair or other specialized aircraft maintenance services shall provide as a minimum the following:

4.1 Minimum Area

The Operator shall construct a building or lease all or a portion of a building to provide suitable facilities for office space, aircraft maintenance (as specified in Section 1.3), and automobile parking for customers and employees.

4.2 Personnel

The Operator shall provide a minimum of one person properly certificated by the FAA or other regulatory agency with appropriate ratings for work to be performed.

4.3 Equipment

The Operator shall provide sufficient equipment, supplies, and parts availability to perform maintenance in accordance with manufacturer recommendations or equivalent on various types of based aircraft.

5 ARTICLE FIVE

AIRCRAFT RENTAL

Any service desiring to engage in the rental of aircraft to the public shall provide as a minimum the following:

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5.1 Minimum Area

The Operator shall construct a building or lease all or a portion of a building to provide suitable facilities for flight planning, customer lounge area, aircraft parking and storage (as specified in Section 1.3), and automobile parking for customers and employees.

5.2 Personnel

The Operator shall provide for personnel as needed to manage the aircraft rental.

5.3 Aircraft

The Operator shall own or lease at least one (1) aircraft. Aircraft will be maintained in accordance with all applicable FAA regulations.

5.4 Hours of Operation

The Operator shall maintain hours of operation as appropriate.

6 ARTICLE SIX

FLIGHT INSTRUCTION

All independent flight instructors desiring to engage in flight instruction shall provide as a minimum the following:

6.1 Minimum Area

The Operator shall construct a building or lease all or a portion of a building to provide suitable facilities for student instruction and flight planning (as specified in Section 1.3), and automobile parking for customers and employees.

6.2 Personnel

The Operator shall provide a minimum of one person holding a current commercial pilot certificate with appropriate ratings for flight instruction.

7 ARTICLE SEVEN

AIR TAXI OR CHARTER SERVICE

Any operator desiring to engage in air taxi or charter service shall, in addition to meeting all provisions of FAR Part 135, provide as a minimum the following:

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7.1 Minimum Area

The Operator shall construct a building or lease all or a portion of a building to provide suitable facilities for office space, flight planning, customer lounge area, aircraft parking and storage (as specified in Section 1.3), and automobile parking for customers and employees.

7.2 Personnel

The Operator shall provide a minimum of one (1) FAA certified commercial pilot appropriately rated to conduct air service offered. Additional personnel as required to attend office during normal working hours.

7.3 Aircraft

The Operator shall provide a minimum of one (1) aircraft.

7.4 Hours of Operation

The Operator shall post and maintain hours of operation convenient to customers.

8 ARTICLE EIGHT

AIRCRAFT FUELS AND DISPENSING SERVICE

8.1 Fixed-Base Operator (FBO)

Any operator desiring to provide fueling services must comply with fixed-base operator (FBO) requirements detailed in Section 2.1.

8.2 Minimum Area

Minimum Area as defined in Section 2.2.

8.3 Personnel

The Operator shall provide one or more persons trained in the servicing of aircraft on duty during posted working hours.

8.4 Equipment

The Operator shall provide or have access to minimum fixed fuel storage of at least 10,000 gallons aviation gasoline and 10,000 gallons aviation jet fuel.

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8.5 Hours of Operation

The Operator shall post and maintain hours of operation convenient to customers. Hours shall be not less than eight (8) hours per day, seven (7) days per week.

8.6 Spills

Operator shall assume responsibility for any fuel spills and will be responsible to clean up said fuel spills and pay for any cost incurred therein.

9 ARTICLE NINE

AERIAL APPLICATION OPERATIONS

An Agricultural Aerial Applicator is defined as a person or entity engaging in activities, which involves, makes possible, or is required for application of products (including but not limited to chemicals, seed, and water) on agricultural property by aircraft (including but not limited to airplanes and helicopters). Any operator desiring to engage in aerial application, provide as a minimum the following:

9.1 Minimum Area

The Operator shall construct or lease all or a portion of a facility to provide for aircraft parking and storage (as specified in Section 1.3), automobile parking for customers and employees, concrete loading area of sufficient size that the aircraft can be loaded and maneuver without blocking or impeding aircraft on the taxiway or taxi lane, and a concrete spill containment pad.

9.2 Regulation Compliance

The Operator shall comply with all Federal Aviation Administration, Nebraska Department of Agriculture, and Nebraska Department of Environmental Quality regulations as well as any requirements specified in the agreement between the Operator and the Authority.

9.3 Chemical Storage

All chemicals stored on Premises shall be locked up in a secured storage unit. The Premises shall be kept clean and clear of waste packaging at all times.

9.4 Spills

Operator shall assume responsibility for any chemical or fuel spills and will be responsible to clean up said chemical or fuel spills and pay for any cost incurred therein.

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10 ARTICLE TEN

SPECIALIZED COMMERCIAL FLIGHT SERVICES

Services desiring to engage in specialized commercial air activities such as, but not limited to the following: Banner towing and aerial advertising; aerial photography or survey; firefighting or fire patrol; power line or pipeline patrol; any other operations specifically excluded from FAR Part 135, shall comply with the following minimums.

10.1 Minimum Area

The Operator shall construct a building or lease a portion of a building to provide suitable facilities for office space, flight planning, aircraft parking and storage (as specified in Section 1.3), and automobile parking for customers and employees.

10.2 Personnel

The Operator shall provide at least one (1) person having a current commercial certificate with appropriate ratings for the aircraft to be flown.

10.3 Aircraft

The Operator shall provide at least one (1) properly certificated aircraft owned or leased by written agreement.

10.4 Hours of Operation

The Operator shall post and maintain hours of operation convenient to customers.

11 ARTICLE ELEVEN

OPERATORS NOT PERMANENTLY BASED AT THE WAHOO MUNICIPAL AIRPORT

Operators that are not permanently based at the Wahoo Municipal Airport are welcome to use the Airport for normal general aviation operations. The determination of which section below applies to the Operator is determined solely by the Authority.

11.1 Seasonal Operators

Seasonal Operators are those Operators that operate from the Airport on a seasonal basis. Other than being allowed to land, takeoff, tie-down, purchase fuel, and any other activities specifically identified in the FAA Airport Compliance Manual – Order 5190.6B, the Seasonal Operators are required to comply the Minimum Standards.

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11.2 Transitory Operators

Transitory Operators are those Operators that from time to time utilize the Airport for their normal operations. Transitory Operators can not sell their services as being based on the Wahoo Municipal Airport. Operators that would fit into this category would include, but not be limited to, Air Taxi Services, Air Charter Services, Air Ambulance Services, Air Banner Services and Flight Training.

11.3 Other Operators

All other operators are required to meet the Minimum Standards.

12 ARTICLE ELEVEN

ADOPTION AND AMENDMENT TO MINIMUM STANDARDS

12.1 Adoption

These Minimum Standards shall become effective as of March 12, 2012.

12.2 Amendment

The Authority reserves the right to amend these Minimum Standards at its own discretion. Prior to all amendments, a written comment period of sixty (60) days will transpire for all proposed amendments. Proposed amendments will be distributed by certified mail to all Operators at the Airport affected by the Minimum Standards, for comment on proposed amendment(s). Certified mail will be sent to the most current address provided by the Operator to the Authority. Written comments will be discussed at the next regularly scheduled meeting of the Authority. The proposed amendment(s) to the Minimum Standards will be adopted at the following regularly scheduled meeting of the Authority.

12.3 Temporary Exemption for Building Requirement

For the operators where the minimum standards require a building to be constructed as defined in Section 1.3, a temporary transition waiver is provided. The requirement for the building can be waived until March of 2015. In order to receive this waiver, the building site plan and location must be approved by the Authority and all site development other than the building must be completed prior to commencement of services by the operator. Failure to complete the construction of the building by November of 2015 will be considered a breach of contract and will result in the termination of the lease. In that event, the Operator will be required to remove all improvements made or transfer ownership to the Authority.

Exhibit A - Wahoo Municipal Airport Minimum Standards

Insurance Coverage Requirements

ALL OPERATORS

General Liability Coverage - \$1M per occurrence – bodily injury and property damage liability.

ADDITIONAL COVERAGE REQUIREMENTS

Fixed-Base Operators

Airframe and/or Power Plant Repair Other Specialized Aircraft Maintenance Services Aircraft Fuels and Dispensing Service

- a. Hangar Keeper's Liability - \$100,000/occurrence
\$100,000/aircraft
- b. Products & Completed Operations - \$1M/occurrence bodily injury and property damage
\$100,000/person bodily injury

Aircraft Sales

- Products and Completed Operations - \$1M/occurrence bodily injury and property damage
\$100,000/person bodily injury

Aerial Ag Sprayers

- a. Comprehensive Chemical Coverage \$300,000/occurrence;
\$100,000/person bodily injury
\$100,000/property damage
- b. Also require a "Crops being treated & adjacent field" endorsement

Aircraft Rental

Flight Instruction (only if service is offered in Instructor's Airplane)

Air Taxi or Charter Service

Specialized Commercial Flight Services

- Aircraft Liability Coverage \$1M / occurrence bodily injury and property damage
\$100,000/ passenger