



July 29, 2019

Aviation Services Inc.,
P.O. Box 1932
Minot, North Dakota 58702

RE: 2019 City Property Inspection
INSPECTION DATE: May 17, 2019, 9:30 a.m.
Westside Lot 49, Minot International Airport

**SECOND DELIVERY
ATTEMPT**

Aviation Services, Inc.,

The purpose of this letter is to inform you that city inspectors have concluded their initial inspection of your premises at the Minot International Airport (MOT), and have identified concerns relating to your leased premises, located on the Westside Lot 49, at MOT. Given that your premises is not being primarily used to store serviceable aircraft, that city inspectors could not determine what aeronautical purpose your hangar is being used for, and that the lease has been converted to a month-to-month lease, I will recommend at the August 5, 2019 regular City Council meeting that the City Council terminate your Lease.

As you know, the City of Minot (City) conducted an inspection of your leased premises on May 17, 2019. During this inspection, the City observed the following concerns:

1. The premises is being used to store nonoperational aircraft;
2. The premises is being used to store materials with no aeronautical purpose (lawn mower, dog crates, etc.);
3. Aircraft floats have been stored outside of the hangar for many years;
4. The overall use of the hangar does not appear to be for an aeronautical purpose.

Enclosed is a copy of the lease between the City and Aviation Services, Inc. The lease clearly states that the premises can only be used for the storage of aircraft. See Ground Rent Lease Renewal by and Between the City of Minot, ND and Aviation Services, Inc, at Page 3, paragraph 6.A.

Additionally, airports that have accepted grants under the Airport Improvement Program are limited by federal law to use aeronautical facilities only for aeronautical uses. Aeronautical uses for hangars include storage of active aircraft and maintenance and the repair or refurbishment of aircraft - but not the indefinite storage of nonoperational aircraft. It is the longstanding policy of





MINOT
INTERNATIONAL AIRPORT

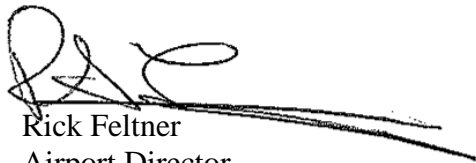
the FAA that airport property be available for aeronautical use and not be available for non-aeronautical purposes unless that non-aeronautical use is approved by the FAA. Use of a designated aeronautical facility for a non-aeronautical purpose, even on a temporary basis, requires FAA approval. The City is not aware that you have received FAA approval for using the leased premises for non-aeronautical purposes.

Upon conclusion of their inspection on May 17, 2019, it was not immediately apparent to city inspectors what aeronautical purpose your hangar is being used for. Upon further review of your lease and other documentation with MOT, it appears as though your lease was converted to a month to month tenancy due to your “hold over possession” of the leased premises at the expiration of the original term of the Lease Agreement; you have not had an active commercial aeronautical license since 2016; and there is no indication that the FAA approved your property to be available for non-aeronautical purposes.

As mentioned at the outset of this letter, given that your premises is not being primarily used to store serviceable aircraft, that city inspectors could not determine what aeronautical purpose your hangar is being used for, and that the lease has converted to a month-to-month lease, I will recommend at the August 5, 2019 regular City Council meeting that the City Council terminate your Lease.

You are welcome to contact me prior to this meeting to discuss my recommendation or to attend the August 5, 2019 City Council meeting and discuss my recommendation directly with the City Council. The City Council meetings are held at 5:30 p.m. in City Council Chambers, located at 515 – 2nd Avenue SW, Minot, ND 58702.

Best regards,



Rick Feltner
Airport Director
Minot International Airport

Enclosures: Inspection Photos, Lease, FAA Policy on Non-Aeronautical Use of Airport Hangars

cc: Shawn Sipma, Mayor (via e-mail)
Mark Jantzer, City Council President (via e-mail)
Lisa Olson, City Council Vice President (via e-mail)
Josh Wolsky, City Council Aldermen (via e-mail)
Shannon Straight, City Council Aldermen (via e-mail)
Paul Pitner, City Council Aldermen (via e-mail)
Stephan Podrygula, City Council Aldermen (via e-mail)

City of Minot



Tom Barry, City Manager (via e-mail)

Kelly Hendershot, City Attorney (via e-mail)

Maria Romanick, Airport Services Coordinator, Minot International Airport (via e-mail)

Lonnie Sather, Assistant Fire Chief, Minot Fire Department (via e-mail)

Mitch Flanagan, Chief Building Official, City of Minot (via e-mail)



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