

**MINUTES**  
**ABERDEEN REGIONAL AIRPORT BOARD**  
**Special Meeting**  
**March 28, 2008**

**MEMBERS PRESENT:** Dr. Kennon Broadhurst, Steve Kaiser, Mike Erickson, Patrick Schloss

**MEMBERS ABSENT:** Chuck Bensen

**OTHERS PRESENT:** Dave Osborn, Bob King, Terry Helms, Sam Muntean, Morris Riggan, Mark Caven, Kevin Braun, Emily Arthur-Richardt, Rhea Ketterling

At 11:02am, Chairman Broadhurst stated this meeting was called as a result from the last regular meeting this month. Chairman Broadhurst added Riggan had presented an application and was asked to return with more information.

Riggan stated in the last meeting it was discussed the difference in his flying school. He is applying for just a Flying School and maintenance if he can get enough extra square footage around his existing building to make it meet the minimum requirement. Most of his business will come from his flying school through the agricultural pilot training and the maintenance would be rebuilding airplane, re-fabric and painting.

Chairman Broadhurst stated that last Thursday he and Riggan had talked. Since then Chairman Broadhurst had communications from others that had indicated that Principal(s) in this corporation is/are asking or had stated that this would be a full service operation which does not fall under the limited service. Riggan stated what he is asking for right now is to be a limited FBO to do limited services; full service is for future plans.

Osborn stated to Riggan that what we are looking at is his original application with adjustment to the drawing. Riggan agrees and stated that this is what he is asking. Osborn stated as for the application itself, the application does meet a lot of the items requested in our application: Items 1.01 The Aberdeen Regional Airport adopts these minimum standards in order to protect and promote the best interests of the public with regard to development and provision of aeronautical services and activities and other commercial activities at the Airport; 1.03 Commercial Defined by definition his request fits the commercial services based on the application; 1.04 Non-Discrimination Osborn hopes that Riggan understands that we are reporting his application to be complete and a non-bias application; 1.05A operator desires to conduct an activity not listed, this is not an issue anymore as it is part of the flight training as a whole; Osborn added it should also be noted on 1.05B states that Aberdeen Regional Airport is not required or obligated to provide or construct public ramp/apron or connecting taxiways for commercial operations; 2.02 Osborn stated he sees that Riggan is developing some things for the services; 2.03 Riggan has exclusive rights. Osborn stated the Airport is always trying to be fair to all the tenants and all the people we deal with. Osborn knows that sometimes issues come up that affect negatively on an individual whether it's a result of something that happened. Just an example about two summers ago when Riggan was just coming on as a spray cropper there was another party who wanted to come in just for the summer and at that point in time this Board stepped up and said that in order to be fair to the applicant we have in service we will not have them come on Board just for that summer. Osborn stated basically on the application there are a few things that Osborn had talked about before and Riggan knows how he feels about it. There are safety and security issues that Osborn's sees from his standpoint as an Airport Director which had been discussed before and also discussed the area. In the Airport itself, Osborn's job is to make sure that the Airport is safe for the public and we follow FAA and TSA regulations. Osborn's biggest issue with safety as he had told Riggan is the public coming across the taxiway. Secondly is the security where the distance from the gate set-up is a little different than the other FBO's. The other FBO's are hooked on each side of their building with a fence which stops the public from getting through. Thirdly, as FAA changes their rules, they had put a restriction for people that drive on the field needs to be trained yearly which is part of the new requirement. We do this for Airport Staff as well as to anyone else that drives on the field. We have to be careful of people who have access to the field so we know who they are, how we can track them and if they have been trained or not. As for financial ability it is not a reflection on Riggan, but Osborn had to bring it up that at the time of the application Riggan was working with Caven at Aberdeen Flying Service. This has changed and Riggan no longer works for Caven. Osborn asked if this is affecting Riggan's financial ability. Riggan stated that it does not. The other thing Osborn wanted to discuss is item 1.01 which talks about the Airport looking out for the public safety, public well-being, as well as development. Development at the Airport is one of the things that are the primary part of Osborn's job, working with the engineers, the federal government, and finding funding. Within the Master Planning program it was discussed Riggan's business and the possible location. Osborn stated Riggan's understands this as he had seen the plans. Osborn wanted to make sure that Riggan's understand when these items are discussed in the future planning Riggan's building has not been listed as not being an FBO, but it is being recognized from the Airport standpoint that Riggan can be an FBO in the Master Plan and everything that has been done. In future development which is the Airport's responsibility, we see with our own experiences and the experts that we hired that the placement of the building can be detrimental. In order to be fair and honest, Osborn feels that this Board can allow Riggan to be an FBO if certain items are met; how security and safety will be taken care of. Osborn stated Bismarck Airport right now is having a major problem with FAA requirement on aprons, which FAA will not pay for if an apron is privately taken care of. There are big corporation that have an area and apron developed and FAA says they can't be there so Bismarck are taking contracts away. Osborn would rather not be in this position so let's take care of planning now and look at the proper placement if Riggan is allowed to be an FBO.

Kaiser asked if Riggan had talked to the Airport engineer extensively about his plans and location on the Airport. Riggan stated that he had talked to Muntean for a little bit. Kaiser stated one of the troubles is that we have a competing application for the same space and we do not have a plan for either applicant that he thinks meets the minimum standard for the Board to make judgment. Riggan's plan comes in with a handwritten drawing with Riggan explaining it, nothing is written down. Kaiser's opinion is that when someone is starting a business, they

would generally start with a business plan and Riggin is inadequate as far as Kaiser can determine in order for the Board to believe that this is going to be an ongoing operation. Kaiser added the details of Riggin's plan does not have to be discussed in open session; it can be discussed in closed session. Kaiser stated he does not feel comfortable because Riggin does not have a written business plan and not having an engineering department that has drawn Riggin's plan. It looks scatter shot. Kaiser is very reluctant to support Riggin's application especially since the Board has not seen the plans from the other applicant. Kaiser stated if Riggin can convince Osborn and the Airport engineer that this is the proper use of the space on the Airport and proper placement for Riggin's firm to be, then Kaiser would be more ready to support it going through these channels. Kaiser added he had talked to Dr. Bormes and the description of what Dr. Bormes plans are and what Riggin's plan are different. Riggin wants to teach spray crop piloting which is great and as a matter of fact it would be wonderful of what Dr. Bormes had explained to Kaiser, but the two are very apart in description. Braun from Quest Aviation stated he wanted to clarify that Quest is asking for the ground only if Riggin's building is not going to be there. And to keep in mind there had been a tremendous amount of changes that they had encountered as FBO's in the last two to three weeks.

Osborn stated with the Master Planning and moving runways there is a lot of "what if" and distributed drawings from HNTB. Everyone is trying to grasp the development and concepts that we are working with. If the building was moved that person has always been listed as a FBO; it never been that they were not. Riggin stated as been discussed the place where the Airport wants him to move, his one spray plane he cannot taxiway down that taxiway. Osborn stated this was discussed with Muntean from Helms and also the issue with the spray plane being on this side of the field. Muntean stated with Riggin's thrust having a 52' wing span, physically there is room between the buildings to get this size of an aircraft to get through. It does not meet the FAA's criteria for the taxilane object free area for the aircraft his size, it is a few feet short. Riggin stated this is what he is worried about. Muntean stated the taxilane does not meet the FAA criteria for B2, but Quest uses their back hangar for their caravan and it fits through there. Riggin stated he just wants to follow the rules as if there would be new Airport Board and Airport Manager and there also could be one of the tenants in this area who would complain that he is too close to their hangar door or has their plane out. Osborn stated the thrust would be here for mechanic work only as we do not want this spray plane in this area. Riggin stated this is correct. Osborn asked if there is an issue if the plane is taxied in. Muntean stated if Riggin is towing it versus taxiing it under its own power, towing it the FAA clearance does not apply. Riggin disagrees, as he stated whether you are taxiing or towing if the plane is too big, it's too big. Muntean stated he does not think FAA would define it this way as the taxilane is defined as an area for aircraft movement. Muntean added to keep in mind that an apron has none of these criteria. Riggin stated he would not feel comfortable spending the money and find out that the one airplane that would give him income he could not taxi down.

Kaiser moved to table both applications for an indefinite period and asked that the two parties with basically had a conflict give the Board of what their plans are and the hopes and goals and the business plan so the Board can study it more thoroughly. Motion lost due to lack of second. Riggin stated he thought that he had completed what Osborn wanted him to do and what is needed as per the application process. Chairman Broadhurst stated maybe the business plan is not listed in the standard, but Sauck's (Riggin's Atty) response on 1.06-3 is that "Hangar 9, Inc. is confident that the proposed business will generate the level of revenue to sustain business operations past the initial 12 months". Chairman Broadhurst thought most bankers will not take this statement as you have to show them that you have a way of generating this type of income not that you are confident that you would do it. Osborn stated the application as per the standard is complete. If the Board is asking for additional items this would be an addition to the request to make sure things are clarified. Schloss asked Osborn to confirm that the plan meets FAA specifications that would support Board's approval or is it lacking elements that would be expected by FAA. Osborn stated because of the requirements for safety and security as it stands where the building is located would be questionable. Osborn visited this morning with one of the TSA person to look at where the building is at and look at people that would be coming across there. The comment made is that we will have real issues with people's liability. Meeting specs and requirements is part of the element; not all the element that we would have the liability and responsibility for. Schloss stated what he is trying to get is a firm objective statement; is it a TSA's opinion or does the application as it is submitted to the Board meets the standards that are expected by the FAA or is that opinion an absence of meeting the standards and indicated that the standards has not been met or is it someone's opinion about the probability of risk. Osborn stated based on the rules and regulations, as an Airport, we are required to oversee the safety and security of people and or the property. Like what Osborn had said before, his issues are about safety and security and are based upon the information he had gathered from FAA regulations. If Osborn is to make a statement it would be that "he feels that there is a safety and security issues with the building where it is currently at that would put the Airport in a lot of liability". Kaiser asked for the engineer's opinion. Schloss stated it would be an easy decision if it comes to a vote; if the application does not meet objective FAA standards and if it is a person's opinion then the Board has a harder call. If it is a person's opinion then maybe there is something Riggin can do to mitigate the risk issues. If we can simply identify the level of risk and type of security that the other FBO's have and we can have Riggin install procedure that meets the same elements of security. Terry Helms from Helms and Associates stated he has to concur with what Osborn had said and on top of it going through the Master Plan process we have a hard time accommodating parking and access issues in this location. The whole planning process had been about getting these issues resolved so we do not end up with this situation again. Schloss asked Helms if his opinion is that the application does not meet FAA standards. Helms stated he has not read the application. Schloss stated again what he is looking for is an objective standard. Osborn stated the rules for safety and security are written by FAA and cannot truly give any specific rule to answer Schloss' question. It generally comes about where does responsibility and liability lie. One comment Osborn would like to share from this morning is that the TSA person says in his experience he will see the parties make promises that they will secure the gate and watch the staff and when things slack off then we have them not doing it. Overall, the safety and risk is the Airport's ultimate responsibility. Schloss stated hopefully this is enforcement. If an existing FBO accepts a tie-down, a customer would go in the reception area, asked for a door to be opened, leave and either you are escorted or not across a busy taxiway to an airplane and it seems that the same arrangement can be made. Schloss stated he understands what Osborn is saying about the risk of lacking as times goes on, but this applies to all FBO's and it is up to the Airport Management to enforce this. Schloss is looking for something subjectively different from the expectations of the FAA. Osborn stated FAA does not get involved in the application process and they leave this up to the airport and they recommend that we do put up standards. In reviewing this, Osborn is giving his recommendations to this Board on the issues that he feels would face them in the future based upon our responsibility to FAA. Schloss asked for Osborn and Helms' opinion who he respects enormously; is the location of the building by its nature cannot be mitigated? Is the risk problem cannot be mitigated or can procedure be instituted by Riggin that would parallel those of the other FBO's and provide the same level of safety if they are followed. Osborn stated if we look at the taxiway which he looks at as a safety issue, one of the ways to mitigate this is to move the taxiway, if this is moved, what would be the expense. We are trying to look at what is

the minimal possible influence that could happen to give them every respect. Osborn's feeling is if we look at possibly say that surely this person can be an FBO, but the placement on the Airport has to be reviewed because there are other cause involve. In the application process it does state the Airport does not have the responsibility for the buildable items. Schloss stated he is talking about behavioral things like he would follow for Quest or Aberdeen Flying Service where they guard the doors and make sure you are escorted across the taxiways to get to tie-downs; can the same procedure be used and would it solve the problem. Osborn stated that it can, if something is set-up, but he is worried on how we protect the taxiway area and connect the building similar to make it a similar situation. The example is that the existing FBO's there is a fence from the building side to building side so people can't get through it and this cannot be done where Riggin's building is because of the taxiway; it cannot be contiguous type of operation where they have it. Schloss stated then maybe the Board need a safety plan where Riggin can address this. This may be addressable; we just have to see how we would do it.

Erickson asked if the addition that Riggin had drawn up is necessary to be there. Riggin stated for maintenance he would need 1,400' which is the most he could have with the utilities in the area. Riggin stated he will not have hundreds of customers in a day, they would have to call him and they have to go over and get them. It would be between his wife, the mechanic and Riggin to do this. Erickson stated he is not in favor of anymore additions onto the building at this time. Maybe when the Master Plan is done and they decide what is going to be where and what. Erickson stated he did not want Riggin spending more money on the site then things changes and it becomes a liability of paying him back. Riggin stated he can have the current size of his building to have his flying school and maintenance until the Master Plan comes into affect. Helms asked if Riggin can get his aircraft into the hangar as it exist today and how much clearance does he have on each of the wing tip. Riggin stated he can get his aircraft into this hangar and as for clearance about a few inches. Helms stated so if we can get him on the taxiway on the proposed area, Riggin can make it happen within a few inches. Riggin stated he is not saying that it cannot be done; he wants to follow the rules. Helms stated as we think about placing of the limited FBO in a site that had been considered in many public meetings. Helms asked Riggin how often he would do maintenance on his aircraft that needs to be in a structure and how often it would be brought down the taxiway. Riggin stated in the summer it would be almost everyday for washing, etc. Osborn stated do we want to wash a plane that has crop spray on this side of the field. Riggin stated it would be washing the outside not draining the tank. Kaiser stated this is more of a business plan type of questions and added that is why the Board needs a business plan; what type of business is Riggin going to run, what type of cash flow is going to generate. Kaiser stated he is still troubled by the fact that Riggin and Dr. Bormes seem to be a long way apart on the description of what the business is and is going to be as he is on the application too. Riggin stated he is dealing with what is on the table today. Erickson stated the transfer of the hangar has already been approved and if we don't allow him add on to the building he can't do his business. Erickson wanted to limit Riggin's activity for the current time without holding him up. Chairman Broadhurst stated this still does not take care of the safety issue. Osborn stated the safety issue is still there, if we allow Riggin to be an FBO. Erickson stated we are not allowing him to be an FBO, we are allowing him to work on his hangar; if Riggin bring someone in his hangar to be trained does this consider him to be an FBO. Osborn stated that it does, as services under the standards actually have this. A copy of Riggin Flight Service ad on the web for crop spraying which he is eligible to do was distributed and Osborn added that it appears that Riggin is advertising for services that have not been approved by this Airport at this time. Riggin stated he is doing this in Mina. Osborn stated the ad does not say this and only has his phone number and it appears that the picture was at the Aberdeen Regional Airport. Riggin stated it just so happen he had all his planes here at one time so he took a picture. Osborn stated he is worried that the application needs to be resolved by this Board. Osborn stated he thinks that when Riggin talked to Dr. Broadhurst, Riggin had discussed a timeframe for cement, so there are plans to do some permanency. Osborn truly believes as the Airport having the responsibility for development; we also need to look at development for the Airport not to deny someone which is not a denial at this time. Osborn stated truly we can get together to make a decision where Riggin can be an FBO, but the location needs to change then we do not stop the stimulation of the Airport by not allowing him to be an FBO. Osborn stated this can be a workable situation with everybody. It just we need to sit down as a group and make this decision to work together. At this point in time Riggin's request to be an FBO, Osborn's recommendation to this Board is no because it would affect security, safety and the development of the Airport. Erickson stated so Riggin cannot be on this location if this is developed in the Master Plan. Osborn stated this is correct and Riggin had been shown the plan as it does involved possibly moving the building. Riggin stated whenever the Master Plan comes into effect there would be a driveway on the back of his building so his building can stay there and it does not have to be moved. Osborn stated if the Board allows Riggin to stay in the location as a hangar, FAA would not build an apron where a private individual is located. Kaiser stated we loved to work this through, but Osborn and Helms has some say in it. Erickson asked how does it compare to someone who comes in from the south gate to the crop dusting area with a private individual coming in. Riggin stated he has the same situation in his loading pad, if he has anything delivered he opens the gate and when they are done he lets them out. Osborn stated there is complete control on this side of the field. It does not have a taxiway going through it. Riggin does not have two issues at once; there is security, but not safety. Where the building is, there is no gate no fencing and it is wide open and once you're on the field there are safety and security issues. Riggin stated like he had stated before there really not much traffic in the taxiway, in the morning Quest tows their freighters out, for private planes there is probably a couple a day and on the weekend maybe three or four taxing out. Erickson stated it would be more economical to move the building on the other side of the field. Osborn stated if Riggin's business is majority crop spraying training he would agree and certainly something he can look at in the Master Plan. Dollar wise whether the building is moved within the interior or to the other side of the Airport, it makes no difference. Erickson stated he is leaning to keep this type activity in one place. Osborn stated this would resolve the issue with the 50' wing span. Riggin stated the classroom is going to be done in the building and the actual loading which he will use water being it's for training would be done on the other side of the field. As for road for maintenance there is only gravel road in this area. Osborn stated the future plan of the Airport does involve development around this area so people do not come in on an active taxiway. It is a tough decision and this is probably the first time this Airport has been forced with a possible third FBO. Osborn added he likes the idea of promoting a third FBO, but to keep in mind that we are required to fulfill FAA and TSA requirements and to be fair to all the tenants and if Riggin would agree to make a move and we can get him the same security as the other FBO's and it can be workable. Chairman Broadhurst stated his feeling is that this has to be worked out between Riggin, Helms and Osborn. Chairman Broadhurst added he had noticed that this involved three different entities from Riggin Flying Service to Hangar 9, Inc, to the spraying service, but the application the received by the Board is from Hangar 9, Inc and there should be a separation. Schloss stated he certainly concur that the application needs more attention and we should request that it comes back. Kaiser stated he would like to submit his motion again to table the application indefinitely until the Board receives the specificity of planning from both parties who wants to use the space. Motion lost to lack of second again. Osborn asked for future Board meeting how will this item be left off until there is some conclusion. What Osborn is worried about is at what point in time do we consider conclusion if we at the Airport have difference of opinion or idea.

Schloss stated there have to be a motion to this effect, but Riggin is a public citizen and can come to the meeting at anytime unless he is improper or is out of order. Osborn added if we are leaving this open at this point in time, he wanted to point out that Riggin is not employed by Aberdeen Flying Service or Quest Aviation and prefers that Riggin not do any services as an FBO on this Airport like ferrying people in and or other things that could affect their income to make it fair for everyone. Schloss stated the Airport should already have a policy and procedure set up for this as the Airport Board is a policy Board not an enforcement Board. If Riggin is doing things that violates policy then it's up to Osborn to address it without the Board, but if there is no policy in placed then Osborn should bring a policy request to the Board.

Kaiser moved to adjourn the meeting, seconded by Schloss. The meeting adjourned at 11:57am.