



Agenda

Airport Board

Municipal Airport, 19623 40th Street, Oelwein, Iowa

6:30 PM

April 19, 2023
Oelwein, Iowa

Mayor: Brett DeVore

Mayor Pro Tem: Lynda Payne

Board Members: Tom Stewart, Greg Bryan, Ken Woodraska, Tommy Nations, John Bagge, Jim Tuchscherer

CALL TO ORDER

ROLL CALL

1. Open Meeting and Public Comment Discussion.

APPROVAL OF MINUTES

2. March Minutes.

EXPENSE REVIEW

3. March Expenses.

FBO REPORT

NEW BUSINESS

4. Discussion on Chapter 6 of City Code Airports.
5. Discussion on Businesses at Airport.

OLD BUSINESS

6. Discussion on Security Cameras.

SCHEDULE NEXT MEETING DATE

ADJOURNMENT

In compliance with the Americans with Disabilities Act, those requiring accommodation for Council meetings should notify the City Clerk's Office at least 24 hours prior to the meeting at 319-283-5440



To: Airport Board
From: Dylan Mulfinger
Subject: Open Meetings
Date: 4/19/2023

Recently, the events at the airport have led to an increase in meeting attendance at the Airport Board meetings. It is important to remember these meetings are open to the public, but public comment is not required. According to the Iowa Public Information Board:

Government bodies are not required to allow public comment at open meetings, though many do, and they are allowed to enforce reasonable rules to ensure meetings are orderly. Members of the public are allowed to use cameras and recording devices at open meetings, so long as they aren't disruptive.

The Airport Board should decide as a board if they want to take public comment and the rules around how the board hears from the public. Then the Airport Board chair should oversee the process in accordance with the board's policy.

The board must discuss only the items on the agenda. Items listed on the agenda can be voted on by the board. Should a board member want to discuss something, they should make the request to the Airport Board chair so that they can have it placed on the agenda. Should a discussion lead to more issues or require more action from the board, a board member may request that it be listed on the next agenda.

Lastly, board members should vote on each item, and the Airport Board chair must audibly announce who voted yes and who voted no. The city relies heavily on audio recording for the board minutes. The city has gone through a change over on staff for Airport Board minutes. The new staff member does not recognize the voices as did the 30-year staff member who had retired.



Minutes

Airport Board

20 Second Avenue SW, Oelwein

March 15, 2023 - 6:30 PM

CALL TO ORDER

Greg Bryan called the meeting to order at 6:30PM

ROLL CALL

Present: Woodraska, Nations, Bagge, Tuscherer, Bryan, Stewart, Lenz, Garrigus

Also Present: Melody Rich, Tegeler, Tim Recker

APPROVAL OF MINUTES

1. February Minutes.

Greg Bryan motioned to change the wording on the February 15, 2023 minutes of “spyware” to GPS Tracking Device. Seconded by Nations. 3 aye (Nations, Tuscherer, Bryan), 2 Nay. Motion carried.

EXPENSE REVIEW

2. February Expense Review.

Motion by Woodraska, seconded Bagge to approve. All aye. Motion carried.

PUBLIC COMMENT

Melody asked if there was anything to be done to looking into who might have taken George and Pam’s video recorder.

That is something this board wouldn’t dealing with. It’s up to the City or George and Pam to work with local law enforcement.

Melody then asked if anybody here had taken something that didn’t belong to them. Chair Bryan said he was stopping discussion on this as this board is not a court room. If anyone has any accusations they need to contact local law enforcement and let them deal with it.

Woodraska made a formal statement regarding his disapproval of Bryan’s attempts to eliminate the FBO position, and his actions in placing the GPS tracker and watching it at the airport. Woodraska then remarked his approval of George and his work to keep Oelwein Airport at the forefront and would work with him should there be things he felt needed to be addressed.

Bryan replied to Woodraska, I don’t know where I’m sitting out watching. I had a complaint and came and checked on it. The GPS deal, no one was tracked, no one was harmed. I had no intentions of harming anybody with it or using it against anybody.

Bryan stated that the board’s decision was not personal and eliminating the FBO was based on financial needs.

Bagge stated that the board’s decision must be the best for the airport and the community.

FBO REPORT

Tegler reported 5 different aircrafts at the airport doing what he suspected were trainings. There is the national guard at the airport once or twice a week.

FAA yearly report on numbers of how many planes are coming into the airport. Weekends are not included in the tallies. It may be found at FAA.gov for each airport in the State of Iowa.

Bagge asked about the fuel system. Tegeler reported he is close to being out of gas shortly, less than 200 gallons are left per George's calculations. They are still waiting on software for the fuel system. New shop door is in.

OLD BUSINESS

Bryan presented photos as to what he feels are area of concern; including the raising concrete; the courtesy car floor; east hanger drainage, roofing, and painting; community building; asphalt; fuel system tank and pump upgrade.

Woodraska suggested that the projects that take precedent would be those that cost the least. The group stated they would like the projects ranked in the same manner and that would be as follows:

- Community building
- Concrete crack repair
- Asphalt crack repair and seal coating
- Fuel system upgrade
- Hangar rust inhibitor and paint

A discussion on grant acquisition took place. Bagge felt it would be in the interest of the board to remove the bay flooring and the drainage.

Motion by Bagge second by Woodraska to submit the repairs to Council. All aye. Motion carried.

SCHEDULE NEXT MEETING DATE

April 19 at 6:30 PM

ADJOURNMENT

Motion to adjourn made by Bagge, seconded by Nations at 7:30PM

CITY OF OELWEIN
 REVENUES WITH COMPARISON TO BUDGET
 FOR THE 9 MONTHS ENDING MARCH 31, 2023

Item 3.

GENERAL

		PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEARNED	PCNT
<u>AIRPORT</u>						
001-2800-43110	HANGAR RENT	1,602.00	12,810.00	16,000.00	3,190.00	80.1
001-2800-43120	LAND RENT	36,225.00	36,225.00	32,000.00	(4,225.00)	113.2
001-2800-47053	COURTESY CAR DONATIONS	.00	128.08	100.00	(28.08)	128.1
001-2800-47130	JET A/100LL FUEL REIMBURSEMENT	.00	3,121.80	4,500.00	1,378.20	69.4
001-2800-47990	MISC	90.00	45,090.00	.00	(45,090.00)	.0
	TOTAL AIRPORT	37,917.00	97,374.88	52,600.00	(44,774.88)	185.1
	TOTAL FUND REVENUE	37,917.00	97,374.88	52,600.00	(44,774.88)	185.1

CITY OF OELWEIN
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 9 MONTHS ENDING MARCH 31, 2023

Item 3.

GENERAL

		PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>AIRPORT</u>						
001-2800-60100	SALARY	.00	519.53	500.00	(19.53)	103.9
001-2800-63100	BUILDING	1,193.37	30,924.58	3,000.00	(27,924.58)	1030.8
001-2800-63310	VEHICLE	.00	281.90	1,500.00	1,218.10	18.8
001-2800-63730	COMMUNICATIONS	134.01	825.40	1,000.00	174.60	82.5
001-2800-63810	UTILITIES	602.31	3,402.11	5,500.00	2,097.89	61.9
001-2800-64915	REFUNDS	.00	195.00	.00	(195.00)	.0
001-2800-64950	CONTRACTS	2,999.83	30,030.92	36,414.00	6,383.08	82.5
001-2800-65041	EQUIPMENT	.00	2,915.29	2,500.00	(415.29)	116.6
001-2800-65060	OFFICE SUPPLIES	8.70	100.88	500.00	399.12	20.2
	TOTAL AIRPORT	4,938.22	69,195.61	50,914.00	(18,281.61)	135.9
	TOTAL FUND EXPENDITURES	4,938.22	69,195.61	50,914.00	(18,281.61)	135.9
	NET REVENUE OVER EXPENDITURES	32,978.78	28,179.27	1,686.00	(26,493.27)	1671.4

Report Criteria:

Actual amounts

All accounts

Account.Account number = "001280043110"- "001280065060"

Journal	Payee or Description	Debit Amount	Credit Amount	Balance	
001-2800-43110 HANGAR RENT					
AR	Payment Applied - Hangars - PAUL MARCOTTE		65.00-		
AR	Payment Applied - Hangars - KATHERINE McCA		65.00-		
AR	Payment Applied - Hangars - MICHAEL WILHEL		65.00-		
AR	Payment Applied - Hangars - MIKE MATTHIAS		70.00-		
AR	Payment Applied - Hangars - KYLE RICH-CROP		56.00-		
AR	Payment Applied - Hangars - KYLE RICH-CROP		90.00-		
AR	Payment Applied - Hangars - KYLE RICH-CROP		90.00-		
AR	Payment Applied - Hangars - KYLE RICH-CROP		155.00-		
AR	Payment Applied - Hangars - MIKE MATTHIAS		70.00-		
AR	Payment Applied - Hangars - JOHN BAGGE		70.00-		
AR	Payment Applied - Hangars - JOHN BAGGE		280.00-		
AR	Payment Applied - Hangars - PAUL MARCOTTE		65.00-		
AR	Payment Applied - Hangars - RANDY ALTHOUS		70.00-		
AR	Payment Applied - Hangars - KYLE RICH-CROP		56.00-		
AR	Payment Applied - Hangars - KYLE RICH-CROP		90.00-		
AR	Payment Applied - Hangars - KYLE RICH-CROP		90.00-		
AR	Payment Applied - Hangars - KYLE RICH-CROP		155.00-		
YTD Encumbrance	.00 YTD Actual	12,810.00- Total	12,810.00- YTD Budget	16,000.00- Unearned	3,190.00

001-2800-43120 LAND RENT					
CR	LAND RENT - T & S FARMS-TRAVIS SEEHASE		36,225.00-		
	Description: LAND RENT - T & S FARMS-TRAVIS SEEHASE				
YTD Encumbrance	.00 YTD Actual	36,225.00- Total	36,225.00- YTD Budget	32,000.00- Unearned	4,225.00-

001-2800-47053 COURTESY CAR DONATIONS					
YTD Encumbrance	.00 YTD Actual	128.08- Total	128.08- YTD Budget	100.00- Unearned	28.08-

001-2800-47100 ELECTRICAL REIMBURSEMENT					
YTD Encumbrance	.00 YTD Actual	.00 Total	.00 YTD Budget	.00 Unearned	.00

001-2800-47130 JET A/100LL FUEL REIMBURSEMENT					
YTD Encumbrance	.00 YTD Actual	3,121.80- Total	3,121.80- YTD Budget	4,500.00- Unearned	1,378.20

001-2800-47990 MISC					
CR	MISC - ADD'L CONTRIBUTION USAGE AT FACI		90.00-		
	Description: MISC - ADD'L CONTRIBUTION USAGE AT FACILITIES - KYLE RICH-CROP CARE AIR				
YTD Encumbrance	.00 YTD Actual	45,090.00- Total	45,090.00- YTD Budget	.00 Unearned	45,090.00-

Journal	Payee or Description		Debit Amount		Credit Amount		Balance	
001-2800-60100 SALARY								
YTD Encumbrance	.00	YTD Actual	519.53	Total	519.53	YTD Budget	500.00	Unexpended 19.53-
001-2800-63100 BUILDING								
AP	MULGREW OIL CO				1,193.37			
	**Desc: LP GAS AIRPORT							
YTD Encumbrance	.00	YTD Actual	30,924.58	Total	30,924.58	YTD Budget	3,000.00	Unexpended 27,924.58-
001-2800-63310 VEHICLE								
YTD Encumbrance	.00	YTD Actual	281.90	Total	281.90	YTD Budget	1,500.00	Unexpended 1,218.10
001-2800-63730 COMMUNICATIONS								
AP	COMMUNITY DIGITAL WIRELESS LLC				102.10			
	**Desc: AIRPORT INTERNET SERVICE							
AP	AUREON COMMUNICATIONS				31.91			
	**Desc: AIRPORT PHONE SERVICE							
YTD Encumbrance	.00	YTD Actual	825.40	Total	825.40	YTD Budget	1,000.00	Unexpended 174.60
001-2800-63810 UTILITIES								
AP	BLACKHAWK WASTE DISPOSAL CO INC				36.96			
	**Desc: GARBAGE PICKUP							
AP	EAGLE POINT ENERGY 5 LLC				106.32			
	**Desc: ELECTRIC SERVICE							
AP	EAGLE POINT ENERGY 5 LLC				216.66			
	**Desc: ELECTRIC SERVICE							
AP	ALLIANT ENERGY				242.37			
	**Desc: ELECTRIC SERVICE							
YTD Encumbrance	.00	YTD Actual	3,402.11	Total	3,402.11	YTD Budget	5,500.00	Unexpended 2,097.89
001-2800-64915 REFUNDS								
YTD Encumbrance	.00	YTD Actual	195.00	Total	195.00	YTD Budget	.00	Unexpended 195.00-
001-2800-64950 CONTRACTS								
AP	TEGELER AVIATION LLC				2,999.83			
	**Desc: MARCH FBO FEE							
YTD Encumbrance	.00	YTD Actual	30,030.92	Total	30,030.92	YTD Budget	36,414.00	Unexpended 6,383.08
001-2800-65041 EQUIPMENT								
YTD Encumbrance	.00	YTD Actual	2,915.29	Total	2,915.29	YTD Budget	2,500.00	Unexpended 415.29-

Journal	Payee or Description	Debit Amount	Credit Amount	Balance
001-2800-65060 OFFICE SUPPLIES				
AP	QUADIENT FINANCE USA INC	8.70		
	**Desc: POSTAGE - 12/30/22--2/16/23			
YTD Encumbrance	.00	YTD Actual 100.88	Total 100.88	YTD Budget 500.00
			Unexpended	399.12
Number of transactions: 28		Number of accounts: 15		
		Debit	Credit	Proof
Grand Totals:		4,938.22	37,917.00-	32,978.78-

Chapter 6 AIRPORTS

ARTICLE I. OELWEIN MUNICIPAL AIRPORT

Sec. 6-1. Definitions.

The following words and phrases when used in this chapter shall, for the purpose of the chapter, have the meanings respectively ascribed to them in this section:

Aircraft or airplane any contrivance now known, or hereafter invented, used or designed for navigation of, or flight in, the air, for the purpose of transportation of persons or property, or both.

Airport the Oelwein Municipal Airport and all improvements and appurtenances contained thereon.

Fixed base operator any person who shall have entered into a written lease or agreement with the city and airport commission for the use of any building, shop, or hangar, and, who, by further agreement, guarantees to provide on the airport and serve the public with the following minimum facilities:

1. Aircraft maintenance and repair,
2. Aircraft sale and rental,
3. Assure availability of aircraft gasoline and oil.

(Ord. No. 449, section 1, 10-27-69; Ord. No. 742, section 1, 11-28-83.)

Sec. 6-2. Building requirements and ground rentals.

Any person desiring to erect or construct any building on the airport shall be required to submit plans and specifications for the same to the office of the city clerk. The plans shall also include a general layout, drawn to scale, showing the desired amount of ground actually required for the operation of such building in addition to the portion occupied by the building. Doors on all buildings shall be self-contained. No projection for the suspension or carrying of doors shall be permitted beyond the building line as established by the city.

All buildings erected upon the airport shall conform to the building code requirements of the city and be approved by the bureau of fire prevention. They must be of concrete masonry, metal, or other suitable and acceptable construction material, approved not only as to such material but also as to location at the airport by the airport commission.

When plans have been recommended by the airport commission and approved by the city council a lease may be then entered into at a rate prescribed by the airport commission and approved by the city council.

(Ord. No. 449, section 2, 10-27-69; Ord. No. 742, section 1, 11-28-83.)

Sec. 6-3. Non-liability of city.

The permission granted by the city council to use the airport and its facilities, or to fly to, or over the same, shall be at all times conditioned upon the assumption of full responsibility therefore by every person exercising or taking advantage of such permission. It shall be a further condition thereof that each person, as a consideration for the use of the airport and for its facilities, shall at all times release, hold harmless and indemnify the city, its agents and employees from any and all responsibility, liability, loss or damage resulting to any such person, or cause by or

on his behalf, and incident to the manner in which the airport is operated, constructed or maintained or served from within or without, or used from without. The use of the airport by any person for any purpose, or the paying of fees therefore, or the taking off or landing aircraft thereon, shall be itself an acknowledgement that such person accepts such privileges on the condition herein set forth.

(Ord. No. 449, section 3, 10-27-69.)

Sec. 6-4. Certificates of airworthiness and competency and state registration required; exceptions.

Only aircraft bearing a currently valid airworthiness certificate, and airmen holding a valid certificate of competency for the type of aircraft being flown, as issued by the Federal Aviation Administration of the Department of Transportation and aircraft and airmen registered with the Iowa Aeronautics Commission and in conformity with the laws of the state, shall operate on, from and over the airport; provided, however, that this restriction shall not apply to public aircraft of the federal government, or of a state, territory or possession, or of a political subdivision thereof, or to aircraft licensed by a foreign country with which the United States has a reciprocal agreement covering the operation of such licensed aircraft.

(Ord. No. 449, section 4, 10-27-69.)

Sec. 6-5. Navigation and maintenance to conform to federal and state regulations.

No person shall navigate any aircraft over, land upon, or fly the same from, or service, maintain or repair any aircraft on the airport otherwise than in conformity with the requirements of the civil air regulations established by the Federal Aviation Administration of the United States, as amended, and such rules and regulations as may be enacted or amended by the aeronautics commission of the state. All such persons and said airport shall at all times comply with federal aircraft regulations and OSHA standards.

(Ord. No. 449, section 5, 10-27-69; Ord. No. 742, section 1, 11-28-83.)

Sec. 6-6. Report as to accidents.

Witnesses of and participants in accidents on or near the airport shall be requested to report to the administration office as soon after accidents as possible, leaving their names and addresses and rendering such reports as may be required.

(Ord. No. 449, section 9, 10-27-69.)

Sec. 6-7. First-aid kits.

The operator of each shop shall provide and be responsible for the constant maintenance of a suitable first-aid kit.

(Ord. No. 449, section 10, 10-27-69.)

Sec. 6-8. Report of unsafe or hazardous conditions.

All persons using the airport shall report any unsafe or hazardous conditions on the airport to the airport commission or to the fixed base operator who shall notify the city of such hazard.

(Ord. No. 449, section 11, 10-27-69; Ord. No. 742, section 1, 11-28-83.)

Sec. 6-9. Pilot or mechanic must be in cockpit.

No aircraft engine shall be started or run unless a licensed pilot or competent person is in the cockpit attending to the controls.

(Ord. No. 449, section 13, 10-27-69; Ord. No. 742, section 1, 11-28-83.)

Sec. 6-10. Not to be run in hangars.

No aircraft engines shall be run in the hangars.

(Ord. No. 449, section 14, 10-27-69.)

Sec. 6-11. Right-of-way of landing plane.

The landing airplane has the right-of-way over airplanes moving on the ground, or taking off, and shall land so that any such aircraft is at least 300 feet away in a lateral direction, but this shall not excuse the pilots of either or both such aircraft from the exercise of due care and diligence.

(Ord. No. 449, section 16, 10-27-69.)

Sec. 6-12. Right-of-way between two landing planes.

If two planes are ready to land at about the same time, the one flying at the higher altitude shall maneuver to avoid the other, but this shall not excuse the pilot of either or both such aircraft from the exercise of due care and diligence. At all times any aircraft in distress shall have the right-of-way.

(Ord. No. 449, section 17, 10-27-69.)

Sec. 6-13. Landing at safe distance from hangars, buildings, etc.

Airplanes shall land and take off at a safe distance from hangars and other buildings, obstacles, areas reserved for spectators, and parking spaces for automobiles.

(Ord. No. 449, section 18, 10-27-69.)

Sec. 6-14. Taking off in manner to avoid hangars, buildings, etc.

Airplanes shall not take off over hangars, buildings, obstructions, automobile parking areas or groups of spectators, unless strictly unavoidable.

(Ord. No. 449, section 20, 10-27-69.)

Sec. 6-15. Exercise of due care.

Every person is cautioned to exercise due care and diligence and to maintain strict adherence to the rules set forth in the preceding sections.

(Ord. No. 449, section 20, 10-27-69.)

Sec. 6-16. Taxiing in or out of hangars prohibited.

No airplane shall be taxied into or out of hangars.

(Ord. No. 449, section 21, 10-27-69.)

Sec. 6-17. Operation of aircraft under influence of intoxicating liquor.

No person shall take any aircraft from the landing area or hangars, or operate the same while under the influence of or using or having personal possession of, intoxicating liquor.

(Ord. No. 449, section 22, 10-27-69.)

Sec. 6-18. Acquaintance of students with rules; responsibility for students.

All persons instructing student pilots in flying on the airport shall fully acquaint such students with the rules and regulations in effect on the airport and shall be responsible for the conduct of such students while under their instruction.

(Ord. No. 449, section 23, 10-27-69.)

Sec. 6-19. Manner of parking unhoued aircraft.

All unhoued aircraft shall be parked in the space designated for this purpose and shall be firmly secured to the ground by ropes and stakes, or otherwise, when left unattended or during weather conditions which indicate the necessity therefore. Owners of such aircraft shall be held solely responsible for any damage resulting from failure to properly comply with this rule.

(Ord. No. 449, section 24, 10-27-69; Ord. No. 742, section 1, 11-28-83.)

Sec. 6-20. Parking on runway, taxistrips, etc.

No airplane or other vehicle shall be parked on any runway, taxistrip, or any place other than the designated parking area.

(Ord. No. 449, section 25, 10-27-69.)

Sec. 6-21. Minimum insurance requirements.

Each fixed base operator shall at his own expense carry and keep in full force and effect for the entire period covered by any written lease or agreement with the city and the airport commission, the minimum insurance on each of his aircraft engaged in air commerce from the Oelwein Airport as required by Federal Aviation Regulations, and Civil Aeronautic Board Economic Regulations and any amendments to either or both of said regulations, currently requiring the following:

1. The minimum limits of liability coverage maintained by an air taxi operator who carries passengers in air transportation shall be:
 - A. Liability for bodily injury to or death of aircraft passengers. A limit for any one passenger of at least \$75,000.00, and a limit for each occurrence in any one aircraft of at least an amount equal to the sum produced by multiplying \$75,000.00, by 75 percent of the total number of passenger seats installed in the aircraft.

- B. Liability for bodily injury to or death of persons (excluding passengers). A limit of at least \$75,000.00 for any one person in any one occurrence, and a limit of at least \$300,000.00 for each occurrence.
 - C. Liability for loss of or damage to property. A limit of at least \$100,000.00 for each occurrence.
2. Such fixed base operator shall also carry liability insurance naming the city and its officers and employees as additional insureds protecting the city from loss from each and every claim and demand of whatever nature made by or on behalf of any person or persons for any negligent, wrongful act or omission arising out of the use of the leased airport premises on the part of the fixed base operation lessee, his agents, servants, invitees and employees, such insurance to have limits of not less than the following:
- A. One hundred thousand dollars for personal injury to any one person.
 - B. Three hundred thousand dollars for personal injury in one accident.
 - C. One hundred thousand dollars for property damage.

(Ord. No. 449, section 26, 10-27-69; Ord. No. 742, section 1, 11-28-83.)

Sec. 6-22. Hours of operation of fixed base operators.

The fixed base operator shall conduct operations so that the public and the airport are provided essential services throughout scheduled hours of operation as established by resolution of the city council.

(Ord. No. 449, section 27, 10-27-69; Ord. No. 742, section 1, 11-28-83; Ord. No. 1120, 6-26-2012.)

Sec. 6-23. Penalty for violation of chapter.

Any person operating or handling any aircraft in violation of any of the provisions of this article, or refusing to comply therewith, may be promptly removed or ejected from the airport by or under the authority of the city council or airport and may be deprived of further use of the airport and its facilities for such length of time as may be required to insure the safeguarding of the same and the public and its interest therein.

(Ord. No. 449, section 28, 10-27-69; Ord. No. 742, section 1, 11-28-83.)

Sec. 6-24. Enforcement.

All regularly constituted peace officers and the chief of police shall enforce this article.

(Ord. No. 449, section 29, 10-27-69.)

Sec. 6-25. Penalty.

Anyone violating any of the provisions of this article shall upon conviction, be subject to imprisonment not exceeding 30 days, or a fine not exceeding \$100.00.

(Ord. No. 449, section 30, 10-27-69.)

Secs. 6-26—6-40. Reserved.

ARTICLE II. IN GENERAL

Sec. 6-41. Airport zoning commission.

1. In order to exercise the powers granted by chapter 329 of the Code of Iowa, entitled "Airport Zoning" and to enact, administer and enforce zoning regulations in connection with airport hazards in the area of the Oelwein Municipal Airport, there is hereby established an Oelwein Airport Zoning Commission to adopt, administer and enforce zoning regulations in connection with such airport hazards at the Oelwein Municipal Airport, and for the purpose of preventing such airport hazards as may be appropriate in the area in question.
2. As authorized by section 414.6 of the Code of Iowa, the Oelwein Plan Commission as created under section 3-111 of the General Ordinances of the City of Oelwein, adopted July 28, 1969, under and pursuant to the provisions of the Code of Iowa and all amendments thereto, with membership therein as provided in section 3-111 of said General Ordinances of the City of Oelwein, and all amendments thereto is hereby appointed as such Oelwein Airport Zoning Commission. Such commission shall have the powers and duties enumerated in chapters 329 and 414 of the Code of Iowa, and all ordinances of the City of Oelwein enacted pursuant thereto.

(Ord. No. 535, sections 1 and 2, 3-8-76.)

Secs. 6-42—6-49. Reserved.

ARTICLE III. AIRPORT ZONING

Sec. 6-50. Short title.

This article shall be known and may be cited as "Oelwein Municipal Airport Height Zoning Ordinance."

(Ord. No. 547, section 1, 9-27-76.)

Sec. 6-51. Definitions.

As used in this article, unless the context otherwise requires:

Airport means the Oelwein Municipal Airport.

Airport elevation means the highest point of an airport's usable landing area measured in feet above mean sea level.

Airport hazard means any structure or object of natural growth located on or in the vicinity of a public airport, or any use of land near such airport, which obstructs the airspace required for the flight of aircraft in landing or takeoff at such airport or is otherwise hazardous to such landing or takeoff of aircraft.

Airport primary surface means a surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway. The width of the primary surface of a runway will be that width prescribed in Part 77 of the Federal Aviation Regulations (FAR) for the most precise approach existing or planned for either end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

Airspace height means, for the purpose of determining the height limits in the zones set forth in this article and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

Control zone means airspace extending upward from the surface of the earth which may include one or more airports and is normally in a circular area of five statute miles in radius, with extensions where necessary to include instrument approach and departure paths.

Instrument runway means a runway having an existing instrument approach procedure utilizing air navigation facilities or area type navigation equipment, for which an instrument approach procedure has been approved or planned.

Minimum descent altitude means the lowest altitude, expressed in feet above mean sea level, to which descent is authorized on final approach or during circle-to-land maneuvering in execution of a standard instrument approach procedure, where no electronic glide slope is provided.

Minimum enroute altitude means the altitude in effect between radio fixes which assures acceptable navigational signal coverage and meets obstruction clearance requirements between those fixes.

Minimum obstruction clearance altitude means the specified altitude in effect between radio fixes on VOR airways, off-airway routes, or route segments which meets obstruction clearance requirements for the entire route segment and which assures acceptable navigational signal coverage only within 22 miles of VOR.

Runway means a defined area on an airport prepared for landing and takeoff of aircraft along its length.

Visual runway means a runway intended solely for the operation of aircraft using visual approach procedures with no straight-in instrument approach procedure and no instrument designation indicated on an FAA approved airport layout plan, a military service approved military airport layout plan, or by any planning document submitted to the FAA by competent authority.

(Ord. No. 547, section 2, 9-27-76.)

Sec. 6-52. Airport zones and airspace height limitations.

In order to carry out the provisions of this section, there are hereby created and established certain zones which are depicted on the Oelwein Municipal Airport Zoning Height Zoning Map. A structure located in more than one zone of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

AIRPORT HEIGHT ZONES

1. *Horizontal zone.* The land lying under a horizontal plane 150 feet above the established airport elevation, the perimeter of which is constructed by:
 - A. *Visual runway:* Swinging arc of 5,000 feet radii from the center of each of the primary surface or runways 18 and 36, and connecting the adjacent arcs by lines tangent to those arcs.
 - B. *Instrument runway:* Swinging arcs of 10,000 feet radii from the center of each end of the primary surface of runways 13 and 31, and connecting the adjacent arcs by lines tangent to those arcs. When a 5,000 foot arc is encompassed by the tangents connecting two adjacent 10,000 foot arcs, the 5,000 foot arc shall be disregarded on the construction of the perimeter of the horizontal surface.

No structure shall exceed 150 feet above the established airport elevation in the horizontal zone, as depicted on the Oelwein Municipal Airport Height Zoning Map.

2. *Conical zone.* The land lying under a surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to one for a horizontal distance of 4,000 feet. No structure shall penetrate the conical surface in the conical zone, as depicted on the Oelwein Municipal Airport Height Zoning Map.

3. *Approach zone.* The land lying under a surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface.
 - A. The inner edge of the approach surface is visual other than utility runway and non-precision instrument runway: 500 feet wide for runways 31 and 13 and 18 and 36.
 - B. The outer edge of the approach zone is: Visual other than utility runway:
 1. One thousand five hundred feet for runways 18, 36 and 31. Nonprecision instrument runway:
 2. Three thousand five hundred feet for runway 13.
 - C. The approach zone extends for a horizontal distance of: All visual runways:
 1. Five thousand feet at a slope of 20 to one for runways 18, 36 and 31.
Nonprecision instrument runway:
 2. Ten thousand feet at a slope of 34 to one for runway 13.

No structure shall exceed the approach surface to any runway, as depicted on the Oelwein Municipal Airport Height Zoning Map.

4. *Transitional zone.* The land lying under those surfaces extending outward and upward at right angles to the runway centerline and the runway centerline extended at a slope of seven to one from the sides of the primary surface and from the sides of the approach surfaces.

No structure shall exceed the transitional surface, as depicted on the Oelwein Municipal Airport Height Zoning Map.

5. *General prohibition.* No structure shall be erected in Fayette County that raises the published minimum descent altitude or decision height for an instrument approach to any runway, nor shall any structure be erected that causes the minimum obstruction clearance altitude or minimum enroute altitude to be increased on any federal airway in Fayette County.

(Ord. No. 547, section 3, 9-27-76.)

Sec. 6-53. Use restrictions.

Notwithstanding any other provisions of section 6-52, no use may be made of land or water within 14,000 feet of the Oelwein Municipal Airport in such a manner as to interfere with the operation of any airborne aircraft. The following special requirements shall apply to each permitted use:

1. All lights or illumination used in conjunction with street, parking, signs or use of land and structures shall be arranged and operated in such a manner that it is not misleading or dangerous to aircraft operating from Oelwein Municipal Airport or in the vicinity thereof.
2. No operations from any use shall produce smoke, glare or other visual hazards within three statute miles of any usable runway of Oelwein Municipal Airport.
3. No operations from any use in Oelwein shall produce electronic interference with navigation signals or radio communications between the airport and aircraft.

(Ord. No. 547, section 4, 9-27-76.)

Sec. 6-54. Lighting.

1. Notwithstanding the provisions of section 6-53, the owner of any structure over 200 feet above ground level must install on the structure lighting in accordance with Federal Aviation Administration (FAA), Advisory Circular 70-7460-ID and amendments. Additionally, any structure, constructed after the effective date of this article and exceeding 949 feet above ground level, must install on that structure high intensity obstruction lights in accordance with chapter 6 of FAA Advisory Circular 7460-ID and amendments.
2. Any permit or variance granted may be so conditioned as to require the owner of the structure or growth in question to permit Oelwein at its own expense to install, operate and maintain thereto such markers or lights as may be necessary to indicate to pilots the presence of an airspace hazard.

(Ord. No. 547, section 5, 9-27-76; Ord. No. 742, section 1, 11-28-83.)

Sec. 6-55. Variances.

Any person desiring to erect or increase the height of any structure, or to permit the growth of any tree, or otherwise use his property in violation of any section of this article, may apply to the board of adjustment for variance from such regulations. No application for variance to the requirements of this article may be considered by the board of adjustment unless a copy of the application has been submitted to the Oelwein Municipal Airport manager or aeronautics director for his opinion as to the aeronautical effects of such a variance. If the Oelwein Municipal Airport manager or aeronautics director does not respond to the board of adjustment within 15 days from receipt of the copy of the application, the board may make its decision to grant or deny the variance.

(Ord. No. 547, section 6, 9-27-76.)

Sec. 6-56. Board of adjustment.

1. There is hereby created a board of adjustment to have and exercise the following powers:
 - A. To hear and decide appeals from any order, requirement, decision, or determination made by the (airport zoning board/administrative agency) in the enforcement of this article;
 - B. To hear and decide special exemptions to the terms of this article upon which such board of adjustment under such regulations may be required to pass; and
 - C. To hear and decide specific variances.
2. The board of adjustment shall consist of five members appointed by the city council, and each shall serve for a term of five years and until his successor is duly appointed and qualified. Of the members first appointed, one shall be appointed for a term of five years, one for a term of four years, one for a term of three years, one for a term of two years, and one for a term of one year. Members shall be removable by the appointing authority for cause, upon written charges, after a public hearing.
2. The board of adjustment shall adopt rules for its governance and in harmony with the provisions of this article. Meetings of the board shall be held at the call of the chairman and at such other times as the board of adjustment may determine. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the board of adjustment shall be open to the public. The board of adjustment shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations, and other official actions, all of which shall immediately be filed in the office of the city clerk, and on due cause shown.
4. The board of adjustment shall have the powers established in Iowa Statutes, section 414.12.

5. The concurring vote of a majority of the members of the board of adjustment shall be sufficient to reverse any order, requirement, decision or determination of any administrative official or to decide in favor of the applicant on any matter upon which it is required to pass under this article, or to effect variations of this article.

(Ord. No. 547, section 7, 9-27-76.)

Sec. 6-57. Judicial review.

Any person aggrieved, or any taxpayer affected, by any decision of the board of adjustment, may appeal to the court of record as provided in Iowa Statutes, section 414.15.

(Ord. No. 547, section 8, 9-27-76.)

Sec. 6-58. Administrative agency.

It shall be the duty of the Oelwein Airport Zoning Commission to administer the regulations prescribed herein. Applications for permits and variances shall be made to the Oelwein Airport Zoning Commission upon a form furnished by him. Applications required by this article to be submitted to the administrative agency shall be promptly considered and granted or denied. Application for action by the board of adjustment shall be forthwith transmitted by the Oelwein Airport Zoning Commission.

(Ord. No. 547, section 9, 9-27-76.)

Sec. 6-59. Penalties.

Each violation of this article or of any regulation, order, or ruling promulgated hereunder shall constitute a misdemeanor, and be punishable by a fine of not more than \$500.00 or imprisonment for not more than one year or both; and each day a violation continues to exist shall constitute a separate offense.

(Ord. No. 547, section 10, 9-27-76.)

Sec. 6-60. Conflicting regulations.

Where there exists a conflict between any of the regulations or limitations prescribed in this article and any other regulations applicable to the same area, whether the conflict be with respect to height of structures, the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.

(Ord. No. 547, section 11, 9-27-76.)

Sec. 6-61. Severability.

If any provisions of this article or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the article which can be given effect without the invalid provision or application, and to this end the provisions of this article are declared to be severable.

(Ord. No. 547, section 12, 9-27-76.)

ARTICLE IV. OELWEIN AIRPORT BOARD

Sec. 6-100. Board established.

- A. There is hereby established in and for the City of Oelwein, the Oelwein Airport Board (hereinafter referred to in this subchapter as the board) created under chapter 392 of the Iowa Code for the purpose of assisting the City of Oelwein in governing the operation of the Oelwein Airport and managing the development of land and infrastructure in the area adjacent to the airport, pursuant to the terms and provisions of this subchapter and the Municipal Code of the City of Oelwein.
- B. Subject to this article, the board shall succeed to the current responsibilities of the Oelwein Airport Commission which is hereby abolished.
- C. The board shall consist of five members each having the right to vote. The members shall be appointed by the mayor, which appointment shall be approved by the city council. Two board members shall initially be appointed for two years, two board members for three years, and one board member appointed for four years. The terms of the board members initially appointed shall be determined by their appointment. Absent members lots shall be drawn by proxy. Thereafter, the term of each member shall be for four years and any vacancies occurring in the membership shall be filled in accordance with this chapter. The terms of board members shall expire on and as of June 30 of the year in which their terms expire. All appointments after the original appointments shall be in accordance with this chapter.
- D. Any member of the board may be removed by a majority vote of the city council.
- E. Absence from three consecutive regular meetings of the airport board, or failure to attend one-fourth of all regular meetings in any year, excepting absences due to illness, shall be cause for removal of the board member.

Sec. 6-101. Qualifications of board members.

To be eligible to be appointed a member of the Oelwein Airport Board the appointee must be a resident of the City of Oelwein, except two members may be residents of Fayette County or a county adjacent thereto. Board members should have expertise in aviation, business, accounting, finance, marketing, engineering, law, real estate development, management or other fields of value to the operation of the airport and the management of development of adjacent areas.

Sec. 6-102. Organization of the board.

- A. At its first meeting, the board shall elect a chairperson, a vice-chairperson, from its own membership. The presence of three members of the board shall constitute a quorum for the transaction of business. All actions of the board shall be by resolution or motion and the affirmative vote of at least three members shall be required for the passage of either action.
- B. The chair shall preside over all regular or special meetings of the airport board. In the absence of the chair, the vice-chair shall preside over all regular or special meetings.
- C. Only the chair shall speak for the airport board. in the absence of the chair, only the vice-chair shall speak for the airport board.
- D. The chair shall make an annual report, and other reports as may be requested from time to time by the mayor or city council, of the airport boards' activities and any recommendations for the development and operation.

(Ord. No. 988, section 1, 11-13-2000.)

Sec. 6-103. Meeting and minutes.

The board shall hold at least one public meeting each month, at such times and places as the board shall establish. Special meetings may be called by the chair, or in the absence of the chair, by the vice-chair. Minutes of each meeting shall be kept and all resolutions and minutes shall be open to public inspection. Board meetings shall be conducted in compliance with all applicable state or federal laws, including, but not limited to chapter 21 of the Iowa Code, Open Meetings.

Sec. 6-104. Powers and responsibilities of the board.

The board, except as otherwise herein provided, shall perform the following duties and responsibilities as to the operation of the Oelwein Municipal Airport and the management and development of adjacent areas, including but not limited to the following:

1. The board shall recommend for adoption and implementation by the city council regulations for the control, operation, supervision and maintenance and security of the airport.
2. The board shall recommend for adoption and implementation by the City of Oelwein, rates and charges for use of the airport, airport facilities or airport services, to support the operations and development of the airport, except that admission charges and temporary parking charges for special events may be set by board resolution. The level of rates and charges shall be consistent with the operating and capital improvement budgets.
3. The board shall negotiate and recommend for adoption and implementation by the City of Oelwein leases, concession agreements, and operating agreements of not to exceed three years in duration for the use of real property and facilities under the jurisdiction of the Oelwein Airport.
4. The board shall solicit applications, interview, screen and recommend to the mayor an FBO to be appointed by the mayor, which appointment shall be approved by the city council.
5. The board shall receive and investigate complaints pertaining to the airport facilities and operation and shall report said complaints and findings to the city council.
6. The board shall recommend for approval by the city council, maintain and follow yearly operating and capital improvement budgets included as part of the total city budget. The board shall submit its operating and capital budgets to the city administrator for recommendation and transmittal to the city council in accordance with time tables established by the city administrator. All expenditures and all transfers between account codes shall be reported and shall be reflected in monthly and annual reports prepared by the city administrator.
7. The board shall recommend for adoption and implementation by the City of Oelwein a marketing plan aimed at establishing the Oelwein Airport as an economic generator and attraction for the City of Oelwein and the State of Iowa. The board shall engage in appropriate activities which will promote improvements and growth in general aviation use of the airport, as well as air transportation related services for the community.
8. The board shall recommend for adoption and implementation by the city council all plans associated with development or redevelopment of the airport.
9. The board shall ensure that all airport revenues collected are credited to the general fund, and that all expenditures from said fund for airport, purposes are done in accordance with applicable local, state and federal laws and regulations.
10. The board shall cooperate with the city council other commissions, boards and civic organization(s).

11. The board shall file with the city clerk for public inspection copies of minutes summarizing all board meetings, including resolutions and motions passed by the board within seven days of the meeting at which the minutes were approved. The minutes of each preceding meeting shall be presented at the next meeting for approval by the airport board.

(Ord. No. 988, section 2, 11-13-2000.)

Sec. 6-105. Powers reserved by the city council.

In addition to those powers previously reserved to the mayor or city council, the following powers are specifically reserved to the city council:

1. The purchase, lease, sale or change of supplies, equipment and materials and to procure services.
2. All property interests, whether real or personal, shall be acquired in the name of the City of Oelwein and at all times remain an asset of the City of Oelwein.
3. The exercise of the power of eminent domain.
4. The levying of real property taxes.
5. The undertaking of debt, including the issuance of bonds, or the execution of any form of loan or promissory note.
6. The mortgage, sale or conveyance of airport assets or real property or its encumbrance for a period in excess of three years.
7. Approval and acceptance of state or federal grants or subsidies.
8. The establishment of insurance limits and procurement of insurance for the airport.
9. The representation and defense of the airport in all disputes, claims, actions or lawsuits, including the settlement of all such matters.
10. Approval of the airport land use development plans and amendments thereto. The council shall provide directives to the board for carrying out such plan which the board shall be required to follow.
11. The right to have any person aggrieved by the board in matters of health, safety or property appear before the city council.
12. The appointment of a council person liaison to the airport board.

Sec. 6-106. Fixed base operator.

- A. *Appointment of a FBO.* A FBO shall be appointed by the mayor, which appointment shall be approved by the city council. The mayor shall consult with the board before such appointment. The mayor and the chair of the airport board shall jointly review and evaluate the performance of the FBO at appropriate times, but not less than annually.
- B. *Duties of the FBO.* The FBO shall be responsible for:
 1. The implementation of the policies, programs, and plans of the City of Oelwein and the Oelwein Airport Board, and for representing the position of the city and board as requested with regard thereto.
 2. Assisting the city and board as requested in communications with state and federal agencies.
 3. Assisting the city and board as requested in the preparation of a yearly operating and capital improvement budget for the airport.

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4. Assisting the city and board as requested in the formulation of rules, regulations, operating agreements, contracts, grant applications, and other such matters as the city and board shall from time to time determine.
 5. All airport operations and activities.
 6. The maintenance and protection of airport property.

(Ord. No. 980, 04-24-2000.)

Information Related To Businesses Based At Oelwein Municipal Airport

There are two businesses with operations at the Oelwein Municipal Airport.

Tegeler Aviation

21193 Grape Rd, Elkader IA. 52043

Tegeler Aviation is owned by George Tegeler. George is also the Fixed Base Operator (FBO).

As FBO, George receives a salary of approximately \$3,000 monthly from the City of Oelwein.

When not performing duties as the FBO, George is free to work as an aircraft mechanic at Tegeler Aviation.

The Oelwein Airport does not receive any revenues generated from operations at Tegeler Aviation.

As FBO, George is provided office space within the terminal building. Tegeler aviation is provided a hangar / shop facility with paid utilities for its operations. Tegeler Aviation does not pay rent for the office or the hangar /shop facility.

Tegeler Aviation provides the fuel and fuel sales at the airport. The City owns and maintains the fuel system. The City receives \$.10 per gallon of fuel sold. The City expects to receive \$3,000 from fuel sales this year.

Crop Care By Air

14500 X Avenue, Sumner IA. 50674

Crop Care By Air provides agricultural aviation services in the Oelwein area. The Oelwein Airport does not receive any revenues generated from these services.

Crop Care By Air rents a 3,072 sq. ft. hangar, 2 Tee hangars and a storage bay. Total Monthly rent for these is \$391.

Crop Care By Air, along with other agricultural aviation service providers, are the major fuel purchasers at the Oelwein Airport.

