



## April 21, 2022 Expanded Meeting Minutes

**Call to Order:** Chair Overcash called the meeting to order at 3:30

**Roll Call:** Chair Overcash, Vice-Chair Fleming, Commissioners Adams, Burgener, and DiMartino were present. Commission Arndt and Stooksbury were absent.

**Public Comments: Buster Downey, Lear Earhart Association:** Submitted a proposal for the Hangar Redevelopment RFP. Stated significant effort and money has been spent on their submission and urged the Commission to make a decision soon on the redevelopment as the time increases the impacts of inflation and reduces their ability to finance their project proposal. Also stated the water tap, sewer connections, and taxiway extension for Cessna required for their project should be the responsibility of the airport and developer that wins the RFP as their project would cause the issue of displacement. **Martin Lind, Water Valley & Discovery Air:** Requested to speak on efforts towards Customs. The Chair advised him this item would be covered in other business. **Mick Krantz, Nutrien:** Stated he would also like to make a comment regarding Customs during other business.

### Consent Agenda

**Vice-Chair Fleming moved to approve items the Consent Agenda. The motion, seconded by Commissioner Adams carried with all the Commissioners present voting in favor thereof.**

**Pulled Items** None

**Consent Follow up** None

### Monthly Report Follow-up:

- In March, the airport accommodated on average 417 flight operations daily, slightly above the 285 average for the last 12 months
- In mid-March, there were sold-out flights due to increased travel from spring break
- The Monday, Friday schedule is performing well but in May we have a schedule change to Thursdays, and Sundays.
- Earlier this month, the United Airlines Landline operation celebrated their one-year anniversary at FNL
- Landline also announced their third airline partnership with American Airlines operating out in Philadelphia, and Landline also announced an additional venture capital infusion of \$28 million



- The airport received an award last month from the Colorado chapter of American Concrete Pavement Association for Excellence in Concrete Paving for the commercial ramp expansion in partnership with engineering firm, Dibble and hired construction company, IHC Scott
- The manager's report has an attachment to better illustrate the development activities that are in the planning process or active in the airport influence area;
  - Currently there are over 30 development projects on the list and it seems like on a daily basis we have to coordinate FAA air space studies for cranes and for other construction driven airspace safety coordination activities
  - This is just one example of a work product that the Airport coordinates with the FAA and construction companies to keep the area surrounding the airport safe for aircraft

**Public Comments:** None

## **Regular Agenda**

### **5. TERMINAL DESIGN & FUNDING UPDATE**

Airport and City staff provided Loveland City Council an overview of the multi-modal transportation and technology and training hub projects for Northern Colorado at their special meeting on March 22. The following information is a brief on the information provided:

Congress passed the American Rescue Plan Act (ARPA) on March 11, 2021. City staff have been participating in Northern Colorado regional meetings since late December, 2021 with other local governments and non-profit partners from throughout the region. These discussions are about how to best leverage the final portion of State ARPA funding of approximately \$1.2 Billion to the benefit of Larimer County and its municipalities as well as non-profits. The State desires robust bricks & mortar projects that are both transformational and regional in nature. This regional effort has used foundational pillars that include Safe and Stable Youth & Families, Continuum of Housing Opportunities, Behavior Health Services and Vibrant Workforce / Local Economy / Business Recovery.

The process leading to the award of the State money is still evolving as it still requires action from the State General Assembly. As staff understands it, the timing and milestones will be better understood once the State Legislature appropriates the funding and designates a fiscal agent, which is expected no later than May 11, 2022 or the end of the session. At this point the State agency will have to create and solicit a process for



interested projects to submit proposals. This is likely to take at least until July to accomplish. Once the mechanism is created it may take until September or October to review and award funding.

Airport staff hosted Governor Polis and Congressman Neguse on Friday March 26<sup>th</sup> to visit the Airport and to learn more about the proposed projects. The Governor seemed very interested in what was shared, and was especially focused on the terminal project and commercial air service potential.

### **Innovation Hub at NoCo Airport**

- Project summary
  - New community facility with dedicated space and technology for career and technical education in aviation, avionic, unmanned aircraft, remote tower air traffic control, and more for CSU, Aims CC, and Front Range CC with pathway programs through Poudre School District, & Thompson School District
  - Supplementary funding support for the new airport terminal
- Funding \$39 million total
  - \$24 million for new Technology and Training Hub
  - \$15 million toward new Airport Terminal
- Key Objectives
  - Increase FNL's capacity to support multi-modal commercial aviation activities and the resulting positive tourism and socioeconomic impacts
  - Attract and retain talent through career and technical education, workforce development, and connection to employment in Northern Colorado
  - Drive investment in a targeted, high-growth sector of the economy and position Northern Colorado as a leader in aviation technologies, R&D, manufacturing, and related services
- Relation to COVID-19 Recovery
  - Small business assistance, aid to impacted industries, unemployed worker assistance, relief for disproportionately impacted



**Public Comments:** None

**6. PHILANTHROPIC  
FEASIBILITY STUDY  
REPORT**

**Public Comments:** None

**DUE TO CONFUSION THE FOLLOWING ITEM HAS THE ENTIRE RECORDED DISCUSSION TRANSCRIBED.  
RECORDS ARE ONLY REQUIRED TO RECORD OFFICIAL ACTIONS AND DIRECTIONS TAKEN BY THE  
COMMISSION AND NOT THE FULL DISCUSSION:**

**7. BUSINESS FOR  
MEMBERS**

**Licon**                      Nine years ago, airport staff worked with the port of entry at the Broomfield Airport in an attempt to bring a joint Customs agent shared between the two facilities. The opportunity was lost once international companies set up and expanded at Broomfield. Staff then investigated the possibility of a user fee facility but this was postponed due to the pandemic and significant amount of infrastructure required for that program; which required a \$3 million facility and a staff member. O&M costs would be just under \$170,000 a year. Since then, U.S. Customs has been reengaged by Discovery Air, who have learned of an alternate solution, the Reimbursable Services Program. Approval for that program requires much less time for review and significantly less infrastructure investment.

**Public Comments: Martin Lind, Discovery Air:** Stated three or four years ago they requested Customs services from the Commission and that the need was still present. Discovery Air applied for the Reimbursable Program and provided a tour of their facilities with Customs Border Patrol's Assistant Director and Port Director. The application was provided with three letters from major entities based here in support for the services. Customs has received the applications and advised them review will be completed by Q2 or at the end of June and take at least four months. There are no assurances or guarantee that this will be approved after review. Discovery Air will be responsible for paying for the personnel and provide the office. Discovery Air introduced the idea of partnering to share this burden. Stated this will cost them \$30-40,000 by November or nine months when a decision is finally made, from holding their office off the market. Requested any direction made also include support or lobbying from Governor Polis, Bennet, and Hickenlooper to provide pressure to accelerate Custom's review of the application so a final decision will not take until November.



**Overcash**

All right, Martin, welcome.

**Martin Lind,  
Discovery Air**

Thank you, Chairman. Good to be here again. I know Wade was honored to have his name up there (Terminal Philanthropy Feasibility study), but I'd like to find the bastards that put my name up there. I'm pretty busy as it is. Yeah, it's good to be here. Down at Discovery Air, Scott Holst is our GM down there, and we have tenants that desperately need Customs and I think that you remember three or four years ago, I was at this exact seat and we need Customs, again two years ago, I need Customs. And so there's a program out called the Reimbursable Program. And I sicced Scott on this program about, I don't know, 90 days ago and at lightspeed, Scott has contacted every single person on this list. And it's a lot. And we have made application. Aaron was with us the other day for a tour. We got accolades. We got words like greatest ever presentation, the greatest ever submittal. Aaron if I'm exaggerating, but were they arguing over who which one of them wanted to move up here and run this office?

**Ehle**

They were very impressed, and it was impressive that Scott was able to get both the Assistant Port Director and the Port Director out here.

**Martin Lind,  
Discovery Air**

I gave all this to Scott, I sicced him on this and, you know, I don't have a lot of time and I don't want to take a lot of your time, but in brief, it's called risk. We've probably got 35 or \$40,000 into this investment right now. And I'm doing this not because Martin Land needs it. This airport needs it and we have tenants, one of them is here right now, they desperately need Customs. So irregardless if there's another customs port in Greeley, we don't want our Loveland businesses and our Loveland tenants of this airport having to stop in Greeley and lift the wheels up again and come back over here. That's one complete cycle on a jet that's very expensive. So we've partnered with our tenants. We took the risk. We're right now in what's called a proverbial holding pattern work in the queue. We've applied for it. They sent it back saying, hey, we received your application, you're in Q2 or a review at the end of June and we need at least four months. Okay. Well, you know, for a federal government, that's kind of cool. That's not too bad. But there's no assurances, there's no guarantee that at the end of the four months where I get this, I feel confident we're getting it because we are taking 100% of the risk. And so what we was Discovery Air we have to pay for the personnel. We have to provide them the office. Ironically, the office that they like is our very nicest front row office. And to be



very honest with you I'm still moving forward with it because I think it would be a magnificent thing to have a giant Customs sign on the front of one of our buildings here at Loveland, especially the first building that you'll see when we come in from the airport from the new road someday. So I think it's a really iconic thing. The burden that I have is I've basically gotta not lease that space and hold it in the queue so that Customs can have this opportunity in nine months when they finally decide what whether we live or die. And so, you know, I just wanted to bring you up to speed where we're at. The accolades to Scott, what he's got done in this short three months is amazing to me. Our tenants and our businesses in Loveland desperately need this. And I think that my risk that I'm taking is a kind of a safe risk because it doesn't work just on my tenants just at Discovery Air. But I think there's a lot of transient jets that are going to and fro along the front range between Canada and Mexico. That would stop here, especially after we have Waterpark Hotels or we have other reasons for them to stop. So I think it's a self-fulfilling prophecy and build it and they'll come. I think that the Reimbursable Program, the way it works is we have we a charge a fee. If we charge too much, nobody's going to stop. It's the purest of capitalism. If we charge a landing fee at Discovery Air for Customs to come be inspected here and our fee is too high. Nobody's going to stop there. If we're too low, we're going to continue to lose money on this thing forever. I would like to introduce the idea of maybe partnering. This will probably cost us 30, \$40,000 by the time we get to November. If we hold this thing off the market. I don't need this job. I don't need to be the guy that brought Custom to this airport, but my tenants desperately need it. And I want to be the steward landlord of my tenants and they desperately need to have Customs here. And we think we've got an opportunity. I'm not asking for anything, but I really think that the airport could raise an eyebrow to this and say, hey, we should share Martin's burden on this hold so that I don't have to turn down tenant. I could lease that tomorrow to a flight school. And we've avoided putting GA in that in that building so far because we really want to keep that a corporate campus. And I think it'll pay dividends if we honor that for a long time. But I'm not asking for anything today I'm bringing you up to speed. We've got and I think Jason, I think you conferred this is light speed compared to where we've been treated. So and I give it to Scott. He's done a great job and

**Scott Holst,  
Discovery Air**

It's been a team effort all around. I'd like to emphasize the reason we're here is because Martin gave me the ability with no holds barred, just a runway, do whatever it took, didn't matter the



expense, whatever it was. Right. And he emphasized to me that this is because it's a value for this entire airport and every person on this airport and outside the airport, for that matter. And what I did from there is I contacted numerous larger entities that are operating down on this airport, I believe, one of which will speak today. And there's three specific letters that were included with our application from large tenants down here saying, please get this rolling. We support this, we need this, we've needed it for a while. So Customs not only got our application, they also got three letters of support from major entities here at the airport. Yeah, so it was pretty overwhelming, I think, for CBP and what they were provided. And we have received, like Martin has said, a very, very positive feedback from them on they are going to be fighting over this office. They did acknowledge that they could offer this to one of the Denver personnel and see if they want to relocate to here, and then they would open up a transfer location to fill the Denver spot.

**Overcash**

I appreciate your comments. You've taken the time to come in and sit through our entire meeting for them, so thank you. But what I wanted to do is ask the commission, this is not an action meeting, but we can provide direction. And what I want to do is ask the Commission if they're willing to provide direction to staff to work with Discovery here and look at see if we can work out a relationship because we both gain from having Customs here and we're going to share a relationship that's acceptable to staff who's been close to it, as well as to Discovery Air. Because we can direct them to do that. If that made sense.

**Martin Lind,  
Discovery Air**

If you're going to direct, we would ask one more thing, and that is I heard some talk about Governor Polis and Bennett and Hickenlooper. I don't know, but I think support or lobbying from them to maybe accelerate the FAA to or excuse me, the Customs, maybe it wouldn't be such a long holding pattern where maybe we won't have to wait till November if it's such a layup opportunity for them and they really want to do it and we're taking all the risk, maybe they could accelerate that four-month window. I don't know whether they can or not, but yeah, that would be a direction we would love to have some help on too.

**Scott Holt,  
Discovery Air**

They did give us an impression that they possibly could do that.

**Overcash**

What I'm looking at is the impact not just of Customs, because we've already been through that discussion of having Customs here. But if we could demonstrate our commitment to work to



make things happen, the impact that might have on getting support for some of the grants that you're looking for, it shows that the community, the airport is behind this. We're already working with our business partners to improve the service level, to take this airport to the next level. So that's part of my rationale for being not just excited about addressing something we've tried to do for two years, but I think it signifies something much broader as we're trying to gain support at the national level for this airport. We're not just sitting on our hands waiting to do things. You're helping us get things done.

**Scott Holst,  
Discovery Air**

One other quick item of that, it's important to realize that Jason and Aaron helped identify this also was that this RSP program. What it's doing, it's allowing us to move in an expedited fashion to getting this opened. The full-on user fee program is substantially more complicated and takes a lot more to do. So this is a quick entry into the door. Get this up and running. They get used to us. They're already in here. And it fits better for the smaller quantity we have right now. But there's no reason we can't transfer into a full user fee program as things pick up and the airport grows, more jets are in here, more people coming through with Customs and so on.

**Overcash**

Is there any hesitation on that recommendation to staff or comment you'd like to make?

**Fleming**

My hesitation is predicated on the answer we receive from Laurie in a minute. I suspect Martin, you're looking for either some financial contribution to mitigate this or a reduction in lease rates, something that creates partnership, if I can use that term.

**Martin Lind,  
Discovery Air**

It is, Tom thank you, but I leave this completely wide open. I don't have any predetermined expectations here today. I just want to bring you up to speed. Respecting everybody's time, I'd like to yield my time to Nutrien one of our tenants because I think Mick would like to talk about this.

**Fleming**

Before we do...

**Martin Lind,  
Discovery Air**

And lastly, if we do form a partnership of any sorts for us, it's really easy. You, the airport, take the expenses and we take the profit.

**Adams**

You mean like usual?

**Overcash**

Yeah we were waiting for that. We know you now, right?





- Martin Lind** And I'd like yield my time just before you make a decision here from one of the tenants.
- Overcash** Thank you Martin
- Fleming** My question of Jason and Laurie is, are there any constraints on adjusting lease rates for one tenant or one segment of the tenant that would constrain us in our ability to negotiate that?
- Stirman** In the Airport?
- Fleming** Well, I know the FAA has certain rules and we fall in the rates aren't the same everywhere. And there are reasons. But are there any legal constraints that say thou cannot do this or can we?
- Overcash** A little more going out.
- Fleming** Well, I assume that's part of the discussions that will need to happen?
- Stirman** Absolutely, I'm happy to investigate our ability further.
- DiMartino** I really apologize I am supposed to be at another meeting at 530, and I apologize to you that I have to leave early, but I have been hearing about Customs since the first meeting I came to, so I'm very comfortable exploring what creative options we have and add it to the lobbying list.

**5:04 Commissioner DiMartino exited the meeting**

**Direction:** Staff will investigate options available for partnership possibilities with Discovery Air for support of the U.S. Customs Reimbursable Services Program once legal staff has completed their investigation on the abilities available for the Airport.

**Public Comments: Mick Krantz, Nutrien:** I just want to reemphasize our strong support for the Customs Border Patrol, Nutrien we're trying to do everything we can to partner with the community. We gave \$10 million to CSU, were the presenting sponsor of the airshow, and we were humbled to be listed here is how money can be raised (Terminal Philanthropy Feasibility study). I just want reinforce that we want to partner with you, and however we do that, we have a full time lobbyist in Washington DC. Just give me the word and the phone calls will made. So I'm going to keep it short and sweet here. So just let us know what we can do.

- Overcash** Good. Thank you. Thank you much for being present again. Thank you for being here. Anymore public comments on this particular



item? It's a non-action item providing some direction to staff. They'll be coming back to us and we'll see where we go from there.

**Ehle**

I just want to add with this new program that really we just learned about this spring is really that the main hurdle is sign off and approval from the local Customs support which I think we have, and then the facility, which discovery has offered to provide space for and probably some build out cost. Also, the facility costs are a lot more flexible than what we would be looking at with a full user fee facility. So it's really at the discretion of the local port office and they seem to think that it wouldn't be a whole lot.

**Adams**

One quick question with this program. Do they need just an office space or do they have some special Customs equipment and stuff? So they need an equipment storage area and an office area or can they just all jam it in the same area?

**Scott Holt,  
Discovery Air**

A little bit of both, they need a specific spot on the ramp, which is simple for us with our staff and the office space they'll use. The main office, Martin was discussing that they like our nicest office up front. We've offered to finish it out, provide what they need. They'll bring in some of their own equipment, they'll utilize some of our existing infrastructure and video surveillance, that type of thing. And we'll put in a reception window for them. There's the door to the outside right there. So it's a perfect fit for them they were very, very pleased with that fit.

**Martin Lind,  
Discovery Air**

Now, Steve, I would add too. Well the old I'm here from the government, I'm here to help the oxymoron of that. Right? We didn't see that at all. In fact, they were adamant that they said, well, we have a window of hours that we would operate this, but if you need us to come after hours, we would charge an overtime and we would come get a midnight flight. It was like one of the greatest experiences that we had. And I was a little bit hesitant when we had to do the final meeting and it was the opposite. They were super supportive, you know, of bringing Customs to this airport.

**Overcash**


Great. Well, Scott, thanks for accepting the challenge, Martin for giving it to him. Really appreciate the opportunity you're bringing to the airport. And thank you so much for other opportunities you bring. Appreciate that. So there's no additional business from commission members. We will adjourn this meeting at 5:13.

**Adjournment:**

Meeting adjourned at 5:13 p.m.



Respectfully Submitted,



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Vice-Chair, Tom Fleming

