

RESOLUTION NO.: 17—2015-16

TO THE HONORABLE, THE OUTAGAMIE COUNTY BOARD OF SUPERVISORS

LADIES AND GENTLEMEN:

2/3 MAJORITY - 24 VOTES

1 The Outagamie County Airport has negotiated a fourth lease addendum with MaxAir Inc.
2 for space located at W6400 Challenger Drive. MaxAir currently leases the first floor on a
3 month to month basis at a rate of \$700 per month. The airport did not budget the lease
4 revenue in 2015 as it was anticipated the location would be unavailable due to
5 construction of the new Customs and Border Protection Facility. MaxAir continued to
6 lease the space for the first three months of 2015 but ceased occupancy April 1, 2015 in
7 order to prepare for the construction of the Customs and Border Protection Facility. The
8 fourth addendum with MaxAir to lease approximately 386 square feet of first floor
9 customer waiting space will be at a rate of \$500 per month for year one (1); \$600 per
10 month for year two (2); \$700 per month for years three and four (3 and 4). This four (4)
11 year lease includes a six (6) month out. During the six month interim, MaxAir will
12 operate out of other space currently leased at the airport. The total increase in rental
13 revenue for 2015 will be \$3,600. This resolution approves the Fourth Lease Addendum
14 with MaxAir Inc. and increases the Airport FBO Rental Line Item by \$3,600.
15

16 NOW THEREFORE, the undersigned members of the Property, Airport, Recreation and
17 Economic Development Committee recommend adoption of the following resolution.

18 BE IT RESOLVED, that the Outagamie County Board of Supervisors does approve the Fourth
19 Addendum To Lease with MaxAir Inc. for a four (4) year term with a six (6) month out, to lease
20 approximately 386 square feet of first floor customer waiting space at a rate of \$500 per month for year
21 one (1); \$600 per month for year two (2); \$700 per month for years three and four (3 and 4) as noted on
22 the attached Fourth Addendum To Lease, which by reference is made a part hereof, and

23 BE IT FURTHER RESOLVED, that the Outagamie County Board of Supervisors does approve
24 a \$3,600 increase to the Airport FBO Rental Line Item as noted on the attached fiscal note, which by
25 reference is made a part hereof, and

26 BE IT FINALLY RESOLVED, that the Outagamie County Clerk be directed to forward a copy
27 of this resolution to the Outagamie County Airport Director, the Outagamie County Finance Director,
28 and the Outagamie County Executive.

29 Dated this ____ day of May 2015
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Respectfully Submitted,

PROPERTY, AIRPORT, RECREATION &
ECONOMIC DEVELOPMENT COMMITTEE

Dean Culbertson

Joy Hagen

Tanya Rabec

Dan Grady

Ron Klemp

Duly and officially adopted by the County Board on: _____

Signed: _____
Board Chairperson

County Clerk

Approved: _____

Vetoed: _____

Signed: _____
County Executive

FOURTH ADDENDUM TO LEASE

THIS FOURTH ADDENDUM is entered into this ____ day of _____, 2015, between Outagamie County ("COUNTY") and Maxair, Inc. ("COMPANY").

WHEREAS, the parties entered into a Lease Agreement the "Initial Lease") for an initial term of five (5) years, commencing on the 1st day of October, 2010 and terminating December 31, 2015; and

WHEREAS, the parties entered into a Second Addendum to the Lease Agreement dated November 3, 2011 that added additional hangar space, amended concession fees for charter operations; and

WHEREAS, the parties entered into a Third Addendum to the Lease Agreement dated September 25, 2013 that changed the location and square footage of the leased premises, updated the term of the agreement to be six (6) years with various extensions, included a month to month lease of the first floor of the premises, eliminated certain concessions and exhibits, set rates for the leased area, included the relocation of PACCAIR, and moved the maintenance operations within the new premises; and

WHEREAS, the parties desire to incorporate this Fourth Addendum into the Initial Lease, Second Addendum and Third Addendum (collectively, the "Lease"); and

NOW, THEREFORE, in consideration of the mutual benefits, covenants and obligations of the parties contained in the Lease, County and Company agree to amend the lease as follows:

1. Section 1 PREMISES shall be amended as follows: The month to month lease of 2,455 square feet located on the first floor of the Premises shall terminate as of April 1, 2015. The County shall lease 250 square feet of mechanical and tool area as well as 386 square feet of customer waiting area on the first floor as identified in Exhibit B-1 commencing October 1, 2015.
2. Section 2 TERM shall be amended as follows: The term of the 250 square feet of mechanical and tool area shall be incorporated into the term of the second floor office space and hangar as stated in the third addendum to the lease. The term of the 386 square feet of customer waiting area shall be four (4) years with a six (6) month out.
3. Exhibit G will be amended with:
 - a. The 250 square feet of mechanical and tool area will be included in the total square footage and applicable rate schedule as set for the second floor and hangar space in the third addendum to the lease. The lease rate for the 386 square feet of first floor customer waiting space will be \$500 a month for year one (1); \$600 a month for year two (2); and \$700 a month for year three and four (3 and 4). Monthly Lease rates will be subject to negotiation after the fourth year. Rent will be paid on or before the first (1st) day of the month.

EXCEPT as expressly provided herein, the Lease shall remain unchanged and in full force and effect.

OUTAGAMIE COUNTY

APPROVED AS TO FORM:

By: _____

By:  7/13/15

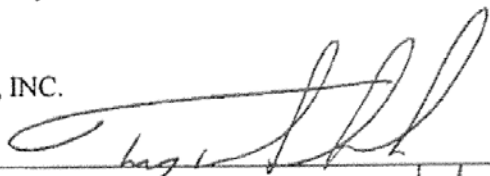
Thomas Nelson
County Executive

Joseph Guidote
Corporation Counsel

By: _____
Helen Nagler
Board Chairperson

By: _____
Lori O'Bright
County Clerk

MAXAIR, INC.

By: 
PRESIDENT 4/15/15

OUTAGAMIE COUNTY FISCAL NOTE

INTRODUCTION: This form must be attached to any resolution or ordinance which contains a spending or revenue proposal. The form should be completed by an individual within the department initiating the resolution or ordinance with assistance from the Financial Services Department. Contact the Finance Director (1674), Controller (1675) or Staff Accountant (1681) for assistance. Once completed, forward a copy of the form to the Financial Services Department for their review. Financial Services will forward a reviewed copy of the fiscal note to Legislative Services.

1. **Subject:** MaxAir Inc Lease Amendment

2. **Description:** This section must be completed for all fiscal notes. Briefly and concisely describe the request. State assumptions used and discuss any current year and long-term fiscal impacts. (A separate attachment can be used)

Outagamie County Regional Airport has negotiated a lease addendum with MaxAir Inc regarding the first floor of W6400 Challenger Drive. Maxair currently leases the first floor at W6400 Challenger Drive on a month to month basis at a rate of \$700 per month. The Airport did not budget the lease revenue in 2015 as it anticipated the location being unavailable due to construction of the new Customs and Border Protection facility. Maxair has continued to lease the space for 3 months in 2015. Maxair will cease occupancy of the first floor effective April 2015 in order to prepare for the commencement of construction of the Customs Border Patrol facility. The Airport has renegotiated with Maxair Inc to lease approximately 386 square feet of finished space on the first floor upon completion of the construction. Effective October 1, 2015, Maxair will lease 386 square feet at a rate of \$500.00 per month for a term of four years (with a 6 month out). In the six month interim, Maxair will operate out of other space currently leased with the airport. The total increase in rental revenue for 2015 will be \$2,100 for the first three months of occupancy (\$700*3 months) as well as \$1,500.00 (\$500*3 months) for October thru December 2015.

Current Year Budget Impact (Check one or more of the following boxes)

Revenues Expenses (Cost) None

- 3. Is the specific cost or revenue included in the current year's budget? yes () no (X) partially ()
- 4. If the proposal requests additional spending, can the additional cost be absorbed within the current year's line item? yes () no () n/a (X)
- 5. Is the proposal to accept additional revenues only? yes (X) no ()
- 6. Does this request modify/adjust the current year budget? yes (X) no ()
If no, skip to question 8 below.

7. Detail current year budget changes. Please list cost center name, line item, account number and either the increase or decrease amount. (Please note that all budget adjustments must balance. For example, an increase in an expenditure account must be offset by a decrease in another expenditure account or the contingency fund or an increase in a revenue account or other funding sources such as fund balance applied.)

COST CENTER NAME	LINE ITEM (i.e. Salaries, Supplies, Etc.)	ACCOUNT NUMBER INCLUDING COST CENTER (i.e. 1004100.5100, 1004100.5400, etc.)	INCREASE (DECREASE) AMOUNT
Airport FBO	FBO rentals	5000119.4467	3,600
Airport Terminal	Fund balance applied	5000110.8950	(3,600)

Annual and Long-Term Impact

- 8. Is the above Increase/Decrease a nonrecurring one-time expense or revenue? yes () no (X) n/a ()
- 9. What is the anticipated annual and/or long-term cost or revenue impact? Annual Cost _____
Annual Revenue \$3,600

Fiscal Note Prepared by: Jennifer Van Nuland/Katie Horan

For Financial Services purposes only	
Reviewed By: <i>Jan 4/16/15</i>	If expenditures are recorded in the financial system at a level of detail lower than the level 6 as shown above, indicate the specific account numbers and amounts below: Detail Expenditures Account Number Amount _____ _____
Date: 4/16/2015	
Comments:	