



Metropolitan Airports Commission

TO: Operations, Finance and Administration Committee

FROM: Joe Harris, Director – Reliever Airports (612-726-8135)
Kelly Gerads, Assistant Director – Reliever Airports (612-726-8142)
Andrew Hanson, Attorney II (612-725-8346)

SUBJECT: Recommendation to Adopt Reliever Airports Rates and Charges Ordinance

DATE: October 2, 2024

FOR ACTION

Summary

Staff recommends adoption of an ordinance to repeal and replace Metropolitan Airports Commission (MAC) Ordinance No. 119, Rates and Charges for Reliever Airports, as well as amend the fuel flowage fee sections of MAC Ordinance No. 115, Airfield Use and Terminal 2-Humphrey (Ordinance).

This action will optimize financial performance while investing to sustain growth. It will promote advancement of MAC’s purpose to provide exceptional airport experiences so Minnesota thrives.

Fiscal Impact

No Impact Operating Budget CIP Other

The proposed Ordinance will modify the current rental rates and charges for users of the Reliever Airports and the fuel flowage fee for general aviation activity at Minneapolis-St. Paul International Airport (MSP), which will have a direct impact on the operating budget. The proposed changes are estimated to increase revenue, on average, about \$700,000 each year over the period of 2025 to 2030.

Action Requested

- 1. Recommend that the full Commission approve the attached Findings, Conclusions, and Order related to the adoption of the Reliever Airports Rates and Charges Ordinance;**

2. **Recommend that the full Commission adopt the proposed Reliever Airports Rates and Charges Ordinance; and**
3. **Recommend that the full Commission authorize the Executive Director/CEO or his designee to execute the necessary documents.**

Background

MAC Ordinance No. 119 governs the rental rates and other charges assessed to users of the MAC's Reliever Airports. MAC Ordinance No. 115 governs, among other things, the fuel flowage fee applicable to general aviation aircraft operating at MSP. Both ordinances provide governance on rates and charges for general aviation operations in the MAC's system of airports. MAC Ordinance No. 119 was passed by the Commission in 2014, while MAC Ordinance No. 115 was passed by the Commission in 2012.

While the rates and charges structure established by MAC Ordinances 115 and 119 has generally served MAC's purposes well, Reliever Airport aircraft storage tenants have consistently raised concerns about two aspects of MAC's structure. The first of these concerns is with respect to the sublease license fee, which requires aircraft storage tenants to pay MAC a fee for the right to sublease space within their hangar. In addition, tenants have expressed concerns with the current escalation rate MAC Ordinance No. 119 uses to raise ground rental rates.

Additionally, staff is committed to reviewing MAC's rates and charges structure to ensure that MAC's rates and charges stay in line with current economic conditions. To this end, staff commissioned two surveys to assess MAC's current rental rate structures against market rental rates. These studies were completed in December of 2023.

In reviewing the results of the study, and considering longstanding concerns from MAC's storage tenants, staff determined that it was advisable to revise MAC's rates and charges for general aviation use of MAC's airports.

In rate setting, staff had four primary objectives:

- To establish a rates and charges structure that supports the Reliever Airports system, allowing this system to be as self-sustaining as possible under the circumstances;
- To ensure that the rates and charges structure complies with federal and state law regarding rate setting, as well as federal policy and MAC's Grant Assurances;
- To retain a balanced and reasonable structure of rates and charges within MAC's general aviation system; and
- To establish a Reliever Airport contribution target of approximately 10% of capital costs for capital improvement projects at the Reliever Airports.

Applicable Legal Authority

MAC's legal authority to set and charge rents and fees, and the parameters surrounding that authority, are found in federal law, state law, and lease agreements with airport tenants. Key points are provided in summary form below:

- 49 U.S.C. § 47107(a)(1) ("Grant Assurance 22");
- 49 U.S.C. § 47107(a)(13) ("Grant Assurance 24");
- Minnesota Statutes, section 473.651 (Authority to set rates and charges);
- Minnesota Statutes, section 473.608, subd. 17 (Authority to adopt ordinances);
- Minnesota Statutes, section 473.608, subd. 27 (Requiring MAC to divert the maximum feasible number of GA operations from MSP to the Reliever Airports); and
- MAC's General Aviation Lease Agreements, which include a provision entitled "Revision of Rents," allowing MAC to adjust the rates without amending the Lease.

Prior Related Actions

In August of 2012, the Commission adopted MAC Ordinance No. 115.

In June of 2014, the Commission adopted MAC Ordinance No. 119.

In March 2024, the Commission authorized staff to conduct a Public Hearing on the proposed Ordinance, and Commissioners Agrawal and Crimmins were appointed as Hearing Officers.

On July 15, 2024, a Public Hearing was held at the MAC General Offices.

On October 7, 2024, the Hearing Officers approved the Hearing Officers' Report.

Analysis

(a) Stakeholder Engagement

In the development of the proposed Ordinance, staff executed an extensive stakeholder engagement program that included several individual meetings with the chair of the Reliever Airports Advisory Council, a presentation to the Reliever Airports Advisory Council, individual meetings with each of the commercial tenants, a meeting with Reliever Airports members of the Minnesota Aviation Trades Association, a meeting with the Fixed Based Operator at MSP, and two public informational meetings.

(b) Public Hearing

In addition to the stakeholder meetings described above, MAC staff held a Public Hearing on July 15, 2024 at MAC's General Offices. Eight individuals from the public attended the hearing. Four comments were made at the hearing. One additional written comment was received following the hearing during the comment period. Staff has prepared a Hearing Officers' Report summarizing the ordinance process, the public hearing, and responding to comments from the public. This Hearing Officers' Report was approved by the Hearing Officers on October 7, 2024. The Hearing Officers' Report is attached to this Memorandum.

(c) Summary of Ordinance Proposal

Feedback received from tenants and through the rental analyses led staff to propose updates to MAC's rates and charges for general aviation users of MAC's system of airports. The proposed Ordinance makes the following changes to the current structure of rates and charges:

- Adjusts ground rental rates to reflect study recommendations, followed by a 3% annual escalator. In doing so, commercial operator ground rent would increase to the study recommendation over a three-year period, followed by a 3% annual escalator. The current Aircraft Storage tenant ground rent escalation would slow until the market rate caught up to the tenant ground rent, followed by a 3% annual escalator;
- Better describes the application of gross sales thresholds that are used to determine which ground rental rate is paid by commercial tenants, creates a distinction in the thresholds applied to non-FBO Commercial Tenants at the primary Reliever Airports and those applied to these tenants at the secondary Reliever Airports, and to clarify which ground rental rate will apply to new commercial tenants, or existing commercial tenants with new leases for new locations during the period in which they do not have a full reportable year of gross revenue reporting;
- Allows commercial tenants to correct previously submitted gross revenue reports for a period of 180 days after the original, timely submittal is made;
- Increases landing fees at St. Paul Downtown, Flying Cloud, and Anoka County-Blaine Airports
- Creates a 2% annual rebate to be provided to Fixed Based Operators at the Reliever Airports in recognition of the transactional fees they incur by collecting landing fees on MAC's behalf;
- Eliminates the sublease license fee;
- Adjusts the administrative fees to reflect cost recovery for each respective transaction and an administrative fee is added to be assessed for review and approval of Temporary Property Use Agreements or Authorizations;
- Eliminates the waiting list fee;
- Removes flying club reporting requirements in recognition of the fact that regulation of flying clubs is a state responsibility, not a MAC responsibility;
- Simplifies the audit language to remove language that is duplicative of language currently in tenants' leases;
- Raises the fuel-flowage fee assessed to general aviation users at MSP, and moves the governance of this fee from Ordinance No. 115 to the proposed Ordinance; and
 - It is this proposal that makes an amendment to MAC Ordinance No. 115 necessary, as it is within that ordinance that fuel flowage fees for general aviation operations at MSP are currently established.
- General, non-substantive, wording and formatting updates.

Attached to this Memorandum is a version of the Ordinance presented as a redline of the current MAC Ordinance No. 119, which further details the changes.

As described above, staff anticipates these changes will increase revenue derived from the Reliever Airports. In addition, the proposed Ordinance is anticipated to provide funding to meet the capital coverage targets proposed by staff in its rate-setting goals.

(d) Next Steps

If adopted by the full Commission, the proposed Ordinance will take effect on January 1, 2025. Consistent with MAC's authorizing statute, notice of the adoption of the Ordinance will be published in appropriate legal newspapers of general circulation in the metropolitan area. Proof of publication and a copy of the Ordinance will also be filed with the Secretary of State prior to the effective date.

On January 1, 2025, current MAC Ordinance No. 119 will be repealed, and the proposed Ordinance will replace it. Additionally, as the Ordinance affects an amendment to MAC Ordinance No. 115, on January 1st, an "as amended" text of MAC Ordinance No. 115 will be uploaded to MAC's website.

Attachment:

Attachment 1: Hearing Officers' Report and Attachments

METROPOLITAN AIRPORTS COMMISSION

HEARING OFFICERS' REPORT

PUBLIC HEARING – JULY 15, 2024

REGARDING

RELIEVER AIRPORTS RATES AND CHARGES ORDINANCE

Hearing Officers' Report
Reliever Airports Rates and Charges Ordinance

METROPOLITAN AIRPORTS COMMISSION
Hearing Officers' Report Regarding
Reliever Airports Rates and Charges Ordinance
Public Hearing – July 15, 2024

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Attachment 1

FINDINGS, CONCLUSIONS, AND ORDER

Attachment 2

PROPOSED RELIEVER AIRPORTS RATES AND CHARGES ORDINANCE (clean and redlined versions)

Attachment 3

PUBLIC HEARING TRANSCRIPT

Attachment 4

EXHIBITS TO PUBLIC HEARING RANSRIPT

Attachment 5

**PUBLIC HEARING AGENDA, DRAFT RATES AND CHARGES ORDINANCE, AND AIRFIELD USE AND
TERMINAL 2-HUMPHREY ORDINANCE (clean and Redlined versions)**

Attachment 6

ADMINISTRATIVE RECORD

METROPOLITAN AIRPORTS COMMISSION
Hearing Officers' Report Regarding
Reliever Airports Rates and Charges Ordinance
Public Hearing – July 15, 2024

I. INTRODUCTION

The proposed the Metropolitan Airports Commission (MAC) Reliever Airports Rates and Charges Ordinance (Ordinance) regulates the rates and charges at the Reliever Airports and fuel flowage fees for Reliever Airports, as well as the fuel-flowage fees paid by Fixed Based Operators at the Minneapolis-St. Paul International Airport.

II. PUBLIC HEARING

A. Purpose, Time, and Place

The proposed Ordinance was posted online for public comment on July 8, 2024.

On July 15, 2024, a public hearing was held at the Metropolitan Airports Commission general office, located at 6040 28th Ave. S., Minneapolis, Minnesota with a presentation by staff beginning at 6:00 p.m. The purpose of the hearing was to receive public testimony relative to the proposed Ordinance.

Commissioners Braj Agrawal and Carl Crimmins were appointed as the Hearing Officers for the public hearing. Commissioner Braj Agrawal conducted the hearing. The hearing was held pursuant to Minnesota Statutes, sections 473.601 to 473.685. Public notice was mailed and published as set forth in Public Hearing Exhibits, (see Attachment 4).

Commission Agrawal opened the Public Hearing regarding the proposed Ordinance at 6:17 p.m. The meeting was adjourned at 6:37 p.m.

B. Attendance

MAC Commissioners: Agrawal and Crimmins.

MAC Staff: A. Hanson, B. Peterson, C. Leqve, J. Harris, D. Dyer, K. Gerads, K. Ubel, P. Tiedeman, R. Dockry, and S. Seafeldt.

Public: A. Paulson Jr., G. DePalm, J. Olson, J. Krack, M. Lawrence, N. Grazzini-Olson, P. Martineau, R. Freeman.

C. Public Hearing Agenda and Draft Ordinance

An agenda, memo, and draft of the proposed Ordinance were posted on MAC's website prior to the public hearing (see Attachment 5).

D. Presentation

Kelly Gerads, Asst. Director of Reliever Airports, gave a brief presentation of the proposed Ordinance.

E. Public Testimony

All persons in attendance and wishing to do so were given the opportunity to testify or provide written comments. A total of three members of the public spoke at the meeting (one member giving two comments, once as a tenant, and once as chair of the Reliever Airports Advisory Council (RAAC)).

F. Public Hearing Transcript

The proceedings of the public hearing were transcribed by a qualified court reporter. A copy of the transcript is attached to the record as Attachment 3.

G. Public Hearing Exhibits

The following exhibits were entered into the record at the public hearing. Public Hearing Exhibits are attached to the record as Attachment 4.

- A. Memorandum to Operations, Finance and Administration Committee Requesting a Public Hearing on a draft General Aviation Rates and Charges Ordinance, dated March 27, 2024.
- B. Minutes to the April 15, 2024, Commission Meeting.
- C. MAC's letter to tenants, dated May 2, 2024, announcing information meetings on May 22, 2024.
- D. Meeting Handout from May 22, 2024, tenant information meeting.
- E. Information Meeting PowerPoint Presentation from May 22, 2024, tenant information meeting.
- F. Market Rent Update Report, dated December 22, 2023 (uploaded to website May 28, 2024)
- G. Fuel Flowage Fee Review, dated December 22, 2023 (uploaded to website May 28, 2024)
- H. Notice of Public Hearing, dated June 18, 2024.

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- I. Affidavit of Publication of the Notice of Public Hearing in Finance & Commerce, dated June 25, 2024.
- J. Affidavit of Publication of the Notice of Public Hearing in State Register, dated July 8, 2024.
- K. Affidavit of Webposting the Notice of Public Hearing on metroairports.org, dated June 18, 2024.
 - 1. Tenant Letter, June 18, 2024
 - 2. Notice of Public Hearing, June 18, 2024
 - 3. Ordinance No 115 Amended Ordinance – Redline, June 18, 2024
 - 4. Ordinance No 119 Amended Ordinance – Redline, June 18, 2024
 - 5. Proposed Rate Charts, June 18, 2024
 - 6. Reports & Analysis
 - a) Market Rent Update Report, December 22, 2023
 - b) Fuel Flowage Fee Review, December 22, 2023
 - c) Analysis using Proposed Rates, June 18, 2024
- L. Affidavit of Mailing the Notice of Public Hearing and Reliever Airports Tenant Letter, dated June 18, 2024.
- M. Minnesota Aviation Trades Association (MATA) Presentation, dated June 26, 2024.
- N. Memorandum Regarding Proposed Reliever Airports Fuel Flowage and Landing Fees, dated July 10, 2024.
- O. Public Hearing Draft Ordinance Reliever Rates and Charges (Clean and Redlined), dated July 15, 2024.
- P. Public Hearing Draft Ordinance Airfield Use and Terminal 2-Humphrey Ordinance (Clean and Redlined), dated July 15, 2024.
- Q. Notice to Commercial Operators Regarding Proposed Fuel Flowage and Landing Fees emailed from Joe Harris, dated July 12, 2024.

H. Written Comments

The public hearing record was kept open until 4:00 p.m. on Friday, July 26, 2024, to receive written comments from interested parties. One written comment was received from the public and is included in Section IV, Comments and Responses.

I. Website Information

Copies of the draft ordinances, supporting documentation and documents related to the public hearing record may be obtained on the Metropolitan Airports

Commission website at metroairports.org. [Reliever Airports review of rates and charges, 2024 | Metropolitan Airports Commission \(metroairports.org\)](#)

III. POST-HEARING CHANGES TO DRAFT ORDINANCE

After the Public Hearing, MAC staff has recommended changes to the Ordinance. These changes are reflected in the Hearing Officers' proposed Reliever Airports Rates and Charges Ordinance (see Attachment 2) and are summarized as follows:

- Clarificatory edits are proposed to Section 2.2:
 - to better describe the application of Gross Sales Thresholds,
 - to update the thresholds to align with a January 1, 2025 effective date,
 - to create a distinction between non-FBO Commercial Tenants at the primary Reliever Airports and those at the secondary Reliever Airports, and
 - to clarify which Chart will apply to new Commercial Tenants, or existing Commercial Tenants with new leases for new locations during the period in which they do not have a full Reportable Year of Gross Revenue reporting.
- An additional administrative fee is proposed to be added to Chart F to cover review and approval of temporary property use agreements or authorizations.

IV. COMMENTS AND RESPONSES

Verbal and written comments received from the public in this public hearing process are noted below, along with responses from MAC. All comments have been noted, reviewed, and considered by MAC, even though there may not be a written response for each comment statement. In addition, persons who submitted comments are encouraged to review other comments for related responses.

Comments and Responses on Proposed Reliever Airports Rates and Charges Ordinance

The following table includes verbal and written comments on the proposed Ordinance received before, during and after the comment period. The column to the right is the response to the public comments received.

#	PUBLIC COMMENTS	MAC RESPONSES
1	We, on the Reliever Airports Advisory Council (RAAC), commend the Reliever Airports staff on the process used to develop the proposals for Ordinances 119 and 115, and on their efforts to achieve a balanced approach to funding the Reliever Airports. We appreciate the transparency demonstrated by including the RAAC early in the process -- as Kelly has noted -- sharing the objectives, thoughts, and proposals, and giving due	Thank you for your comment. MAC values and appreciates the RAAC's involvement in the ordinance process.

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	<p>consideration to our comments. Posting detailed information on the website -- as Kelly had noted --also was very helpful.</p>	
<p>2</p>	<p>I've been a storage tenant at the Anoka airport since 1984. Over the past 40 years, I've been involved at one level or another with each of the reviews and changes to Rates and Charges Ordinance, and there have been several.</p> <p>This latest iteration has been by far the most open and transparent to date. Kudos go to Joe Harris, Kelly Gerads, and the rest of the MAC Reliever Airports staff for their extra effort to communicate with the various stakeholders and work with us to develop a plan that, while not perfect, I personally believe strikes a reasonable cost balance among the Reliever Airports' users, consistent with the capacities of the various revenue streams around the system, while providing cost, stability, and predictability for the tenants and for other users of the airport.</p> <p>I appreciate the MAC organization's commitment of support for the Reliever Airports as part of a first-class, metro-wide aviation system. Your improvements over the past several years, with more to come, are greatly appreciated. I am particularly pleased by MAC's recognition that Reliever Airport capital projects require a significant level of funding from non-Reliever sources. And this is a big change from where we've been in the past.</p> <p>The proposed target of 10 percent Reliever, 10 percent MSP GA -- as Kelly has outlined -- and 80 percent funding from other sources seems like a reasonable balance for planning and budgeting purposes and hopefully proves realistic going forward.</p> <p>Reducing the annual ground rent escalator is a small benefit and appreciated. I would suggest, however, that the model be reviewed every</p>	<p>Thank you for your comment.</p> <p>MAC is committed to engaging stakeholders in this ordinance process and maintaining a system of rates and charges that is fair and balanced, while ensuring that contributions can be made to adequate capital development at the Reliever Airports.</p> <p>MAC will continue to review rates and charges to ensure that we</p>

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	<p>few years and, if revenues across the system come in higher than expected, consider reducing the automatic escalators.</p> <p>I have challenged -- or, yeah, I have challenged the Sublease Fee since its inception and am happy to see in the proposal that it be dropped.</p> <p>In summary, I think the Reliever Airports -- I thank the Reliever Airport staff for reaching out to constituents early in the process and commend the staff for developing what I believe to be a reasonable cost distribution model. I thank the entire Commission for their support of the Reliever Airport system and look forward to working with MAC on future projects.</p>	<p>continue to meet our established goals for the ordinance.</p>
<p>3</p>	<p>Commissioners, thank you for the time. You probably already know what I'm going to say. I've already talked to staff multiple times. I've talked to you personally. I'm going to keep it short and to the sweet point tonight.</p> <p>There's a State Statute 473.608, Powers of Corporation, subdivision 27, "Use of reliever airports." "The corporation shall develop and implement a plan to divert the maximum feasible number of general aviation operations from Minneapolis International Airport to those designated by the federal aviation administration as reliever airports for the Minneapolis International Airport."</p> <p>What I -- as a commercial operator on a reliever airport, I don't want the money generated by general aviation traffic at MSP flowing into the Reliever Airport system; I want the traffic. I think the other commercial operators at the Reliever Airports want that traffic as well.</p>	<p>Through MAC's leasing practices, operational planning, financial modeling, capital improvement program, and rate setting, MAC conforms to its statutory mandate "to divert the maximum feasible number of general aviation operations from [MSP] to the [Reliever Airports]."</p> <p>MAC implements this plan also in conformity to its federal obligation to make its "airport[s] available as ... airport[s] for public use on reasonable terms and without unjust discrimination to all types, kinds and classes of aeronautical activities" Grant Assurance 22, FAA Grant Assurances for Airport Sponsors (May 2022), https://www.faa.gov/sites/faa.gov/files/airports/new_england/airport-compliance/assurances-airport-sponsors-2022-05.pdf</p>

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	<p>So, I would ask that you challenge MAC staff as to how they are implementing a plan to do that. I think this is a great opportunity to implement a financial plan that would incentivize the use of the Reliever Airport system.</p> <p>If you want to look at it reversely, penalize general aviation traffic for using MSP, or even better yet, the cost of operating MSP Airport is such a higher number than the Reliever Airports, they should charge accordingly. And from what we're proposing tonight, it's a very negligible amount in landing fees and 6 cents per gallon. At 1,000 gallons, that's \$60. I don't even think that's an average uplift. I think your average uplift is about 400 gallons. So, do the math.</p> <p>I don't think it's a financial incentive for general aviation traffic to use a reliever system or any penalty to use MSP Airport.</p> <p>That's all I got for you. Thank you.</p>	<p>Under this federal requirement, MAC can set differing rates for different airports, but those differences must have a reasonable basis for their distinctions. For example, differences in rates could be based upon operational differences between the airports in comparison.</p> <p>MAC believes that the current structure of rates (rental rates, fuel-flowage fees, landing fees, etc.) paid by general aviation users of MSP are higher than the rates those users would pay if based at the Reliever Airports. This difference is justified by the increased level of convenience and services provided by MSP. Those general aviation operators who choose to utilize MSP, despite higher rates, are making economic choices likely based upon this increased convenience and these levels of service.</p> <p>To adjust fees at MSP solely for the purpose of "penalizing" these operations would not be permitted under Grant Assurance 22.</p>
<p>4</p>	<p>I think Michael's speech actually conveyed a lot of what I was going to say. So, I'll skip quite a bit of mine here. I would challenge to also even look at -- I challenge the MAC to look at themselves as serving a product, and their product is infrastructure, and to look into how to charge that infrastructure to eliminate flowage fees as a whole.</p> <p>As Michael alluded to, uplifts -- or let me skip that part. We'll leave it at flowage fees as a whole. I think there's a valid model in there to at least reduce even the current amounts, if</p>	<p>One of the goals for this rate-setting exercise has been to retain a balanced and reasonable rate structure. Part of maintaining this balance is to utilize operational fees that reach broad classes of users of the Reliever Airports. Fuel flowage fees, which are paid by AvGas and Jet A operators alike, allow MAC to collect revenues from both these classes of operations, unlike landing fees (the other operational fee in</p>

Hearing Officers' Report
 Reliever Airports Rates and Charges Ordinance

	<p>not eliminate, the flowage fees for Reliever Airports.</p> <p>Thank you for your time.</p>	<p>MAC's structure), which is only assessed to Jet A operations.</p> <p>Thus, to eliminate or reduce this fee would require MAC to make up for this shortfall in another fee mechanism that reached a similarly broad swath of operators. MAC does not believe there is a more effective option to consider in this area than Fuel Flowage Fees.</p>
5	<p>Thank for sharing the detail on the proposed rates and charges. While it's tough to fully endorse rate hikes, especially in markets that haven't realized the post-covid traffic surges such as ANE, I prefer to see the simplified approach in Landing Fees as opposed to flowage and rents.</p>	<p>Thank you very much for your comment.</p>

V. SUMMARY

Attached are the proposed Findings, Conclusions, and Order (see Attachment 1) regarding the proposed Ordinance. It is the recommendation of the Hearing Officers that the Commission approve the Findings, Conclusions, and Order and adopt the proposed Ordinance.

Commissioner Braj Agrawal
 Commissioner Carl Crimmins

Adopted by the Hearing Officers:

on: _____

ATTACHMENT 1

METROPOLITAN AIRPORTS COMMISSION RELIEVER AIRPORTS RATES AND CHARGES ORDINANCE PUBLIC HEARING – JULY 15, 2024

FINDINGS, CONCLUSIONS, AND ORDER

Pursuant to notice duly given, a public hearing was held on July 15, 2024 at the Metropolitan Airports Commission general office, located at 6040 28th Ave. S., Minneapolis, Minnesota beginning at 6:00 p.m. The purpose of the hearing was to receive public testimony relative to the proposed Reliever Airports Rates and Charges Ordinance (Ordinance).

The hearing was commenced at the time and place designated in the notice and was conducted by the Commissioners Braj Agrawal and Carl Crimmins as Hearing Officers. Members of the public had the opportunity to comment.

Public Hearing Exhibits were presented at the hearing and are attached to the record as Attachment 4. The hearing record was kept open until 4:00 p.m. on July 26, 2024.

NOW, THEREFORE, having given due consideration to the testimony, exhibits and other evidence submitted and made a part of the record, the Metropolitan Airports Commission makes the following Findings, Conclusions and Order:

FINDINGS AND CONCLUSIONS

1. That the Metropolitan Airports Commission is a public corporation operating under Minnesota Statutes Chapter 473 for the purpose of promoting the public welfare and national security; serving the public interest, convenience and necessity; promoting air navigation and transportation, international, national, state and local; promoting the efficient, safe and economical handling of air commerce; developing the full potentialities of the metropolitan area in this state as an aviation center; and assuring the residents of the metropolitan area of the minimum environmental impact from air navigation and transportation.
2. That the purpose of the adoption of the proposed Reliever Airports Rates and Charges Ordinance will repeal and replace Metropolitan Airports Commission (MAC) Ordinance No. 119, Rates and Charges for Reliever Airports, as well as amend the fuel flowage fee sections of MAC Ordinance No. 115, Airfield Use and Terminal 2-Humphrey. The proposed Ordinance will modify the current rental rates and charges for users of the Reliever Airports and the fuel flowage fee for general aviation activity at the Minneapolis-St. Paul International Airport (MSP).

3. That the Metropolitan Airports Commission has “all the powers as a body corporate necessary and convenient to accomplish the objects and perform the duties prescribed” by state law. Minn. Stat. § 473.608, subd. 1. The powers granted to the Metropolitan Airports Commission include the power to “adopt and enforce rules, regulations, and ordinances it deems necessary for the purposes of sections 473.601 to 473.679, including those relating to the internal operation of the corporation and to the management and operation of airports owned or operated by it, subject to sections 473.601 to 473.679.” Minn. Stat. § 473.608, subd. 17(1).
4. That Minnesota courts have recognized the Metropolitan Airports Commission’s broad authority to pass ordinances under Minnesota Statutes, section 473.608. *See State by Minn. Pub. Lobby v. Metro. Airports Comm’n*, 520 N.W.2d 388, 389 (Minn. 1994); *State v. Eide*, 898 N.W.2d 290, 292 (Minn. Ct. App. 2017); *Hyland v. Metro. Airports Comm’n*, 538 N.W.2d 717, 720 (Minn. Ct. App. 1995). The United States Court of Appeals for the Eighth Circuit has also recognized that “MAC has broad statutory authority and discretion to manage the Airport in the public’s best interest.” *Enterprise Leasing Co. v. Metro. Airports Comm’n*, 250 F.3d 1215, 1217 (8th Cir. 2001) (*citing* Minn. Stat. Ann. § 473.608 and *Hyland v. Metro. Airport Comm’n*, 884 F. Supp. 334, 336 (D. Minn. 1996)).
5. That sufficient notice and opportunity for public review and comment regarding the proposed Ordinance was provided to interested parties during a public hearing on July 15, 2024, and written comment period open until 4:00 p.m. on July 26, 2024.
6. That four oral comments and one written comment were provided regarding the Ordinance.
7. That, after considering public hearing, minor changes were made to the Ordinance to include an additional administrative fee for non-tenant temporary property use agreement reviews and to make clarificatory edits to the Ordinance’s description of Gross Sales Thresholds.
8. That an opportunity for additional oral comments from the public will be allowed at the Commission meeting prior to any adoption of the Ordinance.

Based on the above findings, conclusions, and all the testimony, exhibits, and other evidence presented,

IT IS HEREBY ORDERED that the Metropolitan Airports Commission adopt the proposed Reliever Airports Rates and Charges Ordinance as MAC Ordinance No. 131

ATTACHMENT 2
Draft Reliever Airports Rates and Charges
Ordinance (Clean and Redlined)

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METROPOLITAN AIRPORTS COMMISSION

ORDINANCE No. _____

RELIEVER AIRPORTS RATES AND CHARGES ORDINANCE

Draft

Adopted by Commission: _____
Effective Date: January 1, 2025

Ordinance No. ____
Reliever Airports Rates and Charges Ordinance
Effective January 1, 2025

47 **METROPOLITAN AIRPORTS COMMISSION**
48 **ORDINANCE NO. _____**
49 **RELIEVER AIRPORTS RATES AND CHARGES ORDINANCE**
50

51 An ordinance of the Metropolitan Airports Commission (“Commission”) amending the rental rates
52 and other charges for property at the Commission’s minor and intermediate use airports (“Reliever
53 Airports”), as well as certain charges for general aviation activities at Minneapolis-St. Paul
54 International Airport (“MSP”), as provided by Minn. Stat. § 473.651, by amending and restating
55 Ordinance 119, as well as amending Ordinance 115 to remove provisions related to fuel flowage fees
56 assessed to Fixed Base Operators at MSP.

57
58 WHEREAS, consistent with federal policy, the rental rates and fees are intended to assist the
59 Commission in attaining its long-term goal of making the Reliever Airports as financially self-
60 sustaining as possible; and

61
62 WHEREAS, having received and considered extensive public input and having fully considered the
63 state and federal legal requirements concerning the rates that may be charged to users of these
64 Reliever Airports; and

65
66 WHEREAS, this Ordinance No. ____ (“Ordinance”) may be interchangeably be referred to as
67 Ordinance No. ____, “Ordinance No. 119, as amended,” as “Ordinance No. 114 as amended,” as
68 “Ordinance No. 107 as amended,” as “Ordinance No. 101 as amended,” and as “Ordinance No. 87 as
69 amended”;

70
71 NOW THEREFORE, the Commission does ordain:

72
73 **SECTION 1 – DEFINITIONS**
74

- 75 1.1 Based Aircraft. An aircraft that is registered in the State of Minnesota with the Department
76 of Transportation, Office of Aeronautics as being based at one of the Reliever Airports.
77
78 1.2 Based Tenant. A Storage Tenant or Commercial Tenant. This does not include subtenants.
79
80 1.3 Commercial Tenant. A Tenant that has entered into a commercial lease with the Commission
81 at a Reliever Airport and that is authorized to do one or more of the following: sale, repair or
82 storage of aircraft; sale of aircraft parts and accessories; sale of flight or ground instruction;
83 flying for charter or hire; sale of aircraft fuel and lubrication services; rental of aircraft; or
84 other activities deemed commercial and approved by the Commission.
85
86 1.4 Commission. The Metropolitan Airports Commission, a public corporation organized and
87 operating pursuant to Chapter 500, Laws of Minnesota 1943 and amendments thereto.
88
89 1.5 CPI. The consumer price index identified as the All Urban Consumers – Midwest Region.
90
91 1.6 Director of Reliever Airports. The Commission’s administrative officer responsible for the
92 Reliever Airports.
93
94 1.7 Executive Director. The Commission’s chief executive officer or a designated representative.
95
96 1.8 Flying Club. An entity defined by Minnesota Statutes § 360.013, subd. 48 or Minnesota Rules
97 § 8800.4100, subp. 2, or as either are amended.

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- 98
99 1.9 Fuel. Aviation gasoline and any other gasoline, petroleum product, fuel, or other substance
100 used in the propulsion of aircraft, automobiles, trucks, and other ground vehicles.
101
102 1.10 Fixed Base Operator (“FBO”). A full-service, aeronautical, commercial operation at the
103 Reliever Airports that is authorized to engage in the sale of products, services, and facilities
104 to aircraft operators. FBOs must provide, at a minimum, the following aeronautical activities
105 at the airport: aircraft refueling to include jet fuel, AvGas, and aircraft lubricants; aircraft line
106 services; airframe and power plant maintenance; aircraft storage/hangars rentals and
107 tiedowns; passenger, crew, and aircraft ground services, support and amenities. FBOs may
108 also provide optional services as approved by the Commission, which may include: flight
109 training, aircraft rental, aircraft charter or air taxi, avionics sales and service.
110
111 1.11 Gross Sales. Gross Sales, as defined in a Commercial Tenant’s lease, less exclusions, as
112 allowed by the Commercial Tenant’s lease.
113
114 1.12 Gross Sales Thresholds. Those amounts of annual Reportable Year Gross Sales set forth in
115 Section 2.2. that establish which ground rental rates apply to a Commercial Tenant.
116
117 1.13 Immediate Family Member. A spouse, parent, child, brother or sister (including half-relations
118 and step-relations, but excluding in-law relations) of the Tenant.
119
120 1.14 Jet-A Fuel. A kerosene-based fuel designed for use in turbine engine aircraft, regulated by
121 the American Society for Testing and Materials (“ASTM”). For referenced ASTM standards,
122 visit the ASTM website, www.astm.org, or contact ASTM Customer Service at
123 service@astm.org.
124
125 1.15 Leased Area. That area defined in the description of premises section in the Tenant’s lease.
126
127 1.16 Military Aircraft. Aircraft owned and/or operated by components of the military forces of the
128 United States of America or of the State of Minnesota.
129
130 1.17 Military Tenant. A Storage Tenant that is any component or branch of the military forces of
131 the United States of America or of the State of Minnesota.
132
133 1.18 Non-Aviation/Complementary Business License Agreement. A license agreement granted by
134 the Commission for the purpose of conducting a business on the airport that is non-aviation,
135 yet provides a complementary product or service to airport users. Examples of
136 complementary products/services include aviation insurance companies, aviation legal
137 services, auto rental and limousine services, travel agencies, delivery/courier services, and
138 aviation museums.
139
140 1.19 Reliever Airport. Any intermediate use or minor use Reliever Airport now or in the future
141 owned and/or operated by the Commission, including: St. Paul Downtown, Flying Cloud,
142 Anoka County-Blaine, Crystal, Airlake, and Lake Elmo.
143
144 1.20 Reportable Year. The time period from October 1 through September 30, which is used to
145 determine which Gross Sales Thresholds apply.
146

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- 147 1.21 Repositioning Flight. A flight made between Reliever Airports to pick up passengers or cargo
148 where one of the Reliever Airports was an intermediate stop and for which flight a landing
149 fee is paid for landing at another Reliever Airport.
150
- 151 1.22 Signatory Airline. An operator of aircraft that pays for use of Minneapolis-St. Paul
152 International Airport pursuant to a use fee agreement and, where applicable, a Commission
153 ordinance.
154
- 155 1.23 Special Rent Assessment. Fees charged by the Commission and paid by Tenants to offset the
156 costs of Reliever Airport projects or services which benefit the Tenant, including, but not
157 limited to sewer, water, other utilities, and pavement installation or rehabilitation.
158
- 159 1.24 Storage Tenant. A Reliever Airport Tenant that has entered into an aircraft storage lease with
160 the Commission.
161
- 162 1.25 Tenant. Any person, partnership, corporation, or other entity that leases property from the
163 Commission at a Reliever Airport. This definition and the rents and fees in this Ordinance
164 apply even if the lease has expired and the property continues to be occupied by a holdover
165 Tenant.
166

167 **SECTION 2 – RENTS**
168

169 2.1 Storage Tenant Per-Square-Foot Ground Rent
170

171 Storage Tenants shall pay the rate per square foot of Leased Area per year stated on the
172 attached Chart A.
173

174 2.2 Commercial Tenant Rent
175

176 Commercial Tenants shall pay ground rent and percentage rents as specified below, by paying
177 the applicable amount in Section 2.2.a. or 2.2.b., whichever is greater.
178

179 However, if a Commercial Tenant had Gross Sales below one-hundred fifty-one thousand
180 dollars (\$151,000.00) in the preceding Reportable Year, then the Commercial Tenant for the
181 following calendar year, as determined on a monthly basis, shall pay ground rent as stated on
182 the attached Chart A and zero percentage rent, or the amount in Section 2.2.b., whichever
183 amount is greater that month.
184

185 a. Ground Rent and Gross Sales Thresholds
186

187 The Gross Sales Threshold for FBOs at St. Paul Downtown Airport, Flying Cloud Airport,
188 and Anoka County-Blaine Airport is: Gross Sales in the Reportable Year of one hundred
189 fifty-one thousand dollars (\$151,000.00) or more, but less than six hundred and four
190 thousand dollars (\$604,000.00).
191

192 The Gross Sales Threshold for all other Commercial Tenants at St. Paul Downtown
193 Airport, Flying Cloud Airport, and Anoka County-Blaine Airport is: Gross Sales in the
194 Reportable Year of one hundred fifty-one thousand dollars (\$151,000.00) or more, but
195 less than three hundred seventy-eight thousand dollars (\$378,000.00).
196

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197 The Gross Sales Threshold for FBOs at Airlake Airport, Lake Elmo Airport, or Crystal
198 Airport is: Gross Sales in the Reportable Year of one hundred fifty-one thousand dollars
199 (\$151,000.00) or more, but less than three hundred and seventy-eight thousand
200 (\$378,000.00) dollars.

201
202 The Gross Sales Threshold for all other Commercial Tenants at Airlake Airport, Lake Elmo
203 Airport, or Crystal Airport is: Gross Sales in the Reportable Year of one hundred fifty-one
204 thousand dollars (\$151,000.00) or more, but less than three hundred and two thousand
205 dollars (\$302,000.00).

206
207 Any Commercial Tenant that falls within its Gross Sales Threshold during a Reportable
208 Year for the following calendar year, as determined on a monthly basis, shall pay ground
209 rent as stated on the attached Chart B and no percentage rent, or the amount in Section
210 2.2.b., whichever amount is greater that month.

211
212 If a Commercial Tenant fails to submit a monthly report of Gross Sales as required by
213 Section 2.3.b.3., the Gross Sales Threshold will be determined based upon the lowest
214 three (3) months of reported Gross Sales during the current Reportable Year.

215
216 Beginning January 1, 2026, the Gross Sales Thresholds will be adjusted annually
217 according to the CPI.

218
219 b. Percentage Rent

220
221 A Commercial Tenant shall pay to the Commission 1.5% of its annual calendar year Gross
222 Sales, plus ground rent as stated on attached Chart C.

223
224 c. New Commercial Tenants

225
226 A new Commercial Tenant, or an existing Commercial Tenant under a new lease for a
227 new leasehold, shall pay ground rent and percentage rent in the amounts specified in
228 Section 2.2.b until that Commercial Tenant has been under lease with the Commission
229 for a full Reportable Year. For purposes of this Section 2.2.C, Commercial Tenants who
230 acquire existing commercial leases through assignment will not constitute new
231 Commercial Tenants, if engaged in a substantially similar business as that conducted
232 historically under the acquired lease.

233
234 2.3 Rent Payments

235
236 a. Storage Tenant Per-Square-Foot Ground Rent

237
238 Storage Tenants shall pay Per-Square-Foot Ground Rent, pursuant to Section 2.1,
239 annually and in advance on or before the effective date of their lease, unless otherwise
240 notified by the Commission in writing of different payment dates. Rent is calculated as
241 the total of the rate stated in Chart A multiplied by the square footage of Leased Area,
242 rounded to the nearest penny.

243

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b. Commercial Tenants

1. Ground Rent

Commercial Tenants shall pay ground rent for the next month by the last day of the current month, unless otherwise notified by the Commission in writing of different payment dates. Monthly rent is one-twelfth of the annual rent, which is calculated as the total of the appropriate rate stated in the attached Rent and Fee Schedule multiplied by the Commercial Tenant's square footage of Leased Area, rounded to the nearest penny.

2. Percentage Rent

Commercial Tenants shall simultaneously pay percentage rent and submit percentage reports by the last day of the current month for the previous calendar month, unless otherwise notified by the Commission in writing of different payment dates.

3. Monthly Report

Each Commercial Tenant shall submit a report of Gross Sales by the last day of the current month for the previous calendar month, unless otherwise notified by the Commission in writing of different reporting dates. Commercial Tenants shall submit this report no matter which rate chart is applicable or how much, if any, Gross Sales occurred.

4. Adjustment and Reconciliation

Commercial Tenants may adjust any Monthly Report timely submitted within the past one hundred eighty (180) days. Any changes to the Gross Sales or to any exclusions from Gross Sales reported must be accompanied by sufficient information from Commercial Tenant's books and records to support the adjusted amount(s). The Commission reserves the right to reject any adjusted Monthly Report as insufficiently justified by Commercial Tenant's books and records. Any overpayments made by a Commercial Tenant as a result of the error in the original Monthly Report will be credited to Commercial Tenant's next rental payment (or refunded, if Tenant's lease is expired, assigned, or terminated). If the adjustment indicates that insufficient rent was paid, the Commercial Tenant shall pay the amount due within thirty (30) days of invoice from the Commission.

2.4 Applicability of Rates

Unless otherwise specified by the terms of Tenant's lease, the rental rates in this Ordinance replace the rent provisions in the Tenant's lease with the Commission.

If the lease is expired or terminated or if the Tenant abandons the property prior to expiration or termination of the lease, the Tenant is not released from responsibility for ground rents, percentage rents and corresponding reports, or any other payments due to the Commission.

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293 **SECTION 3 – FUEL FLOWAGE FEES**

294

295 3.1 **Fueling**

296

297 a. **Authorization**

298

299 Tenants shall not dispense Fuel unless fueling is specifically authorized by the
300 Commission in writing.

301

302 b. **Compliance**

303

304 Fueling shall be conducted in compliance with all applicable codes and regulations.
305 Fueling is prohibited in areas that pose a hazard to public safety as determined by the
306 Commission.

307

308 3.2 **Fuel Flowage Fees**

309

310 Tenants that are authorized to dispense Fuel, shall pay the applicable Fuel flowage fees as
311 described in this Section 3.2 and in Charts D1, D2, and D3 for every gallon of Fuel purchased
312 from suppliers and delivered to the Reliever Airport, including Fuel that is ultimately
313 purchased by subtenants, licensees or subsidiaries of Tenant or subsidiaries, licensees or
314 subtenants of a subtenant, and dispensed under the Tenant’s authority to dispense Fuel.
315 Military Tenants are not required to pay the Fuel flowage fees required by this Section 3.2.
316 Tenants that are authorized to dispense Fuel shall not pay Fuel flowage fees applicable to
317 Fuel purchased by operators of Military Aircraft.

318

319 a. **Jet A Fuel**

320

321 Tenants at St. Paul Downtown Airport, Flying Cloud Airport, and Anoka County-Blaine
322 Airport that dispense Jet A fuel shall pay Fuel flowage fees at the rate per gallon as set
323 forth in Chart D1.

324

325 Tenants at Crystal Airport, Lake Elmo Airport, and Airlake Airport that dispense Jet A fuel
326 shall pay Fuel flowage fees at the rate per gallon as set forth in Chart D2.

327

328 b. **AvGas**

329

330 Tenants at the Reliever Airports that dispense AvGas shall pay the Fuel flowage fees at
331 the rate per gallon as set forth in Chart D3.

332

333 c. **Fixed Base Operators at MSP**

334

335 Fixed Base Operators at MSP shall pay Fuel flowage fees as required by Section 4.4 of
336 Ordinance 115, as amended by Section 12 of this Ordinance.

337

338 3.3 **Payments and Reports**

339

340 Tenants, excluding Military Tenants, that are authorized to dispense Fuel shall simultaneously
341 pay Fuel flowage fees and provide reports to the Commission by the last day of the current
342 month for Fuel supplied to the Tenant, subtenants, licensees or subsidiaries of Tenant or
343 subsidiaries, licensees or subtenants of a subtenant, during the previous month, unless

344 otherwise notified by the Commission in writing of different payment dates. The reports
345 shall state fueling activity for the month, including the number of gallons of Fuel supplied to
346 the Tenant, subtenants, licensees or subsidiaries of Tenant or subsidiaries, licensees or
347 subtenants of a subtenant, broken down by Fuel type; the dates on which the Fuel was
348 supplied, and any other information relating to the fueling activity requested in writing by
349 the Commission.

350
351 The Tenant shall attach to the report copies of invoices from the Fuel supplier that are signed
352 and dated by the person who supplied or delivered the Fuel to the Tenant.

353
354 If the lease is expired or terminated or if the Tenant abandons the property prior to the
355 expiration or termination of the lease, the Tenant is not released from the responsibility for
356 payments and reports of Fuel flowage fees due to the Commission. Monthly fuel flowage
357 reports may be adjusted by a Commercial Tenant pursuant to the provisions of Section
358 2.3(b)(4).

359
360 **SECTION 4 – ST. PAUL DOWNTOWN AIRPORT, FLYING CLOUD AIRPORT, AND ANOKA COUNTY-**
361 **BLAINE AIRPORT LANDING FEE**

362
363 4.1 Landing Fee

364
365 a. Payment of Landing Fee

366
367 Operators of all fixed-wing aircraft that use Jet-A Fuel, excluding operators of Military
368 Aircraft, shall pay a landing fee for each landing of such aircraft at:

- 369
- 370 • St. Paul Downtown Airport in an amount equal to one hundred and ten percent
371 (110%) of the then current estimated compensatory field and runway use fee
372 charged to Signatory Airlines at MSP;
 - 373
 - 374 • Flying Cloud Airport in an amount equal to one hundred and five percent (105%)
375 of the then current estimated compensatory field and runway use fee charged
376 to Signatory Airlines at MSP; and at
 - 377
 - 378 • Anoka County-Blaine Airport in an amount equal to one hundred percent
379 (100%) of the then current estimated compensatory field and runway use fee
380 charged to Signatory Airlines at MSP.

381
382 Operators of fixed wing aircraft that use Jet-A Fuel shall not be required to pay this
383 landing fee when the flight is made for the purpose of providing medical services, such
384 as transportation of organs or patients in the course of business; Lifeguard flights;
385 Repositioning Flights; or other similar operations approved by the Executive Director.

386
387 b. Collection

388
389 All landing fees shall be paid to an FBO at the respective Reliever Airport prior to release
390 and clearance of such aircraft for departure from the respective Reliever Airport, or paid
391 monthly to such FBO, if pre-arranged with the FBO. Alternatively, a Based Tenant may
392 pay the Commission directly, if approved by the Director of Reliever Airports.

393

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394 c. FBO Collection Cost Refund

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Within one hundred and eighty (180) days after the first business day of each calendar year, the Commission will refund to each FBO at a Reliever Airport an amount equal to two percent (2%) of the total landing fees paid by the FBO to the Commission in the previous calendar year. Such refund is intended to offset the cost incurred by the FBO in collecting landing fees on behalf of the Commission.

402 4.2 Reports and Payments

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a. Reports

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FBOs at the St. Paul Downtown Airport, Flying Cloud Airport, and Anoka County-Blaine Airport shall, by the last day of each calendar month, report to the Commission the number of all aircraft using Jet-A Fuel that have landed at the respective Reliever Airport during the previous month. Based Tenants approved by the Director of Reliever Airports shall, by the last day of each month, report to the Commission the number of all aircraft using Jet-A Fuel, operated by the Based Tenant that have landed at the St. Paul Downtown Airport, Flying Cloud Airport, and Anoka County-Blaine Airport the previous month. Reports shall include the type of aircraft by Federal Aviation Administration approved gross certificated maximum landing weights, the number of landings and take-offs made by such aircraft during the month of reporting, and the landing fee charge due and owing in respect to such aircraft.

418 b. Payments

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Together with such report, the FBO and any Based Tenant approved by the Director of Reliever Airports shall remit to the Commission payment of all landing fees reported and to be paid pursuant to this Ordinance, whether or not collected from the aircraft operator.

425 **SECTION 5 – NON-AVIATION/COMPLEMENTARY BUSINESS LICENSE FEE**

426

427 Commercial Tenants that have entered into a Non-Aviation/Complementary Business License
428 Agreement with the Commission shall pay a Non-Aviation/Complementary Business License Fee as
429 set forth in Chart E of the attached Rent and Fee Schedule for the next month by the last day of the
430 current month, unless otherwise notified by the Commission in writing of different payment dates.

431

432 **SECTION 6 – FACILITY ACQUISITION FEE**

433

434 6.1 Applicability

435

436 Tenants, excluding Military Tenants, that acquire an existing facility on a Reliever Airport shall
437 pay a Facility Acquisition Fee, at the time of lease transfer, of 50% of the per square foot
438 ground rent annual rate set forth in Chart A of the attached Rent and Fee Schedule. Storage
439 Tenants shall pay the lesser of the 50% rate applied per square foot of total Leased Area, or
440 applied per square foot of 125% of the building footprint area. Commercial Tenants shall pay
441 the rate per square foot of the building footprint area. However, if the Leased Area of any
442 lease includes a Fuel system, the total area required for the Fuel system, inclusive of
443 regulatory setbacks, shall be included in the calculation of the Facility Acquisition Fee.

444

445 If, using the calculation above, the Facility Acquisition Fee would be less than the
446 Administration Fee for a standard assignment set forth in Chart F of the attached Rent and
447 Fee Schedule, then the Tenant must pay the amount of the Administration Fee for a standard
448 assignment, rather than the amount calculated.

449
450 The Facility Acquisition Fee will apply to a lease transfer under the “Transfer” section, as
451 amended, of lease forms entered into after January 1, 2008, and will apply to any assignment
452 of the lease, for any reason, with or without consideration, including:

- 453
- 454 • A change of ownership or voting control, including a change in the name(s) on the
455 lease, where there is a change of 50% or more (e.g., if only one name is on the lease,
456 and that party wishes to add an additional name, a 50% change would occur, and the
457 fee would apply);
 - 458
 - 459 • A transfer for estate-planning purposes (e.g., into a trust), or as a result of death;
 - 460
 - 461 • A change in name(s) (e.g., as a result of divorce), where the disposition change is a
462 result of a court order, and there is a change of 50% or more;
 - 463
 - 464 • A transfer as part of a bankruptcy; or
 - 465
 - 466 • A transfer through a contract for deed.
 - 467

468 **6.2 Exception**

469
470 The Facility Acquisition Fee will not apply in the following situation:

- 471
- 472 • A transfer to an Immediate Family Member, including a transfer to an Immediate
473 Family Member for estate-planning purposes (e.g., into a family trust), or a transfer
474 to an Immediate Family Member as a result of death.
 - 475

476 **SECTION 7 – ADMINISTRATION FEE**

477
478 **7.1 Applicability**

479
480 An Administration Fee, as set forth in Chart F of the attached Rent and Fee Schedule, shall be
481 paid by a Tenant or prospective Tenant, except Military Tenants, for costs associated with the
482 review and processing of lease requests and transactions.

483
484 An Administration Fee is applicable to all requests and transactions that require Commission
485 authorization or consent, with the exception of the following: the generation of a new lease
486 executed at the time of construction in a new building area; the renewal of an existing lease;
487 the execution of a sewer and water amendment; a lease amendment to correct a
488 discrepancy in the lease; or the execution of a lease transfer or new lease if a Facility
489 Acquisition Fee, as described in Section 6, applies. Commission staff shall determine the
490 type of lease request or transaction and the corresponding Administration Fee.

491
492 **7.2 Additional Amounts**

493
494 Commission staff may charge an additional amount, sufficient to cover its costs, if the costs
495 associated with the review and processing of a lease request or transaction exceed the

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496 amount of the Administration Fee, such as for a transaction involving significant legal work.
497 If the Commission assumes the responsibility for issuing building permits in the future, the
498 Commission reserves the right to charge an additional amount, sufficient to cover the costs
499 of the permitting process.

500

501 **SECTION 8 – FLYING CLUBS**

502

503 8.1 **Flying Club Activities**

504

505 Flying Clubs shall be responsible for the activities of their members. Flying Clubs shall
506 comply with all applicable federal, state and local requirements for Flying Clubs and
507 aeronautical activity.

508

509 8.2 **Flying Club Records**

510

511 The Commission shall have access to all Flying Club records, including but not limited to the
512 Flying Club's financial records, tax statements, records relating to membership, and flight
513 instruction conducted in club aircraft. The Commission shall also have access to the logbooks
514 of all Flying Club members.

515

516 **SECTION 9 – AUDITS**

517

518 The Commission has the right, upon reasonable request, to audit Tenant's books and records as
519 authorized by Tenant's lease.

520

521 **SECTION 10 – PENALTIES**

522

523 10.1 **Interest on Late Payments**

524

525 For any rents or fees due under this Ordinance, a Tenant shall pay a penalty for late or
526 delinquent payments of twelve percent (12%) per annum on any past due balance calculated
527 from the date the amount is due until the close of the business day upon which the
528 delinquent payment is received by the Commission.

529

530 10.2 **Misdemeanor**

531

532 Any person violating any of the provisions of this Ordinance shall upon conviction be
533 punished by sentence within the parameters of the maximum penalty for misdemeanors set
534 forth in Minn. Stat. § 609.03, or as may be amended.

535

536 10.3 **Other Actions Not Precluded**

537

538 The penalties prescribed under this Ordinance in no way preclude the Commission from
539 taking any other civil action authorized under the Tenant's lease or by law.

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SECTION 11 – RENTS AND FEES ADJUSTMENT

11.1 Annual Rate Adjustments

a. Storage Tenant Per-Square-Foot Ground Rent

Storage Tenant per-square-foot ground rent will be adjusted on the anniversary date of the Storage Tenant's lease during each applicable year, according to the attached Rent and Fee Schedule.

b. Commercial Tenant Rent

Commercial Tenant rents in the Rent and Fee Schedule will be adjusted on January 1 of each year, according to the attached Rent and Fee Schedule.

c. Fuel Flowage Fees

Fuel flowage fees will be adjusted on January 1 of each year, according to the attached Rent and Fee Schedule.

d. Non-Aviation/Complementary Business License Fee

The Non-Aviation/Complementary Business License Fee will be adjusted on January 1 of each year, according to the attached Rent and Fee Schedule.

11.2 Post 2030 Adjustments

If the rents and fees in Charts A, B, C, D, E, and F of the attached Rent and Fee Schedule are not modified by the Commission before December 31, 2030, the rents and fees shall be increased in the same manner and at the same percentage rates per year until the Commission determines other rates and fees. Charts A, B, and C shall be increased at three percent (3%) per year; the Fuel Flowage Fees shall be increased at four percent (4%) per year; and the Non-Aviation/Complementary Business License Fee and the Administration Fee shall be increased at three percent (3%) per year.

11.3 Commission Action

The Commission may reevaluate and adjust the rates and fees set forth in the attached Rent and Fee Schedule by Commission action. In making a decision to adjust rates, the Commission shall consider state and federal mandates and policy (e.g., in light of security mandates or extraordinary environmental costs), as well as the requirements of this Ordinance. Written notice will be provided to Tenants of public meetings to address rents and fees and of any new rents and fees adopted by the Commission.

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585 **SECTION 12 – AMENDMENTS TO ORDINANCE 115**

586

587 12.1 Ordinance 115

588

589 All defined terms used in this Section 12 are given those definitions included in Ordinance
590 115. As of the effective date of this Ordinance, the following sections of Ordinance 115 are
591 deleted and re-stated as follows:

592

593 12.2 Section 4.4: Fuel Flowage Fees

594

595 Fixed Base Operators that are authorized to dispense Fuel at the Airport shall pay the Fuel
596 Flowage Fees stated in Chart D4 of Ordinance No. ____ for every gallon of Fuel sold or
597 delivered by the Fixed Based Operator at the Airport, regardless of Fuel type, including Fuel
598 sold or delivered to customers, subsidiaries, licensees, or subtenants of the Fixed Base
599 Operator at the Airport, and customers, subsidiaries, licensees, or subtenants of a subtenant
600 of the Fixed Base Operator at the Airport. Additionally, into-plane fuel provided by a Fixed
601 Base Operator is subject to the Fuel Flowage Fees stated in Chart D4 of Ordinance No. ____.

602

603 Into-Plane Fuel Providers operating at the Airport shall pay the Fuel flowage fees stated in
604 Schedule A-2 of Ordinance No. 115 for every gallon of Fuel sold or delivered by the Into-
605 Plane Fuel Provider at the Airport, including Fuel sold or delivered to customers, subsidiaries,
606 licensees, or subtenants of the Into-Plane Fuel Providers.

607

608 Notwithstanding the foregoing, Fuel Flowage Fees shall not apply to fuel supplied to Military
609 Aircraft, aircraft operated by Signatory Airlines, or aircraft which are fueled while using gates
610 at either the Terminal 1-Lindbergh or Terminal 2-Humphrey.

611

612 Fuel Flowage Fees for Into-Plane Fuel Providers will be adjusted periodically as set forth in
613 Section 4.6(b).

614

615 Fuel Flowage Fees for Fixed Base Operators at the Airport will be adjusted periodically as set
616 forth in Section 11 of Ordinance No. ____.

617

618 12.3 Section 4.6(b): Fuel Flowage Fees Paid by Into-Plane Fuel Providers

619

620 Fuel Flowage Fees paid by Into-Plane Fuel Providers will be adjusted on January 1 of each
621 year, according to the attached Schedule A-2. The Commission may, however, reevaluate and
622 adjust the rates and fees in the attached Schedule A-2 by Commission action. If the Fuel
623 Flowage Fees paid by Into-Plane Fuel Providers on the attached Schedule A-2 are not
624 modified by the Commission before December 31, 2018, the rents and fees shall be
625 increased in the same manner and at the same percentage rates per year until the
626 Commission determines other rates and fees. This means that the Fuel Flowage Fees paid by
627 Into-Plane Fuel Providers shall be increased at four percent (4%) per year. If the Commission
628 plans deviate from Schedule A-2 through Commission action, it will send out notice 15 days
629 in advance of the public meeting to affected parties.

630

631 12.4 Schedule A-2: Into-Plane Fuel Provider Fuel Flowage Fees (rates per gallon)

632

	2025	2026	2027	2028	2029	2030
MSP	\$0.160	\$0.167	\$0.173	\$0.180	\$0.187	\$0.195

633

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Effective January 1, 2025

634 **SECTION 13 – GENERAL PROVISIONS**

635

636 13.1 Additional Tenant Charges

637

638 a. Assessments and Other Fees

639

640 This Ordinance has no applicability to assessments or other fees that the Tenant is
641 required to pay on the date this Ordinance takes effect. All such assessments and fees
642 remain in effect.

643

644 b. Special Rent Assessment

645

646 The Commission is authorized to charge Special Rent Assessments to Tenants consistent
647 with Minn. Stat. § 473.651 for Reliever Airport projects or services, over and above those
648 contemplated by a Tenant’s lease, which benefit the Tenant, charged on a basis uniform
649 and consistent with those of other Tenants at the Reliever Airports. The Commission's
650 Executive Director is authorized to create procedures to implement Special Rent
651 Assessments. Such procedures shall include notice to affected Tenants and opportunity
652 to comment prior to imposition of any such assessment.

653

654 13.2 Provisions Severable

655

656 If any part or parts of this Ordinance is declared unconstitutional or invalid, this does not
657 affect the validity of the remaining parts of this Ordinance. The Commission declares it
658 would have passed the remaining parts of this Ordinance without the unenforceable
659 provisions.

660

661 13.3 Notice

662

663 Any notice required by this Ordinance is sufficient if delivered as provided by the notice
664 provisions of the Tenant’s Lease with the Commission.

665

666 13.4 Amendment

667

668 Ordinance No. 119 is amended and restated on the date this Ordinance takes effect.

669

670 13.5 Effective Date

671

672 This Ordinance is effective January 1, 2025.

673

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674
 675
 676
 677
 678

RENT AND FEE SCHEDULE

Chart A – Per-Square Foot Ground Rent (annual rate per square foot)

	2025	2026	2027	2028	2029	2030
St. Paul	\$0.94	\$0.96	\$0.99	\$1.02	\$1.05	\$1.08
Flying Cloud	\$0.79	\$0.82	\$0.84	\$0.87	\$0.89	\$0.92
Anoka County	\$0.79	\$0.80	\$0.81	\$0.82	\$0.83	\$0.84
Crystal	\$0.70	\$0.72	\$0.74	\$0.76	\$0.79	\$0.81
Airlake	\$0.62	\$0.65	\$0.67	\$0.70	\$0.72	\$0.75
Lake Elmo	\$0.61	\$0.62	\$0.64	\$0.66	\$0.68	\$0.70

679
 680
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 682

Chart B – Commercial Ground Rent without percentage (annual rate, per square foot)

	2025	2026	2027	2028	2029	2030
St. Paul	\$0.73	\$0.77	\$0.81	\$0.83	\$0.86	\$0.88
Flying Cloud	\$0.64	\$0.67	\$0.70	\$0.72	\$0.74	\$0.77
Anoka County	\$0.59	\$0.62	\$0.66	\$0.67	\$0.68	\$0.70
Crystal	\$0.52	\$0.54	\$0.57	\$0.59	\$0.60	\$0.62
Airlake	\$0.46	\$0.48	\$0.51	\$0.52	\$0.54	\$0.56
Lake Elmo	\$0.44	\$0.45	\$0.46	\$0.48	\$0.49	\$0.51

683
 684
 685
 686

Chart C – Commercial Ground Rent with percentage (annual rate, per square foot)

	2025	2026	2027	2028	2029	2030
St. Paul	\$0.52	\$0.57	\$0.62	\$0.64	\$0.66	\$0.68
Flying Cloud	\$0.48	\$0.52	\$0.56	\$0.58	\$0.60	\$0.61
Anoka County	\$0.38	\$0.44	\$0.51	\$0.52	\$0.54	\$0.55
Crystal	\$0.34	\$0.37	\$0.40	\$0.41	\$0.42	\$0.43
Airlake	\$0.30	\$0.32	\$0.34	\$0.35	\$0.36	\$0.37
Lake Elmo	\$0.28	\$0.28	\$0.28	\$0.29	\$0.30	\$0.31

687
 688
 689
 690

Chart D1 – Fuel Flowage Fees for Jet A at STP, FCM, and ANE (rate per gallon)

2025	2026	2027	2028	2029	2030
\$0.16	\$0.17	\$0.17	\$0.18	\$0.19	\$0.19

691
 692
 693
 694

Chart D2 – Fuel Flowage Fees for Jet A at LVN, MIC, and 21D (rate per gallon)

2025	2026	2027	2028	2029	2030
\$0.17	\$0.18	\$0.19	\$0.20	\$0.20	\$0.21

695
 696

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697 **Chart D3 – Fuel Flowage Fees for Reliever Airports AvGas** (rate per gallon)

698

2025	2026	2027	2028	2029	2030
\$0.22	\$0.23	\$0.24	\$0.25	\$0.26	\$0.27

699

700 **Chart D4 – Fuel Flowage Fees for MSP Fixed Base Operators, all Fuel types** (rate per gallon)

701

2025	2026	2027	2028	2029	2030
\$0.22	\$0.23	\$0.24	\$0.25	\$0.26	\$0.27

702

703 **Chart E – Non-Aviation/Complementary Business License Fee** (monthly rate)

704

	2025	2026	2027	2028	2029	2030
All Reliever Airports	\$180.00	\$185.40	\$190.96	\$196.69	\$202.59	\$208.67

705

706

707 **Chart F – Administration Fee** (rate per request or transaction)

708

	2025	2026	2027	2028	2029	2030
Approval of Tenant Modification to Leased Area	\$190	\$196	\$202	\$208	\$214	\$220
Consent to Leasehold Mortgage and Subordination Agreement*	\$180	\$185	\$191	\$197	\$203	\$209
Consent to Sublease – Commercial Lease	\$265	\$273	\$281	\$290	\$298	\$307
Temporary Property Use Agreements or Authorizations	\$290	\$299	\$308	\$317	\$326	\$336
Standard Amendment	\$290	\$299	\$308	\$317	\$326	\$336
Standard Assignment	\$290	\$299	\$308	\$317	\$326	\$336
Standard Termination	\$200	\$206	\$212	\$219	\$225	\$232
*If legal review for these documents exceeds one hour of work, the actual cost of the review will be billed, rather than the Chart F rate.						

709

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Effective ~~July~~January 1, ~~2014~~2025

METROPOLITAN AIRPORTS COMMISSION

ORDINANCE NO. 119

RELIEVER AIRPORTS RATES AND CHARGES ORDINANCE

An ordinance of the Metropolitan Airports Commission (“Commission”) amending the rental rates and other charges for property at the Commission’s minor and intermediate use airports (“Reliever Airports”), ~~as well as certain charges for general aviation activities at Minneapolis-St. Paul International Airport (“MSP”),~~ as provided by Minn. Stat. § 473.651, by amending and restating Ordinance ~~No. 114 (which amended and restated 119, as well as amending Ordinance 107, which amended and restated Ordinance No. 101, which amended and restated Ordinance No. 87)~~115 to modify the facility acquisition fee remove provisions related to fuel flowage fees assessed to Fixed Base Operators at MSP.

WHEREAS, consistent with federal policy, the rental rates and fees are intended to assist the Commission in attaining its long-term goal of making the Reliever Airports as financially self-sustaining as possible; and

WHEREAS, having received and considered extensive public input and having fully considered the state and federal legal requirements concerning the rates that may be charged to users of these Reliever Airports; and

WHEREAS, this Ordinance No. 119 (“Ordinance”) ~~will~~may be interchangeably be referred to as “Ordinance No. 119”, “Ordinance No. 119, as amended,” as “Ordinance No. 114 as amended,” as “Ordinance No. 107 as amended,” as “Ordinance No. 101 as amended,” and as “Ordinance No. 87 as amended”;

NOW THEREFORE, the Commission does ordain:

SECTION 1 – DEFINITIONS

- 1.1 Based Aircraft. An aircraft that is registered in the State of Minnesota with the Department of Transportation, Office of Aeronautics as being based at one of the Reliever Airports.
- 1.2 Based Tenant. A Storage Tenant or Commercial Tenant. This does not include subtenants.
- 1.3 Commercial Tenant. A Tenant that has entered into a commercial lease with the Commission at a Reliever Airport and that is authorized to do one or more of the following: sale, repair or storage of aircraft; sale of aircraft parts and accessories; sale of flight or ground instruction; flying for charter or hire; providing fueling sale of aircraft fuel and lubrication services; aircraft rental of aircraft; or other activities deemed commercial and approved by the Commission.
- 1.4 Commission. The Metropolitan Airports Commission, a public corporation ———organized and operating pursuant to Chapter 500, Laws of Minnesota 1943 and ———amendments thereto.

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- 79
80 1.5 CPI. The consumer price index identified as the All Urban Consumers – Midwest Region.
81
82 1.6 Director of Reliever Airports. The Commission’s administrative officer responsible for the
83 Reliever Airports.
84
85 1.7 Executive Director. The Commission’s chief executive officer or a designated representative.
86
87 1.8 Flying Club. An entity defined by Minnesota Statutes § 360.013, subd. ~~1848~~ or Minnesota
88 Rules § 8800.4100, ~~subds~~ subp. 2, or as either are amended.
89
90 1.9 Fuel. Aviation gasoline and any other gasoline, petroleum product, fuel, or other substance
91 used in the propulsion of aircraft, automobiles, trucks, and other ground vehicles.
92
93 1.10 ~~Full-Service-Commercial-Operation or~~ Fixed Base Operator (“FBO”). ~~AA~~ full-service,
94 aeronautical, commercial operation at the Reliever Airports that is authorized to engage in
95 the sale of products, services, and facilities to aircraft operators ~~including. FBOs must~~
96 provide, at a minimum, the following aeronautical activities at the airport: aircraft refueling
97 to include jet fuel, AvGas, and aircraft lubricants; aircraft line services; airframe and power
98 plant maintenance; aircraft storage/hangars rentals and tiedowns; passenger, crew, and
99 aircraft ground services, support and amenities. FBOs may also provide optional services as
100 approved by the Commission, which may include: flight training, aircraft rental, aircraft
101 charter or air taxi, avionics sales and service.
102
103 ~~1.11- Gross Sales. Gross Sales, as defined in a Commercial Tenant’s lease, less exclusions, as~~
104 ~~allowed by the Commercial Tenant’s lease.~~
105
106 1.12 Gross Sales Thresholds. Those amounts of annual Reportable Year ~~Net-Gross Revenue~~ Sales
107 set forth in Section 2.2. ~~a.~~ that establish ~~which~~ the ground rental -rates ~~in Chart B~~ apply to a
108 Commercial Tenant.
109
110 ~~1.1213~~ Immediate Family Member. A spouse, parent, child, brother or sister (including half-relations
111 and step-relations, but excluding in-law relations) of the Tenant.
112
113 ~~1.1314~~ Jet-A Fuel. A kerosene-based fuel designed for use in turbine engine aircraft, regulated by
114 the American Society for Testing and Materials (“ASTM”). For referenced ASTM standards,
115 visit the ASTM website, www.astm.org, or contact ASTM Customer Service at
116 service@astm.org.
117
118 ~~1.1415~~ Leased Area. That area defined in the description of ~~Premises~~ premises section in the
119 Tenant’s lease.
120
121 ~~1.1516~~ Military Aircraft. Aircraft owned and/or operated by components of the military forces of the
122 United States of America or of the State of Minnesota.
123
124 ~~1.1617~~ Military Tenant. A Storage Tenant that is any component or branch of the military forces of
125 the United States of America or of the State of Minnesota.
126
127 ~~1.17- Net-Gross Revenue. Gross Receipts or Gross Sales, as defined in a Commercial Tenant’s lease,~~
128 ~~less exclusions, as allowed by the Commercial Tenant’s lease.~~

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- 129 1.18 Non-Aviation/Complementary Business License Agreement. — A license agreement
130 granted by the Commission for the purpose of conducting a business on the airport that is
131 non-aviation, yet provides a complementary product or service to airport users. Examples of
132 complementary products/services include aviation insurance companies, ~~restaurants,~~
133 aviation legal services, auto rental and limousine services, travel agencies, delivery/courier
134 services, ~~flight physicals,~~ and aviation museums.
135
- 136 ~~1.19 Related Entity. An entity within which a Storage Tenant can prove, via written documentation,~~
137 ~~that he or she holds an equity interest.~~
- 138 ~~1.201.19~~ Reliever Airport. Any intermediate use or minor use Reliever Airport now or in the
139 future owned and/or operated by the Commission, including: St. Paul Downtown, Flying
140 Cloud, Anoka County-Blaine, Crystal, Airlake, and Lake Elmo.
141
- 142 ~~1.2120~~ Reportable Year. The time period from October 1 through September 30, which is used to
143 determine which Gross Sales Thresholds apply.
144
- 145 ~~1.2221~~ Repositioning Flight. ~~An outbound~~ A flight ~~from amade between~~ Reliever Airport with an
146 ~~intermediate stop at another Reliever Airport in order~~ Airports to pick up
147 ~~passenger(s)passengers~~ or cargo ~~prior to continuing with~~ where one of the Reliever Airports
148 ~~was an intermediate stop and for which flight to the final destination; or an inbound flight to a~~
149 ~~Reliever Airport as an intermediate stop in order to drop off passenger(s) or cargo prior to~~
150 ~~continuing with the flight to another Reliever Airport, provided~~ a landing fee is paid for the
151 landing at ~~the other~~ another Reliever Airport.
152
- 153 ~~1.2322~~ Signatory Airline. ~~Operator~~ An operator of aircraft that pays for use of Minneapolis-St. Paul
154 International Airport pursuant to a use fee agreement and, where applicable, a Commission
155 ordinance.
156
- 157 ~~1.2423~~ Special Rent Assessment. Fees charged by the Commission and paid by Tenants to offset the
158 costs of Reliever Airport projects or services which benefit the Tenant, including, but not
159 limited to sewer, water, other utilities, ~~and~~ pavement installation or rehabilitation.
160
- 161 ~~1.2524~~ Storage Tenant. A Reliever Airport Tenant that has entered into an aircraft storage lease with
162 the Commission.
163
- 164 ~~1.2625~~ Tenant. Any person, partnership, corporation, or other entity that leases property from the
165 Commission at a Reliever Airport. This definition and the rents and fees in this Ordinance
166 apply even if the lease has expired and the property continues to be occupied by a holdover
167 Tenant.
168

169 **SECTION 2 – RENTS**

- 170
- 171 2.1 Storage Tenant Per-Square-Foot Ground Rent
- 172
- 173 Storage Tenants shall pay the rate per square foot of Leased Area per year stated on the
174 attached Chart A.
175
- 176 2.2 Commercial Tenant Rent
- 177

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Commercial Tenants shall pay ground rent and percentage rents as specified below, by paying the applicable amount in Section 2.2.a. or 2.2.b., whichever is greater.

However, if a Commercial Tenant ~~has less than one hundred fourteen thousand dollars (\$114,000) of Net~~ Gross Revenue Sales below one hundred fifty-one thousand dollars (~~\$151,000.00~~) in the preceding Reportable Year, then ~~the~~ Commercial Tenant ~~shall for the following calendar year, as determined on a monthly basis, shall~~ pay ground rent as stated on the attached Chart A and zero percentage rent, or the amount in Section 2.2.b. (~~see also Chart C~~), whichever amount is greater ~~that month, as determined on a monthly basis, during the calendar year following the Reportable Year.~~

a. Ground Rent and Gross Sales Thresholds

~~The Gross Sales Threshold for If a Commercial Tenant that FBOs at St. Paul Downtown Airport, Flying Cloud Airport, and Anoka County-Blaine Airport is authorized to conduct a Full Service Commercial Operation has:~~ Gross Sales in the Reportable Year of one hundred ~~fourteen~~ fifty-one thousand dollars (~~\$114~~ \$151,000.00) or more, but less than ~~four~~ six hundred ~~fifty-four and four~~ thousand dollars (~~\$454~~ \$604,000.00) of Net).

~~The Gross Sales Threshold for all other Commercial Tenants at St. Paul Downtown Airport, Flying Cloud Airport, and Anoka County-Blaine Airport is:~~ Gross Sales in the Reportable Year of one hundred fifty-one thousand dollars (~~\$151,000.00~~) or more, but less than ~~three hundred seventy-eight~~ thousand dollars (~~\$378,000.00~~).

~~The Gross Revenue Sales Threshold for FBOs at Airlake Airport, Lake Elmo Airport, or Crystal Airport is:~~ Gross Sales in the ~~preceding~~ Reportable Year, ~~or of~~ one hundred ~~fourteen~~ fifty-one thousand dollars (~~\$114~~ \$151,000.00) or more, but less than ~~two~~ three hundred ~~twenty-seven and seventy-eight~~ thousand (~~\$227~~ \$378,000.00) dollars ~~if such Commercial Tenant is at Airlake, Lake Elmo, or Crystal, then the Commercial Tenant shall, pay ground rent at the rate per square foot of Leased Area per year stated on the attached Chart B and no percentage rent, or the amount in Section 2.2.b. (see also Chart C), whichever is greater, as determined on a monthly basis, during the calendar year following the Reportable Year.~~

~~The Gross Sales Threshold for all other Commercial Tenants at Airlake Airport, Lake Elmo Airport, or Crystal Airport is:~~ Gross Sales in the Reportable Year of one hundred fifty-one thousand dollars (~~\$151,000.00~~) or more, but less than ~~three hundred and two thousand~~ dollars (~~\$302,000.00~~).

~~If a Commercial Tenant, at any Reliever Airport, that is authorized to conduct less than a Full Service Commercial Operation has one hundred fourteen thousand dollars (\$114,000.00) or more but less than two hundred eighty four thousand dollars (\$284,000.00) of Net Gross Revenue in the preceding Reportable Year, then the~~

~~Any Commercial Tenant that falls within its Gross Sales Threshold during a Reportable Year shall pay ground rent for the following calendar year, as determined on a monthly basis, shall pay ground rent at the rate per square foot of Leased Area per year as stated on the attached Chart B and no percentage rent, or the amount in Section 2.2.b. (see also Chart C),, whichever is greater amount is greater that month as determined on a monthly basis, during the calendar year following the Reportable Year.~~

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228 If a Commercial Tenant fails to submit a monthly report of Net-Gross RevenueSales as
229 required by Section 2.3.b.3., ~~the for the purpose of determining the applicable Gross~~
230 Sales Thresholds, that Gross Sales Threshold will be determined based upon the lowest
231 three (3) months of reported Net-Gross RevenueSales during the current Reportable
232 Year.

233
234 Beginning January 1, ~~2013~~ 2026, the Gross Sales Thresholds will be adjusted annually
235 according to the CPI.

236
237
238 b. Percentage Rent

239
240 A Commercial Tenant shall pay to the Commission 1.5% of its annual calendar year Net
241 Gross RevenueSales, plus ~~ground rent the rate per square foot of Leased Area per year as~~
242 stated on attached Chart C.

243
244 c. New Commercial Tenants

245
246 A new Commercial Tenant, or an existing Commercial Tenant under a new lease for a
247 new leasehold, shall pay ground rent and percentage rent in the amounts specified in
248 Section 2.2.b until that Commercial Tenant has been under lease with the Commission
249 for a full Reportable Year. For purposes of this Section 2.2.C, Commercial Tenants who
250 acquire existing commercial leases through assignment will not constitute new
251 Commercial Tenants, if engaged in a substantially similar business as that conducted
252 historically under the acquired lease.

253
254 2.3 Rent Payments

255
256 a. Storage Tenant Per-Square-Foot Ground Rent

257
258 Storage Tenants shall pay Per-Square-Foot Ground Rent, pursuant to Section 2.1,
259 annually and in advance on or before the effective date of their lease, unless otherwise
260 notified by the Commission in writing of different payment dates. Rent is calculated as
261 the total of the rate stated in Chart A multiplied by the square footage of Leased Area,
262 rounded to the nearest penny.

263
264 b. Commercial Tenants

265
266
267 1. Ground Rent

268
269 Commercial Tenants shall pay ground rent ~~in advance for the next month~~ by the last
270 day of the ~~calendar month for the upcoming calendar~~ current month, unless
271 otherwise notified by the Commission in writing of different payment dates.
272 Monthly rent is one-twelfth of the annual rent, which is calculated as the total of the
273 appropriate rate stated in the attached Rent and Fee Schedule multiplied by the
274 Commercial Tenant's square footage of Leased Area, rounded to the nearest penny.

275
276 2. Percentage Rent

277

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278 Commercial Tenants shall simultaneously pay percentage rent and submit
279 percentage reports by the last day of the ~~calendar~~ current month for the previous
280 calendar month, unless otherwise notified by the Commission in writing of different
281 payment dates.

282
283 3. Monthly Report

284
285 Each Commercial Tenant shall submit a report of ~~Net~~ Gross Revenue ~~Sales~~ by the last
286 day of ~~each calendar~~ the current month for the previous calendar month, unless
287 otherwise notified by the Commission in writing of different reporting dates.
288 Commercial Tenants shall submit this report no matter which rate chart is applicable
289 or how much, if any, ~~Net~~ Gross Revenue ~~Sales~~ occurred.

290
291 4. Year-End Adjustment and Reconciliation

292
293 ~~As soon as practical after Commercial Tenants may adjust any Monthly Report timely~~
294 ~~submitted within the end of each calendar year, past one hundred eighty (180) days.~~
295 ~~Any changes to the Gross Sales or to any exclusions from Gross Sales reported must~~
296 ~~be accompanied by sufficient information from Commercial Tenant's books and~~
297 ~~records to support the adjusted amount(s). The Commission shall reconcile the total~~
298 ~~rent paid against reserves the total rent due. The total rent due shall be right to~~
299 ~~reject any adjusted Monthly Report as insufficiently justified by Commercial Tenant's~~
300 ~~books and records. Any overpayments made by a Commercial Tenant as a result of~~
301 ~~the sum of payments due under error in the applicable provisions of Section 2.2 on~~
302 ~~an annualized basis, whichever original Monthly Report will be credited to~~
303 ~~Commercial Tenant's next rental payment (or refunded, if Tenant's lease is greater~~
304 ~~if expired, assigned, or terminated). If the adjustment indicates that insufficient rent~~
305 ~~was paid, the Commercial Tenant shall pay the amount due within thirty (30) days of~~
306 ~~invoice from the Commission.~~

307
308 2.4 Applicability of Rates

309
310 Unless otherwise specified by the terms of Tenant's lease, the rental rates in this Ordinance
311 replace the rent provisions in the Tenant's lease with the Commission.

312
313 If the lease is expired or terminated or if the Tenant abandons the property prior to
314 expiration or termination of the lease, the Tenant is not released from responsibility for
315 ground rents, percentage rents and corresponding reports, or any other payments due to the
316 Commission.

317
318 **SECTION 3 – FUEL FLOWAGE FEES**

319
320 3.1 Fueling

321
322 a. Authorization

323
324 Tenants shall not dispense Fuel unless fueling is specifically authorized by the
325 Commission in writing.

326
327 b. Compliance

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328
329 Fueling shall be conducted in compliance with all applicable codes and regulations.
330 Fueling is prohibited in areas that pose a hazard to public safety as determined by the
331 Commission.
332

333 ~~3.2~~ 3.2 Fuel Flowage Fees

334
335 Tenants ~~who~~that are authorized to dispense Fuel, shall pay the applicable Fuel flowage fees
336 as described in this Section 3.2 and in Charts D1, ~~D2~~, and ~~D2D3~~ for every gallon of Fuel
337 purchased from ~~all~~ suppliers ~~that is and~~ delivered to the Reliever Airport, including Fuel ~~that~~
338 ~~is ultimately~~ purchased by subtenants, licensees or subsidiaries of Tenant or subsidiaries,
339 licensees or subtenants of a subtenant, and dispensed under the Tenant's authority to
340 dispense Fuel. Military Tenants are not required to pay the Fuel flowage fees required by this
341 Section 3.2. Tenants ~~who~~that are authorized to dispense Fuel shall not pay Fuel flowage fees
342 applicable to Fuel purchased by operators of Military Aircraft.
343

344 a. a. Jet A Fuel

345
346 Tenants at St. Paul Downtown Airport, ~~at~~ Flying Cloud Airport, and ~~at~~ Anoka County-
347 Blaine Airport ~~who~~that dispense Jet A fuel shall pay Fuel flowage fees at the rate per
348 gallon as set forth in Chart D1.
349

350 Tenants at Crystal Airport, Lake Elmo Airport, and Airlake Airport ~~who~~that dispense Jet A
351 fuel shall pay Fuel flowage fees at the rate per gallon as set forth in Chart D2.
352

353 b. 100 Low Lead Fuel/AvGas

354
355 Tenants at the Reliever Airports ~~who~~that dispense ~~100 low lead fuel/AvGas~~ shall pay the
356 ~~applicable~~ Fuel flowage fees at the rate per gallon as set forth in Chart ~~D2D3~~.

357
358 c. Fixed Base Operators at MSP

359
360 Fixed Base Operators at MSP shall pay Fuel flowage fees as required by Section 4.4 of
361 Ordinance 115, as amended by Section 12 of this Ordinance.
362

363 3.3 Payments and Reports

364
365 Tenants ~~who, excluding Military Tenants, that~~ are authorized to dispense Fuel shall
366 simultaneously pay Fuel flowage fees and provide reports to the Commission by the last day
367 of ~~each calendar~~the current month for Fuel supplied to the Tenant, subtenants, licensees or
368 subsidiaries of Tenant or subsidiaries, licensees or subtenants of a subtenant, during the
369 previous ~~calendar~~ month, unless otherwise notified by the Commission in writing of different
370 payment dates. The reports shall state fueling activity for the ~~calendar~~ month, including the
371 number of gallons of Fuel supplied to the Tenant, subtenants, licensees or subsidiaries of
372 Tenant or subsidiaries, licensees or subtenants of a subtenant, broken down by Fuel type;
373 the dates on which the Fuel was supplied, ~~the number of gallons dispensed, broken down by~~
374 ~~Fuel type; the meter readings on the pumps for the beginning and end of the calendar~~
375 ~~month,~~ and any other information relating to the fueling activity requested in writing by the
376 Commission. ~~Tenants who are authorized to dispense Fuel shall report all fueling activity,~~
377 ~~whether or not a landing fee was due.~~

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378
379 The Tenant shall attach to the report copies of invoices from the Fuel supplier that are signed
380 and dated by the person who supplied or delivered the Fuel to the Tenant.
381

382 If the lease is expired or terminated or if the Tenant abandons the property prior to the
383 expiration or termination of the lease, the Tenant is not released from the responsibility for
384 payments and reports of Fuel flowage fees due to the Commission. Monthly fuel flowage
385 reports may be adjusted by a Commercial Tenant pursuant to the provisions of Section
386 2.3(b)(4).
387

388 Military Tenants are not subject to the requirements of this Section 3.3.

389
390 **SECTION 4 – ST. PAUL DOWNTOWN AIRPORT, FLYING CLOUD AIRPORT, AND ANOKA COUNTY-**
391 **BLAINE AIRPORT LANDING FEE**
392

393 4.1 Landing Fee
394

395 —a. Payment of Landing Fee
396

397 The operators Operators of all fixed-wing aircraft that use Jet-A Fuel, including those that
398 are Based Aircraft, other than excluding operators of Military Aircraft, shall pay a landing
399 fee for each landing of such aircraft at:
400

- 401 • St. Paul Downtown Airport in an amount equal to one hundred and ten percent
402 (110%) of the then current estimated compensatory field and runway use fee
403 charged to Signatory Airlines at MSP;
404
- 405 • Flying Cloud Airport in an amount equal to one hundred and five percent (105%)
406 of the then current estimated compensatory field and runway use fee charged
407 to Signatory Airlines at MSP; and at
408
- 409 • Anoka County-Blaine Airport in an amount equal to one hundred percent
410 (100%) of the then current estimated compensatory field and runway use fee
411 charged to Signatory Airlines at Minneapolis-St. Paul International Airport;
412 provided that the landing fee shall be no less than the amount set forth in the
413 attached Rent and Fee Schedule MSP.
414

415 The operators of all fixed-wing aircraft that use Jet-A Fuel, including those that are
416 Based Aircraft, other than operators of Military Aircraft, shall pay a landing fee for
417 each landing of such aircraft at Flying Cloud Airport and Anoka County-Blaine Airport
418 in an amount equal to ninety percent (90%) of the then current estimated
419 compensatory field and runway use fee charged to Signatory Airlines at Minneapolis-
420 St. Paul International Airport; provided that the landing fee shall be no less than the
421 amount set forth in the attached Rent and Fee Schedule.
422

423 Operators of fixed wing aircraft that use Jet-A Fuel shall not be required to pay this
424 landing fee when conducting pilot check flights or maintenance flights required by the
425 federal government; other operations conducted as a requirement of the federal
426 government; flight training touch and go operations; operations conducted by those the

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flight is made for the purpose of providing medical services, such as transportation of organs or patients in the course of business; Lifeguard flights; Repositioning Flights; or other similar operations approved by the Executive Director.

b. Collection

All landing fees shall be paid to an FBO at the respective Reliever Airport prior to release and clearance of such aircraft for departure from the respective Reliever Airport, or paid ~~on a~~ monthly basis to such FBO, if pre-arranged with the FBO, ~~except. Alternatively,~~ a Based Tenant may pay the Commission directly, if approved by the Director of Reliever Airports.

c. Late Fees

~~Any landing fee payment not received from the FBO or Based Tenant within thirty (30) days of the due date shall accrue interest at the rate of one and a half percent (1.5%) per month, measured from the due date until paid in full.~~ Collection Cost Refund

Within one hundred and eighty (180) days after the first business day of each calendar year, the Commission will refund to each FBO at a Reliever Airport an amount equal to two percent (2%) of the total landing fees paid by the FBO to the Commission in the previous calendar year. Such refund is intended to offset the cost incurred by the FBO in collecting landing fees on behalf of the Commission.

4.2 Reports and Payments

~~a.~~ a. Reports

FBOs at the St. Paul Downtown Airport, Flying Cloud Airport, and Anoka County-Blaine Airport shall, by the last day of each calendar month, report to the Commission the number of all aircraft using Jet-A Fuel that have landed at the respective Reliever Airport during the previous calendar month ~~and that have parked at apron areas assigned to and under the control of such FBO or reported their landing to such FBO.~~ Based Tenants approved by the Director of Reliever Airports shall, by the last day of each ~~calendar~~ month, report to the Commission the number of all aircraft, using Jet-A Fuel, operated by the Based Tenant ~~and using Jet A Fuel~~, that have landed at the St. Paul Downtown Airport, Flying Cloud Airport, and Anoka County-Blaine Airport the previous ~~calendar~~ month. Reports shall include the type of aircraft by Federal Aviation Administration approved gross certificated maximum landing weights, the number of landings and take-offs made by such aircraft during the month of reporting, and the landing fee charge due and owing in respect to such aircraft.

b. Payments

Together with such report, the FBO and any Based Tenant approved by the Director of Reliever Airports shall remit to the Commission payment of all landing fees reported and to be paid pursuant to this Ordinance, whether or not collected from the aircraft operator.

SECTION 5 – SUBLEASENON-AVIATION/COMPLEMENTARY BUSINESS LICENSE FEE

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5.1 — Applicability

~~Storage Tenants, other than Military Tenants, who have entered into a sublease license agreement with the Commission and who sublease space within a hangar shall pay an applicable Sublease Fee, as set forth in Chart E of the attached Rent and Fee Schedule, for each aircraft for which the Storage Tenant subleases space.~~

5.2 — Exemptions

~~Storage Tenants are not required to pay a Sublease Fee for aircraft registered with the Federal Aviation Administration in the respective Storage Tenant's name, or in the name of a Related Entity or Immediate Family Member, and that are stored within the particular hangar. Storage Tenants shall provide written documentation, satisfactory to the Commission, to justify any such exemptions.~~

5.3 — Payments

~~Storage Tenants shall pay the annual Sublease Fees on a quarterly basis, with payment for January, February, and March due by May 1 of that calendar year; April, May, and June due by August 1 of that calendar year; July, August, and September due by November 1 of that calendar year; and October, November, and December due by February 1 of the following calendar year.~~

~~The Storage Tenant will be required to pay a pro-rata portion of the annual Sublease Fee for each quarter during which any sublease activity occurs and for each aircraft for which the Storage Tenant subleases space during that quarter, regardless of whether the sublease activity continues for the entire quarter.~~

~~SECTION 6 — NON-AVIATION/COMPLEMENTARY BUSINESS LICENSE FEE~~

~~Commercial Tenants whothat have entered into a Non-Aviation/Complementary Business License Agreement with the Commission shall pay a Non-Aviation/Complementary Business License Fee as set forth in Chart FE of the attached Rent and Fee Schedule for the next month by the last day of the current month, unless otherwise notified by the Commission in writing of different payment dates.~~

~~**SECTION 76 — FACILITY ACQUISITION FEE**~~

~~7.1 — Applicability~~

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6.1 Applicability

Tenants, ~~other than~~ excluding Military Tenants, ~~who~~ that acquire an existing facility on a Reliever Airport shall pay a Facility Acquisition Fee, at the time of lease transfer, of 50% of the per square foot ground rent annual rate set forth in Chart A of the attached Rent and Fee Schedule. Storage Tenants shall pay the lesser of the 50% rate applied per square foot of total Leased Area, or applied per square foot of 125% of the building footprint area. Commercial Tenants shall pay the rate per square foot of the building footprint area. However, if the Leased Area of any lease includes a Fuel system, the total area required for the Fuel system, inclusive of regulatory setbacks, shall be included in the calculation of the Facility Acquisition Fee.

~~Under no circumstance shall~~ if, using the calculation above, the Facility Acquisition Fee would be less than the Administration Fee for a standard assignment, ~~as~~ set forth in Chart GF of the attached Rent and Fee Schedule, then the Tenant must pay the amount of the Administration Fee for a standard assignment, rather than the amount calculated.

The Facility Acquisition Fee will apply to a lease transfer under the "Transfer" section, as amended, of lease forms entered into after January 1, 2008, and will apply to any assignment of the lease, for any reason, with or without consideration, including:

- A change of ownership or voting control, including a change in the name(s) on the lease, where there is a change of 50% or more (e.g., if only one name is on the lease, and that party wishes to add an additional name, a 50% change would occur, and the fee would apply);
- A transfer for estate-planning purposes (e.g., into a trust), or as a result of death;
- A change in name(s) (e.g., as a result of divorce), where the disposition change is a result of a court order, and there is a change of 50% or more;
- A transfer as part of a bankruptcy; or
- A transfer through a contract for deed.

7.2 Exception

The Facility Acquisition Fee will not apply in the following situation:

- A transfer to an Immediate Family Member, including a transfer to an Immediate Family Member for estate-planning purposes (e.g., into a family trust), or a transfer to an Immediate Family Member as a result of death.

SECTION 87 – ADMINISTRATION FEE

7.1 Applicability

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567 8.1 — Applicability

568 An Administration Fee, as set forth in Chart GF of the attached Rent and Fee Schedule, shall
569 be paid by a Tenant or prospective Tenant, ~~other than~~ except Military Tenants, for costs
570 associated with the review and processing of lease requests and transactions.
571

572 An Administration Fee is applicable to all requests and transactions that require Commission
573 authorization or consent, with the exception of the following: the generation of a new lease
574 executed at the time of construction in a new building area; the renewal of an existing lease;
575 the execution of a sewer and water amendment; a lease amendment to correct a
576 discrepancy in the lease; or the execution of a lease transfer or new lease if a Facility
577 Acquisition Fee, as described in Section 76, applies. Commission staff shall determine the
578 type of lease request or transaction and the corresponding Administration Fee.
579

580 8.2 Additional Amounts

581 Commission staff may charge an additional amount, sufficient to cover its costs, if the costs
582 associated with the review and processing of a lease request or transaction exceed the
583 amount of the Administration Fee, such as for a transaction involving significant legal work.
584 If the Commission assumes the responsibility for issuing building permits in the future, the
585 Commission reserves the right to charge an additional amount, sufficient to cover the costs
586 of the permitting process.
587

588 **SECTION 9 – WAITING LIST FEE**

589 9.1 — Applicability

590 ~~Any prospective Tenant, other than a prospective Military Tenant, wishing to have a name~~
591 ~~held on a list for future hangar space that has been identified to be completed within three~~
592 ~~(3) years in the Commission's capital improvement program shall pay a Waiting List Fee as set~~
593 ~~forth in the attached Rent and Fee Schedule.~~
594

595 9.2 — Fee Administration and Refundability

596 ~~The Waiting List Fee amount paid will bear simple interest at the Commission's average annual~~
597 ~~percentage rate of return for the period during which the Waiting List Fee remains with the~~
598 ~~Commission. The Waiting List Fee will remain with the Commission until a lease is offered to~~
599 ~~the prospective Tenant, or until the Tenant or prospective Tenant requests the name be~~
600 ~~removed from the list. The Waiting List Fee, plus any interest, will apply toward the first year~~
601 ~~building area assessment, if the area is developed by the Commission and the prospective~~
602 ~~Tenant signs a lease with the Commission, or refunded fully, with interest, to the prospective~~
603 ~~Tenant, if the area is developed by a developer and the prospective Tenant enters into a lease~~
604 ~~with that developer.~~
605

606 ~~If the prospective Tenant is offered a lease and rejects the offer, but wishes to remain on the~~
607 ~~list, the prospective Tenant will be placed at the bottom of the list, and the Waiting List Fee~~
608 ~~will remain with the Commission until another lease is offered to the prospective Tenant. The~~
609 ~~Waiting List Fee is fully refundable, with any interest, under the following circumstances: (1)~~
610 ~~the prospective Tenant dies, the decedent's name is removed from the list, and the decedent's~~
611 ~~estate requests a refund of the Waiting List Fee; (2) the prospective Tenant has not been~~
612 ~~offered a lease, has not rejected an offer, requests the name be removed from the list, and~~
613
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616 ~~the Waiting List Fee has been paid in full for more than three (3) years; or (3) the prospective~~
617 ~~Tenant has lost an airman's medical certificate, and requests the name be removed from the~~
618 ~~list. The Waiting List Fee is refundable at 50%, without interest, within the first three (3) years,~~
619 ~~if the Waiting List Fee has been paid in full and the prospective Tenant requests the name be~~
620 ~~removed from the list.~~

622 **SECTION 108 – FLYING CLUBS**

624 **108.1 Flying Club Activities**

625 Flying Clubs shall be responsible for the activities of their members. Flying Clubs shall
627 comply with all applicable federal, state and local requirements for Flying Clubs and
628 aeronautical activity.

630 **108.2 Flying Club Records**

631 The Commission shall have access to all Flying Club records, including but not limited to the
633 Flying Club's financial records, ~~any~~ tax statements, records relating to membership, and ~~any~~
634 flight instruction conducted in club aircraft. The Commission shall also have access to the
635 logbooks of all Flying Club members.

637 **10.3 Flying Club Reports**

638 ~~Flying Clubs shall submit to the Commission a copy of all reports other than taxes, required by~~
640 ~~the state or federal government for Flying Clubs within thirty (30) days of the due date to the~~
641 ~~state or federal government. Failure to provide the reports to the state or federal~~
642 ~~government, whether or not waived by the governmental entity, does not release the Tenant~~
643 ~~from the obligation to provide the reports to the Commission as required under this~~
644 ~~Ordinance.~~

646 **SECTION 119 – AUDITS**

648 **11.1 Subleasing**

649 ~~The Commission has the right, upon reasonable request, to inspect the Tenant's hangar and~~
651 ~~audit the number of aircraft using space within the hangar, to determine the number of~~
652 ~~aircraft, if any, for which the Tenant subleases space. This provision does not apply to Military~~
653 ~~Tenants.~~

655 **11.2 Fuel Flowage Fees**

656 ~~The Commission has the right at any time during the business day, upon reasonable request,~~
658 ~~to inspect the Tenant's Fuel pumps, Fuel supplier invoices and business records to ascertain~~
659 ~~the veracity of Tenant's reports.~~

661 ~~The Commission may at any time require an inventory and audit of the Tenant's dealings in~~
662 ~~Fuel to be made by an auditor designated by the Commission. If, as a result of such inventory~~
663 ~~and audit, a deficiency of five percent (5%) or more is disclosed in the Tenant's Fuel flowage~~
664 ~~reports or payments, the cost of such audit shall be borne by the Tenant. The Tenant shall~~

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665 ~~remit payment to the Commission for any amounts underreported, plus interest according to~~
666 ~~Section 12.2.~~

667
668 11.3 — Landing Fees
669

670 ~~_____ The Commission has the right at any time during the business day, upon reasonable request,~~
671 ~~to inspect the records of FBOs as to operations from the apron area assigned to and under the~~
672 ~~control of each such operator or the records of a Based Tenant, to ascertain the veracity of~~
673 ~~the landing fee reports. Such records shall be organized in date order and shall include~~
674 ~~itemized transactions and operations that document landing fees, including aircraft~~
675 ~~registration numbers. Upon the Commission's request, the FBO or Based Tenant shall provide~~
676 ~~the logbooks that document any exception to landing fees due. If, as a result of such~~
677 ~~inspection and audit, a deficiency of five percent (5%) or more is disclosed, the cost of such~~
678 ~~audit shall be borne by the FBO or Based Tenant. The FBO or Based Tenant shall remit~~
679 ~~payment to the Commission for any amounts underreported, plus interest according to~~
680 ~~Section 12.2.~~

681
682 11.4 — Other Records
683

684 ~~_____~~ The Commission has the right, upon reasonable request, to audit Tenant's books and records
685 as authorized by Tenant's lease.

686
687 **SECTION 1210 – PENALTIES**

688
689 12.1 — Sublease Violation
690

691 ~~_____ If the Commission determines that a Tenant is subleasing space within a hangar in violation of~~
692 ~~the Tenant's lease or sublease license agreement, the Tenant shall pay a penalty of two (2)~~
693 ~~times the current rate set forth in Chart E of the attached Rent and Fee Schedule, retroactive~~
694 ~~to January 1 of the current calendar year, for each aircraft for which the Tenant is subleasing~~
695 ~~space in violation of the Tenant's lease or sublease license agreement.~~

696 10.1

697 ~~12.2~~ Interest on Late Payments

698
699 For any rents or fees due under this Ordinance, a Tenant shall pay a penalty for late or
700 delinquent payments of twelve percent (12%) per annum on any past due balance calculated
701 from the date the amount is due until the close of the business day upon which the
702 delinquent payment is received by the Commission.

703
704 ~~12.3~~ 10.2 Misdemeanor

705
706 Any person violating any of the provisions of this Ordinance shall upon conviction be
707 punished by sentence within the parameters of the maximum penalty for
708 misdemeanors set forth in Minn. Stat. § 609.03, or as may be amended.

709
710 ~~12.4~~ 10.3 Other Actions Not Precluded

711
712 _____ The penalties prescribed under this Ordinance in no way preclude the Commission
713 _____ from taking any other civil action authorized under the Tenant's lease or by law.

714

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715 **SECTION 1311 – RENTS AND FEES ADJUSTMENT**

716
717 **1311.1 Annual Rate Adjustments**

718
719 **a. Storage Tenant Per-Square-Foot Ground Rent**

720
721 Storage Tenant per-square-foot ground rent will be adjusted on the anniversary date of
722 the Storage Tenant's lease during each applicable year, according to the attached Rent
723 and Fee Schedule.

724
725 **b. Commercial Tenant Rent**

726
727 Commercial Tenant rents in the Rent and Fee Schedule will be adjusted on January 1 of
728 each year, according to the attached [Rent and Fee](#) Schedule.

729
730 **c. Fuel Flowage Fees**

731
732 Fuel flowage fees will be adjusted on January 1 of each year, according to the attached
733 Rent and Fee Schedule.

734
735 **d. Sublease Fees**

736
737 ~~The Sublease Fee will be adjusted on January 1 of each year, according to the attached~~
738 ~~Rent and Fee Schedule.~~

739
740 **e. Non-Aviation/Complementary Business License Fee**

741
742 The Non-Aviation/Complementary Business License Fee will be adjusted on January 1 of
743 each year, according to the attached Rent and Fee Schedule.

744
745 **1311.2 Post ~~2017~~2030 Adjustments**

746
747 If the rents and fees in Charts A, B, C, D, E, ~~F~~, and ~~G~~ of the attached Rent and Fee Schedule
748 are not modified by the Commission before December 31, ~~2017~~2030, the rents and fees shall
749 be increased in the same manner and at the same percentage rates per year until the
750 Commission determines other rates and fees. ~~This means that the operations and~~
751 ~~maintenance component of the ground rent rates in~~ Charts A, B, and C shall be increased at
752 three percent (3%) per year, ~~and the preservation component of the ground rent rates in~~
753 ~~Charts A, B, and C shall be increased at five percent (5%) per year~~; the Fuel Flowage Fees ~~and~~
754 ~~the Sublease Fee~~ shall be increased at four percent (4%) per year; and the Non-
755 Aviation/Complementary Business License Fee and the Administration Fee shall be increased
756 at three percent (3%) per year.

757
758 **1311.3 Commission Action**

759
760 The Commission may reevaluate and adjust the rates and fees set forth in the attached Rent
761 and Fee Schedule by Commission action. In making a decision to adjust rates, the
762 Commission shall consider state and federal mandates and policy (e.g., in light of security
763 mandates or extraordinary environmental costs), as well as the requirements of this

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764 Ordinance. Written notice will be provided to Tenants of public meetings to address rents
765 and fees and of any new rents and fees adopted by the Commission.
766

767 **SECTION 12 – AMENDMENTS TO ORDINANCE 115**
768

769 **12.1 Ordinance 115**
770

771 All defined terms used in this Section 12 are given those definitions included in Ordinance
772 115. As of the effective date of this Ordinance, the following sections of Ordinance 115 are
773 deleted and re-stated as follows:
774

775 **12.2~~14~~ Section 4.4: Fuel Flowage Fees**
776

777 Fixed Base Operators that are authorized to dispense Fuel at the Airport shall pay the Fuel
778 Flowage Fees stated in Chart D4 of Ordinance No. _____ for every gallon of Fuel sold or
779 delivered by the Fixed Based Operator at the Airport, regardless of Fuel type, including Fuel
780 sold or delivered to customers, subsidiaries, licensees, or subtenants of the Fixed Base
781 Operator at the Airport, and customers, subsidiaries, licensees, or subtenants of a subtenant
782 of the Fixed Base Operator at the Airport. Additionally, into-plane fuel provided by a Fixed
783 Base Operator is subject to the Fuel Flowage Fees stated in Chart D4 of Ordinance No. _____.
784

785 Into-Plane Fuel Providers operating at the Airport shall pay the Fuel flowage fees stated in
786 Schedule A-2 of Ordinance No. 115 for every gallon of Fuel sold or delivered by the Into-
787 Plane Fuel Provider at the Airport, including Fuel sold or delivered to customers, subsidiaries,
788 licensees, or subtenants of the Into-Plane Fuel Providers.
789

790 Notwithstanding the foregoing, Fuel Flowage Fees shall not apply to fuel supplied to Military
791 Aircraft, aircraft operated by Signatory Airlines, or aircraft which are fueled while using gates
792 at either the Terminal 1-Lindbergh or Terminal 2-Humphrey.
793

794 Fuel Flowage Fees for Into-Plane Fuel Providers will be adjusted periodically as set forth in
795 Section 4.6(b).
796

797 Fuel Flowage Fees for Fixed Base Operators at the Airport will be adjusted periodically as set
798 forth in Section 11 of Ordinance No. _____.
799

800 **12.3 Section 4.6(b): Fuel Flowage Fees Paid by Into-Plane Fuel Providers**
801

802 Fuel Flowage Fees paid by Into-Plane Fuel Providers will be adjusted on January 1 of each
803 year, according to the attached Schedule A-2. The Commission may, however, reevaluate and
804 adjust the rates and fees in the attached Schedule A-2 by Commission action. If the Fuel
805 Flowage Fees paid by Into-Plane Fuel Providers on the attached Schedule A-2 are not
806 modified by the Commission before December 31, 2018, the rents and fees shall be
807 increased in the same manner and at the same percentage rates per year until the
808 Commission determines other rates and fees. This means that the Fuel Flowage Fees paid by
809 Into-Plane Fuel Providers shall be increased at four percent (4%) per year. If the Commission
810 plans deviate from Schedule A-2 through Commission action, it will send out notice 15 days
811 in advance of the public meeting to affected parties.
812

813 **12.4 Schedule A-2: Into-Plane Fuel Provider Fuel Flowage Fees (rates per gallon)**

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	<u>2025</u>	<u>2026</u>	<u>2027</u>	<u>2028</u>	<u>2029</u>	<u>2030</u>
<u>MSP</u>	<u>\$0.160</u>	<u>\$0.167</u>	<u>\$0.173</u>	<u>\$0.180</u>	<u>\$0.187</u>	<u>\$0.195</u>

815

SECTION 13 – GENERAL PROVISIONS

816

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818

1413.1 Additional Tenant Charges

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a. Assessments and Other Fees

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This Ordinance has no applicability to assessments or other fees that the Tenant is required to pay on the date this Ordinance takes effect. All such assessments and fees remain in effect.

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b. Special Rent Assessment

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The Commission is authorized to charge Special Rent Assessments to Tenants consistent with Minn. Stat. § 473.651 for Reliever Airport projects or services, over and above those contemplated by a Tenant's lease, which benefit the Tenant, charged on a basis uniform and consistent with those of other Tenants at the Reliever Airports. The Commission's Executive Director is authorized to create procedures to implement Special Rent Assessments. Such procedures shall include notice to affected Tenants and opportunity to comment prior to imposition of any such assessment.

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1413.2 Provisions Severable

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If any part or parts of this Ordinance is declared unconstitutional or invalid, this does not affect the validity of the remaining parts of this Ordinance. The Commission declares it would have passed the remaining parts of this Ordinance without the unenforceable provisions.

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1413.3 Notice

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Any notice required by this Ordinance is sufficient if delivered ~~in-person, sent as provided~~ by U.S. mail to the last address on file notice provisions of the Tenant's Lease with the Commission, ~~or transmitted by facsimile to the last facsimile number on file with the Commission.~~

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850

1413.4 Amendment

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Ordinance No. ~~407~~ 119 is amended and restated on the date this Ordinance takes effect.

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1413.5 Effective Date

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856

This Ordinance is effective ~~July~~ January 1, 2014 ~~2025~~.

857

858

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RENT AND FEE SCHEDULE

Chart A – Per-Square Foot Ground Rent (annual rate per square foot)

	<u>2012</u> <u>20</u> <u>25</u>	<u>2013</u> <u>20</u> <u>26</u>	<u>2014</u> <u>20</u> <u>27</u>	<u>2015</u> <u>20</u> <u>28</u>	<u>2016</u> <u>20</u> <u>29</u>	<u>2017</u> <u>20</u> <u>30</u>
St. Paul	\$ <u>0.6239</u> <u>4</u>	\$ <u>0.64396</u>	\$ <u>0.66499</u>	0.685 \$ <u>1.02</u>	0.708 \$ <u>1.05</u>	0.731 \$ <u>1.08</u>
Flying Cloud	\$ <u>0.5317</u> <u>9</u>	\$ <u>0.54882</u>	\$ <u>0.56684</u>	\$ <u>0.58587</u>	\$ <u>0.60489</u>	\$ <u>0.62492</u>
Anoka County	\$ <u>0.5317</u> <u>9</u>	\$ <u>0.54880</u>	\$ <u>0.56681</u>	\$ <u>0.58582</u>	\$ <u>0.60483</u>	\$ <u>0.62484</u>
Crystal	\$ <u>0.4657</u> <u>0</u>	\$ <u>0.48072</u>	\$ <u>0.49674</u>	\$ <u>0.51376</u>	\$ <u>0.53079</u>	\$ <u>0.54781</u>
Airlake	\$ <u>0.3996</u> <u>2</u>	\$ <u>0.41365</u>	\$ <u>0.42767</u>	\$ <u>0.44170</u>	\$ <u>0.45672</u>	\$ <u>0.47175</u>
Lake Elmo	\$ <u>0.3996</u> <u>1</u>	\$ <u>0.41362</u>	\$ <u>0.42764</u>	\$ <u>0.44166</u>	\$ <u>0.45668</u>	\$ <u>0.47170</u>

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Chart B – Commercial Ground Rent without percentage (annual rate, per square foot)

	<u>2012</u> <u>20</u> <u>25</u>	<u>2013</u> <u>20</u> <u>26</u>	<u>2014</u> <u>20</u> <u>27</u>	<u>2015</u> <u>20</u> <u>28</u>	<u>2016</u> <u>20</u> <u>29</u>	<u>2017</u> <u>20</u> <u>30</u>
St. Paul	\$ <u>0.4577</u> <u>3</u>	\$ <u>0.47277</u>	\$ <u>0.48881</u>	\$ <u>0.50483</u>	\$ <u>0.52186</u>	\$ <u>0.53888</u>
Flying Cloud	\$ <u>0.3936</u> <u>4</u>	\$ <u>0.40667</u>	\$ <u>0.42070</u>	\$ <u>0.43472</u>	\$ <u>0.44874</u>	\$ <u>0.46477</u>
Anoka County	\$ <u>0.3935</u> <u>9</u>	\$ <u>0.40662</u>	\$ <u>0.42066</u>	\$ <u>0.43467</u>	\$ <u>0.44868</u>	\$ <u>0.46470</u>
Crystal	\$ <u>0.3475</u> <u>2</u>	\$ <u>0.35954</u>	\$ <u>0.37157</u>	\$ <u>0.38359</u>	\$ <u>0.39760</u>	\$ <u>0.41062</u>
Airlake	\$ <u>0.2354</u> <u>6</u>	\$ <u>0.24348</u>	\$ <u>0.25251</u>	\$ <u>0.26152</u>	\$ <u>0.27154</u>	\$ <u>0.28056</u>
Lake Elmo	\$ <u>0.2354</u> <u>4</u>	\$ <u>0.24345</u>	\$ <u>0.25246</u>	\$ <u>0.26148</u>	\$ <u>0.27149</u>	\$ <u>0.28051</u>

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Chart C – Commercial Ground Rent with percentage * (annual rate, per square foot)

	<u>2012</u> <u>20</u> <u>5</u>	<u>2013</u> <u>20</u> <u>26</u>	<u>2014</u> <u>20</u> <u>27</u>	<u>2015</u> <u>20</u> <u>28</u>	<u>2016</u> <u>20</u> <u>29</u>	<u>2017</u> <u>20</u> <u>30</u>
St. Paul	\$ <u>0.30752</u>	\$ <u>0.31857</u>	\$ <u>0.32962</u>	\$ <u>0.34064</u>	\$ <u>0.35266</u>	\$ <u>0.36468</u>
Flying Cloud	\$ <u>0.29448</u>	\$ <u>0.30452</u>	\$ <u>0.31556</u>	\$ <u>0.32658</u>	\$ <u>0.33760</u>	\$ <u>0.34961</u>
Anoka County	\$ <u>0.20238</u>	\$ <u>0.20944</u>	\$ <u>0.21751</u>	\$ <u>0.22552</u>	\$ <u>0.23454</u>	\$ <u>0.24255</u>
Crystal	\$ <u>0.20234</u>	\$ <u>0.20937</u>	\$ <u>0.21740</u>	\$ <u>0.22541</u>	\$ <u>0.23442</u>	\$ <u>0.24243</u>
Airlake	\$ <u>0.17630</u>	\$ <u>0.18232</u>	\$ <u>0.18934</u>	\$ <u>0.19635</u>	\$ <u>0.20436</u>	\$ <u>0.21237</u>

Ordinance No. 119
 Reliever Airports Rates and Charges Ordinance _____
 Effective ~~July~~ January 1, ~~2014~~ 2025

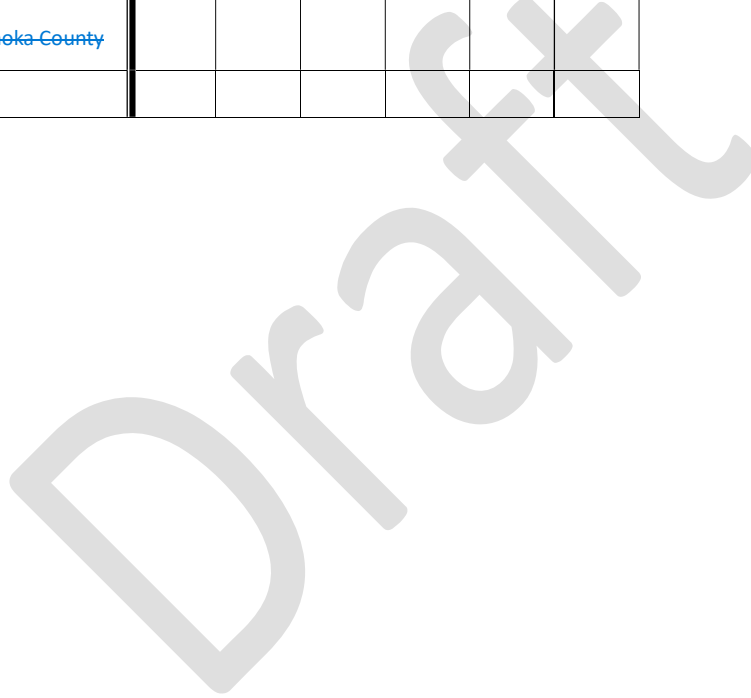
Lake Elmo	<u>\$0.17628</u>	<u>\$0.18228</u>	<u>\$0.18928</u>	<u>\$0.19629</u>	<u>\$0.20430</u>	<u>\$0.21231</u>
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Chart D1 – Fuel Flowage Fees for Jet A at STP, FCM, and ANE (rate per gallon)

<u>2025</u>	<u>2012</u> <u>2026</u>	<u>2013</u> <u>2027</u>	<u>2014</u> <u>2028</u>	<u>2015</u> <u>2029</u>	<u>2016</u> <u>2030</u>	Deleted Cells	
<u>St. Paul</u>	<u>\$0.13216</u>	<u>\$0.10017</u>	<u>\$0.10417</u>	<u>\$0.10818</u>	<u>\$0.11219</u>	<u>\$0.11719</u>	Deleted Cells
<u>Flying Cloud</u>	<u>0.132</u>	<u>0.100</u>	<u>0.104</u>	<u>0.108</u>	<u>0.112</u>	<u>0.117</u>	
<u>Anoka County</u>	<u>0.132</u>	<u>0.100</u>	<u>0.104</u>	<u>0.108</u>	<u>0.112</u>	<u>0.117</u>	

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Ordinance No. 119
 Reliever Airports Rates and Charges Ordinance
 Effective July/January 1, 2014-2025

879 **Chart D2 – Fuel Flowage Fees for 100 Low Lead; and for Jet A at LVN, MIC, and 21D** (rate per gallon)
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2025	20122026		20132027		20142028		20152029		20162030		Deleted Cells		
St. Paul	\$0.13217		\$0.13718		\$0.14219		\$0.14820		\$0.15420		\$0.16021		Deleted Cells
Flying Cloud	0-132	0-137	0-142	0-148	0-154	0-160							
Anoka County	0-132	0-137	0-142	0-148	0-154	0-160							
Crystal	0-105	0-109	0-114	0-118	0-123	0-128							
Airlake	0-105	0-109	0-114	0-118	0-123	0-128							
Lake Elmo	0-105	0-109	0-114	0-118	0-123	0-128							

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 882 ** Plus applicable percentage rate on annual calendar year Net Gross Revenue per Section 2.2.b.*
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884 **Chart E – Sublease Fee** (annual rate per aircraft)
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 887 **Chart D3 – Fuel Flowage Fees for Reliever Airports AvGas** (rate per gallon)
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2025	20122026	20132027	20142028	20152029	20162030	2017	Deleted Cells
Single Engine / Turbo Prop / Reciprocating \$0.22	182.50 \$0.23	189.80 \$0.24	197.39 \$0.25	205.29 \$0.26	213.50 \$0.27	222.04	
Twin Engine / Turbo Prop / Reciprocating	365.00	379.60	394.78	410.58	427.00	444.08	
Turbo Jet Engine	730.00	759.20	789.57	821.15	854.00	888.16	

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 892 **Chart F – Non-Aviation/Complementary Business License Fee** (monthly rate)
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894 **Chart D4 – Fuel Flowage Fees for MSP Fixed Base Operators, all Fuel types** (rate per gallon)
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2025	20122026	20132027	20142028	20152029	20162030	2017	Deleted Cells
\$0.22 All Reliever Airports	173.89 \$0.23	179.11 \$0.24	184.48 \$0.25	190.01 \$0.26	195.71 \$0.27	201.59	

Ordinance No. 119
 Reliever Airports Rates and Charges Ordinance
 Effective July January 1, 2014 2025

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Chart G – Administration E – Non-Aviation/Complementary Business License Fee ** ((monthly rate per request or transaction)

	<u>2012</u> <u>2025</u>	<u>2013</u> <u>2026</u>	<u>2014</u> <u>2027</u>	<u>2015</u> <u>2028</u>	<u>2016</u> <u>2029</u>	<u>2017</u> <u>2030</u>	
Approval of Tenant Modification to Leased Area		105.00	108.15	111.39	114.74	118.18	121.72
Consent to Leasehold Mortgage and Subordination Agreement		115.00	118.45	122.00	125.66	129.43	133.32
Consent to Sublease – Commercial Lease		243.00	250.29	257.80	265.53	273.50	281.70
All Reliever Airports Standard Amendment	185 <u>\$180.00</u>	190.55 <u>\$185.40</u>	196.27 <u>\$190.96</u>	202.15 <u>\$196.69</u>	208.22 <u>\$202.59</u>	214.47 <u>\$208.67</u>	
Standard Assignment		185.00	190.55	196.27	202.15	208.22	214.47
Standard Termination		105.00	108.15	111.39	114.74	118.18	121.72

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** Plus additional amount, if applicable, per Section 8.2.

Other Fees

Minimum Landing Fee at STP, FCM & ANE \$20.00

Waiting List Fee \$500.00

Chart F – Administration Fee (rate per request or transaction)

	<u>2025</u>	<u>2026</u>	<u>2027</u>	<u>2028</u>	<u>2029</u>	<u>2030</u>
<u>Approval of Tenant Modification to Leased Area</u>	<u>\$190</u>	<u>\$196</u>	<u>\$202</u>	<u>\$208</u>	<u>\$214</u>	<u>\$220</u>
<u>Consent to Leasehold Mortgage and Subordination Agreement*</u>	<u>\$180</u>	<u>\$185</u>	<u>\$191</u>	<u>\$197</u>	<u>\$203</u>	<u>\$209</u>
<u>Consent to Sublease – Commercial Lease</u>	<u>\$265</u>	<u>\$273</u>	<u>\$281</u>	<u>\$290</u>	<u>\$298</u>	<u>\$307</u>

Ordinance No. 419
Reliever Airports Rates and Charges Ordinance _____
Effective ~~July~~January 1, ~~2014~~ 2025

<u>Temporary Property Use Agreements or Authorizations</u>	<u>\$290</u>	<u>\$299</u>	<u>\$308</u>	<u>\$317</u>	<u>\$326</u>	<u>\$336</u>
<u>Standard Amendment</u>	<u>\$290</u>	<u>\$299</u>	<u>\$308</u>	<u>\$317</u>	<u>\$326</u>	<u>\$336</u>
<u>Standard Assignment</u>	<u>\$290</u>	<u>\$299</u>	<u>\$308</u>	<u>\$317</u>	<u>\$326</u>	<u>\$336</u>
<u>Standard Termination</u>	<u>\$200</u>	<u>\$206</u>	<u>\$212</u>	<u>\$219</u>	<u>\$225</u>	<u>\$232</u>
<u>*If legal review for these documents exceeds one hour of work, the actual cost of the review will be billed, rather than the Chart F rate.</u>						

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Draft

ATTACHMENT 3
PUBLIC HEARING TRANSCRIPT

Page 1

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METROPOLITAN AIRPORTS COMMISSION

PUBLIC HEARING

RE:

DRAFT RELIEVER AIRPORTS RATES AND CHARGES ORDINANCE

HELD ON

JULY 15, 2024

6:18 P.M.

METROPOLITAN AIRPORTS COMMISSION

GENERAL OFFICE BUILDING

6040 28TH AVENUE SOUTH, MINNEAPOLIS, MINNESOTA 55450

REPORTED BY: Emily B. Kramm

Page 2	<p>1 A P P E A R A N C E S</p> <p>2</p> <p>3 METROPOLITAN AIRPORTS COMMISSION ATTENDEES:</p> <p>4 Andrew Hanson, Attorney</p> <p>5 Blaine Peterson, Manager Reliever Airports</p> <p>6 Braj Agrawal, Commissioner</p> <p>7 Carl Crimmins, Commissioner</p> <p>8 Chad Leqve, Vice President Management &</p> <p>9 Operations</p> <p>10 Demetria Dyer, Attorney</p> <p>11 Kelly Gerads, Assistant Director Reliever</p> <p>12 Airports</p> <p>13 Kelly Ubel, Leasing Coordinator</p> <p>14 Phil Tiedeman, Manager Reliever Airports</p> <p>15 Rob Dockry, Manager Reliever Airports</p> <p>16 Sam Seafeldt, Manager Reliever Airports</p> <p>17 OTHER ATTENDEES:</p> <p>18 Allerton Paulson Jr., Self</p> <p>19 Gene DePalm, MATA</p> <p>20 Jarod Olson, Thunderbird Aviation</p> <p>21 John Krack, both as RAAC and Tenant</p> <p>22 Michael Lawrence, Premier Jet Center</p> <p>23 Nancy Grazzini-Olson, Thunderbird Aviation</p> <p>24 Phil Martineau, Tenant, STP</p> <p>25 Russell Freeman, Thunderbird Aviation</p>	Page 4
Page 3	<p>1 EXHIBITS (Continued)</p> <p>2 Exhibit K Affidavit of Webposting the Notice of</p> <p>3 Public Hearing on metroairports.org,</p> <p>4 dated June 18, 2024:</p> <p>5 (1) Tenant Letter, June 18, 2024</p> <p>6 (2) Notice of Public Hearing, June 18,</p> <p>7 2024</p> <p>8 (3) Ordinance No. 115 Amended</p> <p>9 Ordinance - Redline, June 18, 2024</p> <p>10 (4) Ordinance No. 119 Amended</p> <p>11 Ordinance - Redline, June 18, 2024</p> <p>12 (5) Proposed Rate Charts, June 18,</p> <p>13 2024</p> <p>14 (6) Reports and Analysis:</p> <p>15 (a) Market Rent Update Report,</p> <p>16 December 22, 2023</p> <p>17 (b) Fuel Flowage Fee Review,</p> <p>18 December 22, 2023</p> <p>19 (c) Analysis using Proposed</p> <p>20 Rates, June 18, 2024</p> <p>21 Exhibit L Affidavit of Mailing the Notice of</p> <p>22 Public Hearing and Reliever Airports</p> <p>23 Tenant Letter, dated June 18, 2024</p> <p>24 Exhibit M Minnesota Aviation Trades Association</p> <p>25 (MATA) Presentation,</p> <p> dated June 26th, 2024</p> <p>Exhibit N Proposed Reliever Airports Fuel</p> <p>Flowage and Landing Fees,</p> <p>dated July 10, 2024</p> <p>Exhibit O Public Hearing Draft Ordinance</p> <p>Reliever Airports Rates and Charges</p> <p>(Clean and Redlined),</p> <p>dated July 15, 2024</p>	Page 5
Page 5	<p>1 EXHIBITS</p> <p>2</p> <p>3 EXHIBIT DESCRIPTION</p> <p>4 Exhibit A Memorandum to Operations, Finance and</p> <p>5 Administration Committee Requesting a</p> <p>6 Public Hearing on a Draft General</p> <p>7 Aviation Rates and Charges Ordinance,</p> <p>8 dated March 27, 2024</p> <p>9 Exhibit B Minutes to the April 15, 2024,</p> <p>10 Commission Meeting</p> <p>11 Exhibit C MAC's letter to tenants, dated May 2,</p> <p>12 2024, announcing information meetings</p> <p>13 on May 22</p> <p>14 Exhibit D Meeting Handout from May 22, 2024,</p> <p>15 tenant information meeting</p> <p>16 Exhibit E Information Meeting PowerPoint</p> <p>17 Presentation from May 22, 2024,</p> <p>18 tenant information meeting</p> <p>19 Exhibit F Market Rent Update Report,</p> <p>20 dated December 22, 2023 (Uploaded to</p> <p>21 the website 05/28/2024)</p> <p>22 Exhibit G Fuel Flowage Fee Review,</p> <p>23 dated December 22, 2023 (Uploaded to</p> <p>24 website 05/28/2024)</p> <p>25 Exhibit H Notice of Public Hearing,</p> <p> dated June 18, 2024</p> <p>Exhibit I Affidavit of Publication of the Notice</p> <p>of Public Hearing in Finance and</p> <p>Commerce, dated June 25, 2024</p> <p>Exhibit J Affidavit of Publication of the Notice</p> <p>of Public Hearing in State Register,</p> <p>dated July 8, 2024</p>	<p>1 EXHIBITS (Continued)</p> <p>2 Exhibit P Public Hearing Draft Ordinance</p> <p>3 Airfield Use and Terminal 2-Humphrey</p> <p>4 Ordinance (Clean and Redlined),</p> <p>5 dated July 15, 2024</p> <p>6 Exhibit Q Notice to Commercial Operators</p> <p>7 Regarding Proposed Fuel Flowage and</p> <p>8 Landing Fees, emailed from Joe Harris,</p> <p>9 dated July 12, 2024</p> <p>10 (Exhibits attached to transcript.)</p>

<p style="text-align: right;">Page 6</p> <p>1 P R O C E E D I N G S 2 * * * 3 COMMISSIONER AGRAWAL: Good evening. 4 Thank you all for attending. And thank you, Kelly 5 Gerads, for giving the staff presentation. 6 We will bring to order this public hearing 7 of the Metropolitan Airports Commission on the 8 Reliever Airports Rates and Charges Draft 9 Ordinance. 10 My name is Commissioner Braj Agrawal, along 11 with me is Commissioner Carl Crimmins; and we've 12 been designated to act as the hearing officers for 13 this public hearing. The purpose of today's public 14 hearing is to receive comments relative to the 15 Proposed Reliever Airports Rates and Charges 16 Ordinance. The Proposed Ordinance will repeal and 17 replace MAC Ordinance 119 and amend MAC 18 Ordinance 115, otherwise known as the Reliever 19 Airports Rates and Charges Ordinance and Airfield 20 Use and Terminal 2-Humphrey Ordinance respectively. 21 We will not be answering questions today, 22 and we will not be taking any actions or making any 23 recommendation today. All of the verbal and 24 written comments will be taken into consideration 25 before taking final action at a future hearing</p>	<p style="text-align: right;">Page 8</p> <p>1 2024, by sending your comments to the following 2 address: Attention: Reliever Airports Department, 3 Metropolitan Airports Commission General Office, 4 6040 28th Avenue South, Minneapolis, Minnesota 5 55450-2799. 6 And now we're ready for the exhibits to be 7 entered into the record. 8 Ms. Gerads, please proceed. 9 (Exhibits A through Q were introduced.) 10 MS. GERADS: Thank you. So the 11 exhibits that will be entered into -- the following 12 exhibits were entered into the record at the public 13 hearing: 14 Memorandum to Operations and Finance and 15 Administration Committee Requesting a Public 16 Hearing on a Draft General Aviation Rates and 17 Charges Ordinance, dated March 27th, 2024; 18 B, Minutes to the April 15th, 2024, 19 Commission Meeting; 20 C, MAC's letter to tenants, dated May 2nd, 21 2024, announcing information meetings on May 22; 22 D, Meeting Handout from May 22nd, 2024, 23 tenant information meeting; 24 E, Information Meeting PowerPoint 25 Presentation from May 22nd, 2024, tenant</p>
<p style="text-align: right;">Page 7</p> <p>1 officers' meeting. 2 The hearing today will proceed as follows: 3 First, exhibits for today's hearing will be entered 4 into the record; secondly, the hearing officers 5 will have an opportunity to comment and ask 6 questions about the staff presentation; next, I 7 will open the floor to any members of the public 8 who wish to comment about the proposed changes to 9 ordinance. 10 If you wish to speak, please fill out a 11 speaker card and hand the slip to the MAC staff 12 member seated in the front row. 13 Would that MAC staff member please stand 14 up. 15 MS. GERADS: That will be Kelly Ubel. 16 COMMISSIONER AGRAWAL: Oh, that will be 17 Kelly Ubel? 18 MS. GERADS: Yep. She has collected 19 the cards. 20 COMMISSIONER AGRAWAL: Okay. Great. 21 MS. GERADS: Yes. 22 COMMISSIONER AGRAWAL: These speaker 23 cards are at the sign-in table. 24 You may also submit written comments at the 25 public hearing or until 4:00 p.m. on July 26th,</p>	<p style="text-align: right;">Page 9</p> <p>1 information meeting; 2 F, Market Rent Update Report, dated 3 December 22, 2023 (Uploaded to the website 5/28 of 4 2024); 5 G, Fuel Flowage Fee Review, dated 6 December 22, 2023 (Uploaded to website 5/28 of 7 2024); 8 H, Notice of Public Hearing, dated 9 June 18th, 2024; 10 I, Affidavit of Publication of the Notice 11 of Public Hearing in Finance and Commerce, dated 12 June 25, 2024; 13 J, Affidavit of Publication of the Notice 14 of Public Hearing in State Register, dated July 8, 15 2024; 16 K, Affidavit of Webposting the Notice of 17 Public Hearing on metroairports.org, dated 18 June 18th, 2024; number (1), Tenant Letter, 19 June 18, 2024; (2), Notice of Public Hearing, 20 June 18, 2024; (3), Ordinance 115 Amended 21 Ordinance - Redline, June 18, 2024; (4), Ordinance 22 Number 119 Amended Ordinance - Redline, June 18, 23 2024; (5), Proposed Rate Charts, June 18, 2024; 24 (6), Reports and Analysis: (a), Market Rent Update 25 Report, December 22, 2023; (b), Fuel Flowage Fee</p>

<p style="text-align: right;">Page 10</p> <p>1 Review, December 22, 2023; (c), Analysis using 2 Proposed Rates, June 18, 2024; 3 L, Affidavit of Mailing the Notice of 4 Public Hearing and Reliever Airports Tenant Letter, 5 dated June 18, 2024; 6 M, Minnesota Aviation Trades Association 7 (MATA) Presentation, dated June 26th, 2024; 8 N, Proposed Reliever Airports Fuel Flowage 9 and Landing Fees, dated July 10, 2024; 10 O, Public Hearing Draft Ordinance Reliever 11 Airports Rates and Charges (Clean and Redlined), 12 dated July 15, 2024; 13 P, Public Hearing Draft Ordinance Airfield 14 Use and Terminal 2-Humphrey Ordinance (Clean and 15 Redlined), dated July 15, 2024; 16 Q, Notice to Commercial Operators Regarding 17 Proposed Fuel Flowage and Landing Fees, emailed 18 from Joe Harris, dated July 12, 2024. 19 That concludes the exhibits. 20 COMMISSIONER AGRAWAL: Thank you very 21 much. 22 MS. GERADS: And I will provide these 23 exhibits to the court reporter. 24 COMMISSIONER AGRAWAL: All right. Are 25 there any questions from Commissioner Carl</p>	<p style="text-align: right;">Page 12</p> <p>1 MS. GERADS: It actually is an 2 encouragement for them to file, yeah. 3 COMMISSIONER CRIMMINS: All right. 4 Thank you. 5 COMMISSIONER AGRAWAL: All right. Now 6 we will take public testimony. We will take 7 comments first from any elected officials who are 8 here, next from anyone who has made a request in 9 advance to speak, then from any person who has 10 signed up to speak today. 11 When I ask individuals to come forward, I 12 will call your name as it is written on the speaker 13 cards. Based on the number of speaker cards, I'm 14 going to limit each speaker's time to five minutes. 15 Please limit your testimony to issues regarding the 16 Proposed Ordinance. 17 In the interest of hearing everyone's 18 views, if you agree with the previous speaker, 19 please indicate that you simply agree with that 20 person. 21 We also have a court reporter here today. 22 So anyone who speaks is asked to first state and 23 spell their name and the name of their company, 24 organization, or group they may represent. If you 25 have a business card, please leave that with the</p>
<p style="text-align: right;">Page 11</p> <p>1 Crimmins, one of the hearing officers, about the 2 presentation? 3 COMMISSIONER CRIMMINS: Thank you. 4 Thank you, Mr. Chair. 5 Kelly, I had one question. On that 180-day 6 time limit to renew their -- submit their form and 7 renew it -- 8 MS. GERADS: Yes. 9 COMMISSIONER CRIMMINS: -- wasn't that 10 due to -- do they have to do something on a timely 11 basis? 12 MS. GERADS: Yes. So commercial -- 13 Commissioner, commercial operators on 14 activity-based reports are required to report by 15 the end of the month for the preceding calendar 16 month's activity. If, for some reason, they would 17 have reason to change that report, they have 18 180 days to do so. 19 COMMISSIONER CRIMMINS: But only if 20 they file on -- 21 MS. GERADS: On a timely basis. 22 COMMISSIONER CRIMMINS: -- on time? 23 MS. GERADS: Yeah. 24 COMMISSIONER CRIMMINS: Okay. So if 25 they're late-filing it, the 180 days doesn't apply?</p>	<p style="text-align: right;">Page 13</p> <p>1 court reporter. 2 If you have a prepared written statement or 3 document, you may read it into the record or you 4 may submit it, and it will become part of the 5 hearing officers' report. 6 As a reminder, we will not be answering 7 questions or making a decision at today's hearing. 8 The purpose of the hearing is to take testimony 9 from interested parties. The hearing officers will 10 take all verbal and written comments into 11 consideration before taking final action on the 12 Proposed Ordinance at a future meeting. 13 And today's first speaker will be John 14 Krack. 15 If you'd come up, please. 16 MR. KRACK: Yes. Do you have me down 17 as RAAC or as tenant? 18 COMMISSIONER AGRAWAL: You wrote down 19 RAAC. 20 MR. KRACK: Okay. 21 MS. GERADS: John, I will take your 22 next sheet as well. 23 MR. KRACK: I think I might go back to 24 back here. 25 Good afternoon, Hearing Officers. Thank</p>

<p style="text-align: right;">Page 14</p> <p>1 you for this opportunity to offer input to this 2 hearing. 3 My name is John Krack. I'm the chair of 4 the Reliever Airports Advisory Council, which is a 5 Commission-sponsored advisory body consisting of 6 representatives from each of the MAC Reliever 7 Airports -- 8 COMMISSIONER AGRAWAL: Could you spell 9 your name for the record, please. 10 MR. KRACK: Say again? 11 COMMISSIONER AGRAWAL: Spell your name 12 for the record. 13 MR. KRACK: Oh, I'm sorry. K-r-a-c-k. 14 Okay. 15 COMMISSIONER AGRAWAL: Thank you. 16 MR. KRACK: So, let's see. 17 Representatives from each of the MAC Reliever 18 Airports, plus the Director of Reliever Airports, 19 who is Joe Harris, and one Commissioner 20 representative who currently is Commissioner 21 Agrawal. 22 On behalf of the Reliever Airport 23 representatives on the RAAC, I would like to enter 24 the following comments into the public hearing 25 record: We, on the Reliever Airports Advisory</p>	<p style="text-align: right;">Page 16</p> <p>1 Downtown; and Patrick Moynihan, M-o-y-n-i-h-a-n, 2 representing the Lakeville airport. 3 And that's all I have. 4 COMMISSIONER AGRAWAL: All right. And 5 then our next speaker is John Krack representing 6 himself. 7 MR. KRACK: Okay. So my previous 8 report was on behalf of Reliever Airports Advisory 9 Council. This one is on behalf of me, as a storage 10 tenant at the Anoka airport. 11 Again, my name is John Krack. That's 12 K-r-a-c-k. I've been a storage tenant at the Anoka 13 airport since 1984. Over the past 40 years, I've 14 been involved at one level or another with each of 15 the reviews and changes to Rates and Charges 16 Ordinance, and there have been several. 17 This latest iteration has been by far the 18 most open and transparent to date. Kudos go to Joe 19 Harris, Kelly Gerads, and the rest of the MAC 20 Reliever Airports staff for their extra effort to 21 communicate with the various stakeholders and work 22 with us to develop a plan that, while not perfect, 23 I personally believe strikes a reasonable cost 24 balance among the Reliever Airports' users, 25 consistent with the capacities of the various</p>
<p style="text-align: right;">Page 15</p> <p>1 Council (RAAC), commend the Reliever Airports staff 2 on the process used to develop the proposals for 3 Ordinances 119 and 115, and on their efforts to 4 achieve a balanced approach to funding the Reliever 5 Airports. 6 We appreciate the transparency demonstrated 7 by including the RAAC early in the process -- as 8 Kelly has noted -- sharing the objectives, 9 thoughts, and proposals, and giving due 10 consideration to our comments. Posting detailed 11 information on the website -- as Kelly had noted -- 12 also was very helpful. 13 And the signatories of this comment are 14 John Krack, myself, representing the Anoka airport; 15 Lance Fisher -- 16 Do you want me to spell names? 17 THE COURT REPORTER: Yes. 18 MR. KRACK: Okay. Lance Fisher -- I'll 19 give you a hard copy also -- F-i-s-h-e-r, 20 representing Flying Cloud, who is the vice chair of 21 the RAAC; Marlon Gunderson, that's M-a-r-l-o-n, 22 Gunderson, G-u-n-d-e-r-s-o-n, representing Lake 23 Elmo Airport; Jeff Long, spelled as it sounds, 24 representing Crystal Airport; Phil Martineau, 25 that's M-a-r-t-i-n-e-a-u, representing St. Paul</p>	<p style="text-align: right;">Page 17</p> <p>1 revenue streams around the system, while providing 2 cost, stability, and predictability for the tenants 3 and for other users of the airport. 4 I appreciate the MAC organization's 5 commitment of support for the Reliever Airports as 6 part of a first-class, metro-wide aviation system. 7 Your improvements over the past several years, with 8 more to come, are greatly appreciated. I am 9 particularly pleased by MAC's recognition that 10 Reliever Airport capital projects require a 11 significant level of funding from non-Reliever 12 sources. And this is a big change from where we've 13 been in the past. 14 The proposed target of 10 percent Reliever, 15 10 percent MSP GA -- as Kelly has outlined -- and 16 80 percent funding from other sources seems like a 17 reasonable balance for planning and budgeting 18 purposes and hopefully proves realistic going 19 forward. 20 Reducing the annual ground rent escalator 21 is a small benefit and appreciated. I would 22 suggest, however, that the model be reviewed every 23 few years and, if revenues across the system come 24 in higher than expected, consider reducing the 25 automatic escalators.</p>

<p style="text-align: right;">Page 18</p> <p>1 I have challenged -- or, yeah, I have 2 challenged the Sublease Fee since its inception and 3 am happy to see in the proposal that it be dropped. 4 In summary, I think the Reliever 5 Airports -- I thank the Reliever Airport staff for 6 reaching out to constituents early in the process 7 and commend the staff for developing what I believe 8 to be a reasonable cost distribution model. I 9 thank the entire Commission for their support of 10 the Reliever Airport system and look forward to 11 working with MAC on future projects. 12 And it's signed by John Krack. And that's 13 all I have. 14 COMMISSIONER AGRAWAL: Thank you, sir. 15 MR. KRACK: And if you would like 16 copies. 17 (Handing documents.) 18 COMMISSIONER AGRAWAL: All right. Our 19 next speaker that has a card is Michael Lawrence 20 from Premier Jet Center. 21 MR. LAWRENCE: Michael Lawrence, 22 M-i-c-h-a-e-l, L-a-w-r-e-n-c-e. 23 Commissioners, thank you for the time. You 24 probably already know what I'm going to say. I've 25 already talked to staff multiple times. I've</p>	<p style="text-align: right;">Page 20</p> <p>1 is such a higher number than the Reliever Airports, 2 they should charge accordingly. And from what 3 we're proposing tonight, it's a very negligible 4 amount in landing fees and 6 cents per gallon. At 5 1,000 gallons, that's \$60. I don't even think 6 that's an average uplift. I think your average 7 uplift is about 400 gallons. So do the math. 8 I don't think it's a financial incentive 9 for general aviation traffic to use a reliever 10 system or any penalty to use MSP Airport. 11 That's all I got for you. Thank you. 12 COMMISSIONER AGRAWAL: Thank you, sir. 13 And then the last speaker card we have 14 today is from Jarod Olson from Thunderbird 15 Aviation. 16 MR. OLSON: Commissioners, thank you 17 for the time. Jarod Olson, J-a-r-o-l, O-l-s-o-n. 18 I think Michael's speech actually conveyed 19 a lot of what I was going to say. So I'll skip 20 quite a bit of mine here. I would challenge to 21 also even look at -- I challenge the MAC to look at 22 themselves as serving a product, and their product is 23 infrastructure, and to look into how to charge that 24 infrastructure to eliminate flowage fees as a 25 whole.</p>
<p style="text-align: right;">Page 19</p> <p>1 talked to you personally. I'm going to keep it 2 short and to the sweet point tonight. 3 There's a State Statute 473.608, Powers of 4 Corporation, subdivision 27, "Use of reliever 5 airports." "The corporation shall develop and 6 implement a plan to divert the maximum feasible 7 number of general aviation operations from 8 Minneapolis International Airport to those 9 designated by the federal aviation administration 10 as reliever airports for the Minneapolis 11 International Airport." 12 What I -- as a commercial operator on a 13 reliever airport, I don't want the money generated 14 by general aviation traffic at MSP flowing into the 15 Reliever Airport system; I want the traffic. I 16 think the other commercial operators at the 17 Reliever Airports want that traffic as well. 18 So I would ask that you challenge MAC staff 19 as to how they are implementing a plan to do that. 20 I think this is a great opportunity to implement a 21 financial plan that would incentivize the use of 22 the Reliever Airport system. 23 If you want to look at it reversely, 24 penalize general aviation traffic for using MSP, or 25 even better yet, the cost of operating MSP Airport</p>	<p style="text-align: right;">Page 21</p> <p>1 As Michael alluded to, uplifts -- or let me 2 skip that part. We'll leave it at flowage fees as 3 a whole. I think there's a valid model in there to 4 at least reduce even the current amounts, if not 5 eliminate, the flowage fees for Reliever Airports. 6 Thank you for your time. 7 COMMISSIONER AGRAWAL: Thank you very 8 much. 9 This concludes the public testimony portion 10 of this hearing. As I indicated earlier, the 11 hearing record will remain open until 4:00 p.m. on 12 July 26th, 2024, for written comments. Please 13 direct your written comments to the address set 14 forth in the public hearing notice and which was 15 given earlier in my remarks. 16 The next step is for MAC staff to review 17 the public comments and prepare a public hearing 18 officers' report for consideration by the hearing 19 officers at a subsequent meeting of the hearing 20 officers. That meeting date has not yet been set. 21 Thank you for your participation this 22 evening. 23 This public hearing is now closed. 24 (Proceedings concluded at 6:37 p.m.) 25 * * *</p>

1 REPORTER'S CERTIFICATE
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4 I, Emily B. Kramm, Court Reporter, do
5 hereby certify that the foregoing 21 pages of
6 typewritten material constitutes an accurate
7 verbatim stenographic record taken by me of the
8 proceedings on the 15th day of July, 2024, at the
9 time and place specified.

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12 DATED: 21st of July, 2024

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Emily B. Kramm, Court Reporter
Notary Public, Scott County, Minnesota
My commission expires January 31, 2026

ATTACHMENT 4
(Available upon request)

Rates and Charges Ordinance

Administrative Record Exhibits

The following exhibits were entered into the record at the public hearing.

- A. Memorandum to Operations, Finance and Administration Committee Requesting a Public Hearing on a draft General Aviation Rates and Charges Ordinance, dated March 27, 2024.
- B. Minutes to the April 15, 2024, Commission Meeting.
- C. MAC's letter to tenants dated May 2, 2024, announcing information meetings on May 22.
- D. Meeting Handout from May 22, 2024, tenant information meeting.
- E. Information Meeting PowerPoint Presentation from May 22, 2024, tenant information meeting.
- F. Market Rent Update Report dated December 22, 2023 (uploaded to website 5-28-24)
- G. Fuel Flowage Fee Review dated December 22, 2023 (uploaded to website 5-28-24)
- H. Notice of Public Hearing, dated June 18, 2024.
- I. Affidavit of Publication of the Notice of Public Hearing in Finance & Commerce dated June 25, 2024.
- J. Affidavit of Publication of the Notice of Public Hearing in State Register dated July 8, 2024.
- K. Affidavit of Webposting the Notice of Public Hearing on metroairports.org, dated June 18, 2024.
 - 1. Tenant Letter, June 18, 2024
 - 2. Notice of Public Hearing, June 18, 2024
 - 3. Ordinance No 115 Amended Ordinance – Redline, June 18, 2024
 - 4. Ordinance No 119 Amended Ordinance – Redline, June 18, 2024
 - 5. Proposed Rate Charts, June 18, 2024
 - 6. Reports & Analysis
 - a) Market Rent Update Report, Dec. 22, 2023
 - b) Fuel Flowage Fee Review, Dec. 22, 203
 - c) Analysis using Proposed Rates, June 18, 2024
- L. Affidavit of Mailing the Notice of Public Hearing and Reliever Airports Tenant Letter dated June 18, 2024.
- M. Minnesota Aviation Trades Association (MATA) Presentation dated June 26, 2024.
- N. Proposed Reliever Airports Fuel Flowage and Landing Fees dated July 10, 2024.
- O. Public Hearing Draft Ordinance Reliever Rates and Charges (Clean and Redlined) dated July 15, 2024
- P. Public Hearing Draft Ordinance Airfield Use and Terminal 2-Humphrey Ordinance (Clean and Redlined) dated July 15, 2024.
- Q. Notice to Commercial Operators Regarding Proposed Fuel Flowage and Landing Fees emailed via Reliever Tenant Newsletter dated July 11, 2024.

ATTACHMENT 5
PUBLIC HEARING AGENDA, DRAFT RATES AND CHARGES
ORDINANCE, AND AIRFIELD USE AND TERMINAL 2-
HUMPHREY ORDINANCE (clean and Redlined versions)

METROPOLITAN AIRPORTS COMMISSION

PUBLIC HEARING
ON
DRAFT ORDINANCE: RELIEVER AIRPORTS RATES AND
CHARGES

July 15, 2024
6:00 P.M.

AGENDA

- I. STAFF PRESENTATION
- II. PUBLIC HEARING INTRODUCTION
- III. EXHIBITS ENTERED INTO RECORD
- IV. HEARING OFFICERS' QUESTIONS / COMMENTS
- V. RECEIVE PUBLIC COMMENTS
- VI. CLOSING

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METROPOLITAN AIRPORTS COMMISSION

ORDINANCE No.

RELIEVER AIRPORTS RATES AND CHARGES ORDINANCE

Adopted by Commission: _____
Effective Date: January 1, 2025

**METROPOLITAN AIRPORTS COMMISSION
ORDINANCE NO. _____
RELIEVER AIRPORTS RATES AND CHARGES ORDINANCE**

An ordinance of the Metropolitan Airports Commission (“Commission”) amending the rental rates and other charges for property at the Commission’s minor and intermediate use airports (“Reliever Airports”), as well as certain charges for general aviation activities at Minneapolis-St. Paul International Airport (“MSP”), as provided by Minn. Stat. § 473.651, by amending and restating Ordinance 119, as well as amending Ordinance 115 to remove provisions related to fuel flowage fees assessed to Fixed Base Operators at MSP.

WHEREAS, consistent with federal policy, the rental rates and fees are intended to assist the Commission in attaining its long-term goal of making the Reliever Airports as financially self-sustaining as possible; and

WHEREAS, having received and considered extensive public input and having fully considered the state and federal legal requirements concerning the rates that may be charged to users of these Reliever Airports; and

WHEREAS, this Ordinance No. ____ (“Ordinance”) may be interchangeably be referred to as Ordinance No. ____, “Ordinance No. 119, as amended,” as “Ordinance No. 114 as amended,” as “Ordinance No. 107 as amended,” as “Ordinance No. 101 as amended,” and as “Ordinance No. 87 as amended”;

NOW THEREFORE, the Commission does ordain:

SECTION 1 – DEFINITIONS

1.1 Based Aircraft. An aircraft that is registered in the State of Minnesota with the Department of Transportation, Office of Aeronautics as being based at one of the Reliever Airports.

- 50
- 51 1.2 Based Tenant. A Storage Tenant or Commercial Tenant. This does not include subtenants.
- 52
- 53 1.3 Commercial Tenant. A Tenant that has entered into a commercial lease with the Commission
- 54 at a Reliever Airport and that is authorized to do one or more of the following: sale, repair or
- 55 storage of aircraft; sale of aircraft parts and accessories; sale of flight or ground instruction;
- 56 flying for charter or hire; sale of aircraft fuel and lubrication services; rental of aircraft; or
- 57 other activities deemed commercial and approved by the Commission.
- 58
- 59 1.4 Commission. The Metropolitan Airports Commission, a public corporation organized and
- 60 operating pursuant to Chapter 500, Laws of Minnesota 1943 and amendments thereto.
- 61
- 62 1.5 CPI. The consumer price index identified as the All Urban Consumers – Midwest Region.
- 63
- 64 1.6 Director of Reliever Airports. The Commission’s administrative officer responsible for the
- 65 Reliever Airports.
- 66
- 67 1.7 Executive Director. The Commission’s chief executive officer or a designated representative.
- 68
- 69 1.8 Flying Club. An entity defined by Minnesota Statutes § 360.013, subd. 48 or Minnesota Rules
- 70 § 8800.4100, subp. 2, or as either are amended.
- 71
- 72 1.9 Fuel. Aviation gasoline and any other gasoline, petroleum product, fuel, or other substance
- 73 used in the propulsion of aircraft, automobiles, trucks, and other ground vehicles.
- 74
- 75 1.10 Fixed Base Operator (“FBO”). A full-service, aeronautical, commercial operation at the
- 76 Reliever Airports that is authorized to engage in the sale of products, services, and facilities
- 77 to aircraft operators. FBOs must provide, at a minimum, the following aeronautical activities
- 78 at the airport: aircraft refueling to include jet fuel, AvGas, and aircraft lubricants; aircraft line
- 79 services; airframe and power plant maintenance; aircraft storage/hangars rentals and
- 80 tiedowns; passenger, crew, and aircraft ground services, support and amenities. FBOs may
- 81 also provide optional services as approved by the Commission, which may include: flight
- 82 training, aircraft rental, aircraft charter or air taxi, avionics sales and service.
- 83
- 84 1.11 Gross Sales. Gross Sales, as defined in a Commercial Tenant’s lease, less exclusions, as
- 85 allowed by the Commercial Tenant’s lease.
- 86
- 87 1.12 Gross Sales Thresholds. Those amounts of annual Reportable Year Gross Sales set forth in
- 88 Section 2.2.a. that establish when the rates in Chart B apply to a Commercial Tenant.
- 89
- 90 1.13 Immediate Family Member. A spouse, parent, child, brother or sister (including half-relations
- 91 and step-relations, but excluding in-law relations) of the Tenant.
- 92
- 93 1.14 Jet-A Fuel. A kerosene-based fuel designed for use in turbine engine aircraft, regulated by
- 94 the American Society for Testing and Materials (“ASTM”). For referenced ASTM standards,
- 95 visit the ASTM website, www.astm.org, or contact ASTM Customer Service at
- 96 service@astm.org.
- 97
- 98 1.15 Leased Area. That area defined in the description of premises section in the Tenant’s lease.
- 99

- 100 1.16 Military Aircraft. Aircraft owned and/or operated by components of the military forces of the
101 United States of America or of the State of Minnesota.
102
- 103 1.17 Military Tenant. A Storage Tenant that is any component or branch of the military forces of
104 the United States of America or of the State of Minnesota.
105
- 106 1.18 Non-Aviation/Complementary Business License Agreement. A license agreement granted by
107 the Commission for the purpose of conducting a business on the airport that is non-aviation,
108 yet provides a complementary product or service to airport users. Examples of
109 complementary products/services include aviation insurance companies, aviation legal
110 services, auto rental and limousine services, travel agencies, delivery/courier services, and
111 aviation museums.
112
- 113 1.19 Reliever Airport. Any intermediate use or minor use Reliever Airport now or in the future
114 owned and/or operated by the Commission, including: St. Paul Downtown, Flying Cloud,
115 Anoka County-Blaine, Crystal, Airlake, and Lake Elmo.
116
- 117 1.20 Reportable Year. The time period from October 1 through September 30, which is used to
118 determine which Gross Sales Thresholds apply.
119
- 120 1.21 Repositioning Flight. A flight made between Reliever Airports to pick up passengers or cargo
121 where one of the Reliever Airports was an intermediate stop and for which flight a landing
122 fee is paid for landing at another Reliever Airport.
123
- 124 1.22 Signatory Airline. An operator of aircraft that pays for use of Minneapolis-St. Paul
125 International Airport pursuant to a use fee agreement and, where applicable, a Commission
126 ordinance.
127
- 128 1.23 Special Rent Assessment. Fees charged by the Commission and paid by Tenants to offset the
129 costs of Reliever Airport projects or services which benefit the Tenant, including, but not
130 limited to sewer, water, other utilities, and pavement installation or rehabilitation.
131
- 132 1.24 Storage Tenant. A Reliever Airport Tenant that has entered into an aircraft storage lease with
133 the Commission.
134
- 135 1.25 Tenant. Any person, partnership, corporation, or other entity that leases property from the
136 Commission at a Reliever Airport. This definition and the rents and fees in this Ordinance
137 apply even if the lease has expired and the property continues to be occupied by a holdover
138 Tenant.
139

140 **SECTION 2 – RENTS**

- 141
- 142 2.1 Storage Tenant Per-Square-Foot Ground Rent
143
144 Storage Tenants shall pay the rate per square foot of Leased Area per year stated on the
145 attached Chart A.
146
- 147 2.2 Commercial Tenant Rent
148

149 Commercial Tenants shall pay ground rent and percentage rents as specified below, by paying
150 the applicable amount in Section 2.2.a. or 2.2.b., whichever is greater. However, if a
151 Commercial Tenant had Gross Sales below or above the applicable Gross Sales Threshold in
152 the preceding Reportable Year, then a Commercial Tenant shall pay ground rent as stated on
153 the attached Chart A and no percentage rent (if below the Gross Sales Threshold), or the
154 amount in Section 2.2.b. (if above the Gross Sales Threshold), whichever is greater, as
155 determined on a monthly basis, during the calendar year following the Reportable Year.
156

157 a. Ground Rent and Gross Sales Thresholds
158

159 The Gross Sales Threshold for FBOs at St. Paul Downtown Airport, Flying Cloud Airport,
160 and Anoka County-Blaine Airport is: Gross Sales in the Reportable Year of one hundred
161 forty-six thousand dollars (\$146,000.00) or more, but less than five hundred eighty-one
162 thousand dollars (\$581,000.00).
163

164 The Gross Sales Threshold for FBOs at Airlake Airport, Lake Elmo Airport, or Crystal
165 Airport is: Gross Sales in the Reportable Year of one hundred forty-six thousand dollars
166 (\$146,000.00) or more, but less than two hundred ninety thousand (\$290,000.00)
167 dollars.
168

169 An FBO that falls within its Gross Sales Threshold must pay ground rent at the rate stated
170 on the attached Chart B and no percentage rent or the amount in Section 2.2.b.,
171 whichever is greater, as determined on a monthly basis, during the calendar year
172 following the Reportable Year.
173

174 The Gross Sales Threshold for all other Commercial Tenants is: Gross Sales in the
175 Reportable Year of one hundred forty-six thousand dollars (\$146,000.00) or more, but
176 less than three hundred sixty-three thousand dollars (\$363,000.00).
177

178 Non-FBO Commercial Tenants that fall within its Gross Sales Threshold shall pay ground
179 rent at the rate per square foot of Leased Area per year stated on the attached Chart B
180 and no percentage rent or the amount in Section 2.2.b., whichever is greater, as
181 determined on a monthly basis, during the calendar year following the Reportable Year..
182

183 If a Commercial Tenant fails to submit a monthly report of Gross Sales as required by
184 Section 2.3.b.3. for the purpose of determining the applicable Gross Sales Thresholds,
185 that Gross Sales Threshold will be determined based upon the lowest three (3) months
186 of reported Gross Sales during the current Reportable Year.
187

188 Beginning January 1, 2026, the Gross Sales Thresholds will be adjusted annually
189 according to the CPI.
190

191 b. Percentage Rent
192

193 A Commercial Tenant shall pay to the Commission 1.5% of its annual calendar year Gross
194 Sales, plus the rate per square foot of Leased Area per year as stated on attached Chart
195 C.
196

197 2.3 Rent Payments
198

199 a. Storage Tenant Per-Square-Foot Ground Rent

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b. Commercial Tenants

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1. Ground Rent

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Commercial Tenants shall pay ground rent for the next month by the last day of the current month, unless otherwise notified by the Commission in writing of different payment dates. Monthly rent is one-twelfth of the annual rent, which is calculated as the total of the appropriate rate stated in the attached Rent and Fee Schedule multiplied by the Commercial Tenant's square footage of Leased Area, rounded to the nearest penny.

218

2. Percentage Rent

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Commercial Tenants shall simultaneously pay percentage rent and submit percentage reports by the last day of the current month for the previous calendar month, unless otherwise notified by the Commission in writing of different payment dates.

225

3. Monthly Report

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Each Commercial Tenant shall submit a report of Gross Sales by the last day of the current month for the previous calendar month, unless otherwise notified by the Commission in writing of different reporting dates. Commercial Tenants shall submit this report no matter which rate chart is applicable or how much, if any, Gross Sales occurred.

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4. Adjustment and Reconciliation

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Commercial Tenants may adjust any Monthly Report timely submitted within the past one hundred eighty (180) days. Any changes to the Gross Sales or to any exclusions from Gross Sales reported must be accompanied by sufficient information from Commercial Tenant's books and records to support the adjusted amount(s). The Commission reserves the right to reject any adjusted Monthly Report as insufficiently justified by Commercial Tenant's books and records. Any overpayments made by a Commercial Tenant as a result of the error in the original Monthly Report will be credited to Commercial Tenant's next rental payment (or refunded, if Tenant's lease is expired, assigned, or terminated). If the adjustment indicates that insufficient rent was paid, the Commercial Tenant shall pay the amount due within thirty (30) days of invoice from the Commission.

- 247 2.4 Applicability of Rates
- 248 Unless otherwise specified by the terms of Tenant’s lease, the rental rates in this Ordinance
- 249 replace the rent provisions in the Tenant’s lease with the Commission.
- 250
- 251 If the lease is expired or terminated or if the Tenant abandons the property prior to
- 252 expiration or termination of the lease, the Tenant is not released from responsibility for
- 253 ground rents, percentage rents and corresponding reports, or any other payments due to the
- 254 Commission.
- 255

256 **SECTION 3 – FUEL FLOWAGE FEES**

- 257
- 258 3.1 Fueling
- 259
- 260 a. Authorization
- 261
- 262 Tenants shall not dispense Fuel unless fueling is specifically authorized by the
- 263 Commission in writing.
- 264
- 265 b. Compliance
- 266
- 267 Fueling shall be conducted in compliance with all applicable codes and regulations.
- 268 Fueling is prohibited in areas that pose a hazard to public safety as determined by the
- 269 Commission.
- 270
- 271 3.2 Fuel Flowage Fees
- 272
- 273 Tenants that are authorized to dispense Fuel, shall pay the applicable Fuel flowage fees as
- 274 described in this Section 3.2 and in Charts D1, D2, and D3 for every gallon of Fuel purchased
- 275 from suppliers and delivered to the Reliever Airport, including Fuel that is ultimately
- 276 purchased by subtenants, licensees or subsidiaries of Tenant or subsidiaries, licensees or
- 277 subtenants of a subtenant, and dispensed under the Tenant’s authority to dispense Fuel.
- 278 Military Tenants are not required to pay the Fuel flowage fees required by this Section 3.2.
- 279 Tenants that are authorized to dispense Fuel shall not pay Fuel flowage fees applicable to
- 280 Fuel purchased by operators of Military Aircraft.
- 281
- 282 a. Jet A Fuel
- 283
- 284 Tenants at St. Paul Downtown Airport, Flying Cloud Airport, and Anoka County-Blaine
- 285 Airport that dispense Jet A fuel shall pay Fuel flowage fees at the rate per gallon as set
- 286 forth in Chart D1.
- 287
- 288 Tenants at Crystal Airport, Lake Elmo Airport, and Airlake Airport that dispense Jet A fuel
- 289 shall pay Fuel flowage fees at the rate per gallon as set forth in Chart D2.
- 290
- 291 b. AvGas
- 292
- 293 Tenants at the Reliever Airports that dispense AvGas shall pay the Fuel flowage fees at
- 294 the rate per gallon as set forth in Chart D3.
- 295
- 296 c. Fixed Base Operators at MSP

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Fixed Base Operators at MSP shall pay Fuel flowage fees as required by Section 4.4 of Ordinance 115, as amended by Section 12 of this Ordinance.

3.3 Payments and Reports

Tenants, excluding Military Tenants, that are authorized to dispense Fuel shall simultaneously pay Fuel flowage fees and provide reports to the Commission by the last day of the current month for Fuel supplied to the Tenant, subtenants, licensees or subsidiaries of Tenant or subsidiaries, licensees or subtenants of a subtenant, during the previous month, unless otherwise notified by the Commission in writing of different payment dates. The reports shall state fueling activity for the month, including the number of gallons of Fuel supplied to the Tenant, subtenants, licensees or subsidiaries of Tenant or subsidiaries, licensees or subtenants of a subtenant, broken down by Fuel type; the dates on which the Fuel was supplied, and any other information relating to the fueling activity requested in writing by the Commission.

The Tenant shall attach to the report copies of invoices from the Fuel supplier that are signed and dated by the person who supplied or delivered the Fuel to the Tenant.

If the lease is expired or terminated or if the Tenant abandons the property prior to the expiration or termination of the lease, the Tenant is not released from the responsibility for payments and reports of Fuel flowage fees due to the Commission. Monthly fuel flowage reports may be adjusted by a Commercial Tenant pursuant to the provisions of Section 2.3(b)(4).

SECTION 4 – ST. PAUL DOWNTOWN AIRPORT, FLYING CLOUD AIRPORT, AND ANOKA COUNTY-BLAINE AIRPORT LANDING FEE

4.1 Landing Fee

a. Payment of Landing Fee

Operators of all fixed-wing aircraft that use Jet-A Fuel, excluding operators of Military Aircraft, shall pay a landing fee for each landing of such aircraft at:

- St. Paul Downtown Airport in an amount equal to one hundred and ten percent (110%) of the then current estimated compensatory field and runway use fee charged to Signatory Airlines at MSP;
- Flying Cloud Airport in an amount equal to one hundred and five percent (105%) of the then current estimated compensatory field and runway use fee charged to Signatory Airlines at MSP; and at
- Anoka County-Blaine Airport in an amount equal to one hundred percent (100%) of the then current estimated compensatory field and runway use fee charged to Signatory Airlines at MSP.

Operators of fixed wing aircraft that use Jet-A Fuel shall not be required to pay this landing fee when the flight is made for the purpose of providing medical services, such

347 as transportation of organs or patients in the course of business; Lifeguard flights;
348 Repositioning Flights; or other similar operations approved by the Executive Director.

349
350 b. Collection

351
352 All landing fees shall be paid to an FBO at the respective Reliever Airport prior to release
353 and clearance of such aircraft for departure from the respective Reliever Airport, or paid
354 monthly to such FBO, if pre-arranged with the FBO. Alternatively, a Based Tenant may
355 pay the Commission directly, if approved by the Director of Reliever Airports.
356

357 c. FBO Collection Cost Refund

358
359 Within one hundred and eighty (180) days after the first business day of each calendar
360 year, the Commission will refund to each FBO at a Reliever Airport an amount equal to
361 two percent (2%) of the total landing fees paid by the FBO to the Commission in the
362 previous calendar year. Such refund is intended to offset the cost incurred by the FBO in
363 collecting landing fees on behalf of the Commission.
364

365 4.2 Reports and Payments

366
367 a. Reports

368
369 FBOs at the St. Paul Downtown Airport, Flying Cloud Airport, and Anoka County-Blaine
370 Airport shall, by the last day of each calendar month, report to the Commission the
371 number of all aircraft using Jet-A Fuel that have landed at the respective Reliever Airport
372 during the previous month. Based Tenants approved by the Director of Reliever Airports
373 shall, by the last day of each month, report to the Commission the number of all aircraft
374 using Jet-A Fuel, operated by the Based Tenant that have landed at the St. Paul
375 Downtown Airport, Flying Cloud Airport, and Anoka County-Blaine Airport the previous
376 month. Reports shall include the type of aircraft by Federal Aviation Administration
377 approved gross certificated maximum landing weights, the number of landings and take-
378 offs made by such aircraft during the month of reporting, and the landing fee charge due
379 and owing in respect to such aircraft.
380

381 b. Payments

382
383 Together with such report, the FBO and any Based Tenant approved by the Director of
384 Reliever Airports shall remit to the Commission payment of all landing fees reported and
385 to be paid pursuant to this Ordinance, whether or not collected from the aircraft
386 operator.
387

388 **SECTION 5 – NON-AVIATION/COMPLEMENTARY BUSINESS LICENSE FEE**

389
390 Commercial Tenants that have entered into a Non-Aviation/Complementary Business License
391 Agreement with the Commission shall pay a Non-Aviation/Complementary Business License Fee as
392 set forth in Chart E of the attached Rent and Fee Schedule for the next month by the last day of the
393 current month, unless otherwise notified by the Commission in writing of different payment dates.
394

395 **SECTION 6 – FACILITY ACQUISITION FEE**

396

397 6.1 **Applicability**

398

399 Tenants, excluding Military Tenants, that acquire an existing facility on a Reliever Airport shall
400 pay a Facility Acquisition Fee, at the time of lease transfer, of 50% of the per square foot
401 ground rent annual rate set forth in Chart A of the attached Rent and Fee Schedule. Storage
402 Tenants shall pay the lesser of the 50% rate applied per square foot of total Leased Area, or
403 applied per square foot of 125% of the building footprint area. Commercial Tenants shall pay
404 the rate per square foot of the building footprint area. However, if the Leased Area of any
405 lease includes a Fuel system, the total area required for the Fuel system, inclusive of
406 regulatory setbacks, shall be included in the calculation of the Facility Acquisition Fee.

407

408 If, using the calculation above, the Facility Acquisition Fee would be less than the
409 Administration Fee for a standard assignment set forth in Chart F of the attached Rent and
410 Fee Schedule, then the Tenant must pay the amount of the Administration Fee for a standard
411 assignment, rather than the amount calculated.

412

413 The Facility Acquisition Fee will apply to a lease transfer under the “Transfer” section, as
414 amended, of lease forms entered into after January 1, 2008, and will apply to any assignment
415 of the lease, for any reason, with or without consideration, including:

416

- 417 • A change of ownership or voting control, including a change in the name(s) on the
418 lease, where there is a change of 50% or more (e.g., if only one name is on the lease,
419 and that party wishes to add an additional name, a 50% change would occur, and the
420 fee would apply);
- 421 • A transfer for estate-planning purposes (e.g., into a trust), or as a result of death;
- 422 • A change in name(s) (e.g., as a result of divorce), where the disposition change is a
423 result of a court order, and there is a change of 50% or more;
- 424 • A transfer as part of a bankruptcy; or
- 425 • A transfer through a contract for deed.

426

427 6.2 **Exception**

428

429 The Facility Acquisition Fee will not apply in the following situation:

430

- 431 • A transfer to an Immediate Family Member, including a transfer to an Immediate
432 Family Member for estate-planning purposes (e.g., into a family trust), or a transfer
433 to an Immediate Family Member as a result of death.

434

435 **SECTION 7 – ADMINISTRATION FEE**

436

437 7.1 **Applicability**

438

443 An Administration Fee, as set forth in Chart F of the attached Rent and Fee Schedule, shall be
444 paid by a Tenant or prospective Tenant, except Military Tenants, for costs associated with the
445 review and processing of lease requests and transactions.

446
447 An Administration Fee is applicable to all requests and transactions that require Commission
448 authorization or consent, with the exception of the following: the generation of a new lease
449 executed at the time of construction in a new building area; the renewal of an existing lease;
450 the execution of a sewer and water amendment; a lease amendment to correct a
451 discrepancy in the lease; or the execution of a lease transfer or new lease if a Facility
452 Acquisition Fee, as described in Section 6, applies. Commission staff shall determine the
453 type of lease request or transaction and the corresponding Administration Fee.

454

455 7.2 Additional Amounts

456

457 Commission staff may charge an additional amount, sufficient to cover its costs, if the costs
458 associated with the review and processing of a lease request or transaction exceed the
459 amount of the Administration Fee, such as for a transaction involving significant legal work.
460 If the Commission assumes the responsibility for issuing building permits in the future, the
461 Commission reserves the right to charge an additional amount, sufficient to cover the costs
462 of the permitting process.

463

464 **SECTION 8 – FLYING CLUBS**

465

466 8.1 Flying Club Activities

467

468 Flying Clubs shall be responsible for the activities of their members. Flying Clubs shall
469 comply with all applicable federal, state and local requirements for Flying Clubs and
470 aeronautical activity.

471

472 8.2 Flying Club Records

473

474 The Commission shall have access to all Flying Club records, including but not limited to the
475 Flying Club's financial records, tax statements, records relating to membership, and flight
476 instruction conducted in club aircraft. The Commission shall also have access to the logbooks
477 of all Flying Club members.

478

479 **SECTION 9 – AUDITS**

480

481 The Commission has the right, upon reasonable request, to audit Tenant's books and records as
482 authorized by Tenant's lease.

483

484 **SECTION 10 – PENALTIES**

485

486 10.1 Interest on Late Payments

487

488 For any rents or fees due under this Ordinance, a Tenant shall pay a penalty for late or
489 delinquent payments of twelve percent (12%) per annum on any past due balance calculated
490 from the date the amount is due until the close of the business day upon which the
491 delinquent payment is received by the Commission.

492

493 10.2 Misdemeanor

494

495 Any person violating any of the provisions of this Ordinance shall upon conviction be
 496 punished by sentence within the parameters of the maximum penalty for
 497 misdemeanors set forth in Minn. Stat. § 609.03, or as may be amended.

498

499 10.3 Other Actions Not Precluded

500

501 The penalties prescribed under this Ordinance in no way preclude the Commission from
 502 taking any other civil action authorized under the Tenant's lease or by law.

503

504 **SECTION 11 – RENTS AND FEES ADJUSTMENT**

505

506 11.1 Annual Rate Adjustments

507

508 a. Storage Tenant Per-Square-Foot Ground Rent

509

510 Storage Tenant per-square-foot ground rent will be adjusted on the anniversary date of
 511 the Storage Tenant's lease during each applicable year, according to the attached Rent
 512 and Fee Schedule.

513

514 b. Commercial Tenant Rent

515

516 Commercial Tenant rents in the Rent and Fee Schedule will be adjusted on January 1 of
 517 each year, according to the attached Rent and Fee Schedule.

518

519 c. Fuel Flowage Fees

520

521 Fuel flowage fees will be adjusted on January 1 of each year, according to the attached
 522 Rent and Fee Schedule.

523

524 d. Non-Aviation/Complementary Business License Fee

525

526 The Non-Aviation/Complementary Business License Fee will be adjusted on January 1 of
 527 each year, according to the attached Rent and Fee Schedule.

528

529 11.2 Post 2030 Adjustments

530

531 If the rents and fees in Charts A, B, C, D, E, and F of the attached Rent and Fee Schedule are
 532 not modified by the Commission before December 31, 2030, the rents and fees shall be
 533 increased in the same manner and at the same percentage rates per year until the
 534 Commission determines other rates and fees. Charts A, B, and C shall be increased at three
 535 percent (3%) per year; the Fuel Flowage Fees shall be increased at four percent (4%) per
 536 year; and the Non-Aviation/Complementary Business License Fee and the Administration Fee
 537 shall be increased at three percent (3%) per year.

538

539 11.3 Commission Action

540

541 The Commission may reevaluate and adjust the rates and fees set forth in the attached Rent
 542 and Fee Schedule by Commission action. In making a decision to adjust rates, the

543 Commission shall consider state and federal mandates and policy (e.g., in light of security
544 mandates or extraordinary environmental costs), as well as the requirements of this
545 Ordinance. Written notice will be provided to Tenants of public meetings to address rents
546 and fees and of any new rents and fees adopted by the Commission.
547

548 **SECTION 12 – AMENDMENTS TO ORDINANCE 115**

549 12.1 Ordinance 115

550 All defined terms used in this Section 12 are given those definitions included in Ordinance
551 115. As of the effective date of this Ordinance, the following sections of Ordinance 115 are
552 deleted and re-stated as follows:
553
554

555 12.2 Section 4.4: Fuel Flowage Fees

556 Fixed Base Operators that are authorized to dispense Fuel at the Airport shall pay the Fuel
557 Flowage Fees stated in Chart D4 of Ordinance No. ____ for every gallon of Fuel sold or
558 delivered by the Fixed Based Operator at the Airport, regardless of Fuel type, including Fuel
559 sold or delivered to customers, subsidiaries, licensees, or subtenants of the Fixed Base
560 Operator at the Airport, and customers, subsidiaries, licensees, or subtenants of a subtenant
561 of the Fixed Base Operator at the Airport. Additionally, into-plane fuel provided by a Fixed
562 Base Operator is subject to the Fuel Flowage Fees stated in Chart D4 of Ordinance No. ____.
563

564 Into-Plane Fuel Providers operating at the Airport shall pay the Fuel flowage fees stated in
565 Schedule A-2 of Ordinance No. 115 for every gallon of Fuel sold or delivered by the Into-
566 Plane Fuel Provider at the Airport, including Fuel sold or delivered to customers, subsidiaries,
567 licensees, or subtenants of the Into-Plane Fuel Providers.
568

569 Notwithstanding the foregoing, Fuel Flowage Fees shall not apply to fuel supplied to Military
570 Aircraft, aircraft operated by Signatory Airlines, or aircraft which are fueled while using gates
571 at either the Terminal 1-Lindbergh or Terminal 2-Humphrey.
572

573 Fuel Flowage Fees for Into-Plane Fuel Providers will be adjusted periodically as set forth in
574 Section 4.6(b).
575

576 Fuel Flowage Fees for Fixed Base Operators at the Airport will be adjusted periodically as set
577 forth in Section 11 of Ordinance No. ____.
578

579 12.3 Section 4.6(b): Fuel Flowage Fees Paid by Into-Plane Fuel Providers

580 Fuel Flowage Fees paid by Into-Plane Fuel Providers will be adjusted on January 1 of each
581 year, according to the attached Schedule A-2. The Commission may, however, reevaluate and
582 adjust the rates and fees in the attached Schedule A-2 by Commission action. If the Fuel
583 Flowage Fees paid by Into-Plane Fuel Providers on the attached Schedule A-2 are not
584 modified by the Commission before December 31, 2018, the rents and fees shall be
585 increased in the same manner and at the same percentage rates per year until the
586 Commission determines other rates and fees. This means that the Fuel Flowage Fees paid by
587 Into-Plane Fuel Providers shall be increased at four percent (4%) per year. If the Commission
588 plans deviate from Schedule A-2 through Commission action, it will send out notice 15 days
589 in advance of the public meeting to affected parties.
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12.4 Schedule A-2: Into-Plane Fuel Provider Fuel Flowage Fees (rates per gallon)

	2025	2026	2027	2028	2029	2030
MSP	\$0.160	\$0.167	\$0.173	\$0.180	\$0.187	\$0.195

596

597 **SECTION 13 – GENERAL PROVISIONS**

598

599

13.1 Additional Tenant Charges

600

601

a. Assessments and Other Fees

602

603

This Ordinance has no applicability to assessments or other fees that the Tenant is required to pay on the date this Ordinance takes effect. All such assessments and fees remain in effect.

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607

b. Special Rent Assessment

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609

The Commission is authorized to charge Special Rent Assessments to Tenants consistent with Minn. Stat. § 473.651 for Reliever Airport projects or services, over and above those contemplated by a Tenant's lease, which benefit the Tenant, charged on a basis uniform and consistent with those of other Tenants at the Reliever Airports. The Commission's Executive Director is authorized to create procedures to implement Special Rent Assessments. Such procedures shall include notice to affected Tenants and opportunity to comment prior to imposition of any such assessment.

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13.2 Provisions Severable

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If any part or parts of this Ordinance is declared unconstitutional or invalid, this does not affect the validity of the remaining parts of this Ordinance. The Commission declares it would have passed the remaining parts of this Ordinance without the unenforceable provisions.

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624

13.3 Notice

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626

Any notice required by this Ordinance is sufficient if delivered as provided by the notice provisions of the Tenant's Lease with the Commission.

627

628

629

13.4 Amendment

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Ordinance No. 119 is amended and restated on the date this Ordinance takes effect.

632

633

13.5 Effective Date

634

635

This Ordinance is effective January 1, 2025.

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RENT AND FEE SCHEDULE

Chart A – Per-Square Foot Ground Rent (annual rate per square foot)

	2025	2026	2027	2028	2029	2030
St. Paul	\$0.94	\$0.96	\$0.99	\$1.02	\$1.05	\$1.08
Flying Cloud	\$0.79	\$0.82	\$0.84	\$0.87	\$0.89	\$0.92
Anoka County	\$0.79	\$0.80	\$0.81	\$0.82	\$0.83	\$0.84
Crystal	\$0.70	\$0.72	\$0.74	\$0.76	\$0.79	\$0.81
Airlake	\$0.62	\$0.65	\$0.67	\$0.70	\$0.72	\$0.75
Lake Elmo	\$0.61	\$0.62	\$0.64	\$0.66	\$0.68	\$0.70

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Chart B – Commercial Ground Rent without percentage (annual rate, per square foot)

	2025	2026	2027	2028	2029	2030
St. Paul	\$0.73	\$0.77	\$0.81	\$0.83	\$0.86	\$0.88
Flying Cloud	\$0.64	\$0.67	\$0.70	\$0.72	\$0.74	\$0.77
Anoka County	\$0.59	\$0.62	\$0.66	\$0.67	\$0.68	\$0.70
Crystal	\$0.52	\$0.54	\$0.57	\$0.59	\$0.60	\$0.62
Airlake	\$0.46	\$0.48	\$0.51	\$0.52	\$0.54	\$0.56
Lake Elmo	\$0.44	\$0.45	\$0.46	\$0.48	\$0.49	\$0.51

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Chart C – Commercial Ground Rent with percentage (annual rate, per square foot)

	2025	2026	2027	2028	2029	2030
St. Paul	\$0.52	\$0.57	\$0.62	\$0.64	\$0.66	\$0.68
Flying Cloud	\$0.48	\$0.52	\$0.56	\$0.58	\$0.60	\$0.61
Anoka County	\$0.38	\$0.44	\$0.51	\$0.52	\$0.54	\$0.55
Crystal	\$0.34	\$0.37	\$0.40	\$0.41	\$0.42	\$0.43
Airlake	\$0.30	\$0.32	\$0.34	\$0.35	\$0.36	\$0.37
Lake Elmo	\$0.28	\$0.28	\$0.28	\$0.29	\$0.30	\$0.31

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Chart D1 – Fuel Flowage Fees for Jet A at STP, FCM, and ANE (rate per gallon)

2025	2026	2027	2028	2029	2030
\$0.16	\$0.17	\$0.17	\$0.18	\$0.19	\$0.19

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Chart D2 – Fuel Flowage Fees for Jet A at LVN, MIC, and 21D (rate per gallon)

2025	2026	2027	2028	2029	2030
\$0.17	\$0.18	\$0.19	\$0.20	\$0.20	\$0.21

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658

659 **Chart D3 – Fuel Flowage Fees for Reliever Airports AvGas (rate per gallon)**

660

2025	2026	2027	2028	2029	2030	
\$0.22	\$0.23	\$0.24	\$0.25	\$0.26	\$0.27	

661

662 **Chart D4 – Fuel Flowage Fees for MSP Fixed Base Operators, all Fuel types (rate per gallon)**

663

2025	2026	2027	2028	2029	2030	
\$0.22	\$0.23	\$0.24	\$0.25	\$0.26	\$0.27	

664

665 **Chart E – Non-Aviation/Complementary Business License Fee (monthly rate)**

666

	2025	2026	2027	2028	2029	2030
All Reliever Airports	\$180.00	\$185.40	\$190.96	\$196.69	\$202.59	\$208.67

667

668

669 **Chart F – Administration Fee (rate per request or transaction)**

670

	2025	2026	2027	2028	2029	2030
Approval of Tenant Modification to Leased Area	\$190	\$196	\$202	\$208	\$214	\$220
Consent to Leasehold Mortgage and Subordination Agreement*	\$180	\$185	\$191	\$197	\$203	\$209
Consent to Sublease – Commercial Lease	\$265	\$273	\$281	\$290	\$298	\$307
Standard Amendment	\$290	\$299	\$308	\$317	\$326	\$336
Standard Assignment	\$290	\$299	\$308	\$317	\$326	\$336
Standard Termination	\$200	\$206	\$212	\$219	\$225	\$232
*If legal review for these documents exceeds one hour of work, the actual cost of the review will be billed, rather than the Chart F rate.						

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METROPOLITAN AIRPORTS COMMISSION

ORDINANCE No. ~~119~~

RELIEVER AIRPORTS RATES AND CHARGES ORDINANCE

Adopted by Commission: ~~June 16, 2014~~
Effective Date: ~~July~~ January 1, 2025

Public Hearing Draft July 15, 2024

Ordinance No. ~~119~~

Reliever Airports Rates and Charges Ordinance

Effective ~~July~~ January 1, 2014 2025

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METROPOLITAN AIRPORTS COMMISSION

ORDINANCE NO. 119

RELIEVER AIRPORTS RATES AND CHARGES ORDINANCE

An ordinance of the Metropolitan Airports Commission ("Commission") amending the rental rates and other charges for property at the Commission's minor and intermediate use airports ("Reliever Airports"), ~~as well as certain charges for general aviation activities at Minneapolis-St. Paul International Airport ("MSP"),~~ as provided by Minn. Stat. § 473.651, by amending and restating Ordinance ~~No. 114 (which amended and restated 119, as well as amending Ordinance 107, which amended and restated Ordinance No. 101, which amended and restated Ordinance No. 87)~~ 115 to ~~modify the facility acquisition fee~~ remove provisions related to fuel flowage fees assessed to Fixed Base Operators at MSP.

WHEREAS, consistent with federal policy, the rental rates and fees are intended to assist the Commission in attaining its long-term goal of making the Reliever Airports as financially self-sustaining as possible; and

WHEREAS, having received and considered extensive public input and having fully considered the state and federal legal requirements concerning the rates that may be charged to users of these Reliever Airports; and

WHEREAS, this Ordinance No. 119 ("Ordinance") ~~will~~ may be interchangeably be referred to as "~~Ordinance No. 119~~", "Ordinance No. 119, as amended," as "Ordinance No. 114 as amended," as "Ordinance No. 107 as amended," as "Ordinance No. 101 as amended," and as "Ordinance No. 87 as amended";

NOW THEREFORE, the Commission does ordain:

SECTION 1 – DEFINITIONS

- 1.1 Based Aircraft. An aircraft that is registered in the State of Minnesota with the Department of Transportation, Office of Aeronautics as being based at one of the Reliever Airports.
- 1.2 Based Tenant. A Storage Tenant or Commercial Tenant. This does not include subtenants.
- 1.3 Commercial Tenant. A Tenant that has entered into a commercial lease with the Commission at a Reliever Airport and that is authorized to do one or more of the following: sale, repair or storage of aircraft; sale of aircraft parts and accessories; sale of flight or ground instruction; flying for charter or hire; ~~providing fueling~~ sale of aircraft fuel and lubrication services; ~~aircraft~~ rental of aircraft; or other activities deemed commercial and approved by the Commission.

Public Hearing Draft July 15, 2024

Ordinance No. 119

Reliever Airports Rates and Charges Ordinance

Effective January 1, 2014 2025

- 76 1.4 Commission. The Metropolitan Airports Commission, a public corporation ——— organized
77 and operating pursuant to Chapter 500, Laws of Minnesota 1943 and ——— amendments
78 thereto.
79
- 80 1.5 CPI. The consumer price index identified as the All Urban Consumers – Midwest Region.
81
- 82 1.6 Director of Reliever Airports. The Commission’s administrative officer responsible for the
83 Reliever Airports.
84
- 85 1.7 Executive Director. The Commission’s chief executive officer or a designated representative.
86
- 87 1.8 Flying Club. An entity defined by Minnesota Statutes § 360.013, subd. ~~1848~~ or Minnesota
88 Rules § 8800.4100, ~~subd~~subp. 2, or as either are amended.
89
- 90 1.9 Fuel. Aviation gasoline and any other gasoline, petroleum product, fuel, or other substance
91 used in the propulsion of aircraft, automobiles, trucks, and other ground vehicles.
92
- 93 1.10 ~~Full Service Commercial Operation or~~ Fixed Base Operator (“FBO”). ~~An A full-service,~~
94 aeronautical, commercial operation at the Reliever Airports that is authorized to engage in
95 the sale of products, services, and facilities to aircraft operators ~~including. FBOs must~~
96 provide, at a minimum, the following aeronautical activities at the airport: aircraft refueling
97 to include jet fuel, AvGas, and aircraft lubricants; aircraft line services; airframe and power
98 plant maintenance; aircraft storage/hangars rentals and tiedowns; passenger, crew, and
99 aircraft ground services, support and amenities. FBOs may also provide optional services as
100 approved by the Commission, which may include: flight training, aircraft rental, aircraft
101 charter or air taxi, avionics sales and service.
102
- 103 1.11- Gross Sales. Gross Sales, as defined in a Commercial Tenant’s lease, less exclusions, as
104 allowed by the Commercial Tenant’s lease.
105
- 106 1.12 Gross Sales Thresholds. Those amounts of annual Reportable Year ~~Net~~ Gross ~~Revenue~~ Sales
107 set forth in Section 2.2.a. that establish when the rates in Chart B apply to a Commercial
108 Tenant.
109
- 110 1. ~~1213~~ Immediate Family Member. A spouse, parent, child, brother or sister (including half-relations
111 and step-relations, but excluding in-law relations) of the Tenant.
112
- 113 1. ~~1314~~ Jet-A Fuel. A kerosene-based fuel designed for use in turbine engine aircraft, regulated by
114 the American Society for Testing and Materials (“ASTM”). For referenced ASTM standards,
115 visit the ASTM website, www.astm.org, or contact ASTM Customer Service at
116 service@astm.org.
117
- 118 1. ~~1415~~ Leased Area. That area defined in the description of ~~Premises~~ premises section in the
119 Tenant’s lease.
120
- 121 1. ~~1516~~ Military Aircraft. Aircraft owned and/or operated by components of the military forces of the
122 United States of America or of the State of Minnesota.
123

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- 124 1. ~~16~~17 Military Tenant. A Storage Tenant that is any component or branch of the military forces of
125 the United States of America or of the State of Minnesota.
126
- 127 ~~1.17~~ ~~Net Gross Revenue. Gross Receipts or Gross Sales, as defined in a Commercial Tenant's lease,~~
128 ~~less exclusions, as allowed by the Commercial Tenant's lease.~~
- 129 1.18 Non-Aviation/Complementary Business License Agreement. — A license agreement
130 granted by the Commission for the purpose of conducting a business on the airport that is
131 non-aviation, yet provides a complementary product or service to airport users. Examples of
132 complementary products/services include aviation insurance companies, ~~restaurants,~~
133 aviation legal services, auto rental and limousine services, travel agencies, delivery/courier
134 services, ~~flight physicals,~~ and aviation museums.
135
- 136 ~~1.19~~ ~~Related Entity. An entity within which a Storage Tenant can prove, via written documentation,~~
137 ~~that he or she holds an equity interest.~~
- 138 ~~1.20~~1.19 Reliever Airport. Any intermediate use or minor use Reliever Airport now or in the
139 future owned and/or operated by the Commission, including: St. Paul Downtown, Flying
140 Cloud, Anoka County-Blaine, Crystal, Airlake, and Lake Elmo.
141
- 142 1. ~~24~~20 Reportable Year. The time period from October 1 through September 30, which is used to
143 determine which Gross Sales Thresholds apply.
144
- 145 1. ~~22~~21 Repositioning Flight. ~~An outbound~~A flight ~~from a made between~~ Reliever Airport with an
146 ~~intermediate stop at another Reliever Airport in order~~Airports to pick up
147 ~~passenger(s)passengers~~ or cargo ~~prior to continuing with~~where one of the Reliever Airports
148 ~~was an intermediate stop and for which flight to the final destination; or an inbound flight to a~~
149 ~~Reliever Airport as an intermediate stop in order to drop off passenger(s) or cargo prior to~~
150 ~~continuing with the flight to another Reliever Airport, provided~~a landing fee is paid for the
151 landing at ~~the other~~another Reliever Airport.
152
- 153 1. ~~23~~22 Signatory Airline. ~~Operator~~An operator of aircraft that pays for use of Minneapolis-St. Paul
154 International Airport pursuant to a use fee agreement and, where applicable, a Commission
155 ordinance.
156
- 157 1. ~~24~~23 Special Rent Assessment. Fees charged by the Commission and paid by Tenants to offset the
158 costs of Reliever Airport projects or services which benefit the Tenant, including, but not
159 limited to sewer, water, other utilities, and pavement installation or rehabilitation.
160
- 161 1. ~~25~~24 Storage Tenant. A Reliever Airport Tenant that has entered into an aircraft storage lease with
162 the Commission.
163
- 164 1. ~~26~~25 Tenant. Any person, partnership, corporation, or other entity that leases property from the
165 Commission at a Reliever Airport. This definition and the rents and fees in this Ordinance
166 apply even if the lease has expired and the property continues to be occupied by a holdover
167 Tenant.

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SECTION 2 – RENTS

2.1 Storage Tenant Per-Square-Foot Ground Rent

Storage Tenants shall pay the rate per square foot of Leased Area per year stated on the attached Chart A.

2.2 Commercial Tenant Rent

Commercial Tenants shall pay ground rent and percentage rents as specified below, by paying the applicable amount in Section 2.2.a. or 2.2.b., whichever is greater. However, if a Commercial Tenant ~~has less than one hundred fourteen thousand dollars (\$114,000) of Net~~ Gross Revenue/Sales below or above the applicable Gross Sales Threshold in the preceding Reportable Year, then a Commercial Tenant shall pay ground rent as stated on the attached Chart A and ~~zero~~ percentage rent, (if below the Gross Sales Threshold), or the amount in Section 2.2.b. ~~(see also Chart C (if above the Gross Sales Threshold),~~ whichever is greater, as determined on a monthly basis, during the calendar year following the Reportable Year.

a. Ground Rent and Gross Sales Thresholds

~~If a Commercial Tenant that The Gross Sales Threshold for FBOs at St. Paul Downtown Airport, Flying Cloud Airport, and Anoka County-Blaine Airport is authorized to conduct a Full Service Commercial Operation has:~~ Gross Sales in the Reportable Year of one hundred ~~fourteen~~ forty-six thousand dollars (\$~~114~~ 146,000.00) or more, but less than ~~four~~ five hundred ~~fifty~~ four ~~eighty~~ one thousand dollars (\$~~454~~ 581,000.00) ~~of Net~~.

~~The Gross Revenue/Sales Threshold for FBOs at Airlake Airport, Lake Elmo Airport, or Crystal Airport is:~~ Gross Sales in the ~~preceding~~ Reportable Year, ~~or of~~ one hundred ~~fourteen~~ forty-six thousand dollars (\$~~114~~ 146,000.00) or more, but less than two hundred ~~twenty-seven~~ ninety thousand (\$~~227~~ 290,000.00) dollars ~~if such Commercial Tenant is at Airlake, Lake Elmo, or Crystal, then the Commercial Tenant shall~~.

~~An FBO that falls within its Gross Sales Threshold must~~ pay ground rent at the rate ~~per square foot of Leased Area per year~~ stated on the attached Chart B and no percentage rent, or the amount in Section 2.2.b. ~~(see also Chart C),~~ whichever is greater, as determined on a monthly basis, during the calendar year following the Reportable Year.

~~If a~~ The Gross Sales Threshold for all other Commercial Tenant, at any Reliever Airport, that Tenants is authorized to conduct less than a Full Service Commercial Operation has: Gross Sales in the Reportable Year of one hundred ~~fourteen~~ forty-six thousand dollars (\$~~114~~ 146,000.00) or more, but less than ~~two~~ three hundred ~~eighty~~ four ~~sixty~~ three thousand dollars (\$~~284~~ 363,000.00) ~~of Net Gross Revenue in the preceding Reportable Year, then the~~.

Non-FBO Commercial Tenant ~~Tenants that fall within its Gross Sales Threshold~~ shall pay ground rent at the rate per square foot of Leased Area per year stated on the attached Chart B and no percentage rent, or the amount in Section 2.2.b. ~~(see also Chart C),~~

217 whichever is greater, as determined on a monthly basis, during the calendar year
218 following the Reportable Year.

219
220 If a Commercial Tenant fails to submit a monthly report of ~~Net-Gross Revenue~~ Sales as
221 required by Section 2.3.b.3. for the purpose of determining the applicable Gross Sales
222 Thresholds, that Gross Sales Threshold will be determined based upon the lowest three
223 (3) months of reported ~~Net-Gross Revenue~~ Sales during the current Reportable Year.

224
225 Beginning January 1, ~~2013~~ 2026, the Gross Sales Thresholds will be adjusted annually
226 according to the CPI.

227
228 ~~b-~~ b. Percentage Rent

229
230 A Commercial Tenant shall pay to the Commission 1.5% of its annual calendar year ~~Net~~
231 Gross ~~Revenue~~ Sales, plus the rate per square foot of Leased Area per year as stated on
232 attached Chart C.

233
234 2.3 Rent Payments

235
236 a. Storage Tenant Per-Square-Foot Ground Rent

237
238 Storage Tenants shall pay Per-Square-Foot Ground Rent, pursuant to Section 2.1,
239 annually ~~and~~ in advance on or before the effective date of their lease, unless otherwise
240 notified by the Commission in writing of different payment dates. Rent is calculated as
241 the total of the rate stated in Chart A multiplied by the square footage of Leased Area,
242 rounded to the nearest penny.

243
244 b. Commercial Tenants

245
246
247 1. Ground Rent

248
249 Commercial Tenants shall pay ground rent ~~in advance for the next month~~ by the last
250 day of the ~~calendar month for the upcoming calendar~~ current month, unless
251 otherwise notified by the Commission in writing of different payment dates.
252 Monthly rent is one-twelfth of the annual rent, which is calculated as the total of the
253 appropriate rate stated in the attached Rent and Fee Schedule multiplied by the
254 Commercial Tenant's square footage of Leased Area, rounded to the nearest penny.

255
256 2. Percentage Rent

257
258 Commercial Tenants shall simultaneously pay percentage rent and submit
259 percentage reports by the last day of the ~~calendar~~ current month for the previous
260 calendar month, unless otherwise notified by the Commission in writing of different
261 payment dates.

262

263 3. Monthly Report

264 Each Commercial Tenant shall submit a report of ~~Net-Gross Revenue~~ Net-Gross Revenue Sales by the last
265 day of ~~each calendar~~ the current month for the previous calendar month, unless
266 otherwise notified by the Commission in writing of different reporting dates.

267 Commercial Tenants shall submit this report no matter which rate chart is applicable
268 or how much, if any, ~~Net-Gross Revenue~~ Net-Gross Revenue Sales occurred.

270 4. Year-End Adjustment and Reconciliation

271 ~~As soon as practical after Commercial Tenants may adjust any Monthly Report timely~~
272 ~~submitted within the end of each calendar year, past one hundred eighty (180) days.~~
273 ~~Any changes to the Gross Sales or to any exclusions from Gross Sales reported must~~
274 ~~be accompanied by sufficient information from Commercial Tenant's books and~~
275 ~~records to support the adjusted amount(s). The Commission shall reconcile the total~~
276 ~~rent paid against reserves the total rent due. The total rent due shall be right to~~
277 ~~reject any adjusted Monthly Report as insufficiently justified by Commercial Tenant's~~
278 ~~books and records. Any overpayments made by a Commercial Tenant as a result of~~
279 ~~the sum of payments due under error in the applicable provisions of Section 2.2 on~~
280 ~~an annualized basis, whichever original Monthly Report will be credited to~~
281 ~~Commercial Tenant's next rental payment (or refunded, if Tenant's lease is greater,~~
282 ~~if expired, assigned, or terminated). If the adjustment indicates that insufficient rent~~
283 ~~was paid, the Commercial Tenant shall pay the amount due within thirty (30) days of~~
284 ~~invoice from the Commission.~~

287 2.4 Applicability of Rates

288 Unless otherwise specified by the terms of Tenant's lease, the rental rates in this Ordinance
289 replace the rent provisions in the Tenant's lease with the Commission.

290 If the lease is expired or terminated or if the Tenant abandons the property prior to
291 expiration or termination of the lease, the Tenant is not released from responsibility for
292 ground rents, percentage rents and corresponding reports, or any other payments due to the
293 Commission.

294 **SECTION 3 – FUEL FLOWAGE FEES**

295 3.1 Fueling

300 a. Authorization

301 Tenants shall not dispense Fuel unless fueling is specifically authorized by the
302 Commission in writing.

303 b. Compliance

304 Fueling shall be conducted in compliance with all applicable codes and regulations.
305 Fueling is prohibited in areas that pose a hazard to public safety as determined by the
306 Commission.

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~~3.2~~ 3.2 Fuel Flowage Fees

Tenants ~~who~~that are authorized to dispense Fuel, shall pay the applicable Fuel flowage fees as described in this Section 3.2 and in Charts D1, D2, and ~~D2~~D3 for every gallon of Fuel purchased from ~~all~~ suppliers ~~that is~~and delivered to the Reliever Airport, including Fuel ~~that is ultimately~~ purchased by subtenants, licensees or subsidiaries of Tenant or subsidiaries, licensees or subtenants of a subtenant, and dispensed under the Tenant's authority to dispense Fuel. Military Tenants are not required to pay the Fuel flowage fees required by this Section 3.2. Tenants ~~who~~that are authorized to dispense Fuel shall not pay Fuel flowage fees applicable to Fuel purchased by operators of Military Aircraft.

~~a.~~ a. Jet A Fuel

Tenants at St. Paul Downtown Airport, ~~at~~ Flying Cloud Airport, and ~~at~~ Anoka County-Blaine Airport ~~who~~that dispense Jet A fuel shall pay Fuel flowage fees at the rate per gallon as set forth in Chart D1.

Tenants at Crystal Airport, Lake Elmo Airport, and Airlake Airport ~~who~~that dispense Jet A fuel shall pay Fuel flowage fees at the rate per gallon as set forth in Chart D2.

b. 100 Low Lead Fuel/AvGas

Tenants at the Reliever Airports ~~who~~that dispense ~~100 low lead fuel/AvGas~~ shall pay the ~~applicable~~ Fuel flowage fees at the rate per gallon as set forth in Chart ~~D2~~D3.

c. Fixed Base Operators at MSP

Fixed Base Operators at MSP shall pay Fuel flowage fees as required by Section 4.4 of Ordinance 115, as amended by Section 12 of this Ordinance.

3.3 Payments and Reports

Tenants ~~who, excluding Military Tenants, that~~ are authorized to dispense Fuel shall simultaneously pay Fuel flowage fees and provide reports to the Commission by the last day of ~~each calendar~~the current month for Fuel supplied to the Tenant, subtenants, licensees or subsidiaries of Tenant or subsidiaries, licensees or subtenants of a subtenant, during the previous ~~calendar~~ month, unless otherwise notified by the Commission in writing of different payment dates. The reports shall state fueling activity for the ~~calendar~~ month, including the number of gallons of Fuel supplied to the Tenant, subtenants, licensees or subsidiaries of Tenant or subsidiaries, licensees or subtenants of a subtenant, broken down by Fuel type; the dates on which the Fuel was supplied, ~~the number of gallons dispensed, broken down by Fuel type; the meter readings on the pumps for the beginning and end of the calendar month,~~ and any other information relating to the fueling activity requested in writing by the Commission. ~~Tenants who are authorized to dispense Fuel shall report all fueling activity, whether or not a landing fee was due.~~

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The Tenant shall attach to the report copies of invoices from the Fuel supplier that are signed and dated by the person who supplied or delivered the Fuel to the Tenant.

If the lease is expired or terminated or if the Tenant abandons the property prior to the expiration or termination of the lease, the Tenant is not released from the responsibility for payments and reports of Fuel flowage fees due to the Commission. Monthly fuel flowage reports may be adjusted by a Commercial Tenant pursuant to the provisions of Section 2.3(b)(4).

~~Military Tenants are not subject to the requirements of this Section 3.3.~~

**SECTION 4 – ST. PAUL DOWNTOWN AIRPORT, FLYING CLOUD AIRPORT, AND ANOKA COUNTY-
BLAINE AIRPORT LANDING FEE**

4.1 Landing Fee

a. Payment of Landing Fee

~~The operators~~Operators of all fixed-wing aircraft that use Jet-A Fuel, ~~including those that are Based Aircraft, other than~~excluding operators of Military Aircraft, shall pay a landing fee for each landing of such aircraft at:

- ~~St. Paul Downtown~~Airport in an amount equal to one hundred and ten percent (110%) of the then current estimated compensatory field and runway use fee charged to Signatory Airlines at MSP;
- ~~Flying Cloud Airport in an amount equal to one hundred and five percent (105%) of the then current estimated compensatory field and runway use fee charged to Signatory Airlines at MSP; and at~~
- ~~Anoka County-Blaine~~Airport in an amount equal to one hundred percent (100%) of the then current estimated compensatory field and runway use fee charged to Signatory Airlines at ~~Minneapolis-St. Paul International Airport;~~ provided that the landing fee shall be no less than the amount set forth in the attached Rent and Fee ScheduleMSP.

~~The operators of all fixed-wing aircraft that use Jet-A Fuel, including those that are Based Aircraft, other than operators of Military Aircraft, shall pay a landing fee for each landing of such aircraft at Flying Cloud Airport and Anoka County-Blaine Airport in an amount equal to ninety percent (90%) of the then current estimated compensatory field and runway use fee charged to Signatory Airlines at Minneapolis-St. Paul International Airport; provided that the landing fee shall be no less than the amount set forth in the attached Rent and Fee Schedule.~~

Operators of fixed wing aircraft that use Jet-A Fuel shall not be required to pay this landing fee when ~~conducting pilot check flights or maintenance flights required by the federal government; other operations conducted as a requirement of the federal government; flight training touch and go operations; operations conducted by those~~the

408 flight is made for the purpose of providing medical services, such as transportation of
409 organs or patients in the course of business; Lifeguard flights; Repositioning Flights; or
410 other similar operations approved by the Executive Director.

411
412 b. Collection

413 All landing fees shall be paid to an FBO at the respective Reliever Airport prior to release
414 and clearance of such aircraft for departure from the respective Reliever Airport, or paid
415 ~~on a monthly basis~~ to such FBO, if pre-arranged with the FBO, ~~except~~ Alternatively, a
416 Based Tenant may pay the Commission directly, if approved by the Director of Reliever
417 Airports.

418
419
420 c. ~~_____~~ Late Fees

421
422 ~~Any landing fee payment not received from the FBO or Based Tenant within thirty (30) days~~
423 ~~of the due date shall accrue interest at the rate of one and a half percent (1.5%) per~~
424 ~~month, measured from the due date until paid in full.~~ Collection Cost Refund

425
426 Within one hundred and eighty (180) days after the first business day of each calendar
427 year, the Commission will refund to each FBO at a Reliever Airport an amount equal to
428 two percent (2%) of the total landing fees paid by the FBO to the Commission in the
429 previous calendar year. Such refund is intended to offset the cost incurred by the FBO in
430 collecting landing fees on behalf of the Commission.

431
432 4.2 Reports and Payments

433
434 a. Reports

435 FBOs at the St. Paul Downtown Airport, Flying Cloud Airport, and Anoka County-Blaine
436 Airport shall, by the last day of each calendar month, report to the Commission the
437 number of all aircraft using Jet-A Fuel that have landed at the respective Reliever Airport
438 during the previous calendar month and that have parked at apron areas assigned to and
439 under the control of such FBO or reported their landing to such FBO. Based Tenants
440 approved by the Director of Reliever Airports shall, by the last day of each ~~calendar~~
441 month, report to the Commission the number of all aircraft, ~~using Jet-A Fuel~~, operated by
442 the Based Tenant ~~and using Jet-A Fuel~~, that have landed at the St. Paul Downtown
443 Airport, Flying Cloud Airport, and Anoka County-Blaine Airport the previous ~~calendar~~
444 month. Reports shall include the type of aircraft by Federal Aviation Administration
445 approved gross certificated maximum landing weights, the number of landings and take-
446 offs made by such aircraft during the month of reporting, and the landing fee charge due
447 and owing in respect to such aircraft.

448
449
450 b. Payments

451 Together with such report, the FBO and any Based Tenant approved by the Director of
452 Reliever Airports shall remit to the Commission payment of all landing fees reported and
453 to be paid pursuant to this Ordinance, whether or not collected from the aircraft
454 operator.

457 **SECTION 5 – ~~SUBLEASE~~NON-AVIATION/COMPLEMENTARY BUSINESS LICENSE FEE**

458
459 **5.1 – ~~Applicability~~**

460
461 ~~Storage Tenants, other than Military Tenants, who have entered into a sublease license~~
462 ~~agreement with the Commission and who sublease space within a hangar shall pay an~~
463 ~~applicable Sublease Fee, as set forth in Chart E of the attached Rent and Fee Schedule, for each~~
464 ~~aircraft for which the Storage Tenant subleases space.~~

465
466 **5.2 – ~~Exemptions~~**

467
468 ~~Storage Tenants are not required to pay a Sublease Fee for aircraft registered with the Federal~~
469 ~~Aviation Administration in the respective Storage Tenant's name, or in the name of a Related~~
470 ~~Entity or Immediate Family Member, and that are stored within the particular hangar. Storage~~
471 ~~Tenants shall provide written documentation, satisfactory to the Commission, to justify any~~
472 ~~such exemptions.~~

473
474 **5.3 – ~~Payments~~**

475
476 ~~Storage Tenants shall pay the annual Sublease Fees on a quarterly basis, with payment for~~
477 ~~January, February, and March due by May 1 of that calendar year; April, May, and June due~~
478 ~~by August 1 of that calendar year; July, August, and September due by November 1 of that~~
479 ~~calendar year; and October, November, and December due by February 1 of the following~~
480 ~~calendar year.~~

481 ~~The Storage Tenant will be required to pay a pro-rata portion of the annual Sublease Fee for~~
482 ~~each quarter during which any sublease activity occurs and for each aircraft for which the~~
483 ~~Storage Tenant subleases space during that quarter, regardless of whether the sublease~~
484 ~~activity continues for the entire quarter.~~

485
486
487 **SECTION 6 – ~~NON-AVIATION/COMPLEMENTARY BUSINESS LICENSE FEE~~**

488
489 Commercial Tenants ~~whethat~~ have entered into a Non-Aviation/Complementary Business License
490 Agreement with the Commission shall pay a Non-Aviation/Complementary Business License Fee as
491 set forth in Chart ~~FE~~ of the attached Rent and Fee Schedule ~~for the next month by the last day of the~~
492 ~~current month, unless otherwise notified by the Commission in writing of different payment dates.~~

493
494 **SECTION ~~76~~ – FACILITY ACQUISITION FEE**

495
496 **~~7.1 – Applicability~~**

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6.1 Applicability

Tenants, ~~other than~~ excluding Military Tenants, ~~who~~ that acquire an existing facility on a Reliever Airport shall pay a Facility Acquisition Fee, at the time of lease transfer, of 50% of the per square foot ground rent annual rate set forth in Chart A of the attached Rent and Fee Schedule. Storage Tenants shall pay the lesser of the 50% rate applied per square foot of total Leased Area, or applied per square foot of 125% of the building footprint area. Commercial Tenants shall pay the rate per square foot of the building footprint area. However, if the Leased Area of any lease includes a Fuel system, the total area required for the Fuel system, inclusive of regulatory setbacks, shall be included in the calculation of the Facility Acquisition Fee.

~~Under no circumstance shall~~ if, using the calculation above, the Facility Acquisition Fee would be less than the Administration Fee for a standard assignment, ~~as~~ set forth in Chart ~~G~~ F of the attached Rent and Fee Schedule, then the Tenant must pay the amount of the Administration Fee for a standard assignment, rather than the amount calculated.

The Facility Acquisition Fee will apply to a lease transfer under the "Transfer" section, as amended, of lease forms entered into after January 1, 2008, and will apply to any assignment of the lease, for any reason, with or without consideration, including:

- A change of ownership or voting control, including a change in the name(s) on the lease, where there is a change of 50% or more (e.g., if only one name is on the lease, and that party wishes to add an additional name, a 50% change would occur, and the fee would apply);
- A transfer for estate-planning purposes (e.g., into a trust), or as a result of death;
- A change in name(s) (e.g., as a result of divorce), where the disposition change is a result of a court order, and there is a change of 50% or more;
- A transfer as part of a bankruptcy; or
- A transfer through a contract for deed.

~~7.2~~ 6.2 Exception

The Facility Acquisition Fee will not apply in the following situation:

- A transfer to an Immediate Family Member, including a transfer to an Immediate Family Member for estate-planning purposes (e.g., into a family trust), or a transfer to an Immediate Family Member as a result of death.

SECTION 87 – ADMINISTRATION FEE

7.1 Applicability

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547

548 ~~8.1~~ Applicability

549 An Administration Fee, as set forth in Chart ~~GF~~ of the attached Rent and Fee Schedule, shall
550 be paid by a Tenant or prospective Tenant, ~~other than~~except Military Tenants, for costs
551 associated with the review and processing of lease requests and transactions.

552

553 An Administration Fee is applicable to all requests and transactions that require Commission
554 authorization or consent, with the exception of the following: the generation of a new lease
555 executed at the time of construction in a new building area; the renewal of an existing lease;
556 the execution of a sewer and water amendment; a lease amendment to correct a
557 discrepancy in the lease; or the execution of a lease transfer or new lease if a Facility
558 Acquisition Fee, as described in Section ~~76~~, applies. Commission staff shall determine the
559 type of lease request or transaction and the corresponding Administration Fee.

560

561 ~~8.2~~ Additional Amounts

562

563 Commission staff may charge an additional amount, sufficient to cover its costs, if the costs
564 associated with the review and processing of a lease request or transaction exceed the
565 amount of the Administration Fee, such as for a transaction involving significant legal work.
566 If the Commission assumes the responsibility for issuing building permits in the future, the
567 Commission reserves the right to charge an additional amount, sufficient to cover the costs
568 of the permitting process.

569

570 SECTION 9 – WAITING LIST FEE

571 ~~9.1~~ Applicability

572

573 ~~Any prospective Tenant, other than a prospective Military Tenant, wishing to have a name~~
574 ~~held on a list for future hangar space that has been identified to be completed within three~~
575 ~~(3) years in the Commission's capital improvement program shall pay a Waiting List Fee as set~~
576 ~~forth in the attached Rent and Fee Schedule.~~

577

578 ~~9.2~~ Fee Administration and Refundability

579

580 ~~The Waiting List Fee amount paid will bear simple interest at the Commission's average annual~~
581 ~~percentage rate of return for the period during which the Waiting List Fee remains with the~~
582 ~~Commission. The Waiting List Fee will remain with the Commission until a lease is offered to~~
583 ~~the prospective Tenant, or until the Tenant or prospective Tenant requests the name be~~
584 ~~removed from the list. The Waiting List Fee, plus any interest, will apply toward the first year~~
585 ~~building area assessment, if the area is developed by the Commission and the prospective~~
586 ~~Tenant signs a lease with the Commission, or refunded fully, with interest, to the prospective~~
587 ~~Tenant, if the area is developed by a developer and the prospective Tenant enters into a lease~~
588 ~~with that developer.~~

589

590 ~~If the prospective Tenant is offered a lease and rejects the offer, but wishes to remain on the~~
591 ~~list, the prospective Tenant will be placed at the bottom of the list, and the Waiting List Fee~~
592 ~~will remain with the Commission until another lease is offered to the prospective Tenant. The~~
593 ~~Waiting List Fee is fully refundable, with any interest, under the following circumstances: (1)~~

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the prospective Tenant dies, the decedent's name is removed from the list, and the decedent's estate requests a refund of the Waiting List Fee; (2) the prospective Tenant has not been offered a lease, has not rejected an offer, requests the name be removed from the list, and the Waiting List Fee has been paid in full for more than three (3) years; or (3) the prospective Tenant has lost an airman's medical certificate, and requests the name be removed from the list. The Waiting List Fee is refundable at 50%, without interest, within the first three (3) years, if the Waiting List Fee has been paid in full and the prospective Tenant requests the name be removed from the list.

SECTION 108 – FLYING CLUBS

108.1 Flying Club Activities

Flying Clubs shall be responsible for the activities of their members. Flying Clubs shall comply with all applicable federal, state and local requirements for Flying Clubs and aeronautical activity.

108.2 Flying Club Records

The Commission shall have access to all Flying Club records, including but not limited to the Flying Club's financial records, any tax statements, records relating to membership, and any flight instruction conducted in club aircraft. The Commission shall also have access to the logbooks of all Flying Club members.

10.3 Flying Club Reports

Flying Clubs shall submit to the Commission a copy of all reports other than taxes, required by the state or federal government for Flying Clubs within thirty (30) days of the due date to the state or federal government. Failure to provide the reports to the state or federal government, whether or not waived by the governmental entity, does not release the Tenant from the obligation to provide the reports to the Commission as required under this Ordinance.

SECTION 119 – AUDITS

11.1 Subleasing

The Commission has the right, upon reasonable request, to inspect the Tenant's hangar and audit the number of aircraft using space within the hangar, to determine the number of aircraft, if any, for which the Tenant subleases space. This provision does not apply to Military Tenants.

11.2 Fuel Flowage Fees

The Commission has the right at any time during the business day, upon reasonable request, to inspect the Tenant's Fuel pumps, Fuel supplier invoices and business records to ascertain the veracity of Tenant's reports.

Public Hearing Draft July 15, 2024

Ordinance No. ~~119~~

Reliever Airports Rates and Charges Ordinance

Effective ~~July~~ January 1, 2014 2025

642 ~~— The Commission may at any time require an inventory and audit of the Tenant's dealings in~~
643 ~~Fuel to be made by an auditor designated by the Commission. If, as a result of such inventory~~
644 ~~and audit, a deficiency of five percent (5%) or more is disclosed in the Tenant's Fuel flowage~~
645 ~~reports or payments, the cost of such audit shall be borne by the Tenant. The Tenant shall~~
646 ~~remit payment to the Commission for any amounts underreported, plus interest according to~~
647 ~~Section 12.2.~~

648
649 ~~11.3~~ Landing Fees

650
651 ~~— The Commission has the right at any time during the business day, upon reasonable request,~~
652 ~~to inspect the records of FBOs as to operations from the apron area assigned to and under the~~
653 ~~control of each such operator or the records of a Based Tenant, to ascertain the veracity of~~
654 ~~the landing fee reports. Such records shall be organized in date order and shall include~~
655 ~~itemized transactions and operations that document landing fees, including aircraft~~
656 ~~registration numbers. Upon the Commission's request, the FBO or Based Tenant shall provide~~
657 ~~the logbooks that document any exception to landing fees due. If, as a result of such~~
658 ~~inspection and audit, a deficiency of five percent (5%) or more is disclosed, the cost of such~~
659 ~~audit shall be borne by the FBO or Based Tenant. The FBO or Based Tenant shall remit~~
660 ~~payment to the Commission for any amounts underreported, plus interest according to~~
661 ~~Section 12.2.~~

662
663 ~~11.4~~ Other Records

664
665 ~~— The Commission has the right, upon reasonable request, to audit Tenant's books and records~~
666 ~~as authorized by Tenant's lease.~~

667
668 **SECTION ~~12~~10 – PENALTIES**

669
670 ~~12.1~~ Sublease Violation

671
672 ~~— If the Commission determines that a Tenant is subleasing space within a hangar in violation of~~
673 ~~the Tenant's lease or sublease license agreement, the Tenant shall pay a penalty of two (2)~~
674 ~~times the current rate set forth in Chart E of the attached Rent and Fee Schedule, retroactive~~
675 ~~to January 1 of the current calendar year, for each aircraft for which the Tenant is subleasing~~
676 ~~space in violation of the Tenant's lease or sublease license agreement.~~

677 10.1

678 ~~12.2~~ Interest on Late Payments

679
680 For any rents or fees due under this Ordinance, a Tenant shall pay a penalty for late or
681 delinquent payments of twelve percent (12%) per annum on any past due balance calculated
682 from the date the amount is due until the close of the business day upon which the
683 delinquent payment is received by the Commission.

684
685 ~~12.3~~ 10.2 Misdemeanor

686
687 Any person violating any of the provisions of this Ordinance shall upon conviction be
688 punished by sentence within the parameters of the maximum penalty for
689 misdemeanors set forth in Minn. Stat. § 609.03, or as may be amended.

690

Public Hearing Draft July 15, 2024

Ordinance No. 49

Reliever Airports Rates and Charges Ordinance

Effective January 1, 2025

691 ~~12.410.3~~ Other Actions Not Precluded

692
693 ~~_____~~ The penalties prescribed under this Ordinance in no way preclude the Commission
694 ~~_____~~ from taking any other civil action authorized under the Tenant's lease or by law.
695

696 **SECTION ~~1311~~ – RENTS AND FEES ADJUSTMENT**

697
698 ~~1311.1~~ Annual Rate Adjustments

699
700 ~~a.~~ a. Storage Tenant Per-Square-Foot Ground Rent

701
702 Storage Tenant per-square-foot ground rent will be adjusted on the anniversary date of
703 the Storage Tenant's lease during each applicable year, according to the attached Rent
704 and Fee Schedule.

705
706 b. Commercial Tenant Rent

707
708 Commercial Tenant rents in the Rent and Fee Schedule will be adjusted on January 1 of
709 each year, according to the attached Rent and Fee Schedule.

710
711 c. Fuel Flowage Fees

712
713 Fuel flowage fees will be adjusted on January 1 of each year, according to the attached
714 Rent and Fee Schedule.

715
716 d. Sublease Fees

717
718 ~~_____~~ The Sublease Fee will be adjusted on January 1 of each year, according to the attached
719 ~~_____~~ Rent and Fee Schedule.

720
721 ~~e.~~ Non-Aviation/Complementary Business License Fee

722
723 The Non-Aviation/Complementary Business License Fee will be adjusted on January 1 of
724 each year, according to the attached Rent and Fee Schedule.

725
726 ~~1311.2~~ Post ~~2017~~2030 Adjustments

727
728 If the rents and fees in Charts A, B, C, D, E, ~~F,~~ and ~~GF~~ of the attached Rent and Fee Schedule
729 are not modified by the Commission before December 31, ~~2017~~2030, the rents and fees shall
730 be increased in the same manner and at the same percentage rates per year until the
731 Commission determines other rates and fees. ~~This means that the operations and~~
732 ~~maintenance component of the ground rent rates in~~ Charts A, B, and C shall be increased at
733 three percent (3%) per year, ~~and the preservation component of the ground rent rates in~~
734 ~~Charts A, B, and C shall be increased at five percent (5%) per year~~; the Fuel Flowage Fees ~~and~~
735 ~~the Sublease Fee~~ shall be increased at four percent (4%) per year; and the Non-
736 Aviation/Complementary Business License Fee and the Administration Fee shall be increased
737 at three percent (3%) per year.
738

Public Hearing Draft July 15, 2024

Ordinance No. 119

Reliever Airports Rates and Charges Ordinance

Effective January 1, 2014 2025

739 ~~13~~11.3 Commission Action

740 The Commission may reevaluate and adjust the rates and fees set forth in the attached Rent
741 and Fee Schedule by Commission action. In making a decision to adjust rates, the
742 Commission shall consider state and federal mandates and policy (e.g., in light of security
743 mandates or extraordinary environmental costs), as well as the requirements of this
744 Ordinance. Written notice will be provided to Tenants of public meetings to address rents
745 and fees and of any new rents and fees adopted by the Commission.
746

747 **SECTION 12 – AMENDMENTS TO ORDINANCE 115**

749
750 12.1 Ordinance 115

751 All defined terms used in this Section 12 are given those definitions included in Ordinance
752 115. As of the effective date of this Ordinance, the following sections of Ordinance 115 are
753 deleted and re-stated as follows:

754
755
756 ~~12.2~~14 Section 4.4: Fuel Flowage Fees

757 Fixed Base Operators that are authorized to dispense Fuel at the Airport shall pay the Fuel
758 Flowage Fees stated in Chart D4 of Ordinance No. _____ for every gallon of Fuel sold or
759 delivered by the Fixed Based Operator at the Airport, regardless of Fuel type, including Fuel
760 sold or delivered to customers, subsidiaries, licensees, or subtenants of the Fixed Base
761 Operator at the Airport, and customers, subsidiaries, licensees, or subtenants of a subtenant
762 of the Fixed Base Operator at the Airport. Additionally, into-plane fuel provided by a Fixed
763 Base Operator is subject to the Fuel Flowage Fees stated in Chart D4 of Ordinance No. _____.

764
765 Into-Plane Fuel Providers operating at the Airport shall pay the Fuel flowage fees stated in
766 Schedule A-2 of Ordinance No. 115 for every gallon of Fuel sold or delivered by the Into-
767 Plane Fuel Provider at the Airport, including Fuel sold or delivered to customers, subsidiaries,
768 licensees, or subtenants of the Into-Plane Fuel Providers.

769
770 Notwithstanding the foregoing, Fuel Flowage Fees shall not apply to fuel supplied to Military
771 Aircraft, aircraft operated by Signatory Airlines, or aircraft which are fueled while using gates
772 at either the Terminal 1-Lindbergh or Terminal 2-Humphrey.

773
774 Fuel Flowage Fees for Into-Plane Fuel Providers will be adjusted periodically as set forth in
775 Section 4.6(b).

776
777 Fuel Flowage Fees for Fixed Base Operators at the Airport will be adjusted periodically as set
778 forth in Section 11 of Ordinance No. _____.

779
780
781 12.3 Section 4.6(b): Fuel Flowage Fees Paid by Into-Plane Fuel Providers

782 Fuel Flowage Fees paid by Into-Plane Fuel Providers will be adjusted on January 1 of each
783 year, according to the attached Schedule A-2. The Commission may, however, reevaluate and
784 adjust the rates and fees in the attached Schedule A-2 by Commission action. If the Fuel
785 Flowage Fees paid by Into-Plane Fuel Providers on the attached Schedule A-2 are not
786 modified by the Commission before December 31, 2018, the rents and fees shall be
787

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Ordinance No. ~~119~~

Reliever Airports Rates and Charges Ordinance

Effective ~~July~~ January 1, 2014 2025

788 ~~increased in the same manner and at the same percentage rates per year until the~~
789 ~~Commission determines other rates and fees. This means that the Fuel Flowage Fees paid by~~
790 ~~Into-Plane Fuel Providers shall be increased at four percent (4%) per year. If the Commission~~
791 ~~plans deviate from Schedule A-2 through Commission action, it will send out notice 15 days~~
792 ~~in advance of the public meeting to affected parties.~~

794 12.4 Schedule A-2: Into-Plane Fuel Provider Fuel Flowage Fees (rates per gallon)

795

	<u>2025</u>	<u>2026</u>	<u>2027</u>	<u>2028</u>	<u>2029</u>	<u>2030</u>
<u>MSP</u>	<u>\$0.160</u>	<u>\$0.167</u>	<u>\$0.173</u>	<u>\$0.180</u>	<u>\$0.187</u>	<u>\$0.195</u>

796 **SECTION 13 – GENERAL PROVISIONS**

797 4413.1 Additional Tenant Charges

800 a. Assessments and Other Fees

801 This Ordinance has no applicability to assessments or other fees that the Tenant is
802 required to pay on the date this Ordinance takes effect. All such assessments and fees
803 remain in effect.

804 b. Special Rent Assessment

805 The Commission is authorized to charge Special Rent Assessments to Tenants consistent
806 with Minn. Stat. § 473.651 for Reliever Airport projects or services, over and above those
807 contemplated by a Tenant's lease, which benefit the Tenant, charged on a basis uniform
808 and consistent with those of other Tenants at the Reliever Airports. The Commission's
809 Executive Director is authorized to create procedures to implement Special Rent
810 Assessments. Such procedures shall include notice to affected Tenants and opportunity
811 to comment prior to imposition of any such assessment.

812 4413.2 Provisions Severable

813 If any part or parts of this Ordinance is declared unconstitutional or invalid, this does not
814 affect the validity of the remaining parts of this Ordinance. The Commission declares it
815 would have passed the remaining parts of this Ordinance without the unenforceable
816 provisions.

817 4413.3 Notice

818 Any notice required by this Ordinance is sufficient if delivered ~~in person, sent as provided~~ by
819 ~~U.S. mail to the last address on file~~ notice provisions of the Tenant's Lease with the
820 Commission, ~~or transmitted by facsimile to the last facsimile number on file with the~~
821 Commission.

822 4413.4 Amendment

823 Ordinance No. ~~107~~119 is amended and restated on the date this Ordinance takes effect.

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Ordinance No. ~~119~~ _____

— Reliever Airports Rates and Charges Ordinance

Effective ~~July~~ January 1, ~~2014~~ 2025

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413.5 Effective Date

This Ordinance is effective ~~July~~ January 1, ~~2014~~ 2025.

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Public Hearing Draft July 15, 2024
 Ordinance No. ~~119~~
 Reliever Airports Rates and Charges Ordinance
 Effective ~~July~~ January 1, 2014 ~~2025~~

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RENT AND FEE SCHEDULE

Chart A – Per-Square Foot Ground Rent (annual rate per square foot)

	2012 <u>2020</u>	2013 <u>2026</u>	2014 <u>2027</u>	2015 <u>2028</u>	2016 <u>2029</u>	2017 <u>2030</u>
St. Paul	\$0.6239 <u>4</u>	\$0.64396	\$0.66499	0.685 <u>\$1.02</u>	0.708 <u>\$1.05</u>	0.734 <u>\$1.08</u>
Flying Cloud	\$0.5347 <u>9</u>	\$0.54882	\$0.56684	\$0.58587	\$0.60489	\$0.62492
Anoka County	\$0.5347 <u>9</u>	\$0.54880	\$0.56681	\$0.58582	\$0.60483	\$0.62484
Crystal	\$0.4657 <u>0</u>	\$0.48072	\$0.49674	\$0.51376	\$0.53079	\$0.54781
Airlake	\$0.3996 <u>2</u>	\$0.41365	\$0.42767	\$0.44470	\$0.45672	\$0.47475
Lake Elmo	\$0.3996 <u>1</u>	\$0.41362	\$0.42764	\$0.44466	\$0.45668	\$0.47470

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Chart B – Commercial Ground Rent without percentage (annual rate, per square foot)

	2012 <u>2020</u>	2013 <u>2026</u>	2014 <u>2027</u>	2015 <u>2028</u>	2016 <u>2029</u>	2017 <u>2030</u>
St. Paul	\$0.4577 <u>3</u>	\$0.47277	\$0.48881	\$0.50483	\$0.52186	\$0.53888
Flying Cloud	\$0.3936 <u>4</u>	\$0.40667	\$0.42070	\$0.43472	\$0.44874	\$0.46477
Anoka County	\$0.3935 <u>9</u>	\$0.40662	\$0.42066	\$0.43467	\$0.44868	\$0.46470
Crystal	\$0.3475 <u>2</u>	\$0.35954	\$0.37157	\$0.38359	\$0.39760	\$0.41062
Airlake	\$0.2354 <u>6</u>	\$0.24348	\$0.25251	\$0.26152	\$0.27154	\$0.28056
Lake Elmo	\$0.2354 <u>4</u>	\$0.24345	\$0.25246	\$0.26148	\$0.27149	\$0.28051

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Chart C – Commercial Ground Rent with percentage * (annual rate, per square foot)

	2012 <u>2020</u>	2013 <u>2026</u>	2014 <u>2027</u>	2015 <u>2028</u>	2016 <u>2029</u>	2017 <u>2030</u>
St. Paul	\$0.30752 <u>5</u>	\$0.31857	\$0.32962	\$0.34064	\$0.35266	\$0.36468
Flying Cloud	\$0.29448	\$0.30452	\$0.31556	\$0.32658	\$0.33760	\$0.34961
Anoka County	\$0.20238	\$0.20944	\$0.21751	\$0.22552	\$0.23454	\$0.24255
Crystal	\$0.20234	\$0.20937	\$0.21740	\$0.22541	\$0.23442	\$0.24243

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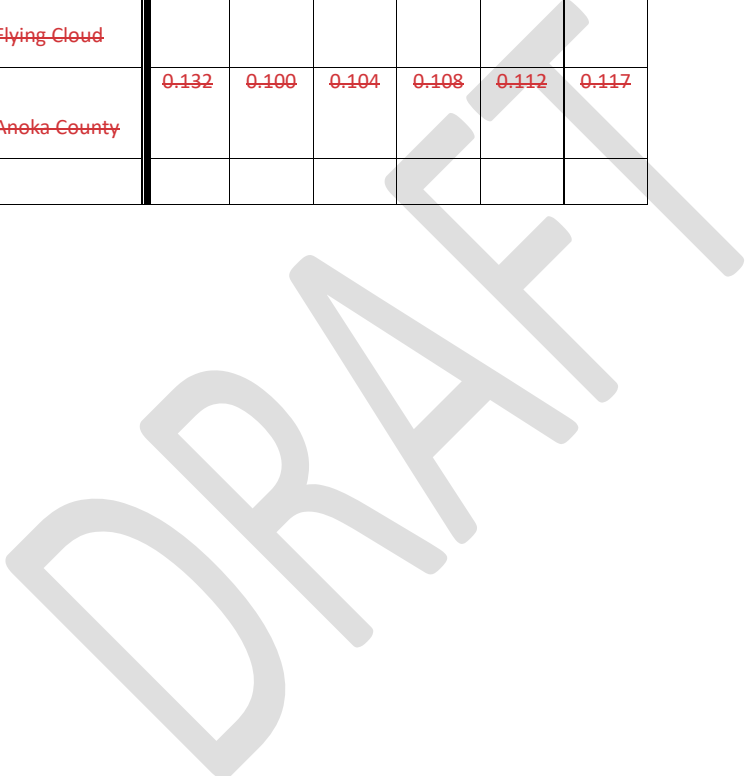
Airlake	\$0.17630	\$0.18232	\$0.18934	\$0.19635	\$0.20436	\$0.21237
Lake Elmo	\$0.17628	\$0.18228	\$0.18928	\$0.19629	\$0.20430	\$0.21231

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Chart D1 – Fuel Flowage Fees for Jet A at STP, FCM, and ANE (rate per gallon)

2025	2012 2026	2013 2027	2014 2028	2015 2029	2016 2030	Deleted Cells
St. Paul	\$0.13216	\$0.10017	\$0.10417	\$0.10818	\$0.11219	\$0.11719
Flying Cloud	0.132	0.100	0.104	0.108	0.112	0.117
Anoka County	0.132	0.100	0.104	0.108	0.112	0.117

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Reliever Airports Rates and Charges Ordinance

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860 **Chart D2 – Fuel Flowage Fees for 100 Low Lead, and for Jet A at LVN, MIC, and 21D (rate per gallon)**

861

2025	20122026	20132027	20142028	20152029	20162030	Deleted Cells
St. Paul	\$0.13217	\$0.13718	\$0.14219	\$0.14820	\$0.15420	\$0.16021
Flying Cloud	0.132	0.137	0.142	0.148	0.154	0.160
Anoka County	0.132	0.137	0.142	0.148	0.154	0.160
Crystal	0.105	0.109	0.114	0.118	0.123	0.128
Airlake	0.105	0.109	0.114	0.118	0.123	0.128
Lake Elmo	0.105	0.109	0.114	0.118	0.123	0.128

862

863 ** Plus applicable percentage rate on annual calendar year Net Gross Revenue per Section 2.2.b.*

864

865

866 **Chart E – Sublease Fee (annual rate per aircraft)**

867

868 **Chart D3 – Fuel Flowage Fees for Reliever Airports AvGas (rate per gallon)**

870

2025	20122026	20132027	20142028	20152029	20162030	2017	Deleted Cells
Single Engine / Turbo Prop / Reciprocating \$0.22	182.50\$0.23	189.80\$0.24	197.39\$0.25	205.29\$0.26	213.50\$0.27	222.04	
Twin Engine / Turbo Prop / Reciprocating	365.00	379.60	394.78	410.58	427.00	444.08	
Turbo Jet Engine	730.00	759.20	789.57	821.15	854.00	888.16	

871

872

873 **Chart F – Non Aviation/Complementary Business License Fee (monthly rate)**

874

875 **Chart D4 – Fuel Flowage Fees for MSP Fixed Base Operators, all Fuel types (rate per gallon)**

876

2025	20122026	20132027	20142028	20152029	20162030	2017	Deleted Cells
\$0.22 All Reliever Airports	173.89\$0.23	179.11\$0.24	184.48\$0.25	190.01\$0.26	195.71\$0.27	201.59	

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Effective ~~July~~ January 1, 2014 ~~2025~~

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Chart G – Administration – Non-Aviation/Complementary Business License Fee ****** (monthly rate per request or transaction)

	<u>2012</u> 2025	<u>2013</u> 2026	<u>2014</u> 2027	<u>2015</u> 2028	<u>2016</u> 2029	<u>2017</u> 2030
Approval of Tenant Modification to Leased Area	105.00	108.15	111.39	114.74	118.18	121.72
Consent to Leasehold Mortgage and Subordination Agreement	115.00	118.45	122.00	125.66	129.43	133.32
Consent to Sublease – Commercial Lease	243.00	250.29	257.80	265.53	273.50	281.70
<u>All Reliever Airports Standard Amendment</u>	<u>185</u> \$180.00	<u>190.55</u> \$185.40	<u>196.27</u> \$190.96	<u>202.15</u> \$196.69	<u>208.22</u> \$202.59	<u>214.47</u> \$208.67
Standard Assignment	185.00	190.55	196.27	202.15	208.22	214.47
Standard Termination	105.00	108.15	111.39	114.74	118.18	121.72

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** Plus additional amount, if applicable, per Section 8.2.

Other Fees

Minimum Landing Fee at STP, FCM & ANE **\$20.00**

Waiting List Fee **\$500.00**

Chart F – Administration Fee (rate per request or transaction)

	<u>2025</u>	<u>2026</u>	<u>2027</u>	<u>2028</u>	<u>2029</u>	<u>2030</u>
Approval of Tenant Modification to Leased Area	<u>\$190</u>	<u>\$196</u>	<u>\$202</u>	<u>\$208</u>	<u>\$214</u>	<u>\$220</u>
Consent to Leasehold Mortgage and Subordination Agreement*	<u>\$180</u>	<u>\$185</u>	<u>\$191</u>	<u>\$197</u>	<u>\$203</u>	<u>\$209</u>

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<u>Consent to Sublease – Commercial Lease</u>	<u>\$265</u>	<u>\$273</u>	<u>\$281</u>	<u>\$290</u>	<u>\$298</u>	<u>\$307</u>
<u>Standard Amendment</u>	<u>\$290</u>	<u>\$299</u>	<u>\$308</u>	<u>\$317</u>	<u>\$326</u>	<u>\$336</u>
<u>Standard Assignment</u>	<u>\$290</u>	<u>\$299</u>	<u>\$308</u>	<u>\$317</u>	<u>\$326</u>	<u>\$336</u>
<u>Standard Termination</u>	<u>\$200</u>	<u>\$206</u>	<u>\$212</u>	<u>\$219</u>	<u>\$225</u>	<u>\$232</u>

*If legal review for these documents exceeds one hour of work, the actual cost of the review will be billed, rather than the Chart F rate.

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METROPOLITAN AIRPORTS COMMISSION

ORDINANCE No. 115

AIRFIELD USE AND TERMINAL 2-HUMPHREY ORDINANCE

Adopted by Commission: August 27, 2012
Effective Date: January 1, 2013
Amended by Ordinance No. _____.
Amendment Effective Date: January 1, 2025

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Metropolitan Airports Commission

ORDINANCE NO. 115

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50

METROPOLITAN AIRPORTS COMMISSION

ORDINANCE NO. 115

AIRFIELD USE AND TERMINAL 2-HUMPHREY ORDINANCE

An Ordinance to promote and conserve public safety, health, peace, convenience and welfare, to provide regulation on use of the Minneapolis-St. Paul International Airport – Wold – Chamberlain Field and to control the loading and unloading of passengers and freight thereat; to provide for payment of landing fees by aircraft other than signatory airlines and military aircraft; to provide for payment of Facility Use Fees, Aircraft Parking Fees, and Federal Inspections Services Facility Use Fees at Terminal 2-Humphrey; prescribing the penalty for violation thereof; and to repeal Commission Ordinance No. 96.

The Metropolitan Airports Commission does ordain:

SECTION 1 – DEFINITIONS.

- 1.1 Aircraft Parking Fees. The fees, established by the Commission or as from time to time amended, to be charged to the operator of aircraft parking at the Airport ramps adjacent to the Terminal 2-Humphrey, copy of the applicable fee schedule to be on file at all times within the Terminal 2-Humphrey and to be furnished on request by the Terminal 2-Humphrey Agent to the operator of aircraft incident to use of said facilities.
- 1.2 Airport. Minneapolis-St. Paul International Airport, Wold-Chamberlain Field, a public airport under the supervision, operation, direction and control of the Metropolitan Airports Commission, and located in the County of Hennepin and State of Minnesota.
- 1.3 Category I Aircraft. Aircraft with FAA approved maximum certificated gross landing weight less than or equal to 80,000 pounds.
- 1.4 Category II Aircraft. Aircraft with FAA approved maximum certificated gross landing weight greater than 80,000 pounds but less than or equal to 230,000 pounds.
- 1.5 Category III Aircraft. Aircraft with FAA approved maximum certificated gross landing weight greater than 230,000 pounds.
- 1.6 Commission. The Metropolitan Airports Commission (“MAC”), a public corporation organized and operating pursuant to Chapter 500, Laws of Minnesota 1943 and amendments thereto.
- 1.7 Common Ticket Counters. Ticket counters that are not leased.
- 1.8 Common Use Facilities. Common Use Gate holdrooms, ramp, jetbridges, Common Ticket Counters, and shared bag claim areas.
- 1.9 Common Use Gates. Aircraft gates that are not leased.
- 1.10 Facility Use Fee. The fees established by this Ordinance, or as from time to time amended by the Commission. A copy of the applicable schedule to be furnished on request to the operator of aircraft incident to use of said facilities. Facility Use Fees include, but are not limited to, fees charged per

- 101 Operation for Common Use Gates, FIS Fees, Aircraft Parking Fees and other fees under this
102 Ordinance.
103
104 1.11 FIS. Federal Inspection Service.
105
106 1.12 Fixed Base Operator. A commercial operator at the Airport whose operations under agreement
107 with the Commission at an assigned area under his/her control encompasses some or all of the
108 following: the furnishing of services such as aircraft storage, aircraft repairs, air charter flights, and
109 sale of aircraft, aircraft parts and equipment, aviation fuel and other petroleum products for use in
110 aircraft.
111
112 1.13 Fuel. Aviation gasoline and any other gasoline, petroleum product, fuel, or other substance used
113 in the propulsion of aircraft, automobiles, trucks and other ground vehicles.
114
115 1.14 Terminal 2-Humphrey. Terminal 2-Humphrey and aircraft ramp areas adjacent thereto, said area(s)
116 being designated on a master plan of the Airport on file in the office of the Airport Director.
117
118 1.15 Terminal 2-Humphrey Agent. The operator designated by the Commission or the Commission itself,
119 who, under agreement with the Commission, has the responsibility to manage, direct, supervise and
120 to otherwise control all aircraft operations to, at or from the Terminal 2-Humphrey, and who shall
121 conduct such operations from offices therein in accordance with the Commission’s Terminal 2-
122 Humphrey Operating Policies and Procedures as amended, and under the supervision and direction
123 of the Commission.
124
125 1.16 Terminal 2-Humphrey Surcharge. The Terminal 2-Humphrey Surcharge generally covers the cost of
126 items provided by the Commission at Terminal 2-Humphrey, which are not in the judgment of the
127 Commission provided by the Commission at Terminal 1-Lindbergh. Such items include, but are not
128 limited to, passenger loading bridges, ticket counter inserts, bag belt to make-up area, ticket counter
129 signage, baggage make-up/sort device, gate podium and backwall, furniture and fixtures, FIDS, BIDS
130 and EVIDS, curbside baggage check, gate lobby interior finishes, and CUTE systems.
131
132 1.17 Into-Plane Fuel Provider. Tenant or Licensee of the Airport that is authorized to deliver fuel to
133 aircraft at MSP through the completion of a Limited Airside Services License Agreement with the
134 Commission.
135
136 1.18 Terminal 1-Lindbergh. Terminal 1-Lindbergh and the aircraft ramp areas adjacent thereto, said
137 area(s) being designated on a master plan of the Airport on file in the office of the Airport Director.
138
139 1.19 Military Aircraft. Aircraft owned and/or operated by components of the military forces of the United
140 States of America or of the State of Minnesota, making use of the Airport and paying for use of the
141 public runways, taxiways, aprons and air navigation facilities pursuant to Use Fee Agreements.
142
143 1.20 Non-Signatory Airline. Operator of aircraft that pays for use of the Airport pursuant to this
144 Ordinance, and not under a Use Fee Agreement.
145
146 1.21 Operation. An aircraft arrival to or departure from Terminal 2-Humphrey incident to the carrying of
147 passengers.
148

- 149 1.22 Signatory Airline. Operator of aircraft that pays for use of the Airport pursuant to a Use Fee
150 Agreement and, where applicable, this Ordinance.
151
- 152 1.23 Use Fee Agreements. Agreements between the Commission and Signatory Airlines and the military
153 by which the airlines and the military are charged fees for the use of public runways, taxiways,
154 aprons and air navigation facilities to defray in part the cost of development, maintenance and
155 operation thereof.
156

157 **SECTION 2. USE OF THE AIRPORT BY AIRCRAFT CARRYING CARGO OR FREIGHT.**
158

- 159 2.1 Prohibited Loading and Off-Loading Areas. No aircraft operator carrying cargo or freight not
160 incidental to the carrying of passengers, except air taxi mail flights, shall use Terminal 2-Humphrey
161 at the Airport for the parking of aircraft incident to the on-loading or off-loading of freight and cargo.
162 A representative of the Commission may authorize such aircraft operators to use such area on a
163 space available basis when unusual operational conditions exist.
164
- 165 2.2 Designated Loading or Unloading Areas. The loading or unloading of air freight, not incidental to
166 the carrying of passengers, shall be carried on at a cargo freight handling area as designated on a
167 master plan of the Airport. This provision shall not apply to airlines operating out of Terminal 1-
168 Lindbergh and Military Aircraft, who may be loaded and unloaded at their respective assigned apron
169 areas, and to air taxi mail carriers which may load or unload at Terminal 1-Lindbergh building.
170

171 **SECTION 3. USE OF THE AIRPORT.**
172

- 173 3.1 Aircraft Parking. Subject to the provisions of Section 2, the parking of aircraft incident to operations
174 to, at or from the Airport shall be limited to Fixed Base Operator locations and other areas
175 designated by the Commission for aircraft parking. Such parking shall be controlled by and subject
176 to the direction of the operator in charge of the ramp area so used.
177
- 178 Aircraft parking at Common Use Gates at the Terminal 2-Humphrey is prohibited without prior
179 approval by the Commission or its designated representative. If so approved, such parking shall be
180 subject to applicable parking fees set forth on Schedules A-1 and additional fees for the use of
181 facilities and other equipment provided by the Terminal 2-Humphrey Agent or others.
182
- 183 3.2 Loading and Unloading. The loading or unloading of passengers to or from aircraft using Common
184 Use Facilities at the Terminal 2-Humphrey shall be through the passenger lobby area and jetbridges
185 and in accordance with the Terminal 2-Humphrey Operating Procedures. All loading or unloading
186 of passengers and their luggage to or from aircraft shall be conducted by and subject to the direction
187 and control of the Commission or its designated representative in accordance with the Terminal 2-
188 Humphrey Operating Procedures.
189
- 190 3.3 Terminal 2-Humphrey. Use of the Terminal 2-Humphrey shall be according to the Terminal 2-
191 Humphrey Operating Policies and Procedures and any applicable policies adopted by the
192 Commission.
193
- 194 3.4 International Waste. Aircraft operators are responsible for the proper disposal of all international
195 waste as required by the United States Department of Agriculture ("USDA").
196

197 **SECTION 4. PAYMENT OF FEES FOR AIRCRAFT USE OF THE AIRPORT.**

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4.1 Use Fee Agreements. The operators of Signatory Airlines and Military Aircraft making use of the Airport pay charges for use of the public runways, taxiways, aprons and air navigation facilities pursuant to Use Fee Agreements.

4.2 Landing Fee. The operators of all aircraft, other than Signatory Airlines or operators of Military Aircraft, including without limiting the foregoing aircraft based at all of the Commission’s airports, shall pay a landing fee charge based on the weight of the aircraft for each landing of such aircraft at the Airport in an amount equal to one hundred twenty-five percent (125%) of the then current estimated compensatory field and runway use fee charged to Signatory Airlines; provided that the landing fee charged hereunder shall be no less than the established Minimum Landing Fee (“Minimum Landing Fee”). The Minimum Landing Fee will thereafter be indexed to the total budgeted airfield cost percentage change each year, as reflected in the Commission’s operating budget. The Minimum Landing Fee will thus be adjusted annually by Commission action through the Commission’s adoption of the operating budget, which is usually first presented to the Commission in September of each year. The adjusted amount will become effective on January 1, following the Commission’s adoption of the operating budget. Following the Commission’s adoption of the operating budget, the Commission shall provide written notice to interested parties of the adjustment to the Minimum Landing Fee, prior to its implementation.

4.3 Facility Use Fees.

(a) Establishment of Facility Use Fees. The Facility Use Fees are intended to reflect the Commission’s operating and capital costs of the Terminal 2-Humphrey or a percentage thereof (“Recoverable Costs”). Recoverable Costs are the amount of the total Terminal 2-Humphrey costs that the Commission determines shall be recovered by Terminal 2-Humphrey users each year, which may include but are not limited to costs of Common Use Gates, Common Use Ticket Counters, ramp lineal footage, Terminal 2-Humphrey Surcharge, and depreciation and interest.

1. Common Use Facilities Fee. The operator of aircraft using Common Use Gates, Common Use Ticket Counters and other Common Use Facilities at the Terminal 2-Humphrey shall pay Common Use Facilities Fee for use of that terminal building and ramp as set forth by this Ordinance. The rates established on the effective date of this Ordinance are set forth in Schedule A-1. This fee may be adjusted periodically by Commission action as set forth in Section 4.6.

The Commission shall also establish a Cap for the Common Use Facilities Fee for use of the Terminal 2-Humphrey (“Cap”) in which an aircraft operator shall pay no more than the Cap rate for each Common Use Gate. For any calendar year, the Cap shall only apply to Common Use Facilities Fee for the aircraft operator’s Operations on a single Common Use Gate and does not include FIS Charges, Landing Fees, Fuel Flowage Fees, Aircraft Parking Fees, rent for leased premises paid to MAC or any other fees payable to MAC. The Cap may be adjusted into rates for Category I, II and III Aircraft and may be adjusted periodically as set forth in Section 4.6.

245 An aircraft operator assigned an FIS accessible gate as its priority gate may be
246 reassigned to another gate to accommodate an international arrival and
247 corresponding departure. In that event, the fees incurred at the gate the aircraft
248 operator is reassigned to will apply against the Cap at the aircraft operator's
249 normally assigned priority gate. If an aircraft operator has reached the Cap on the
250 effective date of this Ordinance, the aircraft operator shall incur no more
251 Common Use Gate fees for a single gate for the calendar year.

252
253 2. Federal Inspection Services ("FIS") Facility Use Fee. In addition to Common Use
254 Facilities Fee and all other fees due under this Ordinance, the operator of aircraft
255 using the Terminal 2-Humphrey FIS facility shall pay an FIS Facility Use Fee per
256 Operation. This fee may be adjusted periodically by Commission action as set
257 forth in Section 4.6. The rates established on the effective date of this Ordinance
258 are set forth in Schedule A-1.

259
260 3. Aircraft Parking Fees. All aircraft parked in designated areas as directed by the
261 Commission or its designated representative, including but not limited to remote
262 ramp areas and parking and overnighting aircraft on Common Use Gates, shall
263 pay Aircraft Parking Fees as set forth on Schedules A-1. Parking shall mean any
264 time period an aircraft is authorized to occupy a Common Use Gate for a time
265 period longer than provided for in the Terminal 2-Humphrey Operating Policies
266 and Procedures for an Operation. No parking fees shall apply to parking on an
267 aircraft operator's priority use gate as defined in the Terminal 2-Humphrey
268 Operating Policies and Procedures. This fee may be adjusted periodically by
269 Commission action as set forth in Section 4.6.

270
271 (b) Delay Fee. If the operator of aircraft exceeds the approved occupancy times for Common
272 Use Gates as established by the Terminal 2-Humphrey Operating Policies and Procedures
273 by more than 15 minutes and that delay affects the next flight using that gate, the aircraft
274 operator shall pay additional Facility Use Fees, unless the delay is caused by circumstances
275 beyond the operator's control, including but not limited to weather, air traffic control, FIS
276 delays, or delays of earlier flights on the gate other than flights by that aircraft operator.
277 The delay fee is applicable to delays caused by mechanical problems where the aircraft
278 operator has the ability to tow the aircraft off the gate. The Commission will make the final
279 decision as to the cause of the delay.

280
281 4.4 Fuel Flowage Fees. Fixed Base Operators that are authorized to dispense Fuel at the Airport shall
282 pay the Fuel Flowage Fees stated in Chart D4 of Ordinance No. _____ for every gallon of Fuel sold
283 or delivered by the Fixed Based Operator at the Airport, regardless of Fuel type, including Fuel sold
284 or delivered to customers, subsidiaries, licensees, or subtenants of the Fixed Base Operator at the
285 Airport, and customers, subsidiaries, licensees, or subtenants of a subtenant of the Fixed Base
286 Operator at the Airport. Additionally, into-plane fuel provided by a Fixed Base Operator is subject
287 to the Fuel Flowage Fees stated in Chart D4 of Ordinance No. _____.

288
289 Into-Plane Fuel Providers operating at the Airport shall pay the Fuel flowage fees stated in
290 Schedule A-2 of Ordinance No. 115 for every gallon of Fuel sold or delivered by the Into-Plane
291 Fuel Provider at the Airport, including Fuel sold or delivered to customers, subsidiaries, licensees,
292 or subtenants of the Into-Plane Fuel Providers.

293
294 Notwithstanding the foregoing, Fuel Flowage Fees shall not apply to fuel supplied to Military
295 Aircraft, aircraft operated by Signatory Airlines, or aircraft which are fueled while using gates at
296 either the Terminal 1-Lindbergh or Terminal 2-Humphrey.

297
298 Fuel Flowage Fees for Into-Plane Fuel Providers will be adjusted periodically as set forth in Section
299 4.6(b).

300
301 Fuel Flowage Fees for Fixed Base Operators at the Airport will be adjusted periodically as set forth
302 in Section 11 of Ordinance No. ____.

303
304 4.5 Payment of Fees. Operators of aircraft will be charged for each approved use of a Common Use
305 Gate or Common Ticket Counter, whether or not they are actually used, unless cancelled in writing
306 at least 10 days in advance. All use of Common Use Facilities must be approved in advance by the
307 Commission or its designated representative.

308
309 Payment of the use fee charges shall be made prior to release and clearance of such aircraft for
310 departure from the Airport to the Fixed Base Operator having under its control the apron area at
311 the Airport used by the landing aircraft, including, in the case of aircraft landing and making use of
312 the Terminal 2-Humphrey, the Terminal 2-Humphrey Agent in charge of such facility.

313
314 Aircraft Parking Fees, landing fees, Common Use Gate fees, and FIS use fees for Operation to, at or
315 from the Terminal 2-Humphrey shall be paid to the Terminal 2-Humphrey Agent for Non-Signatory
316 Airlines prior to release and clearance of such aircraft for departure from the Airport. Such fees
317 shall be paid directly to the Commission for Signatory Airlines pursuant to payment provisions of
318 the Use Fee Agreement.

319
320 Fixed Base Operators and Into-Plane Fuel Providers shall pay Fuel flowage fees (and provide
321 reports to the Commission as described in Section 5.1) within twenty (20) days after the end of
322 each calendar month for Fuel sold or delivered (as described in Section 4.4 above) during the
323 previous calendar month, unless otherwise notified by the Commission in writing of different
324 payment dates.

325
326 4.6 Adjustment of Fees.

327
328 (a) Landing Fee and Facility Use Fees. The Commission intends to establish rates in
329 approximately September through December timeframe of each year for the upcoming
330 calendar year. In addition, the Commission may periodically adjust these fees for reasons
331 that include, but are not limited to, change in expected Operations, carrier(s) new to the
332 Terminal 2-Humphrey, unanticipated expenses, and budget adjustments. Fees remain in
333 effect until such time as changed by the Commission. The Commission shall provide notice
334 of any changes in the Facility Use Fee structure prior to its implementation.

335
336 (b) Fuel Flowage Fees. Fuel Flowage Fees paid by Into-Plane Fuel Providers will be adjusted on
337 January 1 of each year, according to the attached Schedule A-2. The Commission may,
338 however, reevaluate and adjust the rates and fees in the attached Schedule A-2 by
339 Commission action. If the Fuel Flowage Fees paid by Into-Plane Fuel Providers on the
340 attached Schedule A-2 are not modified by the Commission before December 31, 2018, the

341 rents and fees shall be increased in the same manner and at the same percentage rates per
342 year until the Commission determines other rates and fees. This means that the Fuel
343 Flowage Fees paid by Into-Plane Fuel Providers shall be increased at four percent (4%) per
344 year. If the Commission plans deviate from Schedule A-2 through Commission action, it will
345 send out notice 15 days in advance of the public meeting to affected parties.
346

347 4.7 Late Fees. Any payment not received by the Commission or the Terminal 2-Humphrey Agent within
348 thirty (30) days of the due date shall accrue interest at the rate of one and one-half percent (1 ½ %)
349 per month measured from the due date until paid in full.
350

351 **SECTION 5. REPORTS AND PAYMENTS TO THE COMMISSION.**
352

353 5.1 Reports. Fixed Base Operators, and the Terminal 2-Humphrey Agent, shall within twenty (20) days
354 after the end of each calendar month, report to the Commission covering the previous calendar
355 month as to the aircraft which have landed and parked at the apron area(s) assigned to and under
356 the control of such operator. Reports shall include the type of aircraft by Federal Aviation
357 Administration approved gross certificated maximum landing weights, the number of landings and
358 take-offs made by such aircraft during the month of reporting, and the landing fee charge due and
359 owing in respect to such aircraft. In the case of the Terminal 2-Humphrey Agent, the report shall in
360 addition include Aircraft Parking Fees, Facility Use Fees, FIS use fees and the number of aircraft
361 Operations by category using the Terminal 2-Humphrey.
362

363 Fixed Base Operators and Into-Plane Fuel Providers shall provide reports to the Commission
364 within twenty (20) days after the end of each calendar month for Fuel sold or delivered (as
365 described in Section 4.5 above) during the previous calendar month, unless otherwise notified by
366 the Commission in writing of different reporting dates. The reports shall state fueling activity for
367 the calendar month, including the number of gallons of Fuel sold or delivered broken down by
368 Fuel type, the dates on which the Fuel was supplied, the number of gallons dispensed, broken
369 down by Fuel type; the meter readings on the pumps for the beginning and end of the calendar
370 month, and any other information relating to the fueling activity requested in writing by the
371 Commission.
372

373 5.2 Fixed Base Operator and Terminal 2-Humphrey Agent Payments. Together with such report, the
374 Fixed Base Operator and Terminal 2-Humphrey Agent shall remit to the Commission payment of all
375 fees reported and to be paid pursuant to this Ordinance, whether or not collected from the aircraft
376 operator.
377

378 5.3 Records. The Commission, through its representatives, shall have the right at any time during the
379 business day to inspect the records of the Fixed Base Operators, Into-Plane Fuel Providers, and
380 Terminal 2-Humphrey Agent as to Operations from the apron area assigned to and under the control
381 of each such operator, to ascertain the veracity of the operator’s reports hereunder. If, as a result
382 of such inspection and upon audit a deficiency in payments made to the Commission hereunder of
383 more than five percent (5%) is disclosed, the cost of audit shall be borne by the operator. Otherwise
384 the cost of inspection and audit shall be borne by the Commission. The Terminal 2-Humphrey
385 Agent’s dispatch log shall be the official document for activity subject to fees under this Ordinance.
386

387 **SECTION 6. IMPOUNDING AIRCRAFT.**
388

389 The Airport Director shall have the right to impound, tow away and cause to be stored with any Fixed Base
390 Operator at the Airport, any aircraft, vehicle or other equipment parked or left unattended in violation
391 hereof, of whose operator fails to pay aircraft landing fee charges and/or any other fee due under this
392 Ordinance from aircraft Operation at or from the Terminal 2-Humphrey. The operator of the aircraft so
393 impounded, in addition to payment of the fees due and owing, shall, prior to release of the same, pay all
394 costs incident to such impounding, including charges for towing and storage of such aircraft.
395

396 **SECTION 7. PENALTY.**
397

398 Any person violating any of the provisions of this Ordinance shall upon conviction be punished by sentence
399 within the parameters of the maximum penalty for misdemeanors set forth in Minn. Stat. §609.03 or as
400 amended
401

402 **SECTION 8. PROVISIONS SEVERABLE.**
403

404 If any part of this Ordinance shall be held unconstitutional or invalid, this does not affect the validity of the
405 remaining parts of this Ordinance. The Commission declares it would have passed the remaining parts of
406 this Ordinance without the unenforceable provisions.
407

408 **SECTION 9. NOTICE.**
409

410 9.1 Method of Providing Notice. Notice as required by Section 4.6 or any other notice required by this
411 Ordinance, is sufficient if delivered in person, sent by U.S. mail to the last address on file with the
412 Commission, or transmitted by fax or email. Notice is effective when it is hand delivered, placed in
413 the mail, faxed, or emailed.
414

415 9.2 Time Periods. The time periods set forth in this Ordinance shall be based on calendar days unless
416 otherwise specified.
417

418 **SECTION 10. REPEALER.**
419

420 As of the effective date of this Ordinance, the Commission's Ordinance No. 96 is hereby revoked.
421

422 **SECTION 11. EFFECTIVE DATE.**
423

424 This Ordinance is effective January 1, 2013. The amendments to Sections 4.4., 4.6(b), and Schedule A-2
425 passed as part of Ordinance No. _____ are effective January 1, 2025.
426

427 **SCHEDULE A - 1**
 428 **Rates for 2012**

429
 430 **LANDING FEES**

431 **Non-Signatory Landing Fee Rate:** \$3.03/1,000 lbs.
 432 **Non-Signatory Minimum Landing Fee:** \$59.42

433
 434 **FACILITY USE FEES**

435
 436 **Common Use Facilities Fee - Gate Charge Per Operation**

437

Category I Aircraft	\$ 112.00
Category II Aircraft	\$582.00
Category III Aircraft	\$1,383.00

438
 439 **Cap for Calendar Year 2012:** \$738,101.00

440
 441 **F.I.S. Facilities Use Fee - Charge Per International Arrival Operation**

442

Category I Aircraft	\$112.00
Category II Aircraft	\$1,108.00
Category III Aircraft	\$2,411.00

443
 444 **Aircraft Parking Fees**

445

	Per Hour
Category I Aircraft	\$ 5.00
Category II Aircraft	\$ 15.00
Category III Aircraft	\$ 20.00

446

447 **Fees have been rounded to the nearest dollar.**

448

449 **Fees may be adjusted periodically by the Commission according to Section 4.6. Check with the Commission or the**
450 **Terminal 2-Humphrey Agent for Current Amounts.**

451

Schedule A-2

452
453
454 **Fuel Flowage Fees** (rate per gallon)
455

	2025	2026	2027	2028	2029	2030
MSP	\$0.160	\$0.167	\$0.173	\$0.180	\$0.187	\$0.195

456
457 **Fees may be adjusted periodically by the Commission according to Section 4.6. Check with the Commission for**
458 **Current Amounts.**
459

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METROPOLITAN AIRPORTS COMMISSION

ORDINANCE No. 115

AIRFIELD USE AND TERMINAL 2-HUMPHREY ORDINANCE

Adopted by Commission: August 27, 2012
Effective Date: January 1, 2013
Amended by Ordinance No. _____ :
Amendment Effective Date: January 1, 2025

46
47
48
49
50
51

Metropolitan Airports Commission

ORDINANCE NO. 115

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Schedule A-2 Fuel Flowage Fees

12

METROPOLITAN AIRPORTS COMMISSION

ORDINANCE NO. 115

AIRFIELD USE AND TERMINAL 2-HUMPHREY ORDINANCE

An Ordinance to promote and conserve public safety, health, peace, convenience and welfare, to provide regulation on use of the Minneapolis-St. Paul International Airport – Wold – Chamberlain Field and to control the loading and unloading of passengers and freight thereat; to provide for payment of landing fees by aircraft other than signatory airlines and military aircraft; to provide for payment of Facility Use Fees, Aircraft Parking Fees, and Federal Inspections Services Facility Use Fees at Terminal 2-Humphrey; prescribing the penalty for violation thereof; and to repeal Commission Ordinance No. 96.

The Metropolitan Airports Commission does ordain:

SECTION 1 – DEFINITIONS.

- 1.1 Aircraft Parking Fees. The fees, established by the Commission or as from time to time amended, to be charged to the operator of aircraft parking at the Airport ramps adjacent to the Terminal 2-Humphrey, copy of the applicable fee schedule to be on file at all times within the Terminal 2-Humphrey and to be furnished on request by the Terminal 2-Humphrey Agent to the operator of aircraft incident to use of said facilities.
- 1.2 Airport. Minneapolis-St. Paul International Airport, Wold-Chamberlain Field, a public airport under the supervision, operation, direction and control of the Metropolitan Airports Commission, and located in the County of Hennepin and State of Minnesota.
- 1.3 Category I Aircraft. Aircraft with FAA approved maximum certificated gross landing weight less than or equal to 80,000 pounds.
- 1.4 Category II Aircraft. Aircraft with FAA approved maximum certificated gross landing weight greater than 80,000 pounds but less than or equal to 230,000 pounds.
- 1.5 Category III Aircraft. Aircraft with FAA approved maximum certificated gross landing weight greater than 230,000 pounds.
- 1.6 Commission. The Metropolitan Airports Commission (“MAC”), a public corporation organized and operating pursuant to Chapter 500, Laws of Minnesota 1943 and amendments thereto.
- 1.7 Common Ticket Counters. Ticket counters that are not leased.
- 1.8 Common Use Facilities. Common Use Gate holdrooms, ramp, jetbridges, Common Ticket Counters, and shared bag claim areas.
- 1.9 Common Use Gates. Aircraft gates that are not leased.
- 1.10 Facility Use Fee. The fees established by this Ordinance, or as from time to time amended by the

- 101 Commission. A copy of the applicable schedule to be furnished on request to the operator of aircraft
102 incident to use of said facilities. Facility Use Fees include, but are not limited to, fees charged per
103 Operation for Common Use Gates, FIS Fees, Aircraft Parking Fees and other fees under this
104 Ordinance.
105
- 106 1.11 FIS. Federal Inspection Service.
107
- 108 1.12 Fixed Base Operator. A commercial operator at the Airport whose operations under agreement
109 with the Commission at an assigned area under his/her control encompasses some or all of the
110 following: the furnishing of services such as aircraft storage, aircraft repairs, air charter flights, and
111 sale of aircraft, aircraft parts and equipment, aviation fuel and other petroleum products for use in
112 aircraft.
113
- 114 1.13 Fuel. Aviation gasoline and any other gasoline, petroleum product, fuel, or other substance used
115 in the propulsion of aircraft, automobiles, trucks and other ground vehicles.
116
- 117 1.14 Terminal 2-Humphrey. Terminal 2-Humphrey and aircraft ramp areas adjacent thereto, said area(s)
118 being designated on a master plan of the Airport on file in the office of the Airport Director.
119
- 120 1.15 Terminal 2-Humphrey Agent. The operator designated by the Commission or the Commission itself,
121 who, under agreement with the Commission, has the responsibility to manage, direct, supervise and
122 to otherwise control all aircraft operations to, at or from the Terminal 2-Humphrey, and who shall
123 conduct such operations from offices therein in accordance with the Commission's Terminal 2-
124 Humphrey Operating Policies and Procedures as amended, and under the supervision and direction
125 of the Commission.
126
- 127 1.16 Terminal 2-Humphrey Surcharge. The Terminal 2-Humphrey Surcharge generally covers the cost of
128 items provided by the Commission at Terminal 2-Humphrey, which are not in the judgment of the
129 Commission provided by the Commission at Terminal 1-Lindbergh. Such items include, but are not
130 limited to, passenger loading bridges, ticket counter inserts, bag belt to make-up area, ticket counter
131 signage, baggage make-up/sort device, gate podium and backwall, furniture and fixtures, FIDS, BIDS
132 and EVIDS, curbside baggage check, gate lobby interior finishes, and CUTE systems.
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- 134 1.17 Into-Plane Fuel Provider. Tenant or Licensee of the Airport that is authorized to deliver fuel to
135 aircraft at MSP through the completion of a Limited Airside Services License Agreement with the
136 Commission.
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- 138 1.18 Terminal 1-Lindbergh. Terminal 1-Lindbergh and the aircraft ramp areas adjacent thereto, said
139 area(s) being designated on a master plan of the Airport on file in the office of the Airport Director.
140
- 141 1.19 Military Aircraft. Aircraft owned and/or operated by components of the military forces of the United
142 States of America or of the State of Minnesota, making use of the Airport and paying for use of the
143 public runways, taxiways, aprons and air navigation facilities pursuant to Use Fee Agreements.
144
- 145 1.20 Non-Signatory Airline. Operator of aircraft that pays for use of the Airport pursuant to this
146 Ordinance, and not under a Use Fee Agreement.
147
- 148 1.21 Operation. An aircraft arrival to or departure from Terminal 2-Humphrey incident to the carrying of

149 passengers.

150

151 1.22 Signatory Airline. Operator of aircraft that pays for use of the Airport pursuant to a Use Fee
152 Agreement and, where applicable, this Ordinance.

153

154 1.23 Use Fee Agreements. Agreements between the Commission and Signatory Airlines and the military
155 by which the airlines and the military are charged fees for the use of public runways, taxiways,
156 aprons and air navigation facilities to defray in part the cost of development, maintenance and
157 operation thereof.

158

159 **SECTION 2. USE OF THE AIRPORT BY AIRCRAFT CARRYING CARGO OR FREIGHT.**

160

161 2.1 Prohibited Loading and Off-Loading Areas. No aircraft operator carrying cargo or freight not
162 incidental to the carrying of passengers, except air taxi mail flights, shall use Terminal 2-Humphrey
163 at the Airport for the parking of aircraft incident to the on-loading or off-loading of freight and cargo.
164 A representative of the Commission may authorize such aircraft operators to use such area on a
165 space available basis when unusual operational conditions exist.

166

167 2.2 Designated Loading or Unloading Areas. The loading or unloading of air freight, not incidental to
168 the carrying of passengers, shall be carried on at a cargo freight handling area as designated on a
169 master plan of the Airport. This provision shall not apply to airlines operating out of Terminal 1-
170 Lindbergh and Military Aircraft, who may be loaded and unloaded at their respective assigned apron
171 areas, and to air taxi mail carriers which may load or unload at Terminal 1-Lindbergh building.

172

173 **SECTION 3. USE OF THE AIRPORT.**

174

175 3.1 Aircraft Parking. Subject to the provisions of Section 2, the parking of aircraft incident to operations
176 to, at or from the Airport shall be limited to Fixed Base Operator locations and other areas
177 designated by the Commission for aircraft parking. Such parking shall be controlled by and subject
178 to the direction of the operator in charge of the ramp area so used.

179

180 Aircraft parking at Common Use Gates at the Terminal 2-Humphrey is prohibited without prior
181 approval by the Commission or its designated representative. If so approved, such parking shall be
182 subject to applicable parking fees set forth on Schedules A-1 and additional fees for the use of
183 facilities and other equipment provided by the Terminal 2-Humphrey Agent or others.

184

185 3.2 Loading and Unloading. The loading or unloading of passengers to or from aircraft using Common
186 Use Facilities at the Terminal 2-Humphrey shall be through the passenger lobby area and jetbridges
187 and in accordance with the Terminal 2-Humphrey Operating Procedures. All loading or unloading
188 of passengers and their luggage to or from aircraft shall be conducted by and subject to the direction
189 and control of the Commission or its designated representative in accordance with the Terminal 2-
190 Humphrey Operating Procedures.

191

192 3.3 Terminal 2-Humphrey. Use of the Terminal 2-Humphrey shall be according to the Terminal 2-
193 Humphrey Operating Policies and Procedures and any applicable policies adopted by the
194 Commission.

195

196 3.4 International Waste. Aircraft operators are responsible for the proper disposal of all international

waste as required by the United States Department of Agriculture (“USDA”).

SECTION 4. PAYMENT OF FEES FOR AIRCRAFT USE OF THE AIRPORT.

4.1 Use Fee Agreements. The operators of Signatory Airlines and Military Aircraft making use of the Airport pay charges for use of the public runways, taxiways, aprons and air navigation facilities pursuant to Use Fee Agreements.

4.2 Landing Fee. The operators of all aircraft, other than Signatory Airlines or operators of Military Aircraft, including without limiting the foregoing aircraft based at all of the Commission’s airports, shall pay a landing fee charge based on the weight of the aircraft for each landing of such aircraft at the Airport in an amount equal to one hundred twenty-five percent (125%) of the then current estimated compensatory field and runway use fee charged to Signatory Airlines; provided that the landing fee charged hereunder shall be no less than the established Minimum Landing Fee (“Minimum Landing Fee”). The Minimum Landing Fee will thereafter be indexed to the total budgeted airfield cost percentage change each year, as reflected in the Commission’s operating budget. The Minimum Landing Fee will thus be adjusted annually by Commission action through the Commission’s adoption of the operating budget, which is usually first presented to the Commission in September of each year. The adjusted amount will become effective on January 1, following the Commission’s adoption of the operating budget. Following the Commission’s adoption of the operating budget, the Commission shall provide written notice to interested parties of the adjustment to the Minimum Landing Fee, prior to its implementation.

4.3 Facility Use Fees.

(a) Establishment of Facility Use Fees. The Facility Use Fees are intended to reflect the Commission’s operating and capital costs of the Terminal 2-Humphrey or a percentage thereof (“Recoverable Costs”). Recoverable Costs are the amount of the total Terminal 2-Humphrey costs that the Commission determines shall be recovered by Terminal 2-Humphrey users each year, which may include but are not limited to costs of Common Use Gates, Common Use Ticket Counters, ramp lineal footage, Terminal 2-Humphrey Surcharge, and depreciation and interest.

1. Common Use Facilities Fee. The operator of aircraft using Common Use Gates, Common Use Ticket Counters and other Common Use Facilities at the Terminal 2-Humphrey shall pay Common Use Facilities Fee for use of that terminal building and ramp as set forth by this Ordinance. The rates established on the effective date of this Ordinance are set forth in Schedule A-1. This fee may be adjusted periodically by Commission action as set forth in Section 4.6.

The Commission shall also establish a Cap for the Common Use Facilities Fee for use of the Terminal 2-Humphrey (“Cap”) in which an aircraft operator shall pay no more than the Cap rate for each Common Use Gate. For any calendar year, the Cap shall only apply to Common Use Facilities Fee for the aircraft operator’s Operations on a single Common Use Gate and does not include FIS Charges, Landing Fees, Fuel Flowage Fees, Aircraft Parking Fees, rent for leased premises paid to MAC or any other fees payable to MAC. The Cap may be adjusted into rates for Category I, II and III Aircraft and may be adjusted periodically as set forth

245 in Section 4.6.
246
247 An aircraft operator assigned an FIS accessible gate as its priority gate may be
248 reassigned to another gate to accommodate an international arrival and
249 corresponding departure. In that event, the fees incurred at the gate the aircraft
250 operator is reassigned to will apply against the Cap at the aircraft operator's
251 normally assigned priority gate. If an aircraft operator has reached the Cap on the
252 effective date of this Ordinance, the aircraft operator shall incur no more
253 Common Use Gate fees for a single gate for the calendar year.
254

255 2. Federal Inspection Services ("FIS") Facility Use Fee. In addition to Common Use
256 Facilities Fee and all other fees due under this Ordinance, the operator of aircraft
257 using the Terminal 2-Humphrey FIS facility shall pay an FIS Facility Use Fee per
258 Operation. This fee may be adjusted periodically by Commission action as set
259 forth in Section 4.6. The rates established on the effective date of this Ordinance
260 are set forth in Schedule A-1.
261

262 3. Aircraft Parking Fees. All aircraft parked in designated areas as directed by the
263 Commission or its designated representative, including but not limited to remote
264 ramp areas and parking and overnighing aircraft on Common Use Gates, shall
265 pay Aircraft Parking Fees as set forth on Schedules A-1. Parking shall mean any
266 time period an aircraft is authorized to occupy a Common Use Gate for a time
267 period longer than provided for in the Terminal 2-Humphrey Operating Policies
268 and Procedures for an Operation. No parking fees shall apply to parking on an
269 aircraft operator's priority use gate as defined in the Terminal 2-Humphrey
270 Operating Policies and Procedures. This fee may be adjusted periodically by
271 Commission action as set forth in Section 4.6.
272

273 (b) Delay Fee. If the operator of aircraft exceeds the approved occupancy times for Common
274 Use Gates as established by the Terminal 2-Humphrey Operating Policies and Procedures
275 by more than 15 minutes and that delay affects the next flight using that gate, the aircraft
276 operator shall pay additional Facility Use Fees, unless the delay is caused by circumstances
277 beyond the operator's control, including but not limited to weather, air traffic control, FIS
278 delays, or delays of earlier flights on the gate other than flights by that aircraft operator.
279 The delay fee is applicable to delays caused by mechanical problems where the aircraft
280 operator has the ability to tow the aircraft off the gate. The Commission will make the final
281 decision as to the cause of the delay.
282

283 4.4 Fuel Flowage Fees. Fixed Base Operators ~~who that~~ are authorized to dispense Fuel at the Airport
284 shall pay the Fuel Flowage Fees stated in ~~Schedule A-2~~Chart D4 of Ordinance No. _____ for every
285 gallon of Fuel sold or delivered by the Fixed Based Operator at the Airport, regardless of Fuel type,
286 including Fuel sold or delivered to customers, subsidiaries, licensees, or subtenants of the Fixed Base
287 Operator at the Airport, and customers, subsidiaries, licensees, or subtenants of a subtenant of the
288 Fixed Base Operator at the Airport. ~~Additionally, Additionally, into-plane fuel provided by a Fixed~~
289 Base Operator is subject to the Fuel Flowage Fees stated in Chart D4 of Ordinance No. _____.
290

291 ~~4.4~~ Into-Plane Fuel Providers operating at the Airport shall pay the Fuel flowage fees stated in
292 Schedule A-2 of Ordinance No. 115 for every gallon of Fuel sold or delivered by the Into-Plane

293 Fuel Provider at the Airport, including Fuel sold or delivered to customers, subsidiaries, licensees,
294 or subtenants of the Into-Plane Fuel Providers.

295
296 Notwithstanding the foregoing, Fuel Flowage Fees shall not apply to fuel supplied to Military
297 Aircraft, aircraft operated by Signatory Airlines, or aircraft which are fueled while using gates at
298 either the Terminal 1-Lindbergh or Terminal 2-Humphrey.

299
300 Fuel Flowage Fees for Into-Plane Fuel Providers will be adjusted periodically as set forth in Section
301 4.6(b).

302
303 Fuel Flowage Fees for Fixed Base Operators at the Airport will be adjusted periodically as set forth
304 in Section 11 of Ordinance No. _____.

305
306 4.5 Payment of Fees. Operators of aircraft will be charged for each approved use of a Common Use
307 Gate or Common Ticket Counter, whether or not they are actually used, unless cancelled in writing
308 at least 10 days in advance. All use of Common Use Facilities must be approved in advance by the
309 Commission or its designated representative.

310
311 Payment of the use fee charges shall be made prior to release and clearance of such aircraft for
312 departure from the Airport to the Fixed Base Operator having under its control the apron area at
313 the Airport used by the landing aircraft, including, in the case of aircraft landing and making use of
314 the Terminal 2-Humphrey, the Terminal 2-Humphrey Agent in charge of such facility.

315
316 Aircraft Parking Fees, landing fees, Common Use Gate fees, and FIS use fees for Operation to, at or
317 from the Terminal 2-Humphrey shall be paid to the Terminal 2-Humphrey Agent for Non-Signatory
318 Airlines prior to release and clearance of such aircraft for departure from the Airport. Such fees
319 shall be paid directly to the Commission for Signatory Airlines pursuant to payment provisions of
320 the Use Fee Agreement.

321
322 Fixed Base Operators and Into-Plane Fuel Providers shall pay Fuel flowage fees (and provide
323 reports to the Commission as described in Section 5.1) within twenty (20) days after the end of
324 each calendar month for Fuel sold or delivered (as described in Section 4.4 above) during the
325 previous calendar month, unless otherwise notified by the Commission in writing of different
326 payment dates.

327
328 4.6 Adjustment of Fees.

329
330 (a) Landing Fee and Facility Use Fees. The Commission intends to establish rates in
331 approximately September through December timeframe of each year for the upcoming
332 calendar year. In addition, the Commission may periodically adjust these fees for reasons
333 that include, but are not limited to, change in expected Operations, carrier(s) new to the
334 Terminal 2-Humphrey, unanticipated expenses, and budget adjustments. Fees remain in
335 effect until such time as changed by the Commission. The Commission shall provide notice
336 of any changes in the Facility Use Fee structure prior to its implementation.

337
338 (b) Fuel Flowage Fees. Fuel Flowage Fees paid by Into-Plane Fuel Providers will be adjusted on
339 January 1 of each year, according to the attached Schedule A-2. The Commission may,
340 however, reevaluate and adjust the rates and fees in the attached Schedule A-2 by

341 Commission action. If the Fuel Flowage Fees paid by Into-Plane Fuel Providers on the
342 attached Schedule A-2 are not modified by the Commission before December 31, 2018, the
343 rents and fees shall be increased in the same manner and at the same percentage rates per
344 year until the Commission determines other rates and fees. This means that the Fuel
345 Flowage Fees paid by Into-Plane Fuel Providers shall be increased at four percent (4%) per
346 year. If the Commission plans deviate from Schedule A-2 through Commission action, it will
347 send out notice 15 days in advance of the public meeting to affected parties.

- 348
349 4.7 Late Fees. Any payment not received by the Commission or the Terminal 2-Humphrey Agent within
350 thirty (30) days of the due date shall accrue interest at the rate of one and one-half percent (1 ½ %)
351 per month measured from the due date until paid in full.

352
353 **SECTION 5. REPORTS AND PAYMENTS TO THE COMMISSION.**

- 354
355 5.1 Reports. Fixed Base Operators, and the Terminal 2-Humphrey Agent, shall within twenty (20) days
356 after the end of each calendar month, report to the Commission covering the previous calendar
357 month as to the aircraft which have landed and parked at the apron area(s) assigned to and under
358 the control of such operator. Reports shall include the type of aircraft by Federal Aviation
359 Administration approved gross certificated maximum landing weights, the number of landings and
360 take-offs made by such aircraft during the month of reporting, and the landing fee charge due and
361 owing in respect to such aircraft. In the case of the Terminal 2-Humphrey Agent, the report shall in
362 addition include Aircraft Parking Fees, Facility Use Fees, FIS use fees and the number of aircraft
363 Operations by category using the Terminal 2-Humphrey.

364
365 Fixed Base Operators and Into-Plane Fuel Providers shall provide reports to the Commission
366 within twenty (20) days after the end of each calendar month for Fuel sold or delivered (as
367 described in Section 4.5 above) during the previous calendar month, unless otherwise notified by
368 the Commission in writing of different reporting dates. The reports shall state fueling activity for
369 the calendar month, including the number of gallons of Fuel sold or delivered broken down by
370 Fuel type, the dates on which the Fuel was supplied, the number of gallons dispensed, broken
371 down by Fuel type; the meter readings on the pumps for the beginning and end of the calendar
372 month, and any other information relating to the fueling activity requested in writing by the
373 Commission.

- 374
375 5.2 Fixed Base Operator and Terminal 2-Humphrey Agent Payments. Together with such report, the
376 Fixed Base Operator and Terminal 2-Humphrey Agent shall remit to the Commission payment of all
377 fees reported and to be paid pursuant to this Ordinance, whether or not collected from the aircraft
378 operator.

- 379
380 5.3 Records. The Commission, through its representatives, shall have the right at any time during the
381 business day to inspect the records of the Fixed Base Operators, Into-Plane Fuel Providers, and
382 Terminal 2-Humphrey Agent as to Operations from the apron area assigned to and under the control
383 of each such operator, to ascertain the veracity of the operator's reports hereunder. If, as a result
384 of such inspection and upon audit a deficiency in payments made to the Commission hereunder of
385 more than five percent (5%) is disclosed, the cost of audit shall be borne by the operator. Otherwise
386 the cost of inspection and audit shall be borne by the Commission. The Terminal 2-Humphrey
387 Agent's dispatch log shall be the official document for activity subject to fees under this Ordinance.

389 **SECTION 6. IMPOUNDING AIRCRAFT.**

390
391 The Airport Director shall have the right to impound, tow away and cause to be stored with any Fixed Base
392 Operator at the Airport, any aircraft, vehicle or other equipment parked or left unattended in violation
393 hereof, of whose operator fails to pay aircraft landing fee charges and/or any other fee due under this
394 Ordinance from aircraft Operation at or from the Terminal 2-Humphrey. The operator of the aircraft so
395 impounded, in addition to payment of the fees due and owing, shall, prior to release of the same, pay all
396 costs incident to such impounding, including charges for towing and storage of such aircraft.

397
398 **SECTION 7. PENALTY.**

399
400 Any person violating any of the provisions of this Ordinance shall upon conviction be punished by sentence
401 within the parameters of the maximum penalty for misdemeanors set forth in Minn. Stat. §609.03 or as
402 amended

403
404 **SECTION 8. PROVISIONS SEVERABLE.**

405
406 If any part of this Ordinance shall be held unconstitutional or invalid, this does not affect the validity of the
407 remaining parts of this Ordinance. The Commission declares it would have passed the remaining parts of
408 this Ordinance without the unenforceable provisions.

409
410 **SECTION 9. NOTICE.**

411
412 9.1 Method of Providing Notice. Notice as required by Section 4.6 or any other notice required by this
413 Ordinance, is sufficient if delivered in person, sent by U.S. mail to the last address on file with the
414 Commission, or transmitted by fax or email. Notice is effective when it is hand delivered, placed in
415 the mail, faxed, or emailed.

416
417 9.2 Time Periods. The time periods set forth in this Ordinance shall be based on calendar days unless
418 otherwise specified.

419
420 **SECTION 10. REPEALER.**

421
422 As of the effective date of this Ordinance, the Commission's Ordinance No. 96 is hereby revoked.

423
424 **SECTION 11. EFFECTIVE DATE.**

425
426 This Ordinance is effective January 1, 2013. The amendments to Sections 4.4., 4.6(b), and Schedule A-2
427 passed as part of Ordinance No. _____ are effective January 1, 2025.

428

429 **SCHEDULE A - 1**
 430 **Rates for 2012**

431
 432 **LANDING FEES**

433 **Non-Signatory Landing Fee Rate:** \$3.03/1,000 lbs.
 434 **Non-Signatory Minimum Landing Fee:** \$59.42

435
 436 **FACILITY USE FEES**

437
 438 **Common Use Facilities Fee - Gate Charge Per Operation**

439

Category I Aircraft	\$ 112.00
Category II Aircraft	\$582.00
Category III Aircraft	\$1,383.00

440

441 **Cap for Calendar Year 2012:** \$738,101.00

442

443 **F.I.S. Facilities Use Fee - Charge Per International Arrival Operation**

444

Category I Aircraft	\$112.00
Category II Aircraft	\$1,108.00
Category III Aircraft	\$2,411.00

445

446 **Aircraft Parking Fees**

447

	Per Hour
Category I Aircraft	\$ 5.00
Category II Aircraft	\$ 15.00
Category III Aircraft	\$ 20.00

448

449 **Fees have been rounded to the nearest dollar.**

450

451 **Fees may be adjusted periodically by the Commission according to Section 4.6. Check with the Commission or the**
452 **Terminal 2-Humphrey Agent for Current Amounts.**

453

454
 455
 456
 457
 458
 459
 460
 461

Schedule A-2

Fuel Flowage Fees (rate per gallon)

	2013 2025	2014 2026	2015 2027	2016 2028	2017 2029	2018 2030
MSP	\$0. 100 <u>16</u> <u>0</u>	\$0. 104 <u>16</u> <u>7</u>	\$0. 108 <u>17</u> <u>3</u>	\$0. 112 <u>18</u> <u>0</u>	\$0. 117 <u>18</u> <u>7</u>	\$0. 122 <u>19</u> <u>5</u>

Fees may be adjusted periodically by the Commission according to Section 4.6. Check with the Commission for Current Amounts.

ATTACHMENT 6

ADMINISTRATIVE RECORD

	Date	Record
1	04/01/2024	Operations, Finance, &Administration Committee Meeting Minutes available at Commission Meetings Metropolitan Airports Commission (metroairports.org)
2	04/15/2024	Commission Meeting Minutes available at Commission Meetings Metropolitan Airports Commission (metroairports.org)
3	05/22/2024	Information Meeting Reliever Airports review of rates and charges, 2024 Metropolitan Airports Commission (metroairports.org)
4	07/15/2024	Public Hearing Reliever Airports review of rates and charges, 2024 Metropolitan Airports Commission (metroairports.org)
5	10/07/2024	Hearing Officers' Meeting at Reliever Airports review of rates and charges, 2024 Metropolitan Airports Commission (metroairports.org)
6	10/07/2024	Operations, Finance, &Administration Committee Meeting Minutes available at Commission Meetings Metropolitan Airports Commission (metroairports.org)