

METROPOLITAN AIRPORTS COMMISSION

ORDINANCE No. 131

RELIEVER AIRPORTS RATES AND CHARGES ORDINANCE

Adopted by Commission: October 21, 2024
Effective Date: January 1, 2025

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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. 131 (“Ordinance”) may be interchangeably be referred to as Ordinance No. 131, “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; sale of aircraft fuel and lubrication services; 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.
- 1.5 CPI. The consumer price index identified as the All Urban Consumers – Midwest Region.
- 1.6 Director of Reliever Airports. The Commission’s administrative officer responsible for the Reliever Airports.
- 1.7 Executive Director. The Commission’s chief executive officer or a designated representative.
- 1.8 Flying Club. An entity defined by Minnesota Statutes § 360.013, subd. 48 or Minnesota Rules § 8800.4100, subp. 2, or as either are amended.

- 1.9 Fuel. Aviation gasoline and any other gasoline, petroleum product, fuel, or other substance used in the propulsion of aircraft, automobiles, trucks, and other ground vehicles.
- 1.10 Fixed Base Operator (“FBO”). A full-service, aeronautical, commercial operation at the Reliever Airports that is authorized to engage in the sale of products, services, and facilities to aircraft operators. FBOs must provide, at a minimum, the following aeronautical activities at the airport: aircraft refueling to include jet fuel, AvGas, and aircraft lubricants; aircraft line services; airframe and power plant maintenance; aircraft storage/hangars rentals and tiedowns; passenger, crew, and aircraft ground services, support and amenities. FBOs may also provide optional services as approved by the Commission, which may include: flight training, aircraft rental, aircraft charter or air taxi, avionics sales and service.
- 1.11 Gross Sales. Gross Sales, as defined in a Commercial Tenant’s lease, less exclusions, as allowed by the Commercial Tenant’s lease.
- 1.12 Gross Sales Thresholds. Those amounts of annual Reportable Year Gross Sales set forth in Section 2.2. that establish which ground rental rates apply to a Commercial Tenant.
- 1.13 Immediate Family Member. A spouse, parent, child, brother or sister (including half-relations and step-relations, but excluding in-law relations) of the Tenant.
- 1.14 Jet-A Fuel. A kerosene-based fuel designed for use in turbine engine aircraft, regulated by the American Society for Testing and Materials (“ASTM”). For referenced ASTM standards, visit the ASTM website, www.astm.org, or contact ASTM Customer Service at service@astm.org.
- 1.15 Leased Area. That area defined in the description of premises section in the Tenant’s lease.
- 1.16 Military Aircraft. Aircraft owned and/or operated by components of the military forces of the United States of America or of the State of Minnesota.
- 1.17 Military Tenant. A Storage Tenant that is any component or branch of the military forces of the United States of America or of the State of Minnesota.
- 1.18 Non-Aviation/Complementary Business License Agreement. A license agreement granted by the Commission for the purpose of conducting a business on the airport that is non-aviation, yet provides a complementary product or service to airport users. Examples of complementary products/services include aviation insurance companies, aviation legal services, auto rental and limousine services, travel agencies, delivery/courier services, and aviation museums.
- 1.19 Reliever Airport. Any intermediate use or minor use Reliever Airport now or in the future owned and/or operated by the Commission, including: St. Paul Downtown, Flying Cloud, Anoka County-Blaine, Crystal, Airlake, and Lake Elmo.
- 1.20 Reportable Year. The time period from October 1 through September 30, which is used to determine which Gross Sales Thresholds apply.
- 1.21 Repositioning Flight. A flight made between Reliever Airports to pick up passengers or cargo where one of the Reliever Airports was an intermediate stop and for which flight a landing fee is paid for landing at another Reliever Airport.

- 1.22 Signatory Airline. An operator of aircraft that pays for use of Minneapolis-St. Paul International Airport pursuant to a use fee agreement and, where applicable, a Commission ordinance.
- 1.23 Special Rent Assessment. Fees charged by the Commission and paid by Tenants to offset the costs of Reliever Airport projects or services which benefit the Tenant, including, but not limited to sewer, water, other utilities, and pavement installation or rehabilitation.
- 1.24 Storage Tenant. A Reliever Airport Tenant that has entered into an aircraft storage lease with the Commission.
- 1.25 Tenant. Any person, partnership, corporation, or other entity that leases property from the Commission at a Reliever Airport. This definition and the rents and fees in this Ordinance apply even if the lease has expired and the property continues to be occupied by a holdover Tenant.

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 had Gross Sales below one-hundred fifty-one thousand dollars (\$151,000.00) in the preceding Reportable Year, then the Commercial Tenant 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., whichever amount is greater that month.

a. Ground Rent and Gross Sales Thresholds

The Gross Sales Threshold for FBOs 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 six hundred and four thousand dollars (\$604,000.00).

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 Sales Threshold for FBOs 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 seventy-eight thousand dollars (\$378,000.00).

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).

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

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

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

b. Percentage Rent

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

c. New Commercial Tenants

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

2.3 Rent Payments

a. Storage Tenant Per-Square-Foot Ground Rent

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

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.

SECTION 3 – FUEL FLOWAGE FEES

3.1 Fueling

a. Authorization

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

b. Compliance

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

3.2 Fuel Flowage Fees

Tenants 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 D3 for every gallon of Fuel purchased from suppliers 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 that are authorized to dispense Fuel shall not pay Fuel flowage fees applicable to Fuel purchased by operators of Military Aircraft.

a. Jet A Fuel

Tenants at St. Paul Downtown Airport, Flying Cloud Airport, and Anoka County-Blaine Airport 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 that dispense Jet A fuel shall pay Fuel flowage fees at the rate per gallon as set forth in Chart D2.

b. AvGas

Tenants at the Reliever Airports that dispense AvGas shall pay the Fuel flowage fees at the rate per gallon as set forth in Chart 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, 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 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 monthly to such FBO, if pre-arranged with the FBO. Alternatively, a Based Tenant may pay the Commission directly, if approved by the Director of Reliever Airports.

c. FBO 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. 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 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.

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 – NON-AVIATION/COMPLEMENTARY BUSINESS LICENSE FEE

Commercial Tenants that 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 E 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 6 – FACILITY ACQUISITION FEE

6.1 Applicability

Tenants, excluding Military Tenants, 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.

If, using the calculation above, the Facility Acquisition Fee would be less than the Administration Fee for a standard assignment set forth in Chart 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.

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 7 – ADMINISTRATION FEE

7.1 Applicability

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

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

7.2 Additional Amounts

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

SECTION 8 – FLYING CLUBS

8.1 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.

8.2 Flying Club Records

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

SECTION 9 – AUDITS

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

SECTION 10 – PENALTIES

10.1 Interest on Late Payments

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

10.2 Misdemeanor

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

10.3 Other Actions Not Precluded

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

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.

SECTION 12 – AMENDMENTS TO ORDINANCE 115

12.1 Ordinance 115

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

12.2 Section 4.4: Fuel Flowage Fees

Fixed Base Operators that are authorized to dispense Fuel at the Airport shall pay the Fuel Flowage Fees stated in Chart D4 of Ordinance No. 131 for every gallon of Fuel sold or delivered by the Fixed Based Operator at the Airport, regardless of Fuel type, including Fuel sold or delivered to customers, subsidiaries, licensees, or subtenants of the Fixed Base Operator at the Airport, and customers, subsidiaries, licensees, or subtenants of a subtenant of the Fixed Base Operator at the Airport. Additionally, into-plane fuel provided by a Fixed Base Operator is subject to the Fuel Flowage Fees stated in Chart D4 of Ordinance No. 131.

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

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

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

Fuel Flowage Fees for Fixed Base Operators at the Airport will be adjusted periodically as set forth in Section 11 of Ordinance No.131.

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

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

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

SECTION 13 – GENERAL PROVISIONS

13.1 Additional Tenant Charges

a. Assessments and Other Fees

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.

b. Special Rent Assessment

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.

13.2 Provisions Severable

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.

13.3 Notice

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

13.4 Amendment

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

13.5 Effective Date

This Ordinance is effective January 1, 2025.

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

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

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

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

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

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

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

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

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

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

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

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

	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.