

METROPOLITAN COUNCIL
390 Robert Street N., St. Paul, MN 55101-1805
MEETING OF THE COMMUNITY DEVELOPMENT COMMITTEE
Monday, February 5, 2007

Committee Members Present: Rick Aguilar, Chris Georgacas, Georgeanne Hilker, Brian McDaniel, Annette Meeks, Tony Pistilli, Natalie Steffen

CALL TO ORDER:

A quorum present, Chair Georgacas called the regular meeting of the Community Development Committee to order at 4:09 p.m. on February 5, 2007.

APPROVAL OF AMENDED & MINUTES

The information item on rural area guidelines was deferred to another meeting. The amended agenda was moved by Meeks and seconded by Hilker. Motion carried. The minutes of the January 16 special Community Development Committee meeting were moved by McDaniel and seconded by Pistilli. Motion carried.

BUSINESS

Consent List

The consent list items were moved by Meeks and seconded by McDaniel. Motion carried.

2007-17 – Family Affordable Housing Program HUD Management Operations Certification, Resolution 2007-__

That the Metropolitan Council approve the submittal of the fiscal year end 2006 Public Housing Assessment System (PHAS) Management Operations Certification to the U.S. Department of Housing and Urban Development (HUD) as required by federal regulations.

2007-25 – City of Plymouth Comprehensive Plan Amendment, Cottonwood Properties, Review File 18208-29

Staff recommends that the Metropolitan Council:

Allow the city to put the comprehensive plan amendment into effect with no modifications.

2007-39 – City of Burnsville Comprehensive Plan Amendment, Land Use Change, Review File 16907-22

Staff recommends that the Metropolitan Council take the following action:

1. Allow the city to put the comprehensive plan amendment into effect.
2. Encourage the city:
 - a) To work cooperatively with Dakota County Parks Department for future trail planning.
 - b) To coordinate with the Minnesota Pollution Control Agency changes from the 2005 Environmental Impact Statement to expand the Burnsville landfill that may effect the evaluation of ground water and drinking water based on the land use as presented in the comprehensive plan amendment.

Action Items

2007-21 – Set Public Hearing – City of Oak Grove Comprehensive Plan Amendment, Gardas Grove 2nd Addition, Review File 17096-24

Victoria Dupre, senior planner, reviewed the request to set a public hearing for the city of Oak Grove for the Gardas Grove 2nd Addition comprehensive plan amendment. Dupre explained that staff found that the plan amendment proposed resulted in a plan modification because of potential impact on the metropolitan system plans and Minnesota Statute requires the Council to conduct a public hearing when it requires plan modifications. Staff outlined schedule:

- March 5 public hearing Community Development Committee at 4:30 p.m.
- Public hearing would remain open for one week following that meeting
- March 19 – Community Development Committee takes final action
- March 28 – Council final action

Steffen moved, seconded by McDaniel, that the Community Development Committee recommend that the Metropolitan Council schedule a public hearing on the city of Oak Grove's comprehensive plan amendment at the March 5, 2007 Community Development Committee meeting. Motion carried.

2007-8 – City of Mendota Heights, LeMay Shores Comprehensive Plan Amendment, Review File 18154-3

Denise Engen, senior planner, reviewed the city of Mendota Heights' LeMay Shores comprehensive plan amendment which proposes to regrade 68 acres from Cemetery to Low Density Residential to allow the construction of a 62-unit residential planned unit development. Roy Fuhrmann, Metropolitan Airports Commission, and Jake Sedlacek, city of Mendota Heights, were available to respond to questions.

Steffen asked if the requirement that a statement (recommendation 1) be filed against the deed for each property is legally binding, and if it would last for all subsequent sales of the property. Dave Theisen, legal counsel, responded that he understood it to be a continuing obligation or a notice on the title of each property, and that legal staff could work with the city staff to make sure the language is on the deed. Steffen discussed adding language to the recommendation to ensure that the conditions set by the Council were being met. Chair Georgacas asked that Steffen's concern and legal staff's statement that they will work with Mendota Heights' city staff be noted in the minutes.

Aguilar thanked Steffen for bringing up the issue and making sure the conditions recommended are carried out in the future.

Aguilar, moved, seconded by Meeks, that the Metropolitan Council allow the city of Mendota Heights to put the *LeMay Shores* comprehensive plan amendment into effect with the following conditions:

1. That the city should acknowledge its understanding and acceptance of the Metropolitan Airports Commission's (MAC) comments that any new structures in this project will not be eligible for future noise mitigation under the Federal Aviation Administration Part 150 noise program for MSP, or any MSP remedial mitigation programs, and require a statement to that effect be filed against the deed for each property.
2. That the city requires:
 - a) Sales/marketing materials presented to prospective buyers should include notification of aircraft noise impact;
 - b) An aircraft noise impact notice should be filed against the deed in conjunction with each closing agreement;
 - c) Residential structures should be evaluated by an independent acoustic expert, to improve upon the acoustic performance experienced with the Augusta Shores project, with the objective of providing outdoor-to-indoor noise attenuation that provides residents the most protection feasible for speech and sleep interference from aircraft noise; and
 - d) That, similar to the Augusta Shores project, the overall project design should limit exterior uses and the proposed "Townhomes" should be marketed to "empty nest" buyers.

Motion carried.

2007-60 – 2007 Operating Budget Carry Forward Amendment

Guy Peterson, acting community development director, reviewed the Community Development Division's request to amend the 2007 Unified Operating Budget by carrying forward expenditure authority for \$199,700 from the 2006 budget.

\$85,000 – parks intern, interactive mapping capabilities, a visual CIP and other database projects.

\$80,700 – costs associated with the Electronic Content Management System related to comprehensive plan work and continuation of the conversion of comp planning to e-gov, and consultant or temporary work assistance with comprehensive plan updates that will be submitted in 2007-08.

\$34,000 – future consultant work with the 2008 comprehensive plan update review process and *LPA Handbook* updates.

Georgacas asked for additional information on expenses for the park intern. Ann Beckman, manager, regional systems planning and growth strategy, reported that the intern would be paid about \$12-15 per hour and the position would be for about one year. Additional funds could be used for visual parks communications, and interactive parks mapping that would go beyond the programming needs.

Pistilli asked if these were new initiatives and if they were also in the 2007 budget. Peterson responded that the effort for which these funds would be used are things we have talked about doing during 2007, but are lumped into broader categories of work regarding parks or planning assistance.

Steffen moved, seconded by Aguilar, that the Metropolitan Council amend the 2007 Unified Operating Budget by carrying forward expenditure authority from 2006. Motion carried.

OTHER BUSINESS

2007-20 – Framework for a Planning Assistance Grant Program

Guy Peterson, acting community development director, explained that the framework for the planning assistance grant program was refined from discussion at the last committee meeting.

Victoria Dupre, senior planner, reviewed the framework and referred to handout spreadsheets on net tax capacity and percent forecast household increase 2010-2030, along with a map on the location of potentially eligible communities. Applicants must meet the following criteria:

1. A community with a 2005 Net Tax Capacity (NTC) amount less than or equal to 300 percent of the median NTC for all communities in the metro area. The eligible NTC is \$12,840,000 or less; and
2. A community with a forecasted household growth for 2010 to 2030 that is a percent of growth equal to or greater than the median percent of forecasted household growth. This growth is 21 percent or greater; or,
3. A county, or a consortium of at least five communities working collaboratively to update the local comprehensive plans of at least five communities.

Many communities have a low NTC and little forecasted 2010 to 2030 household growth. For these communities, the Council will offer to assist communities with their comprehensive plan updates through the use of the Council's Electronic Content Management System, to be implemented in 2007.

The Council has indicated a preference for distributing the funding assistance to small communities with limited budgets and staff. The Council staff considered "need" based on NTC, and percent household growth from 2010 to 2030 to identify those communities having comparatively low property values, but with forecasts for substantial household growth.

The Council will provide a grant - 50 percent of the grant upon review and approval of the grant application and the remaining 50 percent following the Council's action on the plan – to applicants that agree to the following requirements:

1. Meet Council grant agreement requirements that require the applicant to provide a work plan that identifies the eligible grant funding activities for which the grant funds will be used as set forth in MN Statutes 473.867, subd. 6, *Assistance for plan updates*.
2. Submit the plan to the Council no later than December 31, 2008
3. Include all information to meet content requirements set forth in MN Statutes 473.851

4. Submit a plan that is in conformance with regional system plans and policies
5. Distribute a draft plan for adjacent local government review by June 30, 2008
(473.858, subd 2 requires local governments to submit draft plans to adjacent governmental units and affected school districts for review and comment at least six months prior to submitting the plan to the Council)
6. Discuss a draft plan with Council sector representatives twice in 2007 to update the Council on plan progress or policy conflict concerns
(Sector Representatives are part of a Local Planning Assistance outreach program to local communities to improve communication and provide professional planning and technical assistance on an ongoing basis)
7. Discuss a draft plan with watersheds for local surface water management plan requirements
(473.859, subd 2 requires water management plans, complimenting 103G.235 requirements. Watershed organizations and districts have authority to approve local water management plans, with the Council providing technical advisory comments)

There was no action taken and discussion will be continued at the next Community Development Committee meeting.

Peterson summarized that the program is a draft concept idea at this point and that the Council could potentially help 12 unsewered communities, 35 sewer communities and 23 townships that are part of these counties or county consortium planning efforts, and the communities listed on page two as 12 unqualified small communities who could be helped by use of the Council's Electronic Content Management System.

Steffen suggested studying rural policy implementation issues in certain areas to determine how to get to the density numbers the Council wants and deal with the issue of septic systems. Georgacas asked staff to think about Steffen's request and respond at the next meeting in terms of how that might fit into discussions for later this year.

Hilker commented that Gem Lake is interested in the planning grants, but missed the lists because they have less than 21 percent growth (they are at 19%). Georgacas said this will be discussed further and he encouraged committee members to talk with staff if they have questions or suggestions regarding criteria used or dealing with particular cases. Pistilli asked if there was a category for cities with emerging issues. Peterson said they did not get into that category, but it could be explored. Georgacas asked the committee to think about additional criteria in the next couple weeks.

2007-13 – Community Development Committee 2007 Work Plan

Chair Georgacas commented that since the inception of this Council each committee has adopted a work plan related to the committee's responsibilities for the year, including identification of policy issues. Georgacas indicated that the work plan is for the committee's consideration and will come back to the committee at a future meeting for additional discussion.

Guy Peterson, acting community development director, reviewed several areas of the work plan:

- The 2007 planning assistance grant program
- Review and recommendations on comprehensive plan updates
- Develop and approve the 2008-09 parks capital improvement program.
- Regional Park Foundation initiative – there may be a need for interaction and policy direction from the committee.
- Work related to coordination and participation in the regional policy conference.
- Continued review of the Livable Communities Demonstration Account.
- Rural policy implementation--issues that the Council continues to face that need some consistent direction so that the Council doesn't have to keep taking them on as ad hoc issues.

Chair Georgacas invited committee members to contact Peterson if they have suggestions for the work plan. Georgacas suggested holding off action on the plan until the new Council is appointed.

Meeks asked if the regional parks foundation initiative will be housed in the Community Development Division. Peterson responded that hasn't been determined yet, but policy considerations may still need to be discussed by the Community Development Committee.

Georgacas asked if there is a theme for the Regional Policy Conference. Ann Beckman responded that the Council's 40th anniversary and regionalism are themes.

2007-43 – Metropolitan Parks & Open Space Commission 2007 Work Plan

Ann Beckman, manager, regional systems planning and growth strategy, provided a brief overview of the Metropolitan Parks and Open Space Commission 2007 work plan.

The first page of the plan lists the major tasks of the commission which is reviewing master plans. Each implementing agency provided information on when their plans will be submitted for review and they were also asked for information on anticipated acquisition needs.

Beckman reported that one of the major policy issues facing the commission in 2007 is trails, including master plan approval procedures for trails. The other major task facing the commission this year is going to be preparation of the 2008-13 CIP. Major issues in CIP include balancing acquisition needs versus rehabilitation and development and acquisition. Other policy implementation included: review and assist Regional Park Foundation initiative; review and coordinate decennial survey design; participate in Regional Policy Conference; and design an audit of the park implementing agencies' operating and maintenance expenses.

Steffen, parks liaison, commented that staff should look at the type of audit counties go through versus what freestanding park boards go through because she didn't want taxpayers paying for an additional audit.

Aguilar commented that the Council needs upgrade their thinking about how to utilize minority organizations.

2007-52 – Rural Area Guidelines Study Group

The rural area guidelines item was deferred to another meeting.

INFORMATION

Georgacas reported that the next Community Development Committee meeting is a special meeting on Tuesday, February 20, to replace the meeting that falls on Presidents' Day Holiday, February 19.

ADJOURNMENT

Business completed, Meeks moved, seconded by Hilker, to adjourn the meeting at 5:09 p.m. Motion carried.

Respectfully submitted,

Karen Patraw
Administrative Technician