

METROPOLITAN COUNCIL
390 North Robert Street, St. Paul, Minnesota 55101

REGULAR MEETING OF THE COMMUNITY DEVELOPMENT COMMITTEE
Monday, November 17, 2008

Committee Members Present: **Chair, Natalie Steffen; Polly Bowles; Georgeanne Hilker; Vice Chair, Annette Meeks; Tony Pistilli; Kris Sanda; Daniel Wolter**

No quorum being present at 4:00 p.m., Chair Steffen started the meeting with the INFORMATION Item

2008-270 Livable Communities Demonstration Account (LCDA) Funding Recommendations

Ruth Grendahl, Chair of the LCAC, presented the committee's recommendations and described the committee's process of evaluating the proposals for the LCDA funding recommendations. Ms. Grendahl explained recommendations for funding 12 of 14 projects, based on the LCDA criteria committee – funding feasibility, and readiness. All 14 applicants participated in question & answer sessions, conflicts of interests were addressed and declared, a desire to include additional Council funding above the recommendation limit of 40 percent of available dollars for Minneapolis and St. Paul to fund storm water mgmt and for the 2700 The Avenue Advisory were discussed and the Advisory committee's committees recommendations allocating all of the 7 mil were summarized.

Joanne Barron, Planning Analyst, presented a PowerPoint presentation of the 12 projects, highlighting the advisory committee's recommendations. It was noted that the total recommended is \$6,999,500, not \$7 million as stated in the written documents. Corrections will be made before next CDC meeting. The LCAC suggests the committee consider awarding an additional \$45,741 to 2700 The Avenue, St Paul, for a total of 250,000.

Chair Steffen questioned changes of end use with projects regarding retail with housing above. Questions tabled until next meeting.

CALL TO ORDER

A quorum being present, Chair Steffen called the regular meeting of the Council's Community Development Committee to order at 4:45p.m. on Monday, November 17, 2008.

APPROVAL OF AGENDA AND MINUTES

It was moved by Meeks, seconded by Bowles, to approve the agenda. **The motion carried.**

It was moved by Meeks, seconded by Sanda, to approve the minutes of the October 20, 2008 regular meeting of the Community Development Committee. **The motion carried.**

BUSINESS

Natalie Steffen, Chair, introduced new committee member Dan Wolter, who transferred from the Transportation Committee.

Guy Peterson, Community Development Director introduced Michele Wenner, the new Admin Tech that will be working the Committee.

2008-242 City of Belle Plaine 2030 Comprehensive Plan Update, Review File. No. 20034-1; Tier II 2030 Comprehensive Sewer Plan

Tom Caswell, Senior Planner, presented the City of Belle Plaine's Comprehensive Plan Update. Belle Plaine is a Rural Growth Center geographic planning area.

The proposed CPU conforms to regional system plans, is consistent with Council policies, (although its forecasts for 2030 are substantially higher than the Council's this does not represent a substantial departure for or impact on regional system plans) and is compatible with the plans of other local communities and school districts.

The City of Belle Plaine received a Local Planning Assistance Grant of \$20,000 to assist in the preparation of this update.

Meeks moved, seconded by Wolter that the Metropolitan Council adopts the Review Record and take the following actions:

1. Authorize the City to put its Comprehensive Plan Update into effect without any plan modifications.
2. Remind the City that the Scott County Watershed Management Organization (SCWMO) is in the process of updating their watershed management plan that is scheduled to be approved and adopted in 2009. The City will then have two years to update their Surface Water Management Plan (SWMP), obtain watershed approval, and adopt this SWMP.
3. Advise the City that for the areas currently not covered by orderly annexation (OA) agreements, when an OA is signed with St Lawrence Township, or land is annexed, the City will need to submit to the Council a comprehensive plan amendment.
4. Remind the City to submit a copy of the City Council Resolution adopting its Update to the Council for its records;
5. Remind the City that Minnesota Statutes 473.864 require it to formally adopt the Comprehensive Plan after the Council's final action and require the City to submit two copies of the adopted Plan to the Council in a timely manner.
6. Remind the City that it is required to submit any updated ordinances and controls intended to help implement the Plan to the Council upon adoption.
7. Advise the City to label the Minnesota Valley State Trail as an Existing State Trail, to include the southern Scott County Regional Trail Search Corridor on the Current and Future Greenway Trail Plan Map and the Regional Parks on the Regional Park and Trail Map.

Chair Steffen asked whether the Environment Committee had seen the report and if the higher 2030 forecasts concerned them? Caswell explained the next Environment Committee meeting was scheduled for November 19th and that there would be no impact on regional facilities since Belle Plaine owns and operates its own wastewater treatment facility. But he also explained the two committee reviews were independent of each other. Council staff presented an overview of the report and its proposed action

Sanda questioned the definition of FLU; Caswell provided a definition of the acronym FLU, which stands for Future Land Use and was used by staff and consultants of Belle Plaine.

The motion carried.

2008-271 City of Carver 2030 Comprehensive Plan Update, Review File No. 20325-1, Council District 4; Tier II 2030 Comprehensive Sewer Plan

Jim Uttley, Planning Analyst, presented the City of Carver's 2030 Comprehensive Plan Update. He introduced Cynthia Nash, Carver Planner.

This review examines the City's *2030 Comprehensive Plan* (Update) to meet the Metropolitan Land Planning Act requirements (Minn. Stat. 473.175) and the Council's 2005 Systems Statement requirements.

The Update, as drafted, applies to the lands in the existing City of Carver and lands in an adjacent portion of Dahlgren Township. The City proposes to expand its land area by annexation in steps into those portions of Dahlgren Township covered in the Update. The Update for the entire planning area has been reviewed for regional system conformity, consistency with regional policies and other applicable statutes, and compatibility with the plans of adjacent communities and special districts and no issues have been identified.

Absent an executed Orderly Annexation Agreement between the City and Township, annexation can still occur through the statutory processes managed by the State of Minnesota's Municipal Boundary Adjustment Office, a part of the Office of Administrative Hearings. Under the circumstances, Council can review the entire Update including that portion currently in Dahlgren Township, but only that portion of the Update applying to the existing City limits can be put into effect at this time.

The Council awarded the City of Carver a \$20,000 planning grant to help with the preparation of its plan. Fifty percent of the grant has been paid to date; the remainder awaits Council action on the Plan and City adoption of the plan following Council action.

Chair Steffen asked whether the proposed recommendation for the Environment Committee related to Tier II approval should be included in the Community Development Committee action. Uttley responded that Council management anticipated that each committee would take action only on their respective recommendations.

Bowles moved, seconded by Pistilli that the Metropolitan Council:

Adopts the attached Review Record and takes the following actions from each committee:

Recommendations of the Community Development Committee

1. Authorize the City of Carver to put only that portion of its 2030 Comprehensive Plan Update pertaining to lands within its existing (as of the date of this action) boundaries into effect without any plan modifications;
2. Advise the City of Carver that the Council cannot authorize the City to put the remainder of its 2030 Update into effect at this time because the City does not have the legal authority to plan and zone those portions of Dahlgren Township covered in the Update. However, the Council has reviewed the remainder of the Update and has found no regional system conformance or policy consistency issues. At such time as the City of Carver acquires jurisdiction of the lands planned for future urbanization in Dahlgren Township either through an Orderly Annexation Agreement or annexation(s), the City will need to submit appropriate plan amendments to the Council for further review and action;
3. Advise the City that it is required to participate in the Council's plat monitoring program beginning in 2009 and must submit annual reports to the Council consistent with Council guidelines;
4. Remind the City to submit a copy of the City Council Resolution adopting its Update to the Council for its records;
5. Remind the City that Minnesota Statutes 473.864 require it to formally adopt the Comprehensive Plan after the Council's final action and require the City to submit two copies of the adopted Plan to the Council in a timely manner;
6. Remind the City that it is required to submit any updated ordinances and controls intended to help implement the Plan to the Council upon adoption;
7. Advise the City that it needs to submit to the Council the dates when the City's current Surface Water Management Plan (SWMP) is approved by the Carver County Watershed Management Organization and the Lower Minnesota River Watershed District; as well as the final adopted version of the SWMP and the date the City adopts the final version of the plan.

The motion carried.

2008-300 City of Shoreview Comprehensive Plan Amendment Southview, Review File No. 16933-9

Tori Dupre, Senior Planner presented the City of Shoreview's Comprehensive Plan Amendment.

The proposed CPA reguides 4.5 acres from low and medium density residential to high density senior housing and office. The development proposed is a mixed-use senior residential and office complex, that includes a 104-unit residential facility owned by Southview Senior Living. The CPA does not change the City's forecasts.

The CPA conforms to the Regional Systems' Plans for Parks, Transportation (including Aviation), and Wastewater, with no substantial impact on, or departure from these plans. Is consistent with the Council's *2030 Regional Development Framework*, with water resources management, and is consistent with Council forecasts, and will not have an impact on adjacent communities, school districts, or watersheds.

Sanda moved, seconded by Bowles that the Metropolitan Council:

1. Adopt the attached review record and allow the City of Shoreview to put the comprehensive plan amendment (CPA) into effect.
2. Find that the CPA does not change the City's forecasts.

The motion carried.

2008-297 Request for a Second Extension for a Tax Base Revitalization Account Grant, SG 006-024 Brooklyn Park Village Creek III

Livable Communities Manager, Paul Burns, presented an overview of the City's request for a one year, second extension of the TBRA grant, to December 31, 2009.

Burns gave a brief summary: The Metropolitan Council awarded a \$73,900 TBRA grant to the City of Brooklyn Park on January 25, 2006 for soil and groundwater remediation, vapor barrier and installation, wrap utility services, enriched concrete at parking entrances and building foundations and construction testing and observation. On December 17, 2007, Livable Communities staff processed an administrative amendment to extend the grant to December 31, 2008. The City requested an additional one year extension to the grant agreement via email on October 17, 2007 and provided a city resolution in support of their staff's request on October 24, 2007. Burns mentioned that the Council has approved requests for second grant extensions for six other projects in the past.

Burns, explained that the applicant has indicated that the downturn in the economy has caused the developer to have an unavoidable delay in securing a primary tenant. They have provided reasonable assurances the project will be completed in a timely manner, should the second extension be approved:

- That a primary tenant, the Hennepin County Medical Center (HCMC), has now been secured
- Other investments in the project area have taken place over the past several years, including public improvements to Shingle Creek and new roads and trails, and the Brunswick Zone entertainment complex and new housing has been built in the area.

Mr. Burns introduced Jason Aasvold, Kim Berggren, and Amy Baldwin from the city of Brooklyn Park to present their request. Jason Aasvold discussed delays; challenging markets, difficulty obtaining tenant, etc., as reasons for the request for a second extension. He provided evidence further documenting the delays, and reinforcing the reasonable assurances, primarily that the existence of the anchor tenant, and a detailed project development timeline, ensuring the project will move forward.

Pistilli moved, seconded by Bowles that the Metropolitan Council approve a request from the City of Brooklyn Park to approve a one-year, second extension of the Tax Base Revitalization Account (TBRA) grant SG006-025 for the Village Creek – III project, to December 31, 2009.

The motion carried.

2008-314 Acquisition Opportunity Grant request to purchase land for Above the Falls Regional Park, Minneapolis Park & Recreation Board

Arne Stefferud, Planning Analyst, gave a brief background on the request:

The Minneapolis Park & Recreation Board (MPRB) has negotiated the acquisition of four parcels in two locations that are owned by one owner (Galka) that total 0.52 acre and includes 100 feet of shoreline on the Mississippi River in Above the Falls Regional Park. The seller is donating two of the parcels at 13th Ave. NE, so the MPRB is requesting a Park Acquisition Opportunity Grant for the remaining two parcels located at 1808 and 1812 Marshall Street NE. The total cost of the acquisition and related expenditures for these parcels is \$186,227. The corrected amount is based on the stipulation that MS 473.341 requires 180% of the city or township taxes due on land acquired for the Regional Park System to be paid as a property tax equivalency payment.

Due to the corrected total cost of \$186,227 for the acquisition of the Marshall Street NE parcels and the tax equivalency payment on the 13th Ave. NE parcels, the MPRB requests 75% of that cost (\$139,670) to acquire the parcels from the Park Acquisition Opportunity Fund. It recommends approving a grant of \$139,670 to help acquire the Marshall Street NE parcels.

Meeks moved, seconded by Pistilli that the Metropolitan Council authorize a grant of \$139,670 from the State Acquisition Grant Account in the Park Acquisition Opportunity Fund to the Minneapolis Park & Recreation Board to partially finance the acquisition of 1808 and 1812 Marshall Street NE and the tax equivalency payment for the 13th Ave. NE parcels as part of Above the Falls Regional Park. The Minneapolis Park & Recreation Board must use funds other than the I-35W bridge condemnation proceeds as the 25% local match (\$ 46,557), to the Council's grant. The Council's grant will be financed with \$83,802 from the 2008 Environment and Natural Resources Trust Fund appropriation and \$55,868 of Metropolitan Council bonds.

(The Metropolitan Parks & Open Space Commission recommended an amendment to the recommendation to clarify the local match source to the Council's grant).

The Committee asked what tax equivalency payments were. Council staff replied that a park agency acquiring land for the Regional Park System must pay 180% of the city or township property tax due on that land at the time of acquisition. It is a way to transition that land off the city or township's tax base. This payment is required by State law.

The Committee asked if the Minneapolis Park Board was aware of the requirement that the Park Board must use funds other than the I-35W bridge condemnation proceeds as the 25% match to the Council's grant. Staff replied that the Park Board was aware of this as part of the deliberations by the Metropolitan Parks and Open Space Commission (MPOSC) on this matter. The Park Board representatives had stated at the MPOSC meeting that other land would be acquired with the I-35W bridge condemnation proceeds. The recommendation to the Council was done to insure that State funds in the I-35W bridge account were not matched with State funds in the Council's grant.

The motion carried.

Council staff presented an overview of the requests received from communities for extension of the deadline for submitting comprehensive plan updates. The Committee focused on two distinct groups of cities making requests; 1) those without local planning assistance grants from the Council; and 2) those that have been given local planning assistance grants. The committee adopted the proposed action for four cities - Chaska (2008-328), Minnetonka Beach (2008-331), Orono (2008-333), and Vadnais Heights (2008-334), as requested by the cities, without Committee discussion.

2008-328 City of Chaska Comprehensive Plan Update Extension Request

Pistilli moved, seconded by Hilker that the Metropolitan Council extends City of Chaska's comprehensive plan update submission deadline from December 31, 2008 to August 31, 2009.

The motion carried.

2008-331 City of Minnetonka Beach Comprehensive Plan Update Extension Request

Pistilli moved, seconded by Hilker that the Metropolitan Council extends City of Minnetonka Beach's comprehensive plan update submission deadline from December 31, 2008 to June 30, 2009.

The motion carried.

2008-333 City of Orono Comprehensive Plan Update Extension Request

Pistilli moved, seconded by Hilker that the Metropolitan Council extends City of Orono's comprehensive plan update submission deadline from December 31, 2008 to July 31, 2009.

The motion carried.

2008-334 City of Vadnais Heights Comprehensive Plan Update Extension Request

Pistilli moved, seconded by Hilker that the Metropolitan Council extend the comprehensive plan update submission deadline from for the City of Vadnais Heights from December 31, 2008, to October 13, 2009.

The motion carried.

The Committee focused on two distinct groups of cities making requests; the three that have been given local planning assistance grants: City of Corcoran (2008-329), Lake Elmo (2008-330), and Nowthen (2008-332) grouped together, discussed and voted. All three have received the first half of their grants and have requested extensions of one full year or more for submission of their updates.

2008-329 City of Corcoran Comprehensive Plan Update Extension Request

City Administrator, Todd Bodem informed the Committee that Corcoran has faced challenges in transitioning from a rural community to one that will be receiving sewer for the first time. In addition, the City has had staff turnover as well as

funding pressures. Chair Steffen asked if the City will be able to submit their plan to the Council by the end of May. Bodem said that the City will submit their comprehensive plan to the Council by the end of May 2009, at which time the comprehensive plan will also be distributed to adjacent communities for review. He said the City now has additional professional planning assistance for the comprehensive plan and comprehensive plan committee working on their update.

1. Grant Agreement. The City was awarded a \$20,000 Local Planning Assistance Program grant in August 2007.

Bowles moved, seconded by Pistilli that the Metropolitan Council extend the City's "decennial" comprehensive plan update submission deadline to May 29, 2009 subject to the following terms and conditions:

1. If the City submits a plan update to the Council by May 29, 2009 that is "complete" for review as defined in the Council's *Local Planning Handbook* and the adjacent review requirements have been completed by May 29, 2009, the City will be eligible to receive the second disbursement of grant funds described in the grant agreement.
2. If the adjacent review requirements have not been completed by May 29, 2009 but the City submits a plan update to the Council by May 29, 2009 that otherwise is "complete" as defined in the Council's *Local Planning Handbook*, the City will be eligible to receive the second disbursement of grant funds described in the grant agreement.
3. If the City has not submitted a plan update by May 29, 2009 that is "complete" as defined in the Council's *Local Planning Handbook*, the City must repay by July 30, 2009 all grant funds paid to the City under the grant agreement.
4. The grant agreement should be amended to: (a) extend the December 31, 2008 plan update submission deadline to May, 29, 2009; (b) reflect these terms and conditions; (c) make the execution of the grant amendment expressly conditioned on the City's acceptance of these terms and conditions; and (d) require a written bi-monthly progress report that describes in reasonable detail the City's progress toward meeting the May 29, 2009 deadline, and (e) in order to accommodate the statutory 6-month adjacent and special jurisdiction review period, the community must submit its final Update no later than December 31, 2009, and notify the Council of any changes made to the Update from the May 29, 2009 submission.

Committee member Bowles moved to add a provision to the proposed actions a final date by which communities must submit their Updates to accommodate the required statutory 6-month review period and to respond to any comments received during that period.

The Committee agreed (5-2 vote) to extend the Update submission deadline to May 29, 2009, for these cities subject to the terms and conditions detailed under Proposed Actions above, including provision 4(e) as moved by Committee member Bowles. Committee members discussed consequences for not meeting deadline. If the city cannot submit their plan to the Council by May 29 and complete the adjacent review by December 31, 2009, then they will not receive the second half of the grant monies and they will be asked to return the first half of the grant given to them.

Opposed: Hilker, Meeks

The motion carried.

2008-330 City of Lake Elmo Comprehensive Plan Update Extension Request

The Committee questioned why Lake Elmo's Update would take so long to complete. Mayor Dean Johnston of Lake Elmo spoke on behalf of the City to explain their situation and proposed timeline.

The City's request for an extension to December 2010 is two years beyond the statutory submittal deadline and a year and a half beyond the extended administrative date. The City has provided a significant amount of information in their extension request, detailing the work that remains to be completed and the timelines for completing those items.

Bowles moved, seconded by Pistilli that the Metropolitan Council extend the City's "decennial" comprehensive plan update (Update) submission deadline to May 29, 2009, subject to the terms and conditions as the Committee recommended for the City of Corcoran.

The motion carried.

2008-332 City of Nowthen Comprehensive Plan Update Extension Request

Bowles moved, seconded by Pistilli that the Metropolitan Council extend the City's "decennial" comprehensive plan update (Update) submission deadline to May 29, 2009, subject to the terms and conditions as the Committee recommended for the City of Corcoran.

The motion carried.

ADJOURNMENT

There next regularly scheduled CDC meeting will be held on Monday, December 1, 2008, at 4:00 p.m. in the Council Chambers.

Business completed, Chair Steffen adjourned the meeting at 5:50 p.m.

Respectfully submitted,

Michele Wenner
Recording Secretary