

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

**REGULAR MEETING OF THE COMMUNITY DEVELOPMENT COMMITTEE**  
Monday, August 1, 2011

Committee Members Present: **Gary Cunningham, Chair; Jon Commers, Vice-Chair; Steven Elkins, Richard Kramer, Jennifer Munt, Sandra Rummel, Roxanne Smith, Wendy Wulff**

**CALL TO ORDER**

A quorum being present, Chair Cunningham called the regular meeting of the Council's Community Development Committee to order at 4:30 p.m. on Monday, August 1, 2011.

**APPROVAL OF AGENDA AND MINUTES**

It was moved by Rummel seconded by Commers, to approve the agenda. **The motion carried.**

It was moved by Kramer, seconded by Wulff to approve the minutes of the July 18, 2011 regular meeting of the Community Development Committee. **The motion carried.**

**BUSINESS**

[2011-202](#) City of Crystal 2030 Comprehensive Plan Update, Review No. 20598-1  
Tier II Comprehensive Sewer Plan (Denise Engen 651 602-1513)

Local Planning Assistance staff member Denise Engen presented the report and the proposed actions to the Community Development Committee.

Munt moved, seconded by Commers that the Metropolitan Council adopts the attached Advisory Comments and Review Record, and the following:

**Recommendation of the Community Development Committee:**

1. Authorize the City of Crystal (City) to put its 2030 Comprehensive Plan Update into effect, noting that the Update is not consistent with Council policy for land use and housing;
2. Advise the City to:
  - a. Send the Council the dates the Bassett Creek and Shingle Creek watersheds approve the City's local surface water management plan (LSWMP), the date the City adopts the final LSWMP, and a copy of the final LSWMP.
  - b. Participate in Council activities to monitor redevelopment in developed communities.
  - c. Implement the advisory comments noted in the Review Record for Land Use and Housing.

**Recommendation of the Environment Committee:**

Approve the City of Crystal's Tier II Comprehensive Sewer Plan.

Chair Cunningham commended staff for their work in reaching a resolution to the aviation issues with the City's comprehensive plan update (Update), as well as for similar efforts with other communities. The Chair then asked whether the affordable housing requirements the City was being asked to meet represented a unique situation, or whether this was something other cities had been asked to do and had done. Ms. Engen replied that cities' comprehensive plans were assessed as to whether they met their assigned share of the region's affordable housing need and sufficiently guided land to address that need – and that other communities had done so in their comprehensive plans. Guy Peterson, Community Development Director, affirmed this and noted that one other jurisdiction, White Bear Township, had initially failed to meet its affordable housing need share, but had since revised its plan. Crystal would be the only community that had not adequately guided land to accommodate its share of the region's affordable housing need.

Council Member (CM) Rummel asked whether there were consequences to the City for not meeting its obligations. Mr. Peterson replied that there was a potential consequence. Mr. Peterson had contacted the Crystal City Manager in hopes of possibly having further conversations to resolve the situation. However, failing changes in the Update, he would probably come back to the CDC to reconsider whether Crystal should be permitted to continue participation in the Livable Communities grants program.

CM Smith asked if we knew why the City was choosing not to guide enough [higher density] land in their Update to be in compliance. Ms. Engen presented reasons cited in the City's Update. CM Wulff added that prior to a change to state law about 15 years ago, communities could have land that was guided one way and zoned another. Since cities now must make comprehensive plan guiding and zoning correspond, they may have to change zoning on existing properties, which can make residents unhappy. CM Wulff also noted that cities may give up leverage with developers if land is zoned prior to giving project approvals. CM Elkins commented that he understood CM Wulff's position, but thought that it was possible to draft the kind of ordinance that provided good development by right. CM Kramer commented that he thought that we should be careful that punishment to the City did not lead to *not* achieving the Council's goals. Not allowing the City to apply for LCA monies may risk this. Council action, if and when it is considered, should be nuanced.

CM Cunningham asked if there were other questions for staff. CM Elkins asked if he understood correctly that the Metropolitan Airports Commission (MAC) had not established noise contours for this airport. Connie Kozlak, Metropolitan Transportation Services, answered that there were previously set noise contours, but that newer plans call for removing one runway. It is likely the extent of the noise contours will shrink as a result. MAC provided the City with a map showing the noise impacts of the new plans. However, until environmental studies are complete, the City will not have access to the final information needed to zone for noise. The Update initially said that the City would not adopt a noise ordinance at all. Council staff communicated that the City needs to adopt an ordinance, but that it can wait until they have more information from MAC. CM Elkins asked whether the City has reached out to MAC regarding noise mitigation. Ms. Kozlak replied that the City was not at the stage to consider this.

A motion to adopt the proposed action was made and seconded. The Chair called for discussion. CM Elkins commented that if the City put in an application for a LCA grant, it would likely be for the type of project that the Council would support in the community. CM Wulff commented that it may be more cost effective for Crystal to zone properties when

development happens, rather than to fund a large zoning study.

CM Cunningham remarked that from his perspective, staff had been flexible in negotiating a solution to issues and that housing and equity issues were high on his list of priorities. If the Council has set a standard, and all other cities have abided by this standard, integrity must be maintained – to the system overall, to state statute and to previous council policy. CM Smith concurred with the concern about setting a precedent for future Council actions. CM Rummel stated that she appreciated what Mr. Peterson said about there being a future process for continuing efforts to encourage the City to revise its land use guiding, and that her understanding is that the Council will continue to work with the City.

CM Wulff said that she would prefer the advisory comment be removed and, after some discussion, moved to remove item 2C from page one of the staff report. CM Elkins seconded the motion. There was no discussion. The motion to amend the proposed action failed. There was no further discussion. The original motion carried 7-1. **The motion carried.**

**2011-208** Indian Mounds Regional Park Master Plan Amendment, City of St. Paul  
Referral No. 50010-1 (Arne Stefferud 651 602-1360)

Planning Analyst Arne Stefferud presented the staff report and proposed actions to the Community Development Committee.

Wulff moved, seconded by Kramer that the Metropolitan Council:

1. Approve the Indian Mounds Regional Park Master Plan Amendment (Referral No. 50010-1).
2. Request the City of St. Paul to submit plans for the following park improvements to Scott Denz at MCES for review: 1) the new paved loop trail located just north of Warner Road; and 2) the restroom/shelter facility at Carver's Cave overlook parking lot.

**The motion carried.**

**2011-209** Park Acquisition Opportunity Grant for 1.4 acre parcel easement in  
Lebanon Hills Regional Park, Dakota County (Arne Stefferud 651 602-  
1360)

Planning Analyst Arne Stefferud presented the staff report and proposed actions to the Community Development Committee.

Rummel moved, seconded by Wulff that the Metropolitan Council authorize a grant of \$17,700 from the Environment and Natural Resources Trust Fund Acquisition Account in the Park Acquisition Opportunity Fund to Dakota County to partially finance the acquisition of a permanent easement on the 1.4 acre (Doebber) parcel as depicted in Figure 1 for Lebanon Hills Regional Park. The grant should be financed with:

\$10,620 from the 2009 Environment and Natural Resources Trust Fund appropriation  
\$ 7,080 from Metropolitan Council bonds

The Committee inquired about the acquisition including a portion of Holland Lake. Staff replied that this lake is “non-meandered”. The non-meandered lake area is split into parcels and includes adjacent lakeshore and a portion of the lake. “Meandered lakes” are lakes in which the area covered by the normal high water mark of the lake is owned by the State of Minnesota and the lakeshore beyond the normal high water mark is split into parcels. **The motion carried.**

**2011-205** 2011 Unified Operating Budget Amendment (Terri Smith 651 602-1187)

HRA Manager Terri Smith presented the staff report and proposed actions to the Community Development Committee.

Munt moved, seconded by Smith that the Metropolitan Council amend the 2011 Unified Operating Budget in accordance with the table below:

<u>Description</u>	<u>Approved</u>	<u>Revised</u>
HRA Operating Revenue	\$ 7,008,479	\$ 6,585,725
HRA Operating Expenses	<u>\$ 6,864,945</u>	<u>\$ 6,705,945</u>
Projected Surplus/Deficit	\$ 143,534	(\$ 120,220)
LPA Expenses	\$ 1,215,360	\$ 1,196,360

A typo in the business item report was identified and corrected. Committee members commented on the long term implications for the poorest of the community with cuts in the Federal budget. The Committee also inquired about our spokesperson to Washington. Ms. Smith acknowledged staff member Judd Schetnan as the Council’s spokesperson. **The motion carried.**

**NO INFORMATION ITEMS**

**ADJOURNMENT**

The next regularly scheduled CDC meeting will be held on Monday, August 15, 2011 at 4:30 p.m. in the Council Chambers.

Business completed Chair Cunningham adjourned the meeting at 5:30 p.m.

Respectfully submitted,

Michele Wenner  
Recording Secretary