

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

**REGULAR MEETING OF THE COMMUNITY DEVELOPMENT COMMITTEE**  
Monday, April 21, 2008

Committee Members Present: Chair, Natalie Steffen; Richard Aguilar; Sherry Broecker, Georgeanne Hilker; Tony Pistilli, Kris Sanda

**CALL TO ORDER**

A quorum being present, Committee Chair Steffen called the regular meeting of the Council's Community Development Committee to order at 4:00 p.m. on Monday, April 21, 2008.

**APPROVAL OF AGENDA AND MINUTES**

It was moved by Sanda, seconded by Broecker to approve the agenda with the change recommended by Chair Steffen to present Business Item 2008-94, Development Ordinances in the Diversified Rural Areas, as the second item to be heard on the April 21 CDC agenda. **The motion carried.**

It was moved by Aguilar, seconded by Sanda to approve the minutes of the April 7, 2008 regular meeting of the Community Development Committee. **The motion carried.**

**BUSINESS**

**2008-92 – Request for An Additional Extension of Livable Communities Demonstration Account (LCDA) Grant #SG004-126, Ramsey Town Center.** Chair Steffen welcomed and introduced Tom Gamec, mayor, and Kurt Ulrich, city administrator, city of Ramsey. Paul Burns, livable communities manager, reported that the Metropolitan Council awarded a \$363,756 LCDA grant to the City of Ramsey on February 9, 2005 to construct an amphitheater, pedestrian bridge, and trails in Town Center East Park as a part of its Ramsey Town Center II project. Burns explained that grants may be extended administratively only once, for a period not to exceed one year. Any requests for additional extensions are decided by the Council at the recommendation of the Community Development Committee. He further noted that on June 19, 2007, Livable Communities staff processed an administrative amendment to extend the grant to June 30, 2008. The City sent a letter seeking an additional two-year extension to the grant agreement, and explaining the circumstances that necessitated the request. Burns then invited the city representatives to present their extension request.

Chair Steffen stated that she lived in the city of Ramsey, had no economic interest in this project, and asked committee members if anyone had an objection to her chairing this portion of the meeting. No objection was raised. Mayor Gamec provided a brief update about current activities in the city of Ramsey and provided an overview about development currently underway. Ulrich walked the committee through a handout he previously distributed and shared information about the background, history and funding for the Ramsey Town Center. He further explained the purpose of the grant extension request and discussed next steps for the project which are moving ahead. Ulrich reported that ongoing meetings continue with the developer and the banks involved, and Gamec expressed that the Ramsey city council is also aggressively pursuing the success of this project. Discussion followed.

The committee raised questions regarding the May 2 end date, the number of banks involved, the types of activities that would occur at the amphitheater, the status of the rail station, whether the city has reached agreement with the bank on the development agreements and city representatives responded. Pistilli asked whether other requests of this nature had been approved for two-year extensions and questioned whether staff could be authorized to handle these administrative issues in the future. Chair Steffen revisited the policy and Guy Peterson, community development director, also responded. Chair Steffen directed Peterson to review the policy and procedure and to report the reasons for the committee taking the action they did so that the committee could determine whether to consider reverting authority to staff to handle these issues. Peterson stated that staff would revisit this issue and bring it to the committee in late May for further discussion.

Sanda moved, seconded by Broecker, that the Metropolitan Council:

Respond to a request from the city of Ramsey to approve a two-year, second extension of the Livable Communities Demonstration Account (LCDA) grant SG004-126 for the Ramsey Town Center project. The City has requested that the grant be extended to June 30, 2010.

**The motion carried.**

**2008- 94 - Development Ordinances in the Diversified Rural Areas.** Chair Steffen stated that committee members Broecker and Hilker participated on the Diversified Rural Area Study Group which included meetings and presentations from several cities. Phyllis Hanson, manager, local planning assistance, reported that this update was a follow-up to the Diversified Rural Area Study Group. She briefly walked committee members through the five policy questions identified by the Study Group and then provided a status report regarding each question. Hanson noted that for the purposes of this report, these ordinances are referred to as ‘flexible development ordinances,’ with a focus on those ordinances regulating residential development. Hanson then provided an overview about the Flexible Development Ordinance Study and explained the four general categories of flexible development types including: open space preservation, future urbanization, large-lot with open space parcel and large lot without open space parcel. Hanson outlined three recommendations identified by staff to ensure that ordinances can be reviewed for consistency with Metropolitan Council policies and system plans. She concluded her presentation by noting that Council legal staff was in the audience to assist the committee with any legal questions.

The committee raised a question about whether the Council would be responsible for approving communities’ plat plans. Hanson responded that staff is working on establishing standards and parameters that would be used to review ordinances that would serve as examples for communities in terms of what may be acceptable for an ordinance within a long-term service area or within an area that is for open space preservation. Hanson noted that these standards and parameters will be brought before the committee, much like the *Local Planning Handbook*, as an example. The committee asked how and when this information will be distributed to communities, and Hanson explained next steps. General discussion was held regarding the Council’s legal recourse if cities challenged or did not follow their master plan. A question was raised about whether this would preclude a community that is developing at a very high density in a small area from developing the remainder of their community in the manner in which they feel best suited for their residents if they still meet the three units per acre that the Council is advocating in the framework. Peterson responded “no,” explaining that as long as the city plans for 3 units per acre overall in its sewered area, this is satisfactory. Discussion followed.

Pistilli moved, seconded by Sanda, that the Metropolitan Council:

1. Direct staff to obtain proposed residential development ordinances from communities in the Diversified Rural area so the Metropolitan Council can review those ordinances for consistency with Council policies and metropolitan system plans.
2. As part of the comprehensive plan and plan amendment review processes, remind communities that residential development ordinances implemented within the Diversified Rural planning area must be consistent with the Council policy to accommodate growth in a flexible, connected, and efficient manner.
3. Advise communities identified as having a Long Term Service Area by the *2030 Water Resources Management Policy Plan* that existing or proposed development ordinances and other official controls (e.g., cluster, open space, and density bonus provisions) that allow deviation from the Council’s density policies are inconsistent with metropolitan system plans and therefore prohibited by Minnesota Statutes sections 473.858 and 473.865.

**The motion carried.**

**2008-44 – Mayer 2030 Comprehensive Plan Update – Review #20094-1.** Jim Uttley, planning analyst, provided background information about the location of the city of Mayer in Carver County. He noted Mayer’s Plan conforms to the regional systems plans for all systems parks, transportation, aviation, and wastewater. It is also consistent with the forecasts with the water resources management plan and with housing policy. Uttley further noted that there are no adverse impacts on adjacent communities. He then reviewed the proposed actions as recommended by staff. Discussion followed.

Chair Steffen asked whether the city of Mayer is asking to have the Council acquire its wastewater treatment plant (WWTP) and whether the recommendation to acquire Mayer to participate in the plat monitoring program was related to

possible acquisition. Uttley responded that Mayer is exploring possible acquisition of its WWTP but has not made a formal request. He expressed that the recommendation about plat monitoring is partially related to possible future acquisition and noted that he has discussed this issue with most of the cities in Carver County.

Sanda moved, seconded by Hilker, that the Metropolitan Council:

Adopts the attached Review Record and take the following actions:

1. Approves the City's Tier II Comprehensive Sewer Plan;
2. Authorizes the City of Mayer to put its *Comprehensive Plan* Update into effect without any plan modifications;
3. Requires that the City of Mayer participate in the Council's plat monitoring program beginning in 2008 and to submit annual reports to the Council as outlined on the Council's website:  
[www.metrocouncil.org/planning/assistance/resources.htm#plat](http://www.metrocouncil.org/planning/assistance/resources.htm#plat);
4. Advises the City that it may alter, expand or improve its sewage disposal system consistent with its approved Tier II Sewer Plan;
5. Advises the City that when the Orderly Annexation Agreements are implemented with surrounding townships, forecast revisions should be discussed with the Council if needed;
6. Reminds the City to submit a copy of the City Council Resolution adopting its Update to the Council for its records;
7. Reminds the City that Minnesota Statutes 473.864 require it to formally adopt the Comprehensive Plan, along with any required modifications, within nine months 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; and,
8. Reminds the City that it is required to submit any updated ordinances and controls intended to help implement the Plan to the Council upon adoption.
9. Advises the City that, based on the minimum residential densities described in this report and in the text of the City's comprehensive plan, planned residential development is consistent with the Council policy of 3-5 units per acre.

#### **The motion carried.**

**2008-45 – New Germany 2030 Comprehensive Plan Update – Review #20169-1.** Jim Uttley, planning analyst, introduced Ann Perry, planning consultant, Resource Strategies Corporation, who worked with the city to prepare its Comprehensive Plan Update. Uttley provided background information about the location of the city of New Germany in Carver County, explained its regional systems, and provided an overview about its orderly annexation agreements with two adjacent townships. He noted that New Germany's Plan conforms to the regional systems plans for all systems parks, transportation, aviation, and wastewater. It is also consistent with the forecasts with the water resources management plan and with housing policy, and there are no adverse impacts on adjacent communities. Uttley then walked the committee through the proposed actions.

Chair Steffen asked Ms. Perry whether the city of New Germany was subject to the outcome of the lawsuit related to expansion of its wastewater treatment plant (WWTP). She responded that it was and that the city's EAW for expansion of the WWTP received no adverse comments from the Minnesota Pollution Control Agency. Steffen also inquired about the recommendation related to the designations of CSAH 30 and 33. Uttley responded that the change in the designation applied to the language in the Update only. Sanda asked about the Dakota Rail regional trail and whether it was being considered for a future LRT or commuter rail, and Uttley responded that it was not.

Hilker moved, seconded by Sanda, that the Metropolitan Council:

Adopts the attached Review Record and take the following actions:

1. Approves the City's Tier II Comprehensive Sewer Plan;
2. Authorizes the City of New Germany to put its 2030 Comprehensive Plan Update into effect without any plan modifications;

3. Requires that the City of New Germany participate in the Council's plat monitoring program beginning in 2008 and to submit annual reports to the Council as outlined on the Council's website:  
<http://www.metrocouncil.org/planning/assistance/resources.htm#plat>;
4. Advises the City that it may alter, expand or improve its sewage disposal system consistent with its approved Tier II Sewer Plan;
5. Advises the City that when the Orderly Annexation Agreements are implemented with surrounding townships, forecast revisions should be discussed with the Council if needed;
6. Advises the City to change the designation of CSAH 30 and CSAH 33 in the Update to "A" minor arterial connectors;
7. Reminds the City to submit a copy of the City Council Resolution adopting its Update to the Council for its records;
8. Reminds the City that Minnesota Statutes 473.864 require it to formally adopt the Comprehensive Plan, along with any required modifications, within nine months 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; and,
9. Reminds the City that it is required to submit any updated ordinances and controls intended to help implement the Plan to the Council upon adoption.

**The motion carried.**

**2008-112 - Metropolitan Council Agricultural Preserves Program 2007 Status Report.** Tori Dupre, senior planner, reported that Minnesota Statutes direct the Metropolitan Council to prepare annual reports summarizing program enrollment and to maintain maps illustrating lands covenanted as agricultural preserves. She walked the committee through the recommendation being asked for approval. Dupre explained that the program is designed to provide a series of benefits and protections to agricultural operations in the metropolitan area and to add tax incentives to metro area farmers at a rate comparable to agricultural areas in townships outside the metro area. She further outlined the steps landowners need to complete to be eligible to enroll in this program. Dupre noted that the program is funded by a \$5.00 county-level fee on mortgage registration and deed transfers and that counties use this revenue to fund property tax saving benefits to enrolled landowners. She further explained that enrollment in the Agricultural Preserves Program is voluntary and authorized by local governments having land use authority.

Committee members asked for clarification regarding a map used in the presentation and briefly discussed the change in program enrollment over time in light of development slowdown. There were no further questions.

Broecker moved, seconded by Sanda, that the Metropolitan Council:

1. Accept the 2007 Status Report to forward to the Minnesota Legislature and to the Minnesota Department of Agriculture.

**The motion carried.**

**INFORMATION**

**Comprehensive Plan Update Status Report.** Phyllis Hanson, manager, local planning assistance, presented a status report regarding comprehensive plan update submittals—4 plans have been completed of the 190 plans expected. Hanson noted that the bulk of the plans will be submitted in December, 2008. She explained that it is expected approximately 10 communities will ask for an extension but that those numbers could change as this process moves forward. Guy Peterson, community development director, reinforced that there will be a significant number of communities requesting plan extensions this year due to city council schedules, public hearings, and other delays. He expressed that a description of the process to be used to deal with extension request issues will be brought to committee members for discussion in May. Chair Steffen thanked Hanson for her report.

Steffen then called committee members' attention to a memo from Paul Burns, manager, livable communities, that had been distributed regarding the pending expirations of livable communities grants. She expressed that this relates to the question that Pistilli raised earlier. Steffen asked members to review the list of livable communities grants expiring on

June 30, 2008, and noted that some of the communities have not drawn any of the funds to date. Steffen asked members to give some thought to requiring cities to provide a status report regarding their plans and timelines when funds have not been drawn prior to the committee determining whether to authorize staff to decide these administrative matters. Peterson stated that this communication was generated to apprise members of the grants expiring within their communities. Seven communities will probably be seeking a one-year extension of their grant agreement and about 12 communities might seek an extension because their previously awarded three-year period of time has already expired. Chair Steffen directed staff to also verify whether some of the grantees on the list may have spent the funds and not made a request for an extension. Peterson responded that staff would follow-up.

Sanda then revisited the issue of whether the committee would consider changing the CDC meeting to an earlier start time. Discussion followed. Peterson indicated that he would check into this matter and report his findings for further committee discussion at the next CDC meeting.

## **ADJOURNMENT**

The next meeting of the Community Development Committee is Monday, May 5, 2008 at 4:00 p.m. in Chambers.

Business completed, Chair Steffen adjourned the meeting at 5:40 p.m.

Respectfully submitted,

Diane Jadwinski  
Recording Secretary