

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

REGULAR MEETING OF THE COMMUNITY DEVELOPMENT COMMITTEE
March 15, 2010

Committee Members Present: **Chair Natalie Steffen; Vice-Chair, Tony Pistilli; Kris Sanda; Georgeanne Hilker; Daniel Wolter; Richard Aguilar; Sherry Broecker; Polly Bowles; Annette Meeks; Wendy Wulff**

CALL TO ORDER

A quorum being present, Chair Steffen called the regular meeting of the Council's Community Development Committee to order at 4:00 p.m. on Monday, March 15, 2010.

APPROVAL OF AGENDA AND MINUTES

It was moved by Sanda seconded by Broecker, to approve the agenda. **The motion carried.**

It was moved by Broecker, seconded by Bowles to approve the minutes of the February 16, 2010 regular meeting of the Community Development Committee. **The motion carried.**

BUSINESS

2010-103 City of Randolph 2030 Comprehensive Plan Update, Review File No. 20622-1
Senior Planner Patrick Boylan presented the report and proposed actions to the Community Development Committee.

Wolter moved, seconded by Broecker that the Metropolitan Council adopt the attached Advisory Comments and Review Record, and the following:

Recommendation of the Community Development Committee:

1. Authorize the City of Randolph to put its 2030 Comprehensive Plan Update into effect;
2. Implement the advisory comments noted in the Review Record for Surface Water Management, ISTS, and Water Supply.
3. Approve the revised forecasts as included in the Review Record.

Councilmember Bowles asked questions about "borrow pits" described in the aggregate resources portion of the Staff Report and about the higher than average water usage for the City of Randolph. Sector Representative Patrick Boylan described hillside mining and the need for the city to consider water supply as a resource to be conserved.

The motion carried.

2010-89 Lake Elmo 2030 Comprehensive Plan Update, Review File No. 20599-1
Tier II Comprehensive Sewer Plan

Senior Planner LisaBeth Barajas presented the staff's report and proposed actions to the Community Development Committee

Sanda moved, seconded by Broecker that the Metropolitan Council adopt the attached Advisory Comments and Review Record and take the following actions:

Recommendations of the Community Development Committee:

1. Authorize the City of Lake Elmo to put its 2030 Comprehensive Plan Update into effect.
2. Advise the City to:
 - a. Revise the Land Use element of the Update upon the City's selection of a development scenario for the Village Area and to submit a comprehensive plan amendment to the Metropolitan Council for review of the land use revision.
 - b. Revise the Update, when the Land Use element of the Update is revised and submitted to the Metropolitan Council for review, to guide the inholdings in Lake Elmo Park Reserve as parks and open space, or a comparable land use designation, on the City's 2030 Land Use Plan map.
 - c. Implement the advisory comments in the Review Record for Transportation, Aviation, Surface Water Management, Housing, and Community and Individual Sewage Treatment Systems.

Recommendation of the Environment Committee:

Approve the City of Lake Elmo's Tier II Comprehensive Sewer Plan, contingent upon execution of a Memorandum of Understanding between the City of Lake Elmo and the Metropolitan Council consistent with the Resolution that addresses the City's petition regarding the Wastewater Inefficiency Fee.

Ms. Barajas introduced City representatives Mayor Dean Johnston, City Administrator Bruce Messelt, City Planner Kyle Klatt, and City Engineer Jack Griffin.

Chair Steffen asked for clarification on Environment Committee action, which would be reviewed at the full Metropolitan Council meeting on the same day as the action on the comprehensive plan update. Steffen indicated the need to have the Environment Committee action occur prior to the Council's action on the City's Update.

Chair Steffen asked whether the City is considering amending their development plans to develop in the I-94 corridor rather than the Village Area first, especially given current economic conditions. Barajas clarified that the City has not made changes to the land use or staging at this time, but indicated that the City has been having those discussions internally.

Chair Steffen asked for confirmation on the time frame for the City to put into plan their comprehensive plan and make the changes indicated in the proposed actions. Barajas indicated that State statute requires a plan to be put into effect within 9 months of the Council's final action on the plan, including the required changes. Barajas explained, however, that the proposed actions indicate that the City should make some of those changes when their land use element is updated upon selection of a development scenario for the Village Area, which is expected to occur this year.

Chair Steffen asked whether a time element should be included in the proposed actions. Legal counsel Dave Theisen indicates that the Council may include a time element if they choose, but that it is in statute. Chair Steffen stressed the importance of this issue due to past court action on the comprehensive plan.

Committee member Sanda asked City representatives to speak on these matters. Chair Steffen asked for clarification on whether development of Old Village will happen first or if they intend on changing their land plan to start by I-94 instead. Mayor Johnston indicated that they may not change their land plan because their first 5-year increment was in the Village Area through 2010, with their second along the I-94 corridor starting in 2010. They will be playing catch-up in the current time increment and start in the corridor, but will also pursue

development in the Village Area.

Steffen asked about the parks conformance issue. The Mayor indicated that it's a housekeeping issue that will be addressed. The Mayor also discussed affordable the housing needs issue. The Mayor discussed a stipulation in the MOU that allows the City to direct the types of housing to occur within the community, including housing for lifecycle housing, but the words "low income housing" are not well received in his community. It is the City's plan to include lifecycle housing in the Village plan and that they expect to further define that later this year. Steffen discusses the federal definition of affordable housing, which requires a healthy salary to afford the housing, and is not necessarily low-income.

Committee member Bowles asked about the City's planning grant. Barajas confirmed that the City did receive a planning grant and that the second half of that grant is payable upon the City's final adoption of the plan and submittal of a City resolution adopting the plan and a report detailing how the grant dollars were spent.

Committee member Pistilli asked about changes in the land use designations and whether total acreages are consistent with what they were previously. It appears that there are more land use categories than there were previously. Barajas clarified that the City has not made changes to the land use plan, but that there are differences in the number of categories between the existing and future land use categories due to the addition of land use categories for future growth in the Village Area and the I-94 corridor. Those categories were included in the City's 2006 plan and have not changed since the Council's previous review.

Committee member Pistilli asked whether there is an agreement that details that the City develop at a certain rate by a certain time. Chair Steffen confirmed and further explained that that is the case with the MOU and the legal agreement between the Council and the City. Development will be pushed out, but the end date and the final requirements for growth are not changing.

Committee member Pistilli asked whether the Council has held other communities to the 5-year milestones. Chair Steffen explained that due to the past litigation with the City, these items were negotiated with the City, including the 5-year milestones. Pistilli asks if this is similar to LCA grant extensions that were granted due to economic downtown. Steffen confirms that due to the economic downtown, they are similar, but that the City has other development options to pursue.

Messelt added that they are also faced with the 3M contamination issue in the I-94 corridor where they do not currently have sewer infrastructure, while the Village Area has water, but no sewer. As such, they intend on developing those areas concurrently. It is the City's intent to honor the terms of the MOU.

Committee member Broecker and Committee member Wulff thank City staff hard work and good faith efforts.

The motion carried.

2010-90 City of Corcoran 2030 Comprehensive Plan Update, Tier II Comprehensive Sewer Plan Review File No. 20601-1

Planning Analyst Freya Thamman presented a summary of the report and proposed actions to the Committee.

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

Recommendations of the Community Development Committee

1. Authorize the City of Corcoran to put its 2030 Comprehensive Plan Update into effect.
2. Accept the forecasts in Table 1 of the review record.
3. Advise the City:
 - a. To work with Council staff in the development of ordinances for the Diversified Rural Area and to refer to the Council's Flexible Residential Development Guidelines for guidance.
 - b. To implement the advisory comments in the review record for transportation.

Recommendations of the Environment Committee

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

Ms. Thamman indicated that there had been good coordination with the City through the process of updating its plan.

Following the presentation, Chair Steffen stated that as part of the motion she would like to add to the recommendations that the City, as a new Developing community, will be required to participate in the Council's plat monitoring program.

Council member Pistilli asked if Advisory 3A requires the City to adopt a particular ordinance. Thamman responded that with a future planned regional wastewater treatment plant (WWTP) in Hassan, there is the potential for Corcoran to be in the Council's Long-Term Sewer Service Area. Ms. Thamman stated that the City is being advised to coordinate with the Council on its ordinances so as not to preclude potential future sewer service. Ms. Thamman stated that the Council is asking to be part of the process and that Council staff will review the City's final ordinances in the rural area.

Council member Bowles stated that the Council has been looking at sewer issues and affordability and inquired about Council commitments and timing related to the future regional WWTP in Hassan. Engineering Services Assistant Manager, Kyle Colvin responded that the Council is currently in land acquisition negotiations with a property owner in Hassan. Mr. Colvin stated that the construction and development of the WWTP will be based on the service level needs and capacity of the existing Rogers WWTP. Mr. Colvin stated that the City of Rogers local WWTP has capacity to 2022, and with Inflow/Infiltration (I/I) abatement another few years could be added to the capacity limit. He stated that timing of the future regional treatment plant is going to be based on the capacity of the local Rogers plant.

Council member Bowles asked what communities the local Rogers WWTP would serve to 2022. Mr. Colvin stated that the existing local Rogers WWTP would serve Rogers and portions of Hassan Township following the annexation of Hassan to Rogers by 2012.

Chair Steffen stated that new WTTTPs can be staged to so that additional communities could later be served by increasing the initial capacity of a new plant. Mr. Colvin indicated that with the land acquisition process related to the new WWTP, the Council is looking at acquiring land to build a new plant of sufficient size to serve Rogers, portions of Hassan, Corcoran and areas to the south.

Council member Pistilli asked Mr. Colvin if the Met Council has taken over a WWTP like this before and does the Council have a policy about such. Mr. Colvin responded that the Council has policy in terms of treatment plant acquisition. The Council has also acquired local WWTPs and in most cases phased out the local plants. He indicated that the Council is in the process of acquiring the City of New Germany's WWTP, which set a recent precedent and current policies.

The motion carried.

2010-106 City of Lake St. Croix Beach 2030 Comprehensive Plan Update, Review File No. 20603-1
Planning Analyst Susan Hoyt presented the report and proposed actions to the Community Development Committee.

Broecker moved, seconded by Bowles that the Metropolitan Council adopt the attached Advisory comments and Review Record and take the following actions:

Recommendation of the Community Development Committee:

1. Authorize the City of Lake St. Croix Beach to put its 2030 Comprehensive Plan Update into effect.
2. Change the planning area designation to Rural Residential in the *Regional Development Framework*.
3. Advise the City to implement the advisory comments under ISTS.

The committee had no questions.

The motion carried.

2010-91 City of Eagan 2030 Comprehensive Plan Update, Tier II Comprehensive Sewer Plan Review File No. 20606-1
Planning Analyst, Susan Hoyt, presented the report and proposed actions to the Community Development Committee.

Wulff moved, seconded by Pistilli 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 Eagan (City) to put its 2030 Comprehensive Plan Update into effect.
2. Accept the revised forecasts as shown in Table 1 of the attached Review Record.
3. Change the planning area designation to Developed in the Regional Development Framework.
4. Advise the City to:
 - a. participate in the redevelopment monitoring program;
 - b. implement the advisory comments under wastewater, water, and ISTS.

Recommendation of the Environment Committee:

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

Councilmember Steffen asked about the significance of the advisory comment under ISTS reminding the City that it needed to update its ISTS ordinance by February 2010. Hoyt explained that this was a mandate to all entities responsible for enforcing ISTS ordinances and that it was not unique to the City of Eagan. There were no further questions.

The motion carried.

2010-93 City of Shorewood 2009 Comprehensive Plan Update, Review File No. 20589-1
Tier II Comprehensive Sewer Plan

Jim Uttley, Planning Analyst presented the report to the Community Development Committee. Sanda moved, seconded by Pistilli that the Metropolitan Council adopt the attached Advisory Comments and Review Record, and the following:

Recommendations of the Community Development Committee

1. Authorize the City of Shorewood to put its 2009 Comprehensive Plan Update into effect.
2. Adopt the advisory comments for aviation, surface water management and land use presented in those sections of the review record.
3. Advise the City of Shorewood to participate in the Council's Redevelopment Monitoring program.

Recommendations of the Environment Committee:

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

Jim Uttley introduced Brian Heck, Shorewood City Administrator and Brad Nielsen, Shorewood City Planner, to the Committee and indicated that they would be available to answer any questions about the City and its Comprehensive Plan Update. Following a presentation by Uttley, Council member Bowles asked about the advisory comment language related to Aviation and whether it was intended as a directive or a suggestion. Uttley said that it was intended to be a suggestion. The Committee voted unanimously to recommend that the Council adopt the attached Advisory Comments and Review Record, and proposed actions noted above. **The motion carried.**

2010-94 City of Tonka Bay 2009-2030 Comprehensive Plan Update, Review File No. 20588-1
Tier II Comprehensive Sewer Plan

Jim Uttley, Planning Analyst presented the report to the Community Development Committee.

Broecker moved, seconded by Bowles that the Metropolitan Council adopt the attached Advisory Comments and Review Record, and the following:

1. Authorize the City of Tonka Bay to put its 2009-2030 Comprehensive Plan Update into effect.
2. Adopt the advisory comments for surface water management and land use presented in those sections of the review record.
3. Advise the City of Tonka Bay to participate in the Council's Redevelopment Monitoring program.
4. Accept the revised forecasts as shown in Table 1 of this report.
5. Approve the City of Tonka Bay's Tier II Comprehensive Sewer Plan.

The committee had no questions. **The motion carried.**

2010-92 City of Rogers 2030 Comprehensive Plan Update, Review File No. 20620-1
Tier II Comprehensive Sewer Plan

Tom Caswell, Senior Planner presented the report to the Community Development Committee.

Sanda moved, seconded by Broecker that the Metropolitan Council adopt the attached Advisory Comments and Review Record, and the following:

1. Authorize the City of Rogers to put its 2030 Comprehensive Plan Update into effect.
2. Accept the forecasts in Table 1 of the Review Record.
3. Advise the City to implement the advisory comments in the review record for transportation.
4. Advise the City that when the City and Hassan Township merge, a revised Comprehensive Plan for the merged City will need to be submitted for Council review.
5. Approve the City of Roger's Tier II Comprehensive Sewer Plan.

The committee had no questions. **The motion carried.**

2010-104 Hassan Township 2030 Comprehensive Plan Update, Review No. 20580-1 Tom Caswell, Senior Planner presented the report to the Community Development Committee.

Bowles moved, seconded by Broecker that the Metropolitan Council adopt the attached Advisory Comments and Review Record and take the following actions:

Recommendation of the Community Development Committee:

1. Authorize the Town of Hassan to put its 2030 Comprehensive Plan Update into effect.
2. Accept the forecasts in Table 1 of the Review Record.

Tom Caswell presented the report and proposed actions to the Committee. He noted that because Hassan Township will, by Orderly Annexation Agreement, be merged with the City of Rogers by January 2012, the Update is a short-term Plan.

The Committee asked whether it was possible the two communities would not merge. Caswell explained that because both have entered into an Orderly Annexation Agreement approved by, and on file with, the Minnesota Board of Boundary Adjustment, Hassan and Rogers are essentially contractually committed to the merger. **The motion carried.**

2010-81 2010 Unified Operating Budget Amendment

Guy Peterson, Director, Community Development, presented the report to the Community Development Committee.

Bowles moved, seconded by Sanda that the Metropolitan Council amend the 2010 Unified operating Budget as indicated:

1. Carry forward \$294,600 is requested to provide budget authority from 2009 as follows:
 - \$133,000 – This money was budgeted for the services necessary to implement the new growth forecast model purchased from Cubeland.
 - \$130,000 – These funds are necessary to acquire data and software to implement the

new growth forecast model.

- \$25,000 – These dollars will allow for the contracting of temporary assistance, if necessary, for the completion of the statutory 2008 comprehensive plan update process.
- \$6,600 – These funds have already been committed for the purchase of writing services related to the revision of the Regional Parks Policy Plan.

2. This request will be presented to the Management Committee on March 10th and the Council on March 24th, as part of a consolidated request.

The committee had no questions. **The motion carried.**

2010-105 Community Development Committee 2010 Work Plan

Guy Peterson, Director, Community Development, presented the report to the Community Development Committee.

Wulff moved, seconded by Broecker that the Metropolitan Council adopt the Committee's 202010 Work Plan as described in this business item. **The motion carried.**

2010-108 2010 Annual Livable Communities Fund Distribution Plan

Housing and Livable Communities Director, Beth Reetz, presented an overview of the 2010 Annual Livable Communities Fund Distribution Plan. The Plan sets out the funding amounts, timetables and funding criteria for the Tax Base Revitalization Account (TBRA), the Livable Communities Demonstration Account (LCDA), the Local Housing Incentives Account (LHIA) and the Land Acquisition for Affordable New Development (LAAND) loan program.

She pointed out that, in order to assist LCA-participating communities through the current period of economic uncertainty, the Plan includes provisions for two new or re-established grant subcategories. The first is to provide some TBRA funding for "Cleanup-Site Investigation" grants for sites with potential for subsequent redevelopment. The other is to re-establish LCDA "Predevelopment" grants to conduct more thorough site evaluations or studies to better analyze or prepare projects to increase their potential for successful completion when they apply for development grants.

Wulff moved, seconded by Broecker that the Metropolitan Council approve the 2010 Annual Livable Communities Fund Distribution Plan.

Patricia Nauman, from Metro Cities, told the Committee her organization supports the new and re-established funding categories; however, she asked that the Council not require the match for the LCDA pre-development grants be monetary, but that in-kind contributions also be considered as eligible. Committee members discussed and agreed that in-kind contributions would be eligible. Committee member Bowles indicated she was concerned about how to value in-kind contributions, which are a requirement of the LCDA Pre-Development grants, and indicated that the proposed scoring for the TBRA Cleanup-Site Investigation grants is not clear enough to evaluate proposals.

After discussion, the Committee voted to approve the 2010 Annual Livable Communities Fund Distribution Plan, with clarifications to be added to the requirements for in-kind contributions and the review criteria for Tax Base Revitalization Account Cleanup-Site Investigation grants.
The motion carried.

ADJOURNMENT

The next regularly scheduled CDC meeting will be held on April 19, 2010 at 4:00 p.m. in the Council Chambers.

Business completed Chair Steffen adjourned the meeting at 6:30 p.m.

Respectfully submitted,

Michele Wenner
Recording Secretary