

**APA MN Legislative Committee Meeting
2nd Meeting of 2010 Legislative Year
Friday, February 12th 2010, 2:00 to 4:00 p.m.
Meeting location: Golden Valley City Hall**

Present: Bob Patton, Co-Chair, Andrew Mack, Co-Chair (by phone), John Baker, Karin Berkholtz, Matt Brown, Michael Noonan, Suzanne Rhees, Brad Scheib

Agenda approved; 1/8/10 minutes approved

Bob introduced Tom Jensen, Legislative Education Coordinator

Joint APA MN/MACPZA Enabling Reform Policy: Discussion of how the work plan and statement of purpose and need were created (primarily by Andrew, Bob and Mike Wozniak).

- Does the language presuppose or overstate a problem?
- Yes, was intended to identify real problems in landscape, not just legal issues. If no problems, why bother?
- Some outstate legislators won't agree – don't want to be overly aggressive.
- Alternative wording suggested: Valuable resources are threatened and environmental quality is more difficult to achieve. [delete next sentence?] Trust in government declines when the public feels disenfranchised by decisions about development.

The work program has already gone to MACPZA so revisions will have to wait for their comments.

Next steps – the work plan proposes a legislative task force meeting between the 2011 and 2012 session. If no funding or staff for task force, it becomes ineffective.

- Karin – see example of Critical Area rulemaking – fiscal impact was identified by DNR, so got an appropriation for process.
- Do task forces ever get outside funding? Could MnAPA be a resource to support task force? Only at a small scale. Need a champion to bring resources to table.

Andrew: based on the MACPZA meeting, they're not looking for the same level of reform as MnAPA – just realignment of 394 and 462. So they may not sign on to this plan. Discussion of “baby steps” toward reconciliation vs. comprehensive reform. Will this opportunity come again? Role of other organizations such as LMC?

Next steps – figure out what we actually want to accomplish, then shop for a coalition and champion.

First, articulate what our organization wants to see – start large then narrow down. How? Suggestion for a work session to brainstorm all statutory issues. Link reforms to “needs” outlined in statement of purpose.

Discussed how to review the Work Program – suppose each district held a roundtable?

Need a small subcommittee to hammer out details: Brad, Suzanne and Bob volunteered. Use Planners Day at the Capitol to kick off a comment period.

What other state examples provide guidance? Michigan is best fit.

Tom – Legislative Audit Commission can establish task forces – provides good staff work – he can float idea with House or Senate Research Groups. Typically legislators make requests for research – he'll look into it.

Land Use Appeals – Chapter Legislation Initiative.

MnAPA Board gave its approval to support and advocate for this. See Legislative Fact Sheet draft. Andrew is trying to set up meeting with Rep. Nelson (Brooklyn Park) – Chair of Local Govt. Committee, met with group last year at Capitol. Perhaps Lance can attend. Discussed finding a local constituent to join meeting.

- Should a Minneapolis legislator introduce this? Karin explained that this was last year’s strategy, which failed. Need to depoliticize the issue. Sponsor of bill can find staff to draft it.
- Have other jurisdictions had the issue? John Baker said that the ‘no time limit’ issue comes up from time to time. Applies equally to approvals and denials – would gain finality and predictability for all parties
- Andrew – several local ordinances under 462 impose limitations on appeal periods without statutory backing. (Bemidji imposes an appeal period of 30 days.)
- John – suppose we proposed changing both statutes to be consistent at 60 days. Would include municipal quasi-judicial decisions. Would counties object? Citizens would prefer a longer time period. Development community may object that they’re working on alternative outcomes.
- Agreed to discuss with AMC (Annalee Garletz) and to go with 60 days for cities. John offered to assist.
- Need to look for Senate sponsor as well.

Bill Introductions – Bonding bills currently predominate.

Rep. Hortmann – [HF3079](#), environmental permitting and review bill – championed by Chamber, discussing with LMC. Environmental streamlining report from PCA was issued at end of December. Chamber concern is length of time needed for state environmental approvals. (Bill died in House last year.)

- Look at latest Supreme Ct. decision on variance decision-making authority by DNR. Will legislation come out of it? See rulemaking issues. Friends of the Mississippi and others wanted to increase oversight of local government decisions. DNR now doing rulemaking for critical areas ordinances. Karin – concern that there’s no further erosion of municipal authority. FOM interested in a scenic area type rule. St. Paul’s critical area ordinance not yet adopted. Karin already tracking these issues.

From Paula Maccabee – attorney for Midtown Greenway Coalition – latest draft of [HF1182](#), would limit eminent domain powers of public service corporations; this relates to the proposed Xcel powerline issue. Administrative law judge hearing coming up; Karin will be testifying.

Matt – “jobs bill” – HF 2695, SF 2588 SF, includes angel investor tax credit; historic rehabilitation tax credit, some TIF modifications, including “housing replacement” districts and a new ‘compact development’ TIF district that would encourage densification.

Digital Billboard Moratorium – Andrew was approached by Scenic Minnesota – proposed bill would impose a 3-year moratorium on new and converted digital billboards (off-premises) – with exceptions for on-premises, traffic control devices, directional signs, and lottery signs. John Baker noted an ongoing FHWA study on driver response – expecting report in 60-90 days. (Thus a 3-year moratorium time frame may be problematic.) Results of the study may be inconclusive. However, this legislation would interfere with Minnetonka’s solution – swapping static signs for digital signs. An exception could be made for such agreements. Worst result would be if legislation doesn’t pass but billboard companies ramp up in response. John suggests talking with Scenic MN to prevent ‘end runs’ by advertising companies. The industry has geared up major PR efforts by offering public service and political announcements, etc., on digital billboards.

Disussion: Does this fit in our policy platform? Not specifically – although it relates to livability, etc. Maybe MnAPA should act as a resource rather than advocate – i.e. try to help steer it, let individual members testify. Lottery exception makes it less defensible – noncommercial speech issue. MnAPA shouldn't give legal advice, but can encourage Scenic MN to speak with John.

MnAPA 2010 State Conference: Next Program Committee meeting is 3/26 – get session descriptions to Karin beforehand. Proposal deadline is March 1.

Communication to members: Discussion of how to post Tom's legislative updates on MnAPA website? Discussion of use of blog posts to – give members a chance to respond to legislative positions.

Bob: Need a volunteer to continue research into phone system and web connections for committee meetings.

Meeting adjourned 4:05 pm