

APA MN Legislative Committee Meeting

Planners Day at the Capitol - 3rd Meeting of 2010 Legislative Year – with Minnesota Association of County Planning and Zoning Administrators (MACPZA)

March 23, 2010, 2:00 to 4:00 p.m.

Meeting location: Association of Minnesota Counties and State Capitol

The day started with a brief legislative committee gathering at AMC, continued with a visit to House and Senate floor sessions, and wrapped up with a session at the Capitol and social hour. Present for all or part of the event: Co-Chairs Bob Patton and Andrew Mack,

Matt Brown, Alex Conzemius, Kristi Gross, Julie Farnham, Adam Fulton, Andy Gitzlaff, Stephen Goltry, Tom Jensen, Paul Mandell, Paul Mogush, Karen Nikolai, Gina Painter, Molly Patterson-Lundgren, Suzanne Rhees, Amanda Schwabe, Scott Schulte, Jon Sevald, John Shepard, Rachel Simone, Shayla Syverson, MACPZA: Mark Erikson, Lynn Waytashek, Michael Wozniak (and other APA MN county members). AMC: Annalee Garletz

Morning session:

The session at AMC included introductions of attendees, introduction of legislative tracking spreadsheet, and an informal discussion of legislative issues that members are tracking this year:

- MACPZA is tracking wind power bills that would affect counties – currently PUC controls anything over 5 megawatts; bill would give counties more authority.
- Mike mentioned controversy over wind energy in Goodhue County – several companies pursuing; vocal opposition group – opponents claim that wind energy is incompatible with high population densities – trying to do an end run by giving counties more zoning authority. Counties not happy to be used that way. (One bill would have given counties authority to veto.) AMC is opposed to wind power changes.
- Energy Production Tax that counties get is offset by levy reductions – unfortunate consequence – John Shepard noted that the state has removed this source of funds for counties
- Discussion of need for APA-MN to establish platform positions on renewable energy
- Also noted changes in rule re septic systems – technical changes have been going on for the past 2 years – the bill would move changes out 2 more years to 2012

Annalee mentioned the first and second committee deadlines have passed at the legislature. This week brings the finance committee deadlines to wrap items into omnibus bills.

Discussion of APA-MN's introduction of municipal appeal deadline bill – what was the motivation, had this been a problem before, why is it important? If an appeal is filed after a building is constructed, would a court order it to be taken down? Not usually.

Afternoon session:

Bob and Andrew provided an introduction to history of APA-MN's legislative committee and its process of platform development; discussion of the chapter's new role sponsoring the municipal appeals time limits bill.

Craig Johnson – League of Minnesota Cities – provided some background on the 2010 session. Eminent domain questions (under discussion at House floor session): Rep. Bly's bill was introduced last year. Public service corporations were not exposed to the same limits as other government entities, including power companies and stormwater and other water agencies. LMC worked with the author to scale back the limitations to cover only high-voltage transmission lines and certain pipelines. The amendment at the floor session dealt with using existing rights-of-way – the language was left in. The bill will likely pass the Senate. Encourages the use of transportation, public rail and existing transmission rights-of-way.

Comments – lack of transmission capacity has held up economic development projects in Southwest MN. Sherburne County is upset – the power line from North Dakota was originally proposed in Stearns and Wright Counties; Sherburne wasn't notified but is now included – are looking at the Mississippi River corridor or the I-94 corridor.

Rep. Michael Nelson spoke to the group. He mentioned that he is working with Rep. Mullery on the appeals time limit bill. He appreciates the importance of planning based on his experience with Brooklyn Park's phasing of development. The goal should be to do as little harm as possible

Question on annexation issues – last session's task force agreed on easy stuff but not on underlying difficult issues. Doesn't want to take sides... would welcome planners' involvement – "peace in the valley" is the goal. Mike Wozniak mentioned that counties are left out of annexation decisions but end up providing services to everyone. John Shepard mentioned problems with government mandates as they impact the smallest cities in Southwest MN. "Mandates" will always arouse opposition.

Rep. Alice Hausman spoke to the group. She is the Chair of the Capital Investment Finance Committee, which authors the bonding bill. She presented a series of maps showing transportation infrastructure investments:

- Midwest Regional Rail System
 - Routes thru Wisconsin will determine the Minnesota alignment – Eau Claire or La Crosse
- State Rail Plan – issues with lack of right-of-way in the Rochester area
- Phase 1 and 2 projects in state rail plan
- Potential rail corridors between Minneapolis and Saint Paul (north and south)
- Transit – MN missed the boat on 80:20 federal cost share projects, now these are 50:50. Huge local contributions have come from Ramsey and Hennepin Counties.
- .50 cent sales tax would have been enough for adequate local funding, but current .25 cent is not
- Union Depot example – lesson is don't disinvest in buses; they are the backbone of the transit system
- We need to get rid of the 7-county metro concept – not realistic or equitable, especially in terms of transit

Discussion:

- Andrew Mack informed Representative Hausman that APA MN wrote a letter of support for the Statewide Rail Plan to Mn DOT, including some constructive comments. She expressed her appreciation for our Chapter's efforts in providing positive comments.
- Rail routing in Goodhue County? Study was done of freight rail bypass south of Rochester – very controversial – not in either bonding bill because of high price tag – use existing corridors, don't buy new ones.
- Status of sales tax money? Bonding bill items for metro and outstate transitways were vetoed. May move from a .25 cent 5-county tax to a half-cent statewide.
- Aging pop in greater MN, depopulation and loss of basic services – results in more interest in transit.
- Trails in greater MN have been grassroots efforts – the state is just interested in regional, connected trails. An essential part of economy; infrastructure for healthy living.
- Cooperation across state boundaries? Duluth and Superior are working together on the Northern Lights Express.
- Freight train use of tracks limits speed of passenger lines.
- How do bonding bills take shape? Large bonding bills start with requests of 3-4 billion, then committees tour the sites and set priorities.

- Rep. Hausman will be getting together with Rep. Hornstein and Sen. Dibble to discuss land use/transportation connections. She would like to see the Met Council abolished and replaced with a Council of Governments (COG) composed of local elected officials. Hopes to conduct more research between sessions, and welcomes the involvement of APA-MN and MACPZA. She asked that our organization stay in contact with her office on statewide planning enabling reforms and was glad to hear that the professionals are working on improving planning statewide..

Mark Erikson presented MACPZA's approach to statutory reform. The process started with an invitation from the DNR to be involved in rulemaking. MACPZA became aware of quirky bills that would pit counties against cities against townships. About a year ago, they started a dialogue with APA-MN and have held several meetings, including a joint legislative committee meeting in December 2009. MACPZA only has about 70 members and thus needs to form partnerships. (Are also interested in teaming with APA-MN on professional development activities.) They envision a two-phase process for statutory reform:

- 1) Integrating the basic planning processes of statutes 462 and 394
- 2) Dealing with the tough issues regarding annexation, etc.

By building working relationships in phase 1, phase 2 should become easier.

Discussion focused on the difference between enabling legislation and mandatory requirements and the risks of unintended consequences. Karen Nikolai suggested that the Health and Human Services departments provide good models for handling coordination among jurisdictions.

The group reviewed the joint Legislative Reform work program and discussed next steps: initial step is recruiting volunteers for a working group, which would:

- Identify inconsistencies and other issues with the statutes
- Identify good models from other states
- Look at the legislative priorities of other organizations (AMC, LMC, Metro Cities, Townships, etc.) and see how they line up
- Create supporting documents – “white papers” for circulation and discussion
- Upon completion of these first steps, a stakeholder meeting to kick off the reform initiative will be scheduled. APA MN will seek assistance from APA National in this effort.
- Those interested in participating in the legislative reform effort should contact the committee chairs; involvement is welcomed.

Meeting adjourned at 4:00 pm