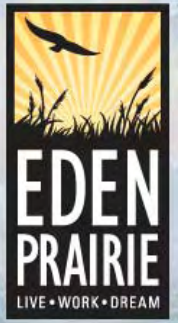


FYI MEMO

OFFICE OF THE CITY MANAGER



January 6, 2012

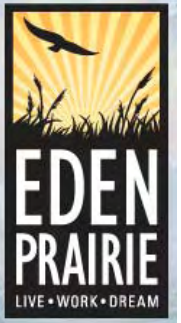
To: Mayor and City Council
From: Rick Getschow, City Manager
Re: For Your Information

1. City Manager Rick Getschow's Friday Report for January 6, 2012
2. Memorandum from Finance Manager Sue Kotchevar, dated January 6, 2012 (Topic: SAC & WAC fees)
3. Letter from Comcast, dated December 20, 2011 (Topic: Rate changes)
4. MLC Legislative 2012 Program
4. Project Profile
5. Council Calendar



FRIDAY REPORT

OFFICE OF THE CITY MANAGER

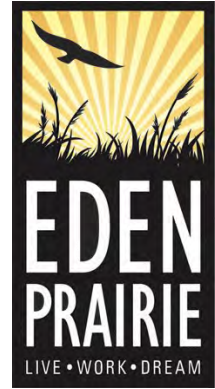


To: Mayor and City Council
From: Rick Getschow, City Manager
Friday Report for January 6, 2012

1. **MLC 2012 Legislative Reception** – The Municipal Legislative Commission is sponsoring a new event in 2012 called a Legislative Reception. It is designed as an opportunity for city officials and state legislators representing MLC cities to get together and discuss mutual goals for the 2012 legislative session. The previous annual legislative event was a regional breakfast, but the MLC Board felt that a switch this year to one bigger event would be a good change of pace. The reception will be held on Monday, January 30, from 4:30 to 6:30 p.m. at the Minnesota History Center in St. Paul. A flyer for the event is included in this packet. Please RSVP through Lorene if you are interested in attending.
2. **WAC/SAC Fees** - Attached is a memorandum from Finance Manager Sue Kotchevar regarding 2012 WAC/SAC fees for commercial properties.
3. **MLC Legislative Commission's 2012 Legislative Program** – The Municipal Legislative Commission's 2012 Legislative Program document, which was approved by the MLC Board of Directors on December 8, is also attached.



Memorandum



TO: Mayor and City Council
FROM: Sue Kotchevar, Finance Manager
DATE: January 6, 2012
RE: 2012 WAC/SAC fees for commercial property

Staff has received some feedback lately that the commercial rate for Water Access Charges (WAC) and Sewer Access Charges (SAC) is challenging for smaller, less established businesses to pay. A staff committee consisting of the Public Works Director, Building Official, and the Finance Manager met to determine if it would be appropriate to charge commercial customers the same as industrial, public, office customers.

The City currently has a three tiered system for charging WAC and SAC. The current 2012 rates are listed below.

<i>Water Access Charges</i>	<i>Amount Per R.E.C.</i>
Residential	\$ 2,510
Industrial, public, office	\$ 3,280
Commercial	\$ 3,920

<i>Sewer Access Charges</i>	<i>Amount Per R.E.C.</i>
Residential	\$ 570
Industrial, public, office	\$ 1,040
Commercial	\$1,460

R.E.C. = Residential Equivalency Unit

Staff determined that from 2001 through 2011, if commercial development would have paid the same rate as industrial, the City would have received approximately \$740,000 total or \$67,000 less annually. This equates to approximately ½ percent of the total revenue for the water and sewer funds.

From a financial standpoint, staff is comfortable with a reduction in revenue of ½%. Historically, the City has relied on WAC/SAC fees to pay for the infrastructure of the utility system. The City is transitioning from a high growth community to a fully developed community. WAC/SAC revenue is expected to be more volatile and less reliable in the future. Because of this, the new

utility rate structure that was implemented on January 1, 2011 transitions the system to rely on rate revenue versus WAC/SAC fees to pay for more of the infrastructure needs.

Based on the above information, staff recommends changing the commercial WAC/SAC rate to the industrial/public/office rate. Staff intends to include this item on the January 17th, 2012 consent calendar. The City Council has historically requested a public hearing for fee changes, but since this is a reduction in fees, a public hearing is not planned.

If you have any questions or concerns, please let us know.



Comcast Cable
10 River Park Plaza
St. Paul, MN 55107

December 20, 2011

Mr. Rick Getschow
City Manager
City of Eden Prairie
8080 Mitchell Road
Eden Prairie, MN 55344-2230

RE: Important Information – Price Changes

Dear Rick:

As part of our commitment to provide customers with the best entertainment and communications experience, we continue to invest in making our services even better. Here are just a few highlights:

More to Watch, More Ways—Anytime, Anywhere

- We now offer over 75,000 On Demand TV shows and hit movies on TV and online—over half are free!
- Customers can catch up and keep up with your favorite shows from all top networks and enjoy new movies On Demand—many the same day as DVD and a month before Netflix.
- Watch from your TV or online, anytime, anywhere—even from your iPad or iPhone!

Fastest Internet Speeds + Most Comprehensive Security = The Best Online Experience

- XFINITY is the fastest Internet provider in the nation according to PC Mag.*
- Download speeds up to an incredible 105 Mbps, and now 25% faster on our most popular Internet tiers.
- Reliably fast: XFINITY delivers over 100% of its advertised download and upload speeds—even during the peak hours for Internet use.**
- Comprehensive online protection with Constant Guard, including Norton Security, at no extra charge.

**2011 rating by PC Mag based on review of customer data from www.speedtest.net.*

***According to a recent government report from the FCC entitled 'Measuring Broadband America,' August, 2011*

Comcast Customer Guarantee and Commitment to Service



Comcast Cable
10 River Park Plaza
St Paul, MN 55107

-And with the Comcast Customer Guarantee, we promise to provide our customers a consistently superior experience, including 24/7 customer service and on time appointments—or we'll credit them \$20 or give them a free premium channel for three months.

While we continue to make these investments, we periodically need to adjust prices due to increases in programming and other business costs. Starting February 1, 2012, or with the February billing statement, new prices will apply to certain video and Internet services and equipment as indicated in the enclosure. For customers currently receiving services on a promotional basis, under a minimum term agreement associated with a specific rate, or in the guaranteed period of one of our SurePrice™ plans, the prices for those specific services will not be affected during the applicable promotion, minimum term or SurePrice™ period.

As always, if you should have any questions or concerns, please feel free to contact me at 651-493-5777.

Sincerely,

A handwritten signature in black ink that reads "Lance Leupold".

Lance Leupold
Director – Government Affairs

Enclosure

COMCAST Price Information for Richfield, Eden Prairie, Minnetonka, Hopkins & Edina, MN

Dear Valued Customer:

As part of our commitment to provide you with the best entertainment and communications experience, we continue to invest in making our services even better. Here are just a few highlights:

More to Watch, More Ways — Anytime, Anywhere

- Now, offer over 75,000 On Demand TV shows and hit movies on TV and online — over half are free!
- Catch up and keep up with your favorite shows from all top networks and enjoy new movies On Demand — many the same day as DVD and a month before Netflix.
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We'd welcome the opportunity to help you find the perfect package that meets your needs. Our Triple Play packages offer exceptional value and can give you more of what you want, your way. Visit us at xfinity.com or call us at 1-877-437-3470 to learn more.

Thanks for being a Comcast customer. We look forward to continuing to serve you.

DIGITAL SERVICES (per month)	Current Price	New Price
Digital Economy.....	\$ 29.95	\$ 34.95
Digital Starter.....	\$ 62.99	\$ 66.49
Digital Preferred.....	\$ 80.99	\$ 84.49
Digital Preferred Plus.....	\$108.99	\$113.99
Digital Premier.....	\$123.99	\$128.99

BASIC AND ANCILLARY SERVICES (per month)	Current Price	New Price
Sports Entertainment Package.....	\$ 7.99	\$ 9.99
HBO, Showtime, Starz, Cinemax, The Movie Channel.....	\$ 18.99	\$ 19.99
HD DVR Service.....	\$ 15.95	\$ 16.95
Digital Additional Outlet Service Charge.....	\$ 8.00	\$ 8.75
With HD Converter.....	\$ 8.00	\$ 8.75
With HD DVR Service.....	\$ 15.95	\$ 16.95

MISCELLANEOUS FEES (per month)	Current Price	New Price
Service Protection Plan.....	\$ 2.99	\$ 3.99

XFINITY TRIPLE PLAY PACKAGES (per month)	Current Price	New Price
Starter XF Triple Play Bundle	\$129.99	\$139.95
SurePrice.....	\$114.99*	\$119.99
Preferred XF Triple Play Bundle	\$139.99	\$149.95
SurePrice.....	\$124.99*	\$129.99
HD Preferred XF Triple Play Bundle	\$149.99	\$159.95
SurePrice.....	\$134.99*	\$139.99
HD Preferred Plus XF Triple Play Bundle	\$169.99	\$179.95
SurePrice.....	\$154.99*	\$159.99
HD Premier XF Triple Play Bundle	\$199.99	\$209.95
SurePrice.....	\$189.99*	\$179.99
HD Complete XF Triple Play Bundle	\$229.99	\$239.95
SurePrice.....	\$214.99*	\$219.99

*12 month promotion customers subscribing before 1/31/12 will remain at this rate.

MULTILATINO PAQUETE TRIPLE (per month)

	Current Price	New Price
MultiLatino Plus Paquete Triple	\$ 79.85	\$ 84.85
MultiLatino Extra Paquete Triple	\$ 89.85	\$ 94.85
MultiLatino Max Paquete Triple	\$129.99	\$139.95
SurePrice	\$114.99*	\$119.99
MultiLatino Ultra Paquete Triple	\$139.99	\$149.95
SurePrice	\$124.99*	\$129.99
MultiLatino Ultra HD Paquete Triple	\$149.99	\$159.95
SurePrice	\$134.99*	\$139.99
MultiLatino Ultra HD Plus Paquete Triple	\$169.99	\$179.95
SurePrice	\$154.99*	\$159.99
MultiLatino Total HD Paquete Triple	\$199.99	\$209.95
SurePrice	\$189.99*	\$179.99

*12 month promotion customers subscribing before 1/31/12 will remain at this rate.

TRIPLE PLAY PACKAGES (per month)

	Current Price	New Price
Economy Triple Play	\$ 79.85	\$ 84.85

XFINITY INTERNET (per month)

	Current Price	New Price
Economy (with TV or Voice)	\$ 26.95	\$ 29.95
Performance (with TV or Voice)	\$ 44.95	\$ 48.95
Blast!® (with TV or Voice)	\$ 54.95	\$ 58.95

Prices shown are for residential service only and do not include federal, state and local taxes, FCC user and franchise fees or Regulatory Recovery fees or other related costs. Prices, services and features are subject to change. Not all services are available in all areas.

Feature and content availability varies by service plan and market. Provisioned download speeds have increased 25% on Performance and Blast! tiers. Not all speeds, tiers and increases are available in all areas.

SurePrice only available for 12 months to XF Triple Play or MultiLatino Paquete Triple Play customers after 12 month promotional package.

After a notice of an increase in rates, you may change your level of service at no additional charge for a period of 30 days from the effective date of the change. Otherwise, changes in the services you receive at your request may be subject to installation fees. If you have any questions, please contact us at 877-437-3470 or 10 River Park Plaza, St. Paul, MN 55107.

SERVICES NO LONGER AVAILABLE FOR NEW SUBSCRIPTION (per month)

	Current Price	New Price
SD DVR	\$ 15.95	\$ 16.95
Hispanic Packages		
Digital Latino	\$ 6.99	\$ 8.99
MultiLatino Plus Double Play	\$ 74.90	\$ 78.90
MultiLatino Max Double Play	\$102.90	\$108.90
MultiLatino Ultra Double Play	\$121.85	\$125.85
Double Play Packages		
Basic TV + CDV	\$ 44.95	\$ 57.17
Basic TV + Economy Internet	\$ 26.95	\$ 42.17
Basic TV + HSD	\$ 42.95	\$ 61.17
Basic TV with Local with More	\$ 24.95	\$ 37.17
Blast Plus	\$ 69.95	\$ 79.95
Economy HSD and Local with More	\$ 49.90	\$ 54.90
Preferred Double Play	\$102.99	\$130.44
Triple Play 3.0 Packages		
Value Triple Play	\$107.40	\$121.39
Value Plus Triple Play	\$119.99	\$140.39
HD Starter Bundle	\$134.99	\$139.95
HD Plus Bundle	\$164.99	\$179.95
HD Preferred Plus Bundle	\$169.99	\$179.95
HD Premier Bundle	\$199.99	\$209.95
Triple Play 2.0 Packages		
Premier Bundle	\$216.88	\$233.38
Starter Bundle	\$147.89	\$155.39
Preferred Bundle	\$165.89	\$173.39
Preferred Plus Bundle	\$193.89	\$202.89
Video Packages		
Preferred Package	\$ 16.99	\$ 18.00
Digital Preferred	\$ 36.01	\$ 38.00
Standard Cable	\$ 62.99	\$ 66.49
Total Premium with Sports	\$142.98	\$183.38
XFINITY Internet and 2GO		
Fast Pack Metro (4G)	\$ 84.95	\$ 88.95
Fast Pack Nationwide 3G	\$ 84.95	\$ 73.95
Fast Pack Nationwide 3G	\$ 94.95	\$ 98.95
Fast Pack	\$ 99.95	\$ 88.95



2012 LEGISLATIVE PROGRAM

Approved by the MLC Board of Directors on 12/08/2011

***THANK YOU TO THE MEMBERS OF THE
MLC LEGISLATIVE PROGRAM SUBCOMMITTEE***

- *BARRY STOCK*
- *MARK MCNEILL*
- *MAYOR GENE WINSTEAD*
- *MAYOR GEORGE TOURVILLE*
- *MAYOR JIM HOVLAND*
- *MAYOR MIKE MAGUIRE*
- *MAYOR TERRY SCHNEIDER*
- *STEVE MIELKE*
- *TERRY SCHWERM*

YOUR WORK IS GREATLY APPRECIATED!

SUMMARY OF 2012 LEGISLATIVE PRIORITIES

I. Promote Accountability and Transparency in the State & Local Fiscal Relationship

- A. Support policies that help promote a more equitable property tax burden as a percentage of income
- B. Maintain the Homestead Market Value Exclusion program
- C. Support directing property tax relief to individuals through circuit breaker
- D. Support sound principles in LGA reform
- E. Support policies that help simplify the property tax system
- F. Oppose fiscal limitations on local units of government

II. Invest in Job Retention and Growth

- A. Grant DEED the authority to approve sales tax exemptions on construction materials and capital equipment
- B. Support transportation projects that promote economic development and growth
- C. Support flexibility in Tax Increment Financing (TIF) policies

III. Support Local Government Policies that Promote Fairness and Equity

- A. Mitigate financial impact of surface water regulations
- B. Allow cities to do a mid-year actuarial analysis for volunteer fire relief association's unfunded liabilities
- C. Oppose costly mandates to city-owned indoor ice arenas
- D. Reprioritize real estate forfeiture statute to place a higher priority on municipal recovery of unpaid utility charges and building or development fees

2012 LEGISLATIVE INITIATIVES

The Municipal Legislative Commission (MLC) has identified the following issue areas as priorities for the 2012 Legislative Session:

- I. Promote Accountability and Transparency in the State & Local Fiscal Relationship;
- II. Invest in Job Retention and Growth; and
- III. Support Local Government Policies that Promote Fairness and Equity

I. Promote Accountability and Transparency in the State & Local Fiscal Relationship

A. Support Policies that Help Promote a More Equitable Property Tax Burden as a Percentage of Income

During the 2008 Session, the Legislature directed the Department of Revenue to update its Residential Homestead Property Tax Burden Report through the creation of a database called the "Voss Database." The purpose of this report is to look at property tax fairness throughout the state by matching homeowners' property taxes paid with their actual incomes (includes county, school and city property tax burdens).

The 2009 findings from the Voss Database Report show that the property tax burden is greater in the Metro Area compared to Greater Minnesota. In fact, the study reports a median property tax burden (after PTR) of 3.17% of income for the Metro region, and 2.30% of income for Greater Minnesota. Thus, the median property tax burden in Greater Minnesota would have to increase by nearly 38% to equal the median property tax burden in the Seven County Metro Area.

The MLC asks the Legislature to address the property tax burden inequities as identified in the Voss Database Report, and support policies that promote a more equitable property tax burden for suburban homeowners.

B. Maintain the Homestead Market Value Exclusion

During the 2011 Special Session, the Legislature eliminated the Market Value Homestead Credit (MVHC) program and replaced it with a new homestead market value exclusion.

The original MVHC program:

- Was a credit funded by the State to qualifying homeowners.
- Cities provided the credit with the expectation of being reimbursed by the State.
- When the State had a budget deficit, MVHC funding would be cut to some cities.
- MLC cities have only received full reimbursement for the credit twice since the program's implementation (over 10 years ago).

The new homestead market value exclusion.

- A portion of a home's value is excluded from taxation
 - Qualifiers have homes valued under \$413,800.
- This program is funded by residential and commercial property owners within that home's jurisdiction – not the State.
- Cities will no longer rely on the State to uphold its obligation to fund the program. However, it also means a percentage of taxable value is being excluded from taxation.
- Overall impact to a city:
 - More lower-valued homes = greater impact on city's property taxes
 - Fewer lower-valued homes = less impact on city's property taxes

MLC supports the transparency and predictability the market value exclusion provides. Our members ask the Legislature maintain this program and oppose reinstating the MVHC program in 2012.

However, there are two areas where a legislative fix is needed in order to mitigate some of the challenges of implementing the exclusion:

1. Levy limits for EDAs and HRAs

With the conversion of the MVHC to the new homestead market value exclusion, a number of levy restrictions based on market value related to specific functions such as economic development authorities, housing and redevelopment authorities and port authorities may inadvertently experience a reduction in their levy authority. The impacts on these entities will vary significantly from jurisdiction to jurisdiction based on the number and market value of homesteads within the jurisdiction. These levy limits were converted to a percentage of market value to avoid having indirect legislative actions, such as class rate changes, from decreasing or increasing levy authority.

The MLC requests that levy limits based on market value, including those impacting economic development authorities, housing and redevelopment authorities and port authorities, be computed on market value of the jurisdiction before the homestead market value exclusion.

2. Housing Districts/TIF Districts

The new homestead market value exclusion will have a negative impact on certain housing TIF districts. The TIF statutes, Minn. Stat. § 469.177, provides for adjustments in a district's original net tax capacity to reflect the conversion of a taxable property to tax exempt status and also provides for adjustments to reflect changes in property classifications enacted by the legislature. However, the TIF statute does not address tax base changes as a result of the new homestead market value exclusion. As a result, the current value of a district will be reduced by the exclusion but the original net tax capacity will not be adjusted and as a result, increment available to the district will decline.

The MLC requests that Minn. Stat. § 469.177 be revised to provide for an adjustment to the original net tax capacity calculation to reflect the new homestead market value exclusion.

C. Oppose Fiscal Limitations on Local Units of Government

Our cities' residents and property owners provide nearly all the revenue for city services through property taxes and fees – no MLC cities receive local government aid (LGA). Imposing artificial caps, such as levy limits and property tax freezes, removes the autonomy needed for city officials to make decisions in the best interests of their fellow citizens.

The MLC opposes state limitations on local decision making that inhibit cities' ability to plan with financial confidence. We ask the Legislature to not impose restrictions to our budget decisions by imposing levy limits or property tax freezes. Furthermore, the MLC opposes a Constitutional amendment that would require a 3/5 majority vote in both legislative bodies to increase a property tax rate or levy.

D. Support directing property tax relief to individuals through circuit breaker

The property tax refund program ("circuit breaker") provides property tax relief to individuals who need it most (income tested), regardless of where they live. Last year, the circuit breaker was enhanced to help offset the fiscal implications of eliminating the MVHC. MLC supported this approach to providing property tax relief to individuals, and requests the Legislature continue maintaining the circuit breaker program in 2012.

E. Support Sound Principles in LGA Reform

The Local Government Aid (LGA) program has undergone many changes since it was enacted in 1971. It has gone from a revenue sharing program to measuring inequities in city need and fiscal capacity. The measurements of "need" have also been revised to help reduce the stimulative effects of the aid program. In 2009, the Legislature approved the formation of an LGA Study Group. The study group is charged to determine what the goals of the LGA program are, and whether or not the program, in its current form, is meeting those goals.

MLC cities do not receive LGA. However, our members believe the LGA program should adhere to the following principles:

1. **Equitable** – an effective LGA formula should provide similar amounts of aid to similarly situated cities (minimize mechanisms such as "grandfathers" and minimum/maximum aid amounts).
2. **Neutral** – the LGA program should not encourage cities to spend more than it would otherwise need to for basic services. LGA should be based on factors outside of the individual city's control.

3. **Simple and Understandable** – attempting to address every unique and special problem with each of the 855 cities in Minnesota causes the LGA formula to be too complex. Factors used to determine aid should have general support and understanding from cities and their citizens.
4. **Ability to Provide Adequate Revenue** – an effective formula should grow with general city costs, stay relatively stable, and should be based on factors for which we have accurate information and whose values do not wildly fluctuate from year to year.

F. Support policies that help simplify the property tax system

In 2010, the Legislature established a Property Tax Working Group to examine ways to simplify and improve the state's property tax system. The goals of the working group are:

1. To investigate ways to simplify the property tax system and make advisory recommendations on ways to make the system more understandable;
2. To reexamine the property tax calendar to determine what changes could be made to shorten the two-year cycle from assessment through property tax collection; and
3. To determine the cost versus the benefits of the various property tax components, including property classifications, credits, aids, exclusions, exemptions and abatements, and to suggest ways to achieve some of the goals in simpler and more cost-efficient ways.

The working group has begun establishing guiding principles to help achieve these goals, and will report their recommendations to the Legislature on February 1, 2013. The MLC supports the goals of the working group, and requests the Legislature support policies that will help simplify (not further complicate) the property tax system prior to the working group's recommendations being released.

II. Invest in Job Retention and Growth

Compared to the rest of the nation, Minneapolis-St. Paul and the surrounding suburbs rank at the top when it comes to the percentage of college educated adults active in the workforce, as well as the number of Fortune 500 headquarters per capita. We are also one of the few metropolitan regions in the U.S. that is home to our state's capitol and its major research university. Thus, the State needs to invest/support regional growth in the Twin Cities metropolitan area and surrounding suburbs.

Specifically for MLC, our cities are critical job producers for the region. Combined, we are among the biggest job producing areas in the state with over 529,400 employees (compared to Minneapolis/St. Paul with a combined total of 474,200 employees)¹. Our members believe the State can play a critical role in keeping and growing jobs by making key investments, and by supporting and partnering with cities. A jobs focus will help cities promote a healthy business environment, which will keep and grow jobs here rather than having companies move to a more competitive state.

A. Grant DEED the authority to approve sales tax exemptions on construction materials and capital equipment

The MLC supports the use of tax incentives in order to attract jobs to our local communities. Sales tax exemptions or rebates on construction materials and capital equipment are one incentive the MLC would like to see expanded in Minnesota. Furthermore, our members request the State grant DEED the authority to approve sales tax exemptions (under certain parameters) without having to go through the Legislative process. Doing so would not only help expedite the process, but also reduce barriers to local job creation.

B. Support Transportation Projects that Promote Economic Development and Growth

The MLC continues to support transportation investments to replace deficient bridges, maintain regional and state highways, and advance public transit. In addition, our members support the Transportation Economic Development Program (TED), a collaboration between DEED and MnDOT which prioritizes and funds highway capacity and safety improvements which will result in significant job growth and economic development.

During the 2011 Special Session, language was passed creating a Trunk Highway Economic Development Account (MN Statute 161.04, subd. 6). The Commissioner of Transportation was authorized to transfer up to \$20 million from the Trunk Highway Fund into this account toward the TED program.

The MLC supports this account and encourages the Legislature to continue annually allocating MnDOT funds toward the TED program.

C. Support Flexibility in Tax Increment Financing (TIF) Policies

TIF remains one of the most viable tools available to fund community reinvestment efforts. Further restrictions of TIF would render the tool less effective and will almost certainly curtail local efforts to support job creation.

¹ The Metropolitan Council, *Metro Stats: Employment in the Twin Cities Region, 2000-2008*, January 2009.
<http://stats.metroc.state.mn.us/stats/pdf/Employment_MS2008.pdf>

housing, redevelopment and remediation. In light of the current economic and development downturns, cities need greater flexibility to use the tool effectively to support the economic viability of their business and residential communities. The 2010 Jobs bill provided flexibility in the tax increment laws, recognizing that this is an important tool for stimulating development and creating jobs.

So as to not further complicate this process, the Legislature should not enact future TIF law restrictions during the next legislative session. In order to allow TIF to maintain the effectiveness that remains in the wake of the 2001 property tax reform package, the Legislature should consider:

- Expanding the use of TIF to assist in the development of technological infrastructure and products, biotechnology, research, transportation and transit-oriented development, restoration of designated historic structures, non-retail commercial projects, and non-wetland areas where unstable/non-buildable soils exist.
- Modifying the various provisions in order to better facilitate redevelopment and housing activities.
- Allow term extensions for redevelopment districts which are taking longer to develop as a result of the current economic crisis.
- Modifying the housing district income qualification level requirements to allow the levels to vary according to those specific to individual communities.
- Allowing any sale proceeds, lease and rent payments received after the decertification of a district to not count as tax increment.
- Encouraging compact development and or redevelopment.
- Discouraging any statutory mechanisms that directly or indirectly decrease the impact of city redevelopment and economic development projects.
- Provide time limits to "deemed increment" created by land sales, leases and loans, and clarify use of lease revenues for ongoing operations.
- Revise substandard building test to simplify, resolve ambiguities and continued threats of litigation.

III. Support Local Government Policies that Promote Fairness and Equity

A. Mitigate Financial Impact of Surface Water Regulations

In January, the MN Pollution Control Agency (MPCA) distributed a memo to cities regulated under the Municipal Separate Storm Sewer Systems (MS4) stormwater permit. The memo described the requirement for an inventory of stormwater ponds, wetlands and other water bodies impacted by the collection, treatment and conveyance of stormwater. This inventory was required to be completed by June 2011.

The impact of a detailed pond-by-pond survey and inventory could prove to be very expensive for cities. MLC supports the goal of monitoring the performance of stormwater ponds for water quality purposes, but the economic impact of this goal needs to be greatly considered. Furthermore, this project would create a significant administrative burden for the MPCA who already are behind in reviewing documents related to the stormwater permit program.

B. Allow cities to do a mid-year actuarial analysis for volunteer fire relief association's unfunded liabilities

Under current law, if a volunteer fire relief association has an unfunded actuarial liability, the city is required to address 1/10th of the shortfall in the following calendar year's budget. The actuarial study is required to be presented to the city council by August 1st so the council can incorporate any additional levy into the next year's budget.

The valuation of assets is calculated as of December 31st of the prior year. Many cities complain that on December 31st, 2008, the fund was at a low point for valuation of fund investments, and did not accurately reflect the true condition of the fund throughout the year.

The MLC supports legislation that would allow for a mid-year actuarial analysis, providing a more accurate picture of the fund's true unfunded liability.

C. Oppose Costly Mandates to City-Owned Indoor Ice Arenas

In 2010, the MN Dept. of Health (MDH) began work on revising its carbon monoxide and nitrogen dioxide standards in Minnesota's indoor ice arenas. Before the work was completed, legislation was introduced that would have enforced stringent air quality standards and costly alarm and ventilation systems on cities' ice arenas across Minnesota (even if the indoor ice arena had no previously reported problems, or had all-electric equipment). The legislation did not move forward, and MDH has continued the rule-making process. The proposed rule is expected to be published in the State Register by the end of 2011.

The MLC supports the rule-making process being pursued by MDH, and respectfully requests policymakers to oppose regulatory mandates that are far-reaching and costly to cities. This issue will be monitored during the 2012 Session, and MLC is willing to provide support when requested.

D. Reprioritize real estate forfeiture statute to place a higher priority on municipal recovery of unpaid utility charges and building or development fees

Under current law, the net proceeds from the sale or rental of forfeited land must be apportioned as follows: 40% to the county, 40% to the school district, and 20% to the city or town. Based on the county-focused priority structure, cities are at times unable to recover unpaid taxes and utilities.

The MLC supports changing the forfeiture statute (M.S. 282.08) to give the proceed distribution priority to a city's unpaid charges for electricity, water and sewer, as well as building and development fees, when the forfeited property is located within a city.

PROJECT PROFILE – JANUARY 09, 2012

PLANNING COMMISSION – JANUARY 9, 2012

1. BFI COMPRESSED NATURAL GAS FUELING FACILITY (2011-21) by Clean Energy.

Request for:

- Guide Plan Amendment within the I-2 Zoning District on 24.32 acres.
- Planned Unit Development Concept Review on 24.32 acres.
- Planned Unit Development District Review on 24.32 acres.
- Zoning District Amendment within the I-2 Zoning District on 24.32 acres.
- Site Plan Review of 24.32 acres.

Location: 9813 Flying Cloud Drive.

Contact Pam Pullen (562-626-8826)

(PC: 01/09/12; 1st CC: 00/00/11; 2nd CC: 00/00/11) (**REGINA**)

(Date submitted: 12/02/11, Date Complete: 12/27/11; 120-Day Deadline 04/24/12)

2. RIDGE AT RILEY CREEK 5TH ADDITION (2011-20) by JMS Custom Homes.

Request for:

- Planned Unit Development Concept Review on 2.02 acres
- Planned Unit Development District Review on 2.02 acres
- Zoning District Amendment within the R1-13.5 Zoning District on 2.02 acres
- Preliminary Plat of 2.02 acres into five lots

Location: 9567 Sky Lane.

Contact Eric Doty (952-217-6057)

(PC: 01/09/11; 1st CC: 00/00/11; 2nd CC: 00/00/11) (**REGINA**)

(Date submitted: 11/04/11, Date Complete: 12/16/11; 120-Day Deadline 04/13/12)

3. THE MEADOWS AT RILEY CREEK (2011-22) by Meadows, LLC.

Request for:

- Zoning District Change from Rural to R1-13.5 on 5.03 acres.
- Preliminary Plat of 5.03 acres into 12 lots and 1 outlot.

Location: 9845 Sky Lane.

Contact Jeff @ JMS Companies (952-949-3630)

(PC: 00/00/11; 1st CC: 00/00/11; 2nd CC: 00/00/11) (**SCOTT**)

(Date submitted: 12/02/11, Date Complete: 12/02/11; 120-Day Deadline 03/30/12)

CONSERVATION COMMISSION – JANUARY 10, 2012

F. C. AIRPORT ADVISORY COMMISSION – JAN 12, 2012

CITY COUNCIL-PUBLIC HEARING – JANUARY 17, 2012

1. NOTTING HILL (2011-19) by SK Partners, LLC. (CONTINUED FROM 11/14/11)

Request for:

- Planned Unit Development Concept on 8.35 acres

- Planned Unit District Review with waivers on 8.35 acres
- Zoning District Change from Rural to R1-13.5 on 8.35 acres
- Preliminary Plat of 8.35 acres into 20 lots and road right of way

Location: 15640 Pioneer Trail.

Contact Steve Kroiss (952-361-0833)

(PC: 00/00/11; 1st CC: 00/00/11; 2nd CC: 00/00/11) (**SCOTT**)

(Date submitted: 10/07/11, Date Complete: 10/20/11; 120-Day Deadline 02/17/12)

2. DUCK LAKE VISTA 2nd ADDITION (2011-17) by April Alm

Request for:

- Planned Unit Development Concept Review on 1.15 acres
- Planned Unit Development District Review with waivers on 1.15 acres
- Zoning District Amendment within the R1-13.5 Zoning District on 1.15 acres
- Preliminary Plat of 1.15 acres into two lots

Location: 7000 Eden Prairie Road.

Contact April Alm (612-396-1270)

(PC: 11/28/11; 1st CC: 00/00/11; 2nd CC: 00/00/11) (**REGINA**)

(Date submitted: 09/09/11, Date Complete: 11/04/11; 120-Day Deadline 03/03/12)

CITY COUNCIL-CONSENT – JANUARY 17, 2012

1. UNITED HEALTH GROUP (2011-15) by United Health Group.

Request for:

- Planned Unit Development Concept review on 71 acres
- Planned Unit Development District Review with waivers on 68 acres
- Zoning District Change from Rural to Office on 68 acres
- Site Plan Review on 68 acres
- Preliminary Plat of 68 acres into one lot

Location: Hwy 62 and Shady Oak Rd.

Contact Dennis Spalla (952-936-3653)

(PC: 08/08/11; 1st CC: 00/00/11; 2nd CC: 00/00/11) (**SCOTT**)

(Date submitted: 07/01/11, Date Complete: 07/22/11; 120-Day Deadline 11/25/11)

Extended to 12/07/11)

- This is for four office buildings totaling 1,481,700 square feet

PLANNING COMMISSION – JANUARY 23, 2012

1. EDEN PRAIRIE OFFICE RETAIL (2011-23) by Fendler Patterson.

Request for:

- Planned Unit Development Concept Review on 3.84 acres.
- Planned Unit Development District Review with waivers
- Zoning District Amendment in the I-2 Zoning District on 3.84 acres.
- Site Plan Review on 3.84 acres.
- Preliminary Plat of 3.84 acres into 1 lot.

Location: 14675 and 14711 Martin Drive.

Contact John Patterson 952-890-4364

(PC: 01/23/12; 1st CC: 00/00/11; 2nd CC: 00/00/11) (**MIKE**)
(Date submitted: 12/19/11, Date Complete: 12/29/11; 120-Day Deadline 04/26/12)
• This is for A 16,000 Square foot building

HERITAGE PRESERVATION COMMISSION – JAN 23, 2012

IN BUT NOT SCHEDULED

1. OAK CREEK AT HENNEPIN VILLAGE (2006-05) by Hennepin Village Limited Partnership.

Request for:

- Guide Plan Change from Public Open Space to Medium Density Residential on 1.3 acres and from Medium Density Residential to Public Open Space on 1.6 acres.
- Planned Unit Development Concept Review on 73.8 acres.
- Planned Unit Development District Review on 73.8 acres.
- Zoning District Change from Rural to R1-9.5 on 21.54 acres.
- Zoning District Change from Rural to R1-13.5 on 1.8 acres
- Preliminary Plat of 73.8 acres into 105 lots and 6 outlots.

Location: Eden Prairie Road. Contact Dan Herbst (952-937-0716)

(PC: **07/10/06 – continued to 08/13/07**; 1st CC: 09/04/07 2nd CC: 10/02/07) (**MIKE**)
(Date submitted: 03/03/06, Date Complete: **05/05/06**; 120-Day Deadline **extended to 06/21/2012**)

- This is for 105 Single Family Homes

2. WILLIAM SMALL PROPERTY (2006-06) by Pemtom Land Company.

Request for:

- Zoning District Change from Rural to R1-13.5 on 5.01 acres.
- Preliminary Plat of 5.01 acres into 9 lots and road right-of-way.

Location: Southwest corner of Eden Prairie Road and Beverly Drive.

Contact Dan Herbst (952-937-0716)

(PC: **07/10/06 – continued to 08/13/07**; 1st CC: 09/04/07; 2nd CC:10/02/07) (**SCOTT**)
(Date submitted: 03/03/06, Date Complete: 05/18/06; 120-Day Deadline **extended to 06/21/2012**)

- This is for a 9 Single Family Home subdivision

3. FLYING CLOUD LANDFILL-PARCEL SUBDIVISION (2010-09) by Allied Waste.

Request for:

- Preliminary Plat of 156 acres into 2 lots.

Location: 9813 Flying Cloud Drive.

Contact Aaron Janusz (651-450-2153)

(PC: 00/00/11; 1st CC: 00/00/11; 2nd CC: 00/00/11) (**REGINA**)

(Date submitted: 12/29/10, Date Complete: 00/00/11; 120-Day Deadline 00/00/11)

- This is for a two lot parcel subdivision

4. GUIDE PLAN AMENDMENT/CODE AMENDMENT – AIRPORT ZONING.

Request for:

The adoption of an amendment to Chapter 3 of the Comprehensive Plan and Chapter 11 of the City Code relating to Land Use on airport property.

5. PRAIRIE ALE HOUSE (2011-06) by Morneau Hospitality Group DBA Prairie Ale House.

Request for:

- Site Plan Review on 3.68 acres.

Location: 16396 Wagner Way.

Contact Mike Wingert (952-949-9700)

(PC: 00/00/11; 1st CC: 00/00/11; 2nd CC: 00/00/11) (**REGINA**)

(Date submitted: 03/21/11, Date Complete: 00/00/11; 120-Day Deadline 00/00/11)

- This is for an outdoor seating expansion at the restaurant

6. 6G RANCH (2011-16) by Mike Gressor.

Request for:

- Zoning District Change from Rural to R1-13.5 on 22.5 acres
- Preliminary Plat of 22.5 acres into two lots

Location: 10701 Riverview Rd.

Contact Michael Gressor (651-454-5976)

(PC: 08/08/11; 1st CC: 00/00/11; 2nd CC: 00/00/11) (**REGINA**)

(Date submitted: 07/05/11, Date Complete: 00/00/11; 120-Day Deadline 00/00/11)

7. VARIANCE (2011-06) by Steven Schussler.

Request to:

- Permit as accessory structure with a side yard setback and rear yard setback less than 30 feet. City Code requires a 30 foot setback in the Rural Zoning District.

Location: 14150 Pioneer Trail.

Contact Steven Schussler (763-746-3700)

(PC: 00/00/11; (**SCOTT**))

(Date submitted: 09/02/11, 120-Day Deadline 00/00/11)

TELECOMMUNICATION PROJECTS

File#2011-13TM by AT &T (c/o Buell Consulting) – Contact – Christina Warr 815-405-3664

(Pending – incomplete application)

Request: Antenna Maintenance (replacement of 1 existing light pole and replace with taller light pole for antenna within light pole.)

Location: 9100 Riley Lake Road right of way. Aztec Drive – PID#19-116-22-42-0008

Date Submitted: 10-07-11. 90 Day Review deadline – 00-00-11 120 Day Review deadline – 00-00-12

Status: Found Complete: 00-00-11

Meeting Calendar

January

S	M	T	W	TH	F	SA
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

February

S	M	T	W	TH	F	SA
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29			

<i>January 9 – February 17</i>		
<i>DATE</i>	<i>EVENT</i>	<i>LOCATION/TIME</i>
Mon, Jan 9	Arts & Culture Commission	7:00 p.m., Prairie Room
Mon, Jan 9	Planning Commission	7:00 p.m., Council Chambers
Mon, Jan 9	Parks, Recreation & Natural Resources Commission – CANCELLED	--
Tue, Jan 10	Conservation Commission	7:00 p.m., Prairie Room
Thu, Jan 12	Flying Cloud Airport Advisory Commission	7:00 p.m., Heritage Rooms
Thu, Jan 12	Human Rights & Diversity Commission	7:00 p.m., EP Mall, Lower Level Offices
Mon, Jan 16	Martin Luther King Jr. Holiday – City Offices CLOSED	--
Tue, Jan 17	Council Workshop City Council Meeting	5:00 p.m., Heritage Rooms 7:00 p.m., Council Chambers
Mon, Jan 23	Heritage Preservation Commission	7:00 p.m., Prairie Room
Mon, Jan 23	Planning Commission	7:00 p.m., Council Chambers
Thu, Feb 2	Budget Advisory Commission	6:00 p.m., Prairie Room
Mon, Feb 6	Parks, Recreation & Natural Resources Commission	7:00 p.m., Council Chambers
Thurs, Feb 9	Human Rights & Diversity Commission	7:00 p.m., EP Mall, Lower Level Offices
Mon, Feb 13	Arts & Culture Commission	7:00 p.m., Prairie Room
Mon, Feb 13	Planning Commission	7:00 p.m., Council Chambers
Tues, Feb 14	Conservation Commission	7:00 p.m., Prairie Room
Thurs, Feb 16	Council Planning Session	5:00 p.m. Cambria Room, Community Center