

2021 Transportation & General Government Policy Committee Members

| Name | Title | Organization |
|--------------------------|---|----------------------|
| Geralyn Barone | City Manager | Minnetonka |
| Lance Benninghoff | Policy Analyst In-Transition | |
| Josh Berg | Councilmember | Elko New Market |
| Brooke Bordson | Senior Project Coordinator-Government Affairs | Metropolitan Council |
| Jody Brennan | Councilmember | Shakopee |
| Kissy Coakley | Councilmember | Minnetonka |
| Anne Finn | Assistant IGR Director | League of MN Cities |
| Thomas Fletcher | Councilmember | Greenwood |
| Jason Gadd | Mayor | Hopkins |
| Gary Hansen | Councilmember | Eagan |
| Mike Huang* | Councilmember | Chaska |
| Steven Huser | Government Relations Representative | Minneapolis |
| Irene Kao | IGR Counsel | League of MN Cities |
| Dan Kealey | Councilmember | Burnsville |
| Larry Kraft | Councilmember | St. Louis Park |
| Brad Larson | City Administrator | Savage |
| Stephanie Levine | Mayor | Mendota Heights |
| Daniel Lightfoot | IGR Representative | League of MN Cities |
| Mark Maloney | Public Works Director | Shoreview |
| Tom McCarty | City Administrator | Stillwater |
| Mary McComber | Mayor | Oak Park Heights |
| Deb McMillan | Mayor | Victoria |
| Justin Miller | City Administrator | Lakeville |
| Fatima Moore | Senior Government Relations Representative | Minneapolis |
| Heidi Nelson | City Administrator | Maple Grove |
| Alysen Nesse | Government Relations Representative | Minneapolis |
| Loren Olson | Government Relations Representative | Minneapolis |
| Ryan Peterson | Public Works Director | Burnsville |
| Dan Ruiz | Public Works Director | Brooklyn Park |
| Dave Shoger | Public Works Director | Victoria |
| Christian Taylor | Policy Associate | St. Paul |
| Michael Thompson | Public Works Director | Plymouth |
| Wally Wysopal | City Manager | Fridley |
| ThaoMee Xiong | Intergovernmental Relations Director | St. Paul |
| Nyle Zikmund | City Administrator | Mounds View |

*Committee Chair

September 13, 2021

TO: Transportation & General Government Policy Committee Members
FROM: Mike Huang, Committee Chair and Councilmember, Chaska
SUBJECT: Meeting Notice and Agenda

Monday, September 20, 2021

9:00 am – 11:30 am

Zoom Meeting

Attached are the materials for the third Transportation & General Government Policy Committee meeting. Please take the time to review the packet in advance of the meeting and bring your ideas and suggestions.

AGENDA

1. Call to order. (Mike Huang, Chair)
2. Introductions.
3. Approval of minutes for the August 23, 2021 meeting.
4. **Presentations:** Connected and automated vehicles and drones.
Kristin White, Executive Director, Connected and Automated Vehicles Office (CAV-X)
Katie Gilmore, UAS Program Manager, MnDOT Office of Aeronautics
5. Review policy committee memo.
6. Discussion of policies and suggested modifications.
 - a. Policies with no recommended changes.
 - b. Policies with suggested language.
7. Discuss additional suggestions for policies, and issues for future consideration.
 - a. Street Racing
 - b. Semi-Truck Parking
8. Other business.
9. Adjourn

Transportation & General Government Policy Committee
Minutes of August 23, 2021

Present: Mike Huang-Chair, Tom Fletcher, Justin Miller, Alex Hassel, Alysén Nesse, Anne Finn, Brad Larson, Brooke Bordson, Christian Taylor, Dan Kealey, Dan Ruiz, Daniel Lightfoot, Dave Shoger, Fatima Moore, Gary Hansen, Heidi Nelson, Irene Kao, Jason Gadd, Jody Brennan, Josh Berg, Kissy Coakley, Larry Craft, Mark Maloney, Michael Thompson, Stephanie Levine, Lance Benninghoff, Steve Huser, Tom McCarty, Wally Wysopal, Loren Olson. Staff: Patricia Nauman, Mike Lund, Jennifer Dorn

The meeting was called to order by Chair Huang at 9:02 am. Introductions were made.

Motion by Mr. Kealey, seconded by Mr. Berg to approve the minutes for the July 19 meeting. Motion adopted.

The committee heard presentations from representatives of Metro Transit and suburban transit providers on expectations for transit operations following COVID-19.

Mr. Miller asked Mr. Kooistra with Metro Transit if there is any metric or calculations to re-establish service at park n' rides that aren't being used currently. Mr. Kooistra said they are monitoring patterns of return to work and changes to commuter express, potentially at fewer locations. Mr. Fletcher asked about the new services being brought on over the next few years and the prognosis for maintaining existing services with cost pressures. Mr. Kooistra answered that they have federal relief budget through 2025 and that this includes new services, but there is a need to address a structural deficit. Mr. Kealey asked about when TAB authorizes funding with a new ABRT line, where does the annual maintenance funding come from? Mr. Kooistra said funds come from federal dollars and are matched by regional transit services bonds.

Mr. Kealey asked about both Suburban Transit providers and noted that the Metropolitan Council has not allocated federal funds. Mr. Wynder said second application for funding in December of 2020 did not include Suburban Providers and said they did receive an allocation in the second round even though we weren't included in application. He said there is no timeline for the third round. Mr. Fyten added that funding is limited, and we live within our means from a funding perspective and are looking in areas we can grow the smartest and expand to new markets, we are positioned well to move forward. Further discussion followed.

Mr. Lund reviewed the Transportation & General Government memo and information items.

Mr. Lund reviewed policies without recommended changes in General Government. Chair Huang asked under 2-V with reference to percent populations, is this current since census numbers have been released.

Mr. Huser said that Minneapolis is dealing with street racing and asked whether cities are also addressing this issue. Mr. Huser added that they are looking at penalties and potentially seizing vehicles. The cities of Maple Grove, Plymouth, Minnetonka, St. Louis Park, Brooklyn Park, Shakopee and Burnsville said they are experiencing similar challenges. Mr. Kealey asked if this should be a new item, and how to enforce this issue. Chair Huang asked to do a straw poll with consideration for addressing street racing. A majority of members favor consideration of this item.

Mr. Lund reviewed Transportation policies with no recommended changes.

Mr. Lund discussed General Government policies with suggested changes. Mr. Maloney asked if there is clarification on the state matching grants for EAB only apply to public property. Mr. Lund will confirm this once he investigates it in advance of the meeting. Mr. Maloney stated that he did not want language change for only clarification.

Motion by Mr. Berg, seconded by Mr. Kealey to approve policy 2-K with changes. Motion adopted.

Motion by Mr. Gadd, seconded by Ms. Brennan to approve General Government policies with no changes: 2-A, 2-B, 2-C, 2-D, 2-E, 2-G, 2-H, 2-I, 2-J, 2-K, 2-L, 2-M, 2-N, 2-O, 2-P, 2-Q, 2-R, 2-S, 2-T, 2-U, 2-V (as amended). Motion adopted.

Motion by Mr. Maloney, seconded by Mr. Kealey to approve Transportation policies: 5-A, 5-C, 5-D, 5-E, 5-F, 5-G, 5-I, 5-J, 5-K, 5-L, 5-M, 5-N, 5-O, 5-P. Motion adopted.

Mr. Hansen reviewed language he is proposing for policy 5-B. Mr. Kealey said he supports the proposed language. Ms. Olson asked about incorporating report references and whether we should list the entire list of recommendations. Ms. Nauman added the language could state: "consistent with recommendations" or we could adjust the language. Ms. Olson suggested perhaps language should come directly from the report. Mr. Hansen said this could be carried over to the third meeting, to continue work on this language. Mr. Thompson said he would support striking the report reference. Mr. Hansen said the importance of the certification reviews findings identified areas with improvement of regulatory compliance, if we are hesitant of references this review, remove lines 91-96 and area highlighted on line 96. Ms. Olson would agree to removing the reference to the report but would like this held over to further consider the policy language.

Mr. Lund noted other issues that have arisen, including building codes, and the open meeting law and how cities are using technology.

Mr. Berg stated that Zoom has been utilized due to the state of emergency and he would like to see this technology continue. He noted an uptick in participation in council meetings with Zoom and since going back to in-person the city has lost that engagement. Chair Huang agreed that participation has increased. Further discussion. Mr. Berg said he would be happy to work with staff to craft language. Ms. Moore added that they are interested with this and making access more accessible to the public. Mr. Berg added they have a small budget, and that part of the challenge is to upgrade technology. Mr. Ruiz supports this as an option for more engagement in public meetings.

Mr. Lund suggested a brief review of federal legislation with infrastructure in the third meeting and how this would affect cities in Minnesota.

Mr. Lund reviewed the timeline for policy language submittals for the third meeting packet.

Motion by Mr. Kealey, seconded by Mr. Berg to adjourn the meeting at 11:04 a.m. Motion adopted.

September 13, 2021

To: Metro Cities Transportation and General Government Policy Committee
From: Michael Lund, Government Relations Specialist
Re: September 20th Policy Committee Memo

Enclosed are materials for the third meeting of the Transportation and General Government Policy Committee next Monday, September 20th at 9:00 am. The committee will begin with two presentations. Kristin White, Executive Director at the MnDOT Connected & Automated Vehicles (CAV-X) Office, will share how their office is currently coordinating with cities in the Metro area. Katie Gilmore, UAS Program Manager at the MnDOT Office of Aeronautics, will brief the committee on drones and the role of local government in their regulation.

Enclosed is information from the League of Minnesota Cities on the open meeting law to inform committee discussion on a potential open meeting law policy for Metro Cities. Also enclosed is a list of resources related to the \$1 trillion infrastructure package passed by the U.S. Senate in August.

Based on discussions from the first two meetings and staff's review of policies, language has been drafted for some policies for your consideration. Policies without recommended changes at this point are also listed below. Please review the enclosed policies in advance of the meeting and come prepared to discuss policies, any suggestions for modifications, and proposed language changes.

| General Government (Policies adopted during meeting two.) | |
|---|--|
| 2-A | Mandates, Zoning & Local Authority |
| 2-B | City Enterprise Activities |
| 2-C | Firearms on City Property |
| 2-D | 911 Telephone Tax |
| 2-E | 800 MHz Radio System |
| 2-G | Administrative Fines |
| 2-H | Residential Programs |
| 2-I | Annexation |
| 2-J | Statewide Funding Sources for Local Issues with Regional Impact |
| 2-K | Urban Forest Management Funding: <i>Adopted as amended</i> |
| 2-L | Pollinator Habitat Resources |
| 2-M | Regulation of Harmful Substances and Products |
| 2-N | Private Well Drilling Restriction Authority |
| 2-O | Organized Waste Collection |
| 2-P | Election Administration |
| 2-Q | Utility Franchise Fees, Accountability and Cost Transparency |
| 2-R | Water Supply |
| 2-S | Regulation of Massage Therapists |
| 2-T | Peace Officer Arbitration Reform |

| | |
|------------|---|
| 2-U | Public Safety Training and Resources |
| 2-V | Race Equity: <i>Adopted as amended</i> |

| General Government (Policies with suggested draft edits and language) | |
|---|--|
| 2-F | Building Codes: <i>Suggested language related to the commercial building code.</i> |
| 2-W | Open Meeting Law: <i>Suggested language drafted by staff based on committee discussion and city feedback.</i> |

| Transportation (Policies adopted during meeting two) | |
|--|--|
| 5-A | Road and Bridge Funding |
| 5-C | Transit Financing |
| 5-D | Street Improvement Districts |
| 5-E | Highway and Bridge Turn Backs & Funding |
| 5-F | “3C” Transportation Planning Process: Elected Officials’ Role |
| 5-G | Electronic Imaging for Enforcement of Traffic Laws |
| 5-I | Airport Noise Mitigation |
| 5-J | Funding for Non-Municipal State Aid (MSAS) City Streets |
| 5-K | County State Aid Highway (CSAH) Distribution Formula |
| 5-L | Municipal Input/Consent for Trunk Highways and County Roads |
| 5-M | Plat Authority |
| 5-N | MnDOT Maintenance Budget |
| 5-O | Transit Taxing District |
| 5-P | Complete Streets |

| Transportation (Policies without recommended changes at this time.) | |
|---|--|
| 5-H | Transportation Network Companies and Alternative Transportation Modes |

| Transportation (Policies with suggested draft edits and language.) | |
|--|--|
| 5-B | Regional Transit System: <i>Suggested draft language related to suburban transit providers.</i> |

We look forward to seeing you on the 20th.

2-A Mandates, Zoning & Local Authority

ADOPTED

To serve their local citizens and communities, city officials must have sufficient local control and decision-making authority. **Metro Cities supports local decision-making authority and opposes statutory changes that erode local authority and decision making.**

Minn. Stat. § 462.357, subd. 1, provide cities authority to regulate and set local ordinances for zoning. **Metro Cities supports existing state laws that provide for this authority.**

Metro Cities supports statutory changes that give local officials greater authority to approve or deny variances to allow flexibility in responding to the needs of the community. Metro Cities also supports the removal of statutory barriers to uniform zoning ordinance amendment processes for all cities, regardless of city size classification.

Metro Cities opposes the imposition of legislative mandates that increase local costs without a corresponding state appropriation or funding mechanism. Unfunded mandates potentially increase property taxes and impede cities' ability to fund traditional service needs.

To allow for greater collaboration and flexibility in providing local services, Metro Cities encourages the removal of barriers to coordination between cities and other units of government or entities.

2-B City Enterprise Activities

ADOPTED

Creation of an enterprise operation allows a city to provide a desired service while maintaining financial and management control. The state should refrain from infringing on this ability to provide and control services for the benefit of community residents.

Metro Cities supports cities having authority to establish city enterprise operations in response to community needs, local preferences or state mandates, or that help ensure residents' quality of life.

2-C Firearms on City Property

ADOPTED

Cities should be allowed to prohibit handguns and other weapons in city-owned buildings, facilities and parks and to determine whether to allow permit-holders to bring guns into municipal buildings, liquor stores, city council chambers and city sponsored youth activities. It is not Metro Cities' intention for cities to have the authority to prohibit legal weapons in parking lots, on city streets, city sidewalks or on locally approved hunting land.

Metro Cities supports local control to allow or prohibit handguns and other weapons on city-owned property.

2-D 911 Telephone Tax

ADOPTED

Public safety answering points (PSAPs) must be able to continue to rely on state 911 revenues to pay for upgrades and modifications to local 911 systems, maintenance and operational support and dispatcher training.

Metro Cities supports state funding for technology and training necessary to provide the number and location of wireless and voice over internet protocol (VoIP) calls to 911 on computer screens and transmit that data to police, fire and first responders.

2-E 800 MHz Radio System

ADOPTED

Metro Cities urges the Legislature to provide cities with the financial means to obtain required infrastructure and subscriber equipment (portable and mobile radios) as well as provide funding for operating costs, since the prime purpose of this system is to allow public safety agencies and other units of government the ability to communicate effectively.

Metro Cities supports the work of the Metropolitan Emergency Services Board (previously the Metropolitan Radio Board) in implementing and maintaining the 800 MHz radio system, as long as cities are not forced to modify their current systems or become a part of the 800 MHz Radio System unless they so choose.

2-F Building Codes

Thousands of new housing units as well as commercial and industrial buildings are constructed annually in the metropolitan area. The State Building Code (SBC) sets statewide standards for the construction, reconstruction, alteration, and repair of buildings and other structures governed by the code. A building code provides many benefits, including uniformity of construction standards in the building industry, consistency in code interpretation and enforcement, and life-safety guidance.

Metro Cities supports an equitable distribution of fees from the Construction Code Fund, with proportional distribution based on the area of enforcement where fees were received. Metro Cities further supports efforts by the state, cities and builders to collectively identify appropriate uses for the fund, including education, analysis of new materials and construction techniques, building code updating, building inspector training, and development of performance standards and identification of construction “best practices.”

Metro Cities supports including the International Green Construction Code as an optional appendix to the State Building Code to allow cities to utilize appropriate parts of those guidelines in their communities. Metro Cities also supports adopting the international energy conservation code to the state building code without amendments. Metro Cities does

not support legislative solutions that fail to recognize the interrelationships among builders, state building codes and cities.

Metro Cities supports efforts to increase awareness of the potential impacts and benefits of requiring sprinklers in new homes and townhouses. Metro Cities supports discussion and the dissemination of information on these impacts via the code adoption process through the Department of Labor and Industry. Metro Cities supports adopting and amending the State Building Code through the rulemaking process and opposes legislative changes to the building codes absent unusual or extraordinary circumstances.

As energy costs continue to rise, more attention must be paid to the poor energy efficiency of much of the existing housing stock as well as commercial and industrial buildings. Homes and other buildings that are energy inefficient are more costly to maintain and create added cost to ownership and occupancy. Making homes and buildings more energy efficient will make them more affordable to operate and will help the state achieve energy demand goals and will reduce greenhouse gas emissions. This includes supporting legislation to increase the efficiency of the buildings on a pathway toward net zero energy. *(Proposed by City of St. Louis Park)*

Metro Cities supports state funding and technical support for programs that provide support for property owners for weatherization and energy efficiency improvements, including programs available for local governments.

While a single set of coordinated codes helps provide consistency in code administration and enforcement, implementation of sustainable building design, construction, and operation does not readily integrate with the existing state building and energy code system. As a result, many cities are interested in adopting stronger local standards for sustainable development and conservation.

Metro Cities supports authorizing cities to employ stronger local standards for sustainable development and conservation that will help inform the state code development process. The state should include an optional sustainable appendix to the State Building Code to allow cities to utilize appropriate parts of guidelines in their communities. Metro Cities would also support a state universal advanced energy building standard for commercial buildings within the State Building Code. The standard should conform to timelines and performance measures that result in net zero carbon emissions by 2036 or sooner for all new commercial buildings and should be updated every three to five years. *(Proposed by City of St. Louis Park)*

2-G Administrative Fines

ADOPTED

Traditional methods of citation, enforcement and prosecution have met with increasing costs to local units of government. The use of administrative fines is a tool to moderate those costs. Metro Cities supports the administrative fine authority that allows cities to issue administrative fines for defined local traffic offenses and supports further modifications to enhance functionality of this authority. Metro Cities continues to support cities' authority to use administrative fines for regulatory ordinances such as building codes, zoning codes,

health codes, and public safety and nuisance ordinances.

Metro Cities supports the use of city administrative fines, at a minimum, for regulatory matters that are not duplicative of misdemeanor or higher-level state traffic and criminal offenses. Metro Cities also endorses a fair hearing process before a disinterested third party.

2-H Residential Programs

ADOPTED

Sufficient funding and oversight is needed to ensure that residents living in residential programs have appropriate care and supervision and that neighborhoods are not disproportionately impacted by high concentrations of residential programs. Historically, federal and state laws have discouraged the concentration of residential group homes so as not to promote areas that reinforce institutional quality settings.

Under current law, operators of certain residential programs are not required to notify cities when they intend to purchase single-family housing for this purpose. Cities do not have the authority to regulate the locations of residential programs. Cities have reasonable concerns about high concentrations of these facilities in residential neighborhoods, and additional traffic and service deliveries surrounding these facilities when they are grouped closely together. Municipalities recognize and support the services residential programs provide. However, cities also have an interest in preserving balance between residential programs and other uses in residential neighborhoods.

Providers applying to operate residential programs should be required to notify the city when applying for licensure to be informed of local ordinance requirements as a part of the application process. Licensing agencies should be required to notify the city of properties receiving licensure to be operated as residential programs.

Metro Cities supports changes to Minn. Stat. § 245A.11, subd. 4, to allow for appropriate non-concentration standards for all types of cities to prevent clustering. Metro Cities supports statutory modifications to require licensed agencies and licensed providers that operate residential programs to notify the city of properties being operated as residential programs. Metro Cities also supports the establishment of appropriate non- concentration standards for residential programs, to prevent clustering, and supports enforcement of these rules by the appropriate county agencies.

2-I Annexation

ADOPTED

Attempts have been made in recent years to reduce tensions between cities and townships in annexations. A Municipal Boundary Adjustment Task Force worked to develop recommendations regarding best practices annexation training for city and township officials to better communicate and jointly plan potential annexations. While the task force defined differences between cities and townships, no significant advancements were made in creating best practices.

Metro Cities supports continued legislative efforts to develop recommendations regarding best practices and annexation training for city and township officials to better communicate and plan for potential annexations. Further, Metro Cities supports substantive changes to the state's annexation laws that will lead to better land use planning,

energy conservation, greater environmental protection, fairer tax bases, clarification of fee reimbursement and fewer conflicts between townships and cities. Metro Cities also supports technical annexation changes that are agreed to by cities and townships.

2-J Statewide Funding Sources for Local Issues with Regional Impact

Many issues including, but not limited to, a metropolitan area groundwater monitoring network, emerald ash borer management, and the cleanup of storm-water retention ponds, come with significant local costs, and have effects that reach beyond municipal boundaries.

Metro Cities supports the availability of statewide funding sources to address local issues that have regional or statewide significance or are caused by state or regional actions.

Metro Cities opposes any requirement to enact ordinances more restrictive than state law in exchange for access to these funds.

2-K Urban Forest Management Funding ADOPTED AS AMENDED

Urban forests are an essential local infrastructure component. Dutch elm disease, oak wilt disease, drought, storms, and emerald ash borer threaten public investments in trees and controlling these issues can be greatly consequential for city budgets. The Minnesota Department of Natural Resources, through its Urban and Community Forestry program, and the Minnesota Department of Agriculture, through its Shade Tree and Invasive Species program, have regulatory authority to direct tree sanitation and control programs. Although these programs allow for addressing some tree disease, pest, and other problems, funding has been inadequate to meet the need of cities to build capacity for tree programs and respond to catastrophic problems.

Cities share the goal of the state's Re-leaf Program—promoting and funding the inventory, planning, planting, maintenance, and improvement of trees in cities throughout the state. In addition, economic and environmental gains for storm water management, climate change mitigation, air quality management, tourism, recreation, and other benefits must be protected from tree loss. A lack of timely investment in urban forests costs cities significantly more in the long run.

~~Cities are facing immediate costs for the identification, removal, replacement, and treatment of emerald ash borer (EAB) as it spreads across the state. The state has no program to assist cities in covering those expenses. (Edit suggested by staff)~~

Metro Cities supports funding for a state matching grant program to assist cities with building and increasing capacity for urban forest management, meeting the costs of preparing for, and responding to, catastrophic urban forest problems and preventing further loss and increasing canopy coverage. Specifically, direct grants to cities are desperately needed for the identification, removal, replacement, and treatment of trees related to management of emerald ash borer (EAB). (*Suggested by staff*) The state should establish an ongoing grant program with annual funding that is usable for those activities.

2-L Pollinator Habitat Resources

ADOPTED

Recent declines in the abundance of pollinator insects, such as bees and butterflies, have been identified by the United Nations Food and Agriculture Organization as a threat to food security, as these insects are an important method of plant pollination. According to the US Fish and Wildlife Service, the main threats facing pollinators are habitat loss, degradation and fragmentation. Pollinators lose food and nesting sites they need to survive when native vegetation is replaced by roadways, manicured lawns, crops and non-native gardens. This can have added detriment to pollinators that migrate. Research has shown that providing these insects with more habitat can create the conditions for these insect populations to recover. Converting traditional grass lawns has been identified as way to increase pollinator habitat. The Minnesota Legislature created the Lawns to Legumes program, which provides grants to private homeowners to convert traditional lawns to pollinator friendly landscape.

Metro Cities supports state funding for the Lawns to Legumes program and supports expanding eligibility of this program to cities. Metro Cities supports state funding to programs that create pollinator habitat on both public and private lands.

2-M Regulation of Harmful Substances and Products

ADOPTED

In metropolitan regions where most cities share boundaries with other cities, local bans of harmful drugs and substances such as synthetic drugs, which have been found to be dangerous, do not eliminate access to these products unless all cities take the same regulatory action.

Metro Cities supports statewide regulation and prohibition of products or substances in circumstances where there is evidence that products present a danger to anyone who uses them, where there is broad local support for a ban and where corresponding regulatory issues have regional or statewide significance.

In addition, the Legislature should provide for the regulation of products that are known to damage water quality, sewer collection, and storm and wastewater treatment systems, not just at the treatment and infrastructure maintenance levels, but at the consumer and manufacturing levels, through accurate labeling of products, public education, and recycling and re-use programs.

2-N Private Well Drilling Restriction Authority

ADOPTED

Cities are authorized to enact ordinances that disallow the placement of private wells within city limits to ensure both water safety and availability for residents and businesses. This authority is important for the appropriate management of local water supply conservation efforts. Municipal water systems are financially dependent upon users to operate and maintain the system. A loss of significant rate payers resulting from unregulated private well drilling would economically

destabilize water systems and could lead to contamination of the water supply.

Metro Cities supports current law authorizing cities to regulate and prohibit the placement of private wells within municipal utility service boundaries and opposes any attempt to remove or alter that authority. Metro Cities supports funding that can be used to cap private wells.

2-O Organized Waste Collection

ADOPTED

Cities over 1,000 in population are required by law to ensure all residents have solid waste collection available to them. A city can meet the statutory requirement by licensing haulers to operate in an open collection system, authorize city employees to collect waste, or implement organized collection through one or multiple haulers to increase efficiency, reduce truck traffic and control costs to residents.

Metro Cities supports current laws that allow cities to work with existing haulers to achieve the benefits of organized collection or investigate the merits of organized collection without the pressure of a rigid timeline and requirement to pass ‘an intent to organize’ at the beginning of the discussion process. Metro Cities opposes any legislation that would further increase the cost or further complicate the process cities are required to follow to organize waste collection or prohibit cities from implementing, expanding or using organized waste collection. Metro Cities supports state funding to local governments to increase the availability of material and organic recycling.

2-P Election Administration

ADOPTED

Cities play a critical role in managing and ensuring the integrity of elections. Any changes made to election laws should not place undue financial or administrative burdens on local governments. **Metro Cities supports reimbursement by the state to local units of government for any costs associated with changes to election laws.**

Metro Cities supports laws to increase efficiencies in administering absentee ballots, to reduce the potential for errors and to improve absentee balloting processes.

State laws that allow the filling of municipal vacancies by special election on one of four days specified in law, can create logistical and financial challenges for municipalities. **Metro Cities supports changes to state laws that allow sufficient flexibility for municipalities in addressing vacancies in municipal offices.**

Metro Cities further supports:

- **Laws allowing in-person absentee voters to place their ballots in a secure tabulator, and statutory changes to allow this for the duration of absentee voting;**
- **Establishing an earlier deadline for ending in-person absentee voting;**

- **Revising absentee ballot regulations to allow any person 18 and older to witness the absentee process and sign the envelope as a witness; and**
- **Authorizing cities with health care facilities to schedule election judges to conduct absentee voting at an earlier date in health care facilities.**

2-Q Utility Franchise Fees, Accountability and Cost Transparency ADOPTED

Minnesota cities are authorized by Minn. Stat. 216B and Minn. Stat. § 301B.01 to require a public utility (gas or electric) that provides services to the city or occupies the public right of way within a city to obtain a franchise. Several metro area cities have entered agreements that require the utility to pay a fee to help offset costs of maintaining the right of way.

Cities are also adopting energy policies that use renewable energy resources to light or heat public facilities. Policies and programs have also been instituted in cooperation with the public utility franchisee to increase energy efficiency for all users. Cities also contract, at city expense, with public utilities to “underground” wires. State laws also require energy companies to provide more electric energy from renewable sources. The specific amounts vary by type of utility.

Metro Cities supports:

- **State policies adopted by legislation or through rules of the Public Utility Commission that provide cities with the authority to include city energy policies and priorities in a franchise or similar agreement with a franchisee; and**
- **Greater accountability and transparency for city paid costs associated with underground utility and similar work performed by electric utilities as part of a local project.**

2-R Water Supply

ADOPTED

Municipal water suppliers are charged with meeting the water supply needs of their communities and work to do so with safe, reliable and cost-effective systems that are sustainable both for established cities and for all future growth.

The aquifers in the metropolitan area cross municipal boundaries and therefore require a coordinated regional approach to planning for their future availability. Currently, approximately 75% of municipal water supply in the metropolitan area comes from groundwater. With proper management of the resource, the current water supply in the region is adequate; however, Metropolitan Council projections predict localized declines in aquifer availability due to population growth estimates if current usage levels are maintained.

Regulation of water is complex and compartmentalized. Various agencies permit its use, plan for its availability, regulate stormwater, treat wastewater and protect the safety of water. To ensure

that water supply remains adequate and sustainable across the region, we must understand how much water can be sustainably drawn from the aquifers and what effect increases in re-use, conservation and recharge can have on the sustainability and availability of both groundwater and surface water. Many of these strategies cross agency jurisdictions and will require improved coordination and cooperation.

Municipal water suppliers have made significant infrastructure investments in their systems based on calculated water availability and DNR permits. Proposals to reduce the reliance on groundwater by switching municipal water systems from groundwater to surface water supplies will come with significant costs that could place excessive burdens on local resources.

The outcomes and benefits of re-balancing the mix of groundwater and surface water use for specific municipalities and the region must be identifiable before any projects are undertaken. The sustainability of our water supply is an issue of regional and statewide significance and the expense of any necessary projects that benefit the region should not fall on individual cities. Any attempts to address water supply sustainability must also take into account all water users, including municipal water suppliers, industry, private wells, agriculture and contamination containment.

The metropolitan region must consider the effects of groundwater use beyond the borders of the metropolitan area on the region's groundwater availability and the cost of treating contaminants in surface water that comes into the metropolitan area for use.

Metro Cities supports the removal of barriers to wastewater and storm water re-use, improved inter-agency coordination, clarifying the appropriate roles of local, regional and state governments with respect to water, streamlining and consolidating permit approval processes and the availability of statewide resources to plan for and ensure the future sustainability of water supply in the metropolitan area. Metro Cities also encourages the Metropolitan Council, in consultation with municipalities, to find ways to re-use wastewater and to develop other strategies to improve conservation.

Metro Cities supports state funding for costs associated with converting water supply from groundwater to surface water and funds to encourage and promote water conservation as a strategy to improve water sustainability and to improve and protect water quality.

2-S Regulation of Massage Therapists

ADOPTED

In the absence of statewide regulation for massage therapy practitioners, many cities have enacted local ordinances that require massage therapists to obtain a local professional license to assist law enforcement in differentiating between legitimate providers and illegitimate businesses fronting as massage therapy establishments.

Metro Cities supports statewide registration or licensure of massage therapists to aid local law enforcement efforts in this area. Metro Cities supports cities' ability to continue to license massage therapy businesses.

2-T Peace Officer Arbitration Reform

ADOPTED

Many municipalities in the metropolitan area provide law enforcement services and employ licensed peace officers. To ensure the public's safety and trust, and to strengthen collaboration between citizens and peace officers, cities must have the authority to effectively govern local law enforcement agencies. City officials are ultimately responsible for the safety and protection of the local community.

Metro Cities supports statutory arbitration reforms to allow for the discipline, including removal, of law enforcement officers who have been found to have violated local law enforcement agency policies.

Metro Cities further supports a reasonable standard of review in law enforcement arbitration cases, which would limit the determination of arbitrators to whether the actions of an employer were reasonable and consistent with city and agency policies. Metro Cities further supports using administrative law judges (ALJs) or arbitration to address grievances and discipline related to police misconduct.

2-U Public Safety Training and Resources

ADOPTED

Metro Cities acknowledges that the tasks public safety responders have been asked to address are increasingly the result of inadequate social services and programs. Metro Cities recognizes the need for adequate resources for social service and mental health services and programs to help reduce the need for public safety responders to perform these services.

Metro Cities supports state funding for public safety responders training, including training for crisis management, cultural awareness and implicit bias, mental health and de-escalation, and supports funding for equipment such as body cameras.

2-V Race Equity

ADOPTED AS AMENDED

In the seven-county metropolitan region, people of color represent 28% of the population, and this percentage is expected to grow to 44% by 2050, according to the current population forecast from the Metropolitan Council. As racial and ethnic diversity increases in the region, people of color continue to experience significant barriers in housing, employment, criminal justice, public infrastructure, health, and education, and disparities are becoming more apparent with the COVID-19 pandemic and civil unrest that is occurring in many communities.

Across the metropolitan region, many cities are working to examine local policies and systems, to revise the delivery of public services, and to allocate resources to help advance race equity. All levels of government as well as the nonprofit and business sectors have roles to play in

addressing race inequities and must work collaboratively to ensure that services and resources are considered, designed and implemented in a comprehensive, purposeful, informed and inclusive way to achieve race equity.

Metro Cities supports:

- **An examination and revision of existing state, regional, county and city laws, ordinances and policies to address racial disparities;**
- **State, regional, county and city resources to assist with comprehensive data collection, disaggregation and sharing to ensure informed policy and funding decisions at all levels of government;**
- **Funding to assist in the development of tools and resources that advance racially equitable outcomes;**
- **Activating partnerships among state, regional, and local governmental institutions and other entities to advance race equity.**

2-W Open Meeting Law

The Open Meeting Law and other statutes allow certain state bodies to conduct meetings via telephone and interactive technology. This flexibility should be extended to local government. In response to the COVID-19 pandemic, cities successfully pivoted to working remotely while maintaining and even increasing transparency and accessibility. During the 2021 Regular Session the legislature provided some additional flexibility for cities, but this change in law was tied to a state of emergency declaration and has subsequently expired.

Metro Cities supports legislative action authorizing cities to conduct official meetings by telephone or interactive technology. (Draft suggested by staff based on discussion and committee feedback)

Transportation Policies and Funding Introduction

Metro Cities supports a comprehensive transportation system as a vital component in planning for and meeting the physical, social and economic needs of the state and metropolitan region.

A comprehensive transportation system includes streets and bridges, transit, and multi-modal solutions that work cohesively to best meet state, regional and local transportation needs.

Adequate and stable sources of funding are necessary to ensure the development and maintenance of a high quality, efficient and safe transportation system that meets these needs and that will position the state and region to be economically competitive in the years ahead. Failure to maintain a functional transportation system will have adverse effects on the state's ability to attract and retain businesses and create jobs.

Transportation funding and planning must be a high priority for state, regional and local policymakers so that the transportation system can meet the needs of the state's residents and businesses as well as projected population growth. Funding and planning for regional and statewide systems must be coordinated at the federal, state, regional and local levels to optimally achieve long-term needs and goals.

5-A Road and Bridge Funding

ADOPTED

Under current financing structures that rely primarily on local property taxes and fees as well as the motor vehicle sales tax (MVST) receipts, road and bridge needs in the metropolitan region continue to be underfunded. **Metro Cities strongly supports stable, sufficient and sustainable statewide transportation funding and expanded local tools to meet the transportation system needs of the region and local municipal systems.** Consideration should be given to using new, expanded and existing resources to meet these needs. **Metro Cities supports the use of dedicated taxes and fees to fund transportation infrastructure.**

In addition, cities lack adequate tools and resources for the maintenance and improvement of municipal street systems, with resources restricted to property taxes and special assessments. It is imperative that alternative revenue generating authority be granted to municipalities and that state resources be made available for this purpose to aid local communities and relieve the burden on the property tax system. **Metro Cities supports Municipal State Aid Street (MSAS) funding.** MSAS provides an important but limited revenue source that assists eligible cities with street infrastructure needs and is limited to twenty percent of a city's street system.

Metro Cities supports state funding to assist cities over-burdened by cost participation responsibilities from improvement projects on the state's arterial system and county state aid highway (CSAH) systems.

Metro Cities supports state funding for state highway projects, including congestion,

bottleneck and safety improvements. Metro Cities also supports state financial assistance, as well as innovations in design and construction, to offset the impacts of regional transportation construction projects on businesses.

Metro Cities opposes statutory changes restricting the use of local funds for transportation projects. Metro Cities opposes restrictions on aesthetic related components of transportation projects, as these components often provide important safety and other benefits to projects.

Metro Cities supports further research into the policy implications for electric and automated vehicles on roadways, transit, and other components of transportation systems. Metro Cities encourages the state to study the impact of electric and automated vehicles on transportation related funding and policies.

5-B Regional Transit System

The Twin Cities Metropolitan Area needs a multi-modal regional transit system as part of a comprehensive transportation strategy that serves all users, including commuters and the transit dependent. The transit system should be composed of a mix of high occupancy vehicle (HOV) lanes, high occupancy toll (HOT) lanes, a network of bike and pedestrian trails, bus rapid transit, express and regular route bus service, exclusive transit ways, light rail transit, streetcars, and commuter rail corridors designed to connect residential, employment, retail and entertainment centers. The system should be regularly monitored and adjusted to ensure that routes of service correspond to the region's changing travel patterns.

Current congestion levels and forecasted population growth require a stable, reliable and growing source of revenue for transit construction and operations so that our metropolitan region can meet its transportation needs to remain economically competitive. **Metro Cities supports an effective, efficient and comprehensive regional transit system as an invaluable component in meeting the multimodal transportation needs of the metropolitan region and to the region's economic vibrancy and quality of life.** Metro Cities recognizes that transit service connects residents to jobs, schools, healthcare and activity centers. Transit access and service frequency levels should recognize the role of public transit in addressing equity, including but not limited to racial and economic disparities, people with disabilities and the elderly. **Metro Cities supports strategic expansion of the regional transit system.**

Metro Cities supports a regional governance structure that can ensure a measurably reliable and efficient system that recognizes the diverse transit needs of our region and addresses the funding needs for all components of the system. These regional governance structures must work with and be responsive to the needs of the communities they serve.

~~The Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) 2020 joint certification review of the transportation planning process for the Minneapolis-St. Paul urbanized area resulted in recommendations to the Metropolitan Council to improve regulatory compliance and implementation of best practices.~~

~~Metro Cities supports FHWA and FTA certification recommendations to promote an open~~

and collaborative regional transportation planning process that fully engages all public transit providers as partners in ongoing policy development to achieve desired outcomes, including establishment of transit project criteria that promote fair and equitable selection of projects throughout the region and transparent regional distribution of available funding. *(Proposed by City of Eagan and amended following discussion at meeting two)*

Metro Cities recognizes the need for flexibility in transit systems for cities that border the edges of the seven-county metropolitan area to ensure users can get to destinations outside of the seven-county area. Metro Cities encourages the Metropolitan Council to coordinate with collar counties so that riders can get to and from destinations beyond the boundaries of the region.

Metro Cities opposes statutory changes restricting the use of local funds for planning or construction of transit projects. Restricting local planning and funding limits the ability of cities to participate in transit corridor planning and development. State and regional policymakers must coordinate with local units of government as decisions are made at the state level on transit projects that also involve municipal planning, funding and policy decisions.

Metro Cities is opposed to legislative or Metropolitan Council directives that constrain the ability of metropolitan transit providers to provide a full range of transit services, including reverse commute routes, suburb-to-suburb routes, transit hub feeder services or new, experimental services that may show a low rate of operating cost recovery from the fare box.

In the interest of including all potential options in the pursuit of a regionally balanced transit system, Metro Cities supports the repeal of the gag order on the Dan Patch Commuter Rail Line and opposes the imposition of legislative moratoriums on the study, planning, design, or construction of specific transit projects.

In the interest of safety and traffic management, Metro Cities supports further study of rail safety issues relating to water quality protections, public safety concerns relating to derailments, traffic implications from longer and more frequent trains and the sensitive balance between rail commerce and the quality of life impacts on the communities through which they pass.

The COVID-19 crisis has had dramatic effects on public transit service, including changing business practices that are likely to substantially reduce transit demand for the foreseeable future. Adverse economic effects threaten revenues available to fund transit operations. Suburban transit providers are concerned that funding challenges may be used to attempt to justify a repeal of their authorizing legislation and to consolidate transit services into a single regional entity. This would result in reverting to conditions existing nearly 40 years ago when inadequate service caused twelve suburbs to elect not to be part of the traditional transit system-

Metro Cities strongly supports the autonomy of suburban transit providers to conduct operations to meet demonstrated and unique needs in their designated service areas independent from the operations of other regional transit providers.

5-C Transit Financing

ADOPTED

Shifting demographics in the metropolitan region will mean increased demand for various modes of transit in areas with and without current transit service. MVST revenue projections are unpredictable, and the Legislature has repeatedly reduced general fund support for Metro Transit, which contributes to persistent operating deficits for regional transit providers.

Operating subsidies necessary to support a regional system should come from regional and statewide funding sources and not local taxpayers. In recent years, state and regional resources for transit have diminished, with costs shifting to local taxpayers in the metropolitan area. A

system of transit provides significant economic benefits to the state and metropolitan region and must be supported with state and regional revenue sources. In addition, capital costs for the expansion of the regional transit system should be supported through state and regional sources, and not the sole responsibility of local units of government.

Metro Cities supports stable and predictable state and regional revenue sources to fund operating and capital expenses for all regional transit providers and Metro Mobility at a level sufficient to meet the growing operational and capital transit needs of the region and to expand the system to areas that lack sufficient transit service options.

Metro Cities continues to support an advisory role for municipal officials in decisions associated with local transit projects.

5-D Street Improvement Districts

ADOPTED

Funding sources for local transportation projects are limited to the use of Municipal State Aid Street Program (MSAS), property taxes and special assessments. In addition, cities under 5,000 in population are not eligible for MSA. With increasing pressures on city budgets and limited tools and resources, cities are finding it increasingly difficult to maintain aging streets.

Street improvement districts allow cities in developed and developing areas to fund new construction as well as reconstruction and maintenance efforts.

The street improvement district is designed to allow cities, through a fair and objective fee structure, to create a district or districts within the city in which fees are raised on properties in the district and spent within the boundaries of the district. Street improvement districts would also aid cities under 5,000 with an alternative to the property tax system and special assessments.

Metro Cities supports the authority of local units of government to establish street improvement districts. Metro Cities also supports changes to special assessment laws to make assessing state-owned property a more predictable process with uniformity in the payment of assessments across the state.

5-E Highway and Bridge Turn Backs & Funding

ADOPTED

Cities do not have the financial capacity and in many cities the technical expertise other than through significant property tax increases, to absorb additional roadway or bridge infrastructure responsibilities without new funding sources. The existing municipal turnback fund is not adequate based on contemplated turn backs.

Metro Cities supports jurisdictional reassignment or turnback of roads (Minn. Stat. § 161.16, subd. 4) on a phased basis using functional classifications and other appropriate criteria subject to a corresponding mechanism for adequate funding of roadway improvements and continued maintenance.

Metro Cities does not support the wholesale turnback of county or state roads or bridges without the consent of municipality and the total cost, agreed to by the municipality, being reimbursed to the city in a timely manner. The process for establishing state policies to assign shared cost participation for newly constructed or rebuilt bridges over trunk highways to local officials, must include input by the local municipalities affected, and any assigned shared costs and responsibilities must be agreed to by the municipalities.

**5-F “3C” Transportation Planning Process: Elected Officials’ Role
ADOPTED**

The Transportation Advisory Board (TAB) was developed to meet federal requirements, designating the Metropolitan Council as the organization that is responsible for a continuous, comprehensive and cooperative (3C) transportation planning process to allocate federal funds among metropolitan area projects. Input by local officials into the planning and prioritization of transportation investments in the region is a vital component of these processes.

Metro Cities supports continuation of the TAB with a majority of locally elected municipal officials as members and participating in the process.

5-G Electronic Imaging for Enforcement of Traffic Laws ADOPTED

Enforcement of traffic laws with cameras and other motions imaging technology has been demonstrated to improve driver compliance and safety.

Metro Cities supports local law enforcement agencies having the authority to use such technology, including photos and videos, to enforce traffic laws.

5-H Transportation Network Companies and Alternative Transportation Modes

The introduction of transportation network companies (TNC) such as Lyft and Uber, vehicle sharing and other wheeled transportation modes such as bicycles and scooters, require the need for local officials to determine licensing and inspection requirements for these modes, and to address issues concerning management over public rights-of-way. Cities have the authority to license rideshare companies, inspect vehicles, license drivers and regulate access to sidewalks and streets. The use of autonomous delivery robots and aerial drones in public rights-of-way is also becoming more prevalent and cities must maintain and enhance the authority necessary to regulate the use of these vehicles to ensure safe use of the public right of way.

Metro Cities supports the authority of local officials to regulate and establish fees on these transportation modes. Emerging and future transportation technologies have potentially significant implications for local public safety and local public service levels, the needs and impacts of which vary by community.

5-I Airport Noise Mitigation

ADOPTED

Acknowledging that the communities closest to MSP and reliever airports are significantly impacted by noise, traffic and other numerous expansion-related issues:

- **Metro Cities supports the broad goal of providing MSP-impacted communities greater representation on the Metropolitan Airports Commission (MAC).** Metro Cities wants to encourage continued communication between the MAC commissioners and the cities they represent. Balancing the needs of MAC, the business community and airport host cities and their residents requires open communication, planning and coordination. Cities must be viewed as partners with the MAC in resolving the differences that arise out of airport projects and the development of adjacent parcels. Regular contact between the MAC and cities throughout the project proposal process will enhance communication and problem solving. The MAC should provide full funding for noise mitigation for all structures in communities impacted by flights in and out of MSP; and
- **Metro Cities supports noise abatement programs and expenditures and the work of the Noise Oversight Committee to minimize the impacts of MAC operated facilities on neighboring communities.** The MAC should determine the design and geographic reach of these programs only after a thorough public input process that considers the priorities and concerns of impacted cities and their residents. The MAC should provide full funding for noise mitigation for all structures in communities impacted by flights in and out of MSP.

5-J Funding for Non-Municipal State Aid (MSAS) City Streets

ADOPTED

Cities under 5,000 in population do not directly receive any non-property tax funds for collector and arterial streets. Cities over 5,000 residents have limited eligibility for dedicated Highway User Tax Distribution Fund dollars, which are capped by the state constitution as being available for up to twenty percent of streets. Current County State Aid Highway (CSAH) distributions to metropolitan counties are inadequate to provide for the needs of smaller cities in the metropolitan area. Possible funding sources include the five-percent set-aside account in the Highway User Tax Distribution Fund, modification to county municipal accounts, street improvement districts, and/or state general funds.

The 2015 Legislature created a Small Cities Assistance Account that is distributed through a formula to cities with populations under 5,000. The Account has received periodic one-time appropriations, but no stable or dedicated source of funding.

Cities need long-term, stable, funding for street improvements and maintenance. **Metro Cities supports additional resources and flexible policies to meet local infrastructure needs and increased demands on city streets. Metro Cities also supports sustainable state funding sources for non-MSAS city streets, including funding for the Small Cities Assistance Account as well as support for the creation and funding of a Large Cities Assistance Account.**

5-K County State Aid Highway (CSAH) Distribution Formula ADOPTED

Significant resource needs remain in the metro area CSAH system. Revenues provided by the Legislature for the CSAH system have resulted in a higher number of projects being completed, however, greater pressure is being placed on municipalities to participate in cost sharing activities, encumbering an already over-burdened local funding system. When the alternative is not building or maintaining roads, cities bear not only the costs of their local systems but also pay upward of fifty percent of county road projects. **Metro Cities supports special or additional funding for cities that have burdens of additional cost participation in projects involving county roads.**

CSAH eligible roads were designated by county engineers in 1956 and although only 10 percent of the CSAH roads are in the metro area, they account for nearly 50 percent of the vehicle miles traveled. The CSAH formula passed by the Legislature in 2008 increased the amount of CSAH funding for the metropolitan area from 18 percent in 2007 to 21 percent in 2011. The formula helps to better account for needs in the metropolitan region but is only the first step in addressing needs for additional resources for the region.

Metro Cities supports a new CSAH formula more equitably designed to fund the needs of our metropolitan region.

5-L Municipal Input/Consent for Trunk Highways and County Roads ADOPTED

State statutes direct the Minnesota Department of Transportation (MnDOT) to submit detailed plans, with city cost estimates, at a point one-and-a-half to two years prior to bid letting, at which time public hearings are held for community input. If MnDOT does not concur with requested changes, it may appeal. Currently, that process would take a maximum of three and a half months and the results of the appeals board are binding on both the city and MnDOT.

Metro Cities supports the municipal consent process and opposes changes to weaken municipal consent or adding another level of government to the consent process. Metro Cities opposes changes to current statutes that would allow MnDOT to disregard the appeals board ruling for state trunk highways. Such a change would significantly minimize MnDOT's need to negotiate in good faith with cities for appropriate project access and alignment and would render the public hearing and appeals process meaningless. **Metro Cities also opposes the elimination of the county road municipal consent and appeal process for these reasons.**

5-M Plat Authority

ADOPTED

Current law grants counties review and comment authority for access and drainage issues for city plats abutting county roads.

Metro Cities opposes any statutory change that would grant counties veto power or that would shorten the 120-day review and permit process time.

5-N MnDOT Maintenance Budget

ADOPTED

The state has failed in its responsibility for maintaining major roads throughout the state by requiring, through omission, that cities bear the burden of maintaining major state roads.

MnDOT should be required to meet standards adopted by cities through local ordinances, or reimburse cities for labor, equipment and material used on the state's behalf to improve public safety or meet local standards. Furthermore, if a city performs maintenance, the city should be fully reimbursed.

Metro Cities supports MnDOT taking full responsibility for maintaining state-owned infrastructure and property, including, but not limited to, sound walls and right of way, within city limits. Metro Cities supports cooperative agreements between cities and MnDOT, which have proven to be effective in other parts of the state. Metro Cities supports adequate state funding for the maintenance of state rights-of-way.

5-O Transit Taxing District

ADOPTED

The transit taxing district, which funds the capital cost of transit service in the Metropolitan Area through the property tax system, is inequitable. Because the boundaries of the transit taxing district do not correspond with any rational service line nor is being within the boundaries a guarantee to receive service, cities within and outside of the taxing district are contributing unequally to the transit service in the Metropolitan Area. This inequity should be corrected.

Metro Cities supports a stable revenue source to fund both the capital and operating costs for transit at the Metropolitan Council. However, Metro Cities does not support the expansion of the transit taxing district without a corresponding increase in service and an overall increase in operational funds. To do so would create additional property taxes without a corresponding benefit.

5-P Complete Streets

ADOPTED

A complete street may include sidewalks, bike lanes (or wide paved shoulders), special bus lanes, comfortable and accessible public transportation stops, frequent and safe crossing opportunities, median islands, accessible pedestrian signals, curb extensions, narrower travel lanes and more.

A complete street in a rural area will differ from a complete street in a highly urban area, but both are designed to balance safety and convenience for everyone using the road.

Metro Cities supports options in state design guidelines for complete streets that would give cities greater flexibility to:

- **Safely accommodate all modes of travel;**

- **Lower traveling speeds on local streets;**
- **Address city infrastructure needs; and**
- **Ensure livability in the appropriate context for each city.**

Metro Cities opposes state-imposed mandates that would increase street infrastructure improvement costs in locations and instances where providing access for alternative modes including cycling and walking are deemed unnecessary or inappropriate as determined by local jurisdictions.



COVID-19 State of Emergency Ends: How Does This Affect City Meetings?

July 1, 2021

Cities should contemplate how their meetings will be affected by the end of the state of emergency on July 1.

The COVID-19 state of emergency ends today, which affects the medical exception to the Open Meeting Law as well as other aspects of city meetings.

Gov. Tim Walz announced on June 29 that he would end the COVID-19 emergency on July 1, and that means the medical exception can only be used through Aug. 30, 2021. However, there are also other limitations cities should be aware of, including the cap on the medical exception, allowing it to be used only three times per calendar year after July 1, 2021. Therefore, between today and Aug. 30, city officials can use the medical exception up to three times.

The Legislature recently passed many changes to the Open Meeting Law. As cities transition from fully remote meetings to in-person meetings, there are various considerations to keep in mind.

Remote participation by public body vs. individual

Cities that are fully meeting remotely are likely doing so under Minnesota Statutes, section 13D.021, where there has been a determination that an in-person meeting is not practical or prudent because of a health pandemic or emergency declared under Minnesota Statutes, chapter 12.

If cities are holding in-person meetings, and an individual city council member or board/commission member wants to participate remotely because of medical concerns, the medical exception is an option to explore.

Note: Consult your city attorney to best address your city's situation.

Interactive technology exception

Before the pandemic, the Open Meeting Law allowed remote participation (Minnesota Statutes, section 13D.02). The most common use of the interactive technology exception (formerly known

as interactive television exception) was for an elected official (or board/commission member) who wanted to attend a meeting but was on a business or vacation trip.

This is permissible under the law as long as the following conditions are met:

- **Hear and see.** All “members of the body” — city council members or commission/board members — can hear and see all discussion and testimony. The members of the public who are present at the regular meeting location must also be able to hear and see all discussion, testimony, and votes.
- **Presence at regular meeting location.** At least one member of the body must be at the regular meeting location.
- All votes must be conducted by roll call so each member’s vote can be identified and recorded.
- **Open and accessible to the public.** The location from which each member is participating from must be “open and accessible to the public.” For example, if one city council member is participating from Arizona and the rest of the council is at the regular meeting location, then the council member in Arizona must be in a public place (such as a public library) while remotely attending the meeting. The regular meeting location meets this requirement. Note: This requirement is waived for remote locations under the medical and military exceptions.
- **Notice of regular meeting and remote locations.** A notice must be provided of all locations from which “members of the body” are participating. Note: This requirement is waived for remote locations under the medical and military exceptions.

There are other requirements under [Minnesota Statutes, section 13D.02](#) that should be met, including public remote monitoring, record requirements for meeting minutes, etc.

Medical exception requirements

The medical exception, which originally became law in 2020, allows an elected official (or board/commission member) to participate from a remote location without making their location “open and accessible to the public” due to medical reasons.

In 2021, the Legislature passed a session law that allowed greater use of the medical exception, but only until July 1, 2021. As of July 1, cities should consider the following regarding the medical exception:

- **Cannot be in a public place due to medical reasons.** A health care professional (which is not statutorily defined, so could be a medical doctor, nurse practitioner, etc.) must advise the elected official or board/commission member against being in a public place for either personal or family medical reasons.
- **Allowed only with declared state of emergency.** State law authorizes limited use for the medical exception. It can only be used with a national security emergency or governor-declared peacetime emergency under [Minnesota Statutes, section 12.31](#).
- **Sixty-day expiration of medical exception.** The latest date that the medical exception could be used is 60 days after the removal of the state of emergency. Since Gov. Walz is ending the state of emergency on July 1, the latest date the medical exception can be used is Aug. 30, 2021.

- **Allowed only three times.** An additional limitation is that a “member of the body” may only use the medical (or military) exception three times in a calendar year. However, in 2021 only, if the medical exception was used between Jan. 1, 2021, and June 30, 2021, none of those times count toward the three-time limitation. The counting starts on July 1, 2021.

Frequency of meetings

If a city council meets monthly, for example, then the 60-day expiration date of Aug. 30 will occur before someone using the medical exception would meet the three-time limit. However, if a city council meets every other week, then the three-time limit will be met before the 60-day expiration.

Meeting participation of city staff

The Open Meeting Law applies only to members of public bodies (i.e., city council members, board/commission members). It does not directly apply to city staff. Therefore, the city should determine if city staff should attend meetings in person or remotely.

However, if city staff are providing testimony at a meeting, then the members of the body and the public who are present at the regular meeting location must be able to hear and see city staff testimony.

LMC resources

Get more background information on this issue with the following resources:

- [Focus on New Laws: Pandemic Fix and Technological Update to Open Meeting Law](#)
- [League IGR Legislative Update Presentation Slides \(pdf\)](#)

Questions?

If you have questions about city meetings, contact the LMC Research Department at research@lmc.org or (651) 281-1200.

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H.R. 3684 Infrastructure Investment and Jobs Act

September 20th, 2021

In August, the U.S. Senate passed [H.R. 3684](#), a \$1 trillion infrastructure bill, with a vote of 69-30. The legislation is based on the bipartisan agreement made earlier this summer.

The bill allocates:

- \$110 billion for roads and bridges
- \$66 billion for passenger and freight rail
- \$65 billion for broadband
- \$55 billion for water infrastructure
- \$39 billion for transit
- \$11 billion for road safety

Click [HERE](#) for the bill language.

Click [HERE](#) for a fact sheet provided by the White House on legislation's impact on Minnesota.

H.R. 3684 has since moved to the U.S. House of Representatives. Speaker Pelosi had stated that the House would not take up the infrastructure package until the broader \$3.5 trillion budget resolution was passed by the Senate, which was subsequently passed the same week.

There are a growing number of House Republicans voicing their opposition to the infrastructure bill's passage and the linkage between the bill and the much larger budget legislation has complicated matters. Still, Speaker Pelosi has promised to bring the infrastructure bill to the floor by September 27th. Metro Cities will provide updates as this legislation continues to move through the process.