

Legislative Priorities:

- 1. Close Freeway Landfill** – The City is supportive of the MPCA and EPA’s efforts to close Freeway Landfill in an environmentally sustainable manner. The City supports a closure plan that primarily addresses any future environmental impacts (e.g. Minnesota River water quality, ground water impacts) and provides for economic development opportunity as part of a remediation project. The City supports the use of economic development tools such as the creation of a State New Market Tax Credit program and extension of the existing TIF District #7 to assist in the closure of the landfill and redevelopment of the Minnesota River Quadrant (MRQ). The City also supports minimizing the impact and cost of remediation on smaller jurisdictions if the landfill is closed through Superfund. (Jenni Faulkner, Heather Johnston, Steve Albrecht)
- 2. Metropolitan Governance** – The City of Burnsville favors a modification to the present governance model for the Metropolitan Council. The City supports a structure that is more responsive to the needs and challenges of local government. Additionally, the City of Burnsville opposes any expansion of Metropolitan Council powers – specifically it opposes the conversion of either housing or potable waters to a “metropolitan systems” classification as defined in the Metropolitan Land Use Planning Act. Further, the City of Burnsville opposes mandatory targets for affordable housing or mandatory inclusionary housing provisions in the regional comprehensive planning process or through other regulatory processes. (Jenni Faulkner, Dana and Heather)
- 3. Residential Care Facilities** – City authority to regulate the locations of licensed residential facilities (245A Department of Human Services), housing with services establishments (144D Minnesota Department of Health), and residential lodging establishments (157 Minnesota Department of Health) are limited by state statute and the federal Fair Housing Act (FHA), although Minn. Stat. § 245A.11, Subd. 4 prohibits the Commissioner of Health from granting an initial license to a residential program within 1,320 feet of an existing residential program in cities of the first class, that prohibition does not apply if the program serves six or fewer persons and is not located in the city of the first class. The City of Burnsville supports legislation that establishes non- concentration standards for residential care facilities to prevent clustering of facilities of any size in all cities. Further, the City supports legislation that addresses dispersion and non-clustering for all state licensed or registered residential group housing types including licensed residential facilities, housing with services establishments and residential lodging facilities. Also when there is insufficient training for the providers’ staff or inappropriate placement of residents, inappropriate and unacceptable burdens for local first responders result. Sufficient funding and oversight is needed to ensure that residents living in residential care facilities have appropriate care and supervision, and that neighborhoods are not disproportionately impacted by high concentrations of residential care facilities. The City of Burnsville recognizes and supports the services residential care facilities provide. However, The City also has an interest in preserving balance between group homes and other uses in residential neighborhoods.

Providers applying to operate any kind of residential care facilities, no matter which state agency is in charge of regulating them, should be required to notify the city when applying for licensure so as to be informed of local ordinance requirements as a part of the application process. Inasmuch as the City has no authority for revocation of operating licenses, the state and county licensing authorities must be responsible for actively inspecting and enforcing codes and rules upon facilities and removing any residents incapable of living in these environments, particularly if they become a danger to themselves or others. (Jenni Faulkner)

Supporting Position Statements

- 1. Massage Therapy Establishments** - The City of Burnsville supports statewide professional licensure and regulation for practice of massage therapy. The City supports professional licensure and massage therapy establishment regulations that:
 - establish legitimacy of providers by instituting a minimum level of competency to safely practice massage therapy;
 - protect the public through establishment of professional standards that are backed by a professional code of ethics;
 - improve practitioner compliance with Minn. Stat. Ch. 146A;
 - allow cities to prosecute violations;
 - prevent individuals from conducting criminal activities out of establishments operating as massage therapy facilities;
 - protect the public from injury and from other conditions that may result in harm; and
 - enhance public safety through enforcement actions against non-compliant practitioners.

Professional state licensure and regulations addressing the above criteria will aid local law enforcement efforts to protect the public and control prostitution and other criminal activity. The City opposes legislation that would prevent cities to effectively regulate massage therapy establishments. (Eric Gieseke, Jenni Faulkner)

- 2. Preserve Host Community Economic Development Grant Program** - The City of Burnsville believes that recent measures taken by the Minnesota Pollution Control Agency will have the direct effect of reducing the revenue that the City gains from its Host Fee Agreements relating to the Burnsville Sanitary Landfill Inc. (BSLI), and will delay re-development of the land adjacent to the landfill in our community. As long as the landfill is active, it remains a challenge to have effective economic development efforts in corridors impacted by the landfill. The City supports the Host Community Economic Development Grant Program and supports continued funding of this legislation as a means to restore the lost Host Fee revenue to the City (Jenni Faulkner, Heather Johnston)
- 3. Property Maintenance Code Enforcement** – The City supports an amendment to Minn. Stat. 609.2231, Subd. 6 to include all code enforcement officials to the definition of public employees and that all code enforcement officials be afforded the same protections under M.S 609.2231. The term code enforcement official should be defined broadly to include public employees whose jobs require them to enforce all administrative codes, ordinances and state laws. This means that an assault on a code enforcement officer who is engaged in the performance of duties mandated by law, court order or ordinance is a Gross Misdemeanor if the person knows the employee is engaged in the performance of official duties and inflicts demonstrable bodily harm. (Jenni F.)
- 4. Data Retention for Law Enforcement** - The City of Burnsville supports the position that Cities should be allowed to retain automated license plate reader (ALPR) data for a reasonable period of time for use for criminal investigative purposes. In 2015, legislation was passed to decrease the time to 60 days. The City also supports reasonable access restrictions and audit provisions for the period of time the data is retained.

The City supports amendments to the Minnesota Government Data Privacy Act allowing data retention for “on-officer” cameras that preserves public safety, while protecting the privacy of the public. To that end, the City supports classification of body camera data that is taken in a private home as not public data for the course of an investigation, and then private data following the close of the investigation with a retention period of 90 days. (Eric Gieseke, Tom Venables)

- 5. Development and Redevelopment** – The City of Burnsville opposes the elimination or limitation of existing tools for assisting economic development and redevelopment. Specifically the City supports flexibility on the usage of Tax Increment Financing (TIF) but opposes the diversion of funds from the Metropolitan Council’s Livable Community program to non-development related uses. The City supports grant funding following the State’s set allocation guidelines rather than diverting to other funds. The City supports the creation of new economic development tools such as New Market Tax Credit program and “This Old Shop”. Further the City of Burnsville supports State funding for economic development and workforce readiness such as the Department of Employment and Economic Development and its programs including the Minnesota Investment Fund and Job Skills Partnership. The State should consider bolder “increment” programs that would relieve all or a portion of state taxes on economic development activities, if the “but for” test can be met and new jobs are created. Tax relief could be in the forms of lower sales taxes for capital equipment or vehicles, lower income taxes or reductions in other burdens. The City also supports extension of TIF districts when economic conditions have slowed development. (Heather Johnston and Jenni Faulkner)
- 6. Local Land Use Controls**- The City of Burnsville opposes legislation that reduces or eliminates the City’s authority in the areas of local zoning, land use, comprehensive planning, utility and transportation planning, etc. These types of regulations have significant impacts to local neighborhoods. Cities are best positioned to govern these matters and have effective processes for hearing and addressing concerns of affected citizens. The City has an adopted Comprehensive Plan based on broad community input that articulates the community’s goals. Interference with these effective local processes impedes the City’s ability to effectively implement the Comprehensive Plan. (Jenni Faulkner)
- 7. Daycare Facilities and Licensing** – The City accepts statutory allowance for daycares as a home occupation in residential districts, but only when the dwelling unit is occupied by the daycare owner. To otherwise allow a commercial use in a residential neighborhood does not fit within the City’s land use expectations. Furthermore, DHS approves commercial daycare licenses (commercial daycare businesses not in a residence). Any requirement for city building code inspection and/or sign-off should be clear and follow the requirements of the law. (LMC, Jenni Faulkner)
- 8. Levy Limits** – The City of Burnsville supports the principle of representative democracy that allows city councils to formulate local budgets. The City opposes state restrictions on local budgets and opposes legislation that imposes levy limits or the imposition of artificial mechanisms proposals such as the “taxpayer’s bill of rights”, valuation freezes, payroll freezes, reverse referenda, fund balance restrictions, super majority requirements for levy or other limitations to the local government budget and taxing process. (LMC: Heather Johnston, Dana Hardie)
- 9. Transportation** – The City of Burnsville supports additional statewide transportation funding and local tools to meet the long term and short term transportation system needs of our region. This includes funding for the Orange Line Bus Rapid Transit Phases 1 and 2 (Steve Albrecht, MVTA/STA, Dakota County, Metro Transit)

Transit: The City also supports the independence of opt-out transit service providers. More specifically, the City opposes Met Council transit oversight of opt-out transit operations and/or interference with the designated opt-out revenue stream including, but not limited to, State, County (CTIB and any others) and Federal (CMAQ and any others). A priority for the City of Burnsville is maintaining support for the bus system. Funding of light- and commuter rail projects is high and all the expansion funding should not be spent solely in that arena. Operating funds are needed to maintain and enhance the bus system (given the growth displayed). (Steve Albrecht)

- 10. Creating and Implementing Local Partnerships** - The City of Burnsville supports the passage of legislation that encourages local service partnerships and collaboration resulting in efficiencies and/or cost savings. This includes providing state reimbursement of costs relating to creating and implementing the partnerships. Specifically the City supports legislation that allows these partnerships to fully achieve the efficiencies expected. (LMC, LOGIS, DCC: Heather Johnston, BJ Jungmann)
- 11. Cable Services Providers** – The City of Burnsville supports attracting multiple cable television service providers to the city by streamlining franchising requirements and removing unnecessary impediments to entering the market – while preserving the city’s control of its rights-of-way, local programming, and customer service standards. The City believes that no case has been made for state-wide franchising. A local franchise helps ensure that cable franchise agreements reflect new technology and meet the specific needs of individual communities. Losing the ability to negotiate a local franchise would not only result in lost revenue for cities, but also lost opportunities to provide public, educational and government video programming. This loss would limit the ability to make public meetings available for television viewing, and limit the methods information can be provided to residents about City services and events. (LMC, MACTA: Marty Doll, Dana Hardie)
- 12. Support for Local Services.** The City supports maintaining or increasing the current level of support for training and mandated local services from the State. Statutes that identify specific revenue mechanisms for a specific purpose should only be used for that specific purpose. For example, the Fire Safety Account provides funding for the State Fire Marshal’s Office and regional response teams. Examples of other support includes additional training for public safety responders and support for resource-intensive topics such as mental health. (BJ Jungmann Eric Gieseke)
- 13. Alignment of Responsibilities to Agencies with Expertise.** The City supports the alignment of responsibilities to agencies with expertise or core missions in those responsibilities. This would provide the most efficient use of service and reduce the time needed to secure regulatory approvals. Further, once funding sources are identified, they should remain in place and dedicated for the purpose identified. (BJ Jungmann, Steve Albrecht,)
- 14. Primary Service Area (PSA)** – Burnsville, like several other cities, has multiple ambulance services that are authorized to operate within its boundaries. The first priority for the provision of Emergency Medical Services (EMS) within the City’s geographic borders should continue to be the City’s Fire/EMS Department resources. Further, the City supports the existing prioritization of medical calls by the Dakota Communications Center. The City supports ensuring that Burnsville maintains the ability to determine who provides EMS within the city and further defining and streamlining of EMS regulation within the State, including data collection. (BJ Jungmann)
- 15. Reimbursement for Emergency Medical Services** - The City of Burnsville supports legislation that would reimburse the City at a higher rate than currently provided and in a more efficient manner. This supports an increase to the Medicare reimbursement rate to better match the actual cost of providing the service and a streamlined claims process that reduces the number of appeals the City must submit in order receive reimbursement. (BJ Jungmann)
- 16. Broadband Priorities** - The City of Burnsville supports the goals established in 2009 by the Minnesota Broadband Task Force to make Minnesota a leader in broadband access, speed and capacity at the local level. In order to achieve these goals, the City supports efforts to eliminate barriers to collaborating and deploying broadband infrastructure and services at the local level. Further, the City also supports statewide mapping of broadband services and public/private collaboration to achieve state broadband goals. The City also supports continued funding of the Office of Broadband as well as equitable distribution of available funding. (Dana Hardie, Tom Venables)

- 17. Fiscal Disparities** – After analyzing the study completed in 2012, the City of Burnsville advocates for legislation that would reflect a meaningful analysis of the present day applicability of the state’s 1971 commercial industrial “tax-base sharing” law; and opposes the use of fiscal disparities to fund social or physical metropolitan programs. When used to fund programs, the complexities of the fiscal disparities formula results in a metropolitan-wide property tax increase hidden from the public. (LMC: Heather Johnston, Dana Hardie)
- 18. Local Government Aid (LGA)** - The City of Burnsville advocates for policies that more fairly address the disparities in property tax burdens as a percentage of income as documented by the Voss Data Base. The City supports continued funding of Voss Data Base and compilation of data by the Department of Revenue. (Heather Johnston, Dana Hardie)
- 19. [NEW] Eminent Domain (or Private Property Rights and Takings)** – Minnesota Statutes, section 117.031 governs the eminent domain statute regarding attorney fees. This policy is intended to encourage landowners to more seriously consider settlement or face the risk of paying their own attorney fees. The City of Burnsville supports legislation that:
 - a. Balances the rights of private property owners with the interests of the public.
 - b. Authorizes cities to use eminent domain that advances a great public good that benefits the community.
 - c. Empowers local elected official to determine whether a particular taking of property serves a public purpose.
 - d. More appropriately balances attorney fee awards with the outcome of the eminent domain proceeding. (LMC: Steve Albrecht)

Monitoring/Tracking: Position Statements

- 1. State Property Taxes** – The City of Burnsville opposes the extension of state-levied property taxes to additional classes of property and/or the increase in taxation levels on the present state property tax. (Heather Johnston, Dana Hardie)
- 2. Transportation** – The City of Burnsville supports additional statewide transportation funding and local tools to meet the long and short term transportation system needs of our region. (Steve Albrecht)
 - Maintenance: As part of the transportation system, MnDOT should meet property maintenance standards adopted by cities through local ordinances or reimburse cities for labor, equipment and material used on the state’s behalf to meet local standards.
 - Street Improvement District: The City of Burnsville supports legislation that would allow cities if they choose to do so through a transparent and public process, to create street improvement districts to assist with the maintenance and reconstruction of city streets. (Steve Albrecht)
- 3. Effective Delivery of Local Government Services.** The City advocates that statutes do not limit the ability of local governments to provide services in the most effective way by dictating how services are provided. The City also opposes any changes that would reduce its ability to balance available resources and effective provision of city services.(BJ Jungmann, Dana Hardie)

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- 4. Reseller Legislation** – The City of Burnsville opposes legislation that would restrict the ability of police to access reseller customer data and property information. This data is a valuable investigative tool, providing the ability to protect citizens and recover stolen property. Such legislation would not only inhibit proper police investigations, but create a reseller industry more attractive to criminals to seek cash for stolen goods. (Eric Gieseke)
- 5. Automated Citation Technology (Photo Cop)** – Cities should be allowed to enforce traffic laws and promote public safety through the use of photo enforcement technology. The City of Burnsville supports the so-called “Photo Cop” technology in a fashion that is both constitutional and effective in citing traffic law breakers. Local law enforcement officials should have the authority to issue citations for violations by mail when the violation is detected with photographic evidence. (Eric Gieseke, Tom Venables)
- 6. Public Employees’ Retirement Association (PERA)** – The City of Burnsville supports sharing the cost for retirement programs between employees and cities. However, the City is concerned about the ever-increasing costs of the pension program. The City also advocates state funding of costs related to state-mandated changes to the provisions of the retirement program which have the effect of enhancing benefits beyond existing levels. (Dana Hardie, Jill Hansen)
- 7. Public Employee Labor Relations Act Arbitrations** – MS 179A. 16 Subd. 7 language referencing an arbitrator’s responsibility to consider “the statutory rights and obligations of public employers to efficiently manage and conduct operations within the legal limitations surrounding the financing of these operations.” The City opposes any changes that would reduce its ability to manage its workforce in a manner that balances available resources and effective provision of services. (Jill Hansen)
- 8. [NEW] Disposal of Flushable Products** – Legislature should regulate 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. (Steve Albrecht)
- 9. Private Well Drilling** – 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. Municipal water systems are financially dependent upon users to operate and maintain their systems. A loss of significant rate payers as the result of private wells would economically destabilize water systems and could lead to contamination of the water supply. The City of Burnsville supports current law that authorizes cities to protect public health and safety through local controls regulating or prohibiting private wells being placed within municipal water utility service boundaries and opposes any changes to law to remove that authority. (Steve Albrecht)
- 10. Aggregate Mining Fee** – The City of Burnsville advocates State establishment of a host community fee at a level mutually agreeable to aggregate producers and local governments, consistent with the goal of inducing local governments to foster the appropriate utilization of mineral aggregate resources. The fees should be applied to aggregates removed from a commercial source only as opposed to materials removed from construction project sites and fee proceeds should be deposited in the municipality’s general fund. (Steve Albrecht)