

Empire Planning Commission Meeting Minutes

May 4, 2021

The Empire Township Planning Commission was called to order by Tom Kaldunski at 8:00 PM.

Present were: Tom Kaldunski, Trent Larson, Jared Sachs, Bob Bjerke, Doug Clark, Jane Kansier, Brad Fisher, Charles Seipel-Teng, and liaison Jamie Elvestad.

The meeting was opened to Public Hearing #1- A Public Hearing to consider Ordinance 275- An Ordinance Defining Mobile Food Units (Food Trucks) and Establishing Regulations Therein.

Charles Seipel-Teng read the public hearing notices for the scheduled public hearings. The Township received a comment from Todd Carver, owner of Kona Ice, regarding the requirement for background checks of ice cream truck vendors. He questioned why this was required of ice cream trucks and not other food trucks.

Jane Kansier reviewed the proposed ordinance, including definitions, and permit and licensing requirements. Mobile Food Units can apply for a short term 1-3 day licenses or a seasonal license, up to 21 days. These time periods of operation are found in Minnesota statute.

The rationale for the language requiring criminal background checks for ice cream trucks is because ice cream trucks are provided the option to operate in the public right of way. Regular food trucks do not have this option. The nature of ice cream trucks is also to solicit business from minors in residential neighborhoods. Jane Kansier reported that this language was common in other food truck ordinances. Language can be included in the ordinance that differentiates between an ice cream truck operating in the ROW and a truck that operates at a single location, such as the other food trucks. In the latter case, a food truck vendor would not need a criminal background check.

Jared Sachs made a motion to close public hearing #1. Tom Kaldunski seconded. Motion passed 5-0.

Jared Sachs made a motion to recommend adoption of Ordinance 275- An Ordinance Defining Mobile Food Units (Food Trucks) and Establishing Regulations Therein. Bob Bjerke seconded. Motion passed 5-0.

The meeting was opened to Public Hearing #2- A Public Hearing to consider an Amendment to Ordinance 515-F, The Empire Township Fee Schedule to Establish a Permit and Licensing Fee for Food Trucks.

The Planning Commission reviewed a list of fees from other cities in Minnesota. Discussion was held on if fees should be double if a food truck is found to be operating without a permit from

the Township. Trent Larson recommended that the Town Board consider setting the fee for mobile food units at \$50 for a one-to-three-day license and \$125 for an annual license.

Trent Larson made a motion to close Public Hearing #2. Bob Bjerke seconded. Motion passed 5-0.

Trent Larson made a motion to recommend setting the fee for mobile food units in Ordinance 515-F at \$50 for a one event license and \$125 for an annual license, with the possibility of doubling license fees for food units that are found to be operating without a license. Doug Clark seconded. Motion passed 5-0.

Brooke Kvam was present to discuss a proposed home occupation at her home at 19426 Century Road. She is proposing to operate a hair salon at her home. The business will meet the definition of Home Occupation in the Zoning Ordinance because it will meet the following criteria: There will be no signage for the business visible from outside the home; There will be no audible or visible evidence of the business from outside of the property line; Customers will enter the business through existing doorways at the home; The business' sole employee will be the homeowner; The business will service one customer at a time and in a manner that provides customer parking in the existing driveway; Retail transactions will include only hair related products, such as shampoo and conditioner, directly incidental associated with the service of the business; The operation of the business will not create a hazard to the safety and welfare of neighboring residents. The business will operate under a license from the State of Minnesota.

The Planning Commission noted that the business appears to be in compliance with the Zoning Ordinance and recommended that the homeowner proceed with the business plan.

Thomas Hagen and Debra Hagen were present to discuss a proposed transfer of two building rights from their property to property owned by Rick Kirchner. The Township attorney has reviewed the draft building rights transfer and easement agreement and recommended revised language in the agreement pertaining to retention of the easement if the property were to become annexed or Empire were to incorporate. Jon Juenke, the potential future property owner of the Hagen land, had concerns about what the conservation easement entailed. The Planning Commission recommended that the Town Board consider language stating that no building rights exist on the property and cannot be transferred back to the property instead of language about the conservation easement.

Trent Larson made a motion to recommend approval of the draft building rights transfer and easement agreement for the transfer of two building rights from the Hagen property to the Kirchner property, provided that language regarding the conservation easement be amended, as discussed above. Tom Kaldunski seconded. Motion passed 5-0.

Rick Krichner presented plans for proposed parcels to be subdivided out of the land that he owns, south of 210th Street. The Planning Commission indicated that the lots likely meet the

Zoning Ordinance, but Mr. Kirchner will need to submit a Metes and Bounds Subdivision Application and include a survey of the proposed properties.

The Planning Commission reviewed a proposed Comprehensive Plan Amendment from the City of Farmington to permit the placement of 141 single family homes and 6- 8-unit townhomes in an area south of 212th Street. The Planning Commission recommended no comment.

The Planning Commission reviewed a proposed Comprehensive Plan Amendment from the City of Rosemount for the rezoning of land use classifications of some commercial parcels on Highway 3. The Planning Commission recommended no comment.

Meeting adjourned at 9:15 PM.