

## **Empire City Council Meeting Minutes April 25, 2023**

The meeting of the Empire City Council was called to order by Mayor Trent Larson at 8:00 PM.

**Present were:** Mayor Trent Larson; Council Members Eric Hanson, Tom Kaldunski, Danny Rubio, Marla Vagts; Charles Seipel-Teng; Jerod Waltman; Brian Hilgardner and Jenni Faulkner.

**Agenda:** Tom Kaldunski made a motion to approve the agenda. Eric Hanson seconded. Motion passed 5-0.

**Minutes:** Eric Hanson made a motion to approve the minutes of the City Council Meeting of April 11, 2023; Joint City Council / Planning Commission Meeting of April 18, 2023; Park & Rec. Meeting of April 24, 2023. Marla Vagts seconded. Motion passed 5-0.

**Treasurer Report:** The treasurer's report showed a General Fund Account balance of \$183,371.71 plus investments and an Escrow Account balance of \$8,309.65 plus investments. The report included the Profit & Loss/Budget Comparison Report as of 4/25/2023. The City received the 2022 Gravel Tax Distribution in the amount of \$130,582.30 on 4/11/2023.

Marla Vagts made a motion to approve the financial report. Eric Hanson seconded. Motion passed 5-0.

**Bills to be Paid:** A motion by Tom Kaldunski to pay the attached list of bills in the amount of \$37,328.30. Danny Rubio seconded. Motion passed 5-0.

**Visitors:**  
None.

### **Committee Reports**

#### **Maintenance / Sewer and Water / Road and Bridges**

Jerod Waltman reported that street sweeping has finished as of today. Street patching and hydrant flushing will take place next week. Seal patching on Calgary Trail will take place in May. There has been some recent vandalism at Stelzel Fields. Windows were broken out of the restroom building and a drinking fountain damaged. Jerod is recommending that the city not replace the existing windows as they were, at the risk of them getting broken again. It was recommended that the city consider looking into cameras at Stelzel Field and the maintenance shop.

There has been a request from a homeowner for site restoration after a water line repair. The repair was completed approximately 7 years ago. The city has no time limit for repairs set in ordinance. It was the consensus of the City Council that typically settling repairs should not be the city's responsibility after two years. Brian Hilgardner will check with other colleagues to see what other cities practice for a time limit on repairs of this type.

**Deputy Sheriff:**

Deputy Weber provided information on statistics for the past few weeks. He has been responding to vehicles running the stop sign in front of Town Hall Park and will be monitoring Stelzel Fields.

**Park & Recreation:**

Eric Hanson reported things are lined up for the food truck night and summer entertainment.

**Engineering:**

Brian Hilgardner had no new information to report.

**Planning:**

Jenni Faulkner provided information on a memo for the proposed IUP and variance request for the Skyview Ranch dog kennel. David Madigan is proposing to purchase the Skyview Ranch property to continue operating a dog kennel. He would also like to construct a detached pole barn on the property. The Planning Commission held a public hearing on the proposed IUP and variance requests at their April 18th meeting and recommended the following: Approval of the IUP with the proposed pole barn to have 11' sidewalls; Approval of the variance to permit the kenneling of up to 50 dogs, where the maximum in the zoning ordinance is 30 dogs; To deny a variance to permit a pole barn with a footprint exceeding three times the size of the principal structure.

The City Council recommended that the IUP allow the proposed pole barn to have up to 12' sidewalls. Mayor Trent Larson indicated that the zoning ordinance permits only 30 dogs because there have been past issues with another kennel in Empire that is no longer in existence. Mr. Madigan indicated that he would like to demonstrate that they can accommodate 50 dogs on the property and if there are issues, he is open to amending the permit to allow for a smaller number of dogs.

Eric Hanson made a motion to approve the IUP for a term of 15 years for Skyview Ranch Kennels, operated by David Madigan. Marla Vagts seconded. Motion passed 5-0.

Tom Kaldunski made a motion to adopt Resolution 2023-4A; Approving the Variance to allow up to 50 dogs for a kennel where the maximum allowed is 30 dogs per section 6.14 of Ordinance 400 for 2413 210th Street East. Danny Rubio seconded. Motion passed 5-0.

Marla Vagts made a motion to adopt Resolution 2023-4B; Denying the variance to allow a 5,000 sq. ft. pole building for a kennel where the maximum size allowed is 3,432 sq. ft. per section 4.12B of Ordinance 400 for 2413 210th Street East.

Jenni Faulkner presented a memo for the rezoning request by Holcim-MWR Inc. for the rezoning of two parcels associated with the proposed Stonex-Nielsen mining operation on Biscayne Ave. The request is to rezone the properties from AG to ME. After a public hearing at the April 18th Planning Commission Meeting, the Planning Commission recommended approval of the rezoning request.

Marla Vagts made a motion to adopt Ordinance No. 2023-24, Amending Section 5.02 of the Zoning Ordinance Related to the Official Zoning Map for Empire. Tom Kaldunski seconded. Motion passed 5-0.

Jenni Faulkner presented a memo relating to the IUP application by Holcim-MWR Inc. for the proposed Stonex-Nielsen mining operation on Biscayne Ave. The operation will take place in phases over a five-year period. Pre-mining activities are expected to begin in late 2023 and include the installation of a tunnel under Biscayne Ave. for the extension of a conveyor system that will run west and north to connect to an existing conveyor that runs north from the Brand mine. The applicant has indicated that wetlands and watercourse will not be disturbed by mining activity. The applicant is proposing hours of operation to take place 24 hours per day, six days per week, excluding Sundays. Ordinance No. 450 limits hours from 6:00 am to 6:00 pm, however the City Council can allow longer hours. It is recommended to permit the proposed hours, on the condition that a 50-day probationary period be imposed for the hours, with review of the operations at the end of the 50-day period. The proposed conveyor will limit truck activity, however, fill sand sales are estimated to generate about 36 average daily trips. Sand sales will take place when contracts are awarded and can last from a few days to one week.

A public hearing on the proposed IUP was held at the April 18th Planning Commission Meeting. The Planning Commission recommended approval of the IUP with the additional conditions that chemical treatment be added to the requirement of watering for dust control as a result of the operation; the term of the IUP end on March 31, 2029 to be consistent with other IUP renewals; and for Holcim to notify the City one week prior to sand sales which involve three or more days of hauling so that the City can determine how additional truck traffic affects the road conditions on Biscayne Ave.

Since the hearing, the City has received a letter from the Physical Development Division of Dakota County with concerns about mining activities affecting the wetlands and lake in the Whitetail Woods Park property, adjacent to the mining site; the potential visual impacts that the mining activity will have on Whitetail Woods Park, specifically the preservation of the wooded areas on the east side of the mining property and any berms or screening that will be constructed; and the habitat of the Blanding's turtle. Patty Bestler, with Holcim-MWR Inc. indicated that Holcim staff met with County staff at the site earlier in the day to discuss the County's concerns. The meeting went well, and Holcim is receptive and open to making modifications to the site to address these concerns. The eastern portion of the site, where the areas of concern are located, will not be mined for a couple of years. It was recommended by the City Council that language be incorporated into the IUP that will require meeting with County and City staff prior to the implementation of Phase II of the mining operation to reduce or mitigate impacts to Whitetail woods and wetlands and wildlife in the area.

Tom Kaldunski made a motion to approve the IUP for Holcim-MWR. Inc. for the mining operation on the Stonex-Nielsen property, with the condition that Holcim staff meet with County and City officials prior to the implementation of Phase II of the mining operation and the bond or letter of credit for the conveyor under Biscayne Ave. be furnished to the City prior to installation of the culvert. Marla Vagts seconded. Motion passed 5-0.

The City Council reviewed a memo relating to a request from Finley Engineering to amend the ROW Permit fees. The Planning Commission reviewed information in the memo including permit fees from other cities in the area and comments from the city's engineer and recommended not amending the permit fees.

Danny Rubio made a motion to accept the Planning Commission's recommendation that the ROW Permit fees in Ordinance No. 375-A remain unchanged. Eric Hanson seconded. Motion passed 5-0.

Tom Kaldunski made a motion to release a letter of credit for Dahn Construction, issued by Vermillion Bank, as the obligations that required the letter of credit have been fulfilled. Marla Vagts seconded. Motion passed 5-0.

### **Old Business:**

The City Council reviewed a spreadsheet showing options for City website hosting and agenda software. Seipel-Teng indicated that he has one more demonstration on website and software this week and hopes to have all of the information ready for the next City Council Meeting.

### **New Business:**

The City Council reviewed information from Brian Watson of Dakota County SWCD regarding a request to consider an updated resolution regarding the administration of the wetland act. Dakota County Soil and Water has staff that can review and comment on wetland act requests and currently handles that as was approved by the Empire Town Board. They are requesting continuation of this practice from the City of Empire.

Eric Hanson made a motion to adopt Resolution 2023-4C; Regarding the Administration of the Wetland Act. Marla Vagts seconded. Motion passed 5-0.

Danny Rubio made a motion to approve the Cost Sharing Agreement with Dakota County for Elections Equipment, specifically for the purchase of three new E-Poll Pads. Marla Vagts seconded. Motion passed 5-0.

The City Council reviewed proposed amendments to the City's Personnel Policy. The proposed amendments update language from "township" to "city", adding the requirement for the Juneteenth holiday; providing for employer covered health and dental insurance for families; providing for the option for employees to enroll in optional disability insurance plans.

Eric Hanson made a motion to adopt the amendments to the Empire Personnel Policy. Danny Rubio seconded. Motion passed 5-0.

Marla Vagts made a motion to approve the employment agreement for Daniel Corrigan for the maintenance position. Eric Hanson seconded. Motion passed 5-0.

Danny Rubio made a motion to enroll in the employee life insurance policy with Agility. Marla Vagts seconded. Motion passed 5-0.

Eric Hanson made a motion to approve the food truck license for Faith United Methodist Church in association with Empire Food Truck Night in May. Tom Kaldunski seconded. Motion passed 5-0.

The Council reviewed information on nuisance ordinance violations at 19787 Cabrilla Way and 3702 Upper 204th Street. The resident at 3702 Upper 204th Street provided pictures of the property that show that it has been cleaned up. The Council directed staff to visit the property to ensure compliance with the nuisance ordinance.

**FYI:**

The City Council reviewed information from Dakota County on upcoming Highway Projects and an update to Park Ordinance 107, and a notice from Charter Communications on rate reductions for multimedia terminals.

The City Council Meeting adjourned at 8:45 PM.

---

Trent Larson, Mayor

---

Charles Seipel-Teng, Clerk – Administrator