

City of Empire Planning Commission Meeting Minutes

May 16, 2023

The City of Empire Planning Commission meeting was called to order by Jared Sachs at 8:00 PM.

Present were: Jared Sachs, Doug Clark, Gina Maunu, Julie Stulz, Elizabeth Haas, Jane Kansier, Brad Fisher, Charles Seipel-Teng, and City Councilmember Marla Vagts.

The Planning Commission Meeting was opened to a public hearing to consider the renewal of a mineral extraction IUP for McNamara Contracting Inc. at the Berg property.

Charles Seipel-Teng read the hearing notice and reported that the city has not received comment on the notice prior to the hearing.

Jane Kansier presented a memo outlining the IUP renewal application. The existing IUP for this site was issued in 2018. The operation is divided into two phases, with the first phase expected to be completed in the next 5 years and the second phase expected to take 15-20 years to complete. There are no proposed changes to the existing operation with the renewal application, other than the contact information to forward complaints. The renewed permit will terminate on February 28, 2028.

Doug Clark made a motion to close the public hearing. Elizabeth Haas seconded. Motion passed 5-0.

Julie Stulz made a motion to recommend renewal of the IUP for McNamara Contracting Inc. for mineral extraction at the Berg property. Elizabeth Haas seconded. Motion passed 5-0.

Jamin Anderson with McNamara Contracting provided information on a request to vacate the right-of-way for old Chippendale Ave. and 164th Street West. McNamara has acquired all the properties along this right-of-way and would like to close it off and eventually mine all of the parcels. The roads are now strictly used by McNamara operations and Mr. Anderson has concerns about this area being difficult to patrol. McNamara would like to gate the streets accessing their operations. Jane Kansier recommended that MN DOT be consulted with to determine if the 164th Street entrance on Highway 3 would remain if the street right-of-way is vacated.

If McNamara is requesting vacation, the City Council could start the process by resolution. Vacation would require a public hearing and notice to adjacent utilities and other property owners that may be impacted by the vacation. It was recommended that the resolution include an application fee and escrow amount to reimburse the city for consultant work and required public hearing publications since a fee for vacation is not currently in the fee schedule ordinance. The vacation process should be underway before an IUP to expand mining

operations at the site is considered. The Planning Commission was open to the idea of vacating the right-of-way.

Charles Seipel-Teng presented a memo regarding penalties for violation of the city's zoning ordinance. After consulting with the City's attorney, Mike Couri, it was recommended that the City consider adopting an administrative penalty ordinance. Administrative penalties should be considered prior to seeking a civil remedy. Mike Couri also recommended that the City also consider amending the penalty section of the zoning ordinance to include language about properties owners in violation of the ordinance not being able to submit zoning applications. The Planning Commission inquired if this could include building permits.

The Planning Commission recommended that the City Council consider the draft administrative penalty ordinance.

The Planning Commission reviewed updated information from other cities in the area that have franchise fees for gas and electric utilities. Some cities have recently adopted franchise fees to help offset the need for special assessments. Cities typically have separate rates for non-residential customers. The Planning Commission inquired about how agricultural customers would be classified. Seipel-Teng indicated that he could try to touch base with cities that are similar to Empire to see how they handled non-residential customers.

Elizabeth Haas made a motion to adjourn. Gina Maunu seconded.

Meeting adjourned at 9:00 PM.