

City of Empire Planning Commission Meeting Minutes

May 2, 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, Jenni Faulkner, Brad Fisher, Charles Seipel-Teng, and City Councilmember Tom Kaldunski.

The Planning Commission Meeting was opened to Public Hearing #1, to consider a recommendation to adopt Ordinance No. 480, Empire Floodplain Ordinance. The city has not received comment from the public on the hearing notice prior to the meeting.

Jenni Faulkner presented a memo outlining proposed Ordinance No. 480. Now that Empire is a city, it must adopt a floodplain ordinance to replace the Dakota County floodplain ordinance. Adoption of a floodplain ordinance is a requirement for participation in the National Flood Insurance Program (NFIP). The ordinance is based on a model that has been prepared by the Minnesota DNR. It was noted that the floodplain map is based on the FEMA flood risk maps. Any amendment to the maps would need to be applied for and approved by FEMA.

Julie Stulz made a motion to close Public Hearing #1. Doug Clark seconded. Motion passed 5-0.

Doug Clark made a motion to recommend adoption of Ordinance No. 480, the Empire Floodplain Ordinance. Elizabeth Haas seconded. Motion passed 5-0.

The Planning Commission Meeting was opened to Public Hearing #2, to consider an amendment to Ordinance No. 400, the Empire Zoning Ordinance to reference the adoption of the floodplain ordinance. The city has not received comment from the public on the hearing notice prior to the meeting. There was no additional comment at the hearing.

Julie Stulz made a motion to close public hearing #2. Elizabeth Haas seconded. Motion passed 5-0.

Doug Clark made a motion to recommend adoption of the proposed amendment to Ordinance No. 400, the Empire Zoning Ordinance, to reference the adoption of the floodplain ordinance. Gina Maunu seconded. Motion passed 5-0.

The Planning Commission reviewed a request for comment from the Vermillion River Watershed on the proposed 2026-2035 Watershed Plan. Recommended comments include: the need for infiltration on sandy soils; making sure there are no changes to the recommended setbacks for home construction; making sure that ag/farming practices remain unchanged from the 2016 plan; that Empire have the opportunity to comment on the draft plan when the draft is made available.

The Planning Commission discussed the zoning ordinance requirements for address signs on commercial buildings. Nitti Sanitation is proposing a 6 ft sign to provide good visibility from the road. Barring anything in the building or fire code that would supersede the zoning ordinance, Section 6.21, C 1. of the Zoning Ordinance requires address signs not to exceed 4 sq ft. in area. The Commission indicated that they would be receptive to amending the zoning ordinance if requested. An amendment may include assigning maximum size of address signs based on the size of the building. The Commission was curious about the dimensions of the signs on the new building for Dahn Construction as well.

The Planning Commission discussed the penalty section of the zoning ordinance and inquired about the possibility of assigning a fine amount for documented violations. Staff will check with the City's attorney to determine if that can currently be done under the existing ordinance or if it would require amendment to the penalty section of the ordinance.

The Planning Commission reviewed information on franchise fees and special assessments. Franchise fee information included information from the City of Burnsville, as well as a chart showing rates for some other metro cities. Some cities have a flat franchise fee for natural gas and electric residential customers and a tiered rate for commercial customers. Franchise fees apply to everyone receiving utilities, not just taxable parcels. Some cities are replacing special assessments for street projects with revenue from franchise fees as special assessments require upfront costs and appraisals to document property value benefits. Issuing larger bonds for projects requires levying for interest payments on those bonds. Elizabeth Haas recommended that if franchise fees are implemented, that they start out small.

The Planning Commission would like to see an updated table showing what area cities currently charge for franchise fees and if staff can get total natural gas and electric usage for properties in the City of Empire.

Doug Clark made a motion to adjourn. Gina Maunu seconded.

Meeting adjourned at 9:15 PM.