



ORDINANCE ESTABLISHING A PLANNING COMMISSION

Ordinance No. 130

**Adopted December 13, 2022
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SECTION 1 TITLE

The name of this ordinance is *Ordinance No. 130 City of Empire Ordinance Establishing a Planning Commission*, except as referred to herein as “this Ordinance.”

SECTION 2 PURPOSE

This Ordinance is enacted for the following purposes:

- A. To encourage sound and harmonious growth of the community and its environs and efficiency and economy in the provision of facilities and services, to insure maximum returns for expenditure of public funds, and to avoid errors and waste resulting from unplanned and uncoordinated development.
- B. To prepare and maintain in current form a comprehensive plan with related studies, statement of policies, regulations and ordinances to guide the development of the City of Empire.
- C. To establish a planning commission under the authority granted by the provisions of Minnesota Statutes Section 462.354.

SECTION 3 ESTABLISHMENT; TERMS OF OFFICE; QUALIFICATIONS**3.01 Establishment**

This Ordinance is enacted for the following purposes: There is hereby established a planning commission hereinafter referred to as a “commission” as authorized by Minn. Stat. § 462.354, which will consist of seven members appointed by the City Council from among the residents of the City of Empire.

Among this membership, two shall be ex officio members, to be appointed from the membership of the City Council to serve as liaison with the planning commission.

3.03 Terms of Office

Terms of office for members other than the two ex officio members shall be three years, provided, however, that in first establishing the commission, two of the members shall be appointed for terms of three years, two of the members for terms of two years, and one of the members for a term of one year. After a non-ex officio member has served two consecutive three-year terms, a vacancy for the term of said member will automatically be created at the end of said term. The City shall post notice of said vacancy by October 1 of the year after which the vacancy will exist. The City shall consider applications to fill the vacancy until December 1. The member that served the term prior to said vacancy may apply to serve a new term. If said member is appointed to fill said vacancy, they may serve another two consecutive three-year terms and repeat the process as identified in this section of the ordinance.

Ex officio members shall be appointed for annual terms, provided that membership on the commission shall terminate with the office from which the ex officio membership is derived.

3.04 Qualifications

Members, other than the ex-officio members, shall be appointed from among persons in a position to represent the general public interest, and no person shall be appointed with private or personal interests likely to conflict with the general public interest. If any person appointed shall find that

their private or personal interests are involved in any manner coming before the commission, they shall disqualify themselves from taking part in action from the matter, or they may be disqualified by the Chair of the commission.

All members of the commission, except the ex officio members, shall have one vote on all commission matters.

SECTION 4 REMOVAL FROM OFFICES: VACANCIES

Any member of the commission may be removed from office for just cause by two thirds vote of the City Council, provided that they are given ten days advance notice in writing of the proposed action of the Council and an opportunity for a public hearing before the vote is taken. In addition, any member may be removed for non-attendance at Planning Commission meetings provided that their removal is approved by the City Council after 10 days written notice to the member of the Commission to be removed.

It shall be the duty of the Chair of the planning commission to notify the City Council promptly of any vacancies occurring in the membership, and the City Council shall fill such vacancies within thirty (30) days with the unexpired term of the original appointment.

SECTION 5 OFFICERS, RULES, EMPLOYEES, SALARIES AND EXPENSES

The commission shall elect a chair and a vice-chair from among those of its members who are not appointed ex officio. The election of officers shall take place at the first meeting of the planning commission of the new year.

The commission shall adopt rules for its governance and for the transaction of its business and shall keep a written record of attendance at its meetings and of resolutions, transaction, findings and determinations showing the vote of each member on each question requiring a vote, or if absent or abstaining from voting, indicating such fact. The records of the commission shall be a public record. Copies of the minutes of the planning commission meetings shall be transmitted to the City Council at least twenty-four hours prior to the next regularly scheduled meeting of the City Council following the meeting of the planning commission

Subject to the approval of the City Council and within limits set by appropriations or other funds made available, the commission may employ such staff, technicians, and experts as may be deemed proper, and may incur such other expenses as may be necessary and proper for the conduct of its affairs.

Members of the commission shall receive the following per diem salaries for services:

- A. Planning Chair: \$50.00 per meeting
- B. Planning Commission Member: \$40.00 per meeting
- C. Necessary travel per diem, and other expenses while on official business for the commission.

SECTION 6 FUNCTIONS, POWERS AND DUTIES

The functions, powers and duties of the commission shall be, in general:

- A. To acquire and maintain in current form such basic information and background data as is necessary to an understanding of past trends, present conditions, and forces at work to cause changes in these conditions.
- B. To prepare and keep current a comprehensive plan for meeting present requirements and such future needs as may be foreseen.

- C. To establish principles, and policies for guiding action affecting development in the City and its environs.
- D. To prepare and recommend to the City Council ordinances, regulations, and other proposals promoting orderly development along lines indicated as desirable by the comprehensive plan.
- E. To determine whether specific proposed development conforms to the principles and requirements for the comprehensive plan and the other ordinances.
- F. To keep the City Council and the general public informed and advised as to all planning and development matters.
- G. To conduct such public hearings as may be required to gather information necessary for the drafting, establishment, and maintenance of a comprehensive plan and ordinances and regulations relating to it.
- H. To perform other duties which may be lawfully assigned to it, or which may have a bearing on the preparation or accomplishment of the plan.

In connection with its duties, and within the limit of its funds, the commission may make, cause to be made, or obtain maps, aerial photographs and surveys, and special studies on the location, condition, and adequacy of specific facilities of the City and, as appropriate, its environs, including, but not limited to: studies on housing, commercial and industrial facilities; economic development; parks; playgrounds and other recreational facilities; schools; public and private utilities; and traffic, transportation, and parking.

All city employees shall, upon request within a reasonable time, furnish to be the commission or its employees or agents such available records or information as may be required in its work. The commission, or its employees or agents, may in the performance of official duties enter upon lands and make examinations or surveys in the same manner as other authorized City agents or employees, and shall have such other powers as are required for performance of official functions in carrying out the purposes of this ordinance.

The action of the planning commission shall be duly considered by the City Council but shall be advisory only and it shall in no way bind the City Council.

SECTION 7 REPEALS AND EFFECTIVE DATE

7.01 Repeals

All ordinances or portions of ordinances in conflict herewith are hereby repealed. Should any section of this ordinance be held unconstitutional or void, the remaining provisions shall nevertheless remain in full force and effect.

7.02 Effective Date

This Ordinance shall take effect and be in full force from and after its passage, approval and publication. Adopted by the City Council of the City of Empire, Dakota County, Minnesota, this 13th day of May 2025.

Melanie Lee, Mayor

ATTEST:

Charles Seipel-Teng, Clerk-Administrator

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