



Planning Commission

February 21, 2024

7:00 PM

Fridley City Hall, 7071 University Avenue NE

Minutes

Call to Order

Chair Hansen called the Planning Commission Meeting to order at 7:00 p.m.

Present

Pete Borman

Aaron Brom

Mark Hansen

Mike Heuchert

Aaron Klemz

Ross Meisner

Absent

John Buyse II

Others Present

Nancy Abts, Associate Planner

Stacy Stromberg, Planning Manager

Approval of Meeting Minutes

1. Approve November 15, 2023, Planning Commission Minutes

Motion by Commissioner Borman to approve the minutes. Seconded by Commissioner Meisner.

Upon a voice vote, all voting aye, Chair Hansen declared the motion carried unanimously.

Public Hearing

2. Public Hearing to Consider Interim Use Permit, IUP #24-01, to Allow an Electric Security Fence Use at 4650 Main Street NE

Motion by Commissioner Meisner to open the public hearing. Seconded by Commissioner Heuchert.

Upon a voice vote, all voting aye, Chair Hansen declared the motion carried unanimously and the public hearing was opened at 7:02 p.m.

Nancy Abts, Associate Planner, presented a request for an Interim Use Permit (IUP), from Amarok on behalf of Electric Motor Supply Company, to allow a ten-foot tall low-voltage electric security fence at 4650 Main Street NE. She stated that a similar request was considered in November for Copart located at 3737 East River Road, and approved by the City Council in December. She reviewed the site description and some history of the property as well as surrounding property uses. She explained the differences between this site and the Copart site noting that the proposed fence in this case would be visible from adjacent residential properties. She stated that the current chain-link fence along the railyard is overgrown with vegetation, vulnerable to being cut and shorter than the maximum height allowed. She reviewed the IUP criteria for consideration and noted that this request would not meet two of the criteria and therefore staff recommends denial of the IUP as the interim use would affect the surrounding neighborhood character and the reason to terminate the interim use is unclear.

Commissioner Klemz asked and received confirmation that Amarok was also the applicant for the Copart request. He asked if this were approved, would the only IUPs in Fridley be for electric fences.

Ms. Abts confirmed that would be correct.

Commissioner Borman asked if a timeline for the use was not established.

Michael Pate, Amarok Security, explained how Amarok runs its low-voltage electric fences using solar power and how that links to the security system. He stated that this installation is over 300 feet from the sidewalk/trail and could not be seen. He stated that the warning signs would be placed every 30 feet and would not be visible from the sidewalk. He stated that he would be fine with including an end date, as the equipment would be removed if the business were to leave the site. He commented that the Copart fence was not noticed for over 30 years.

Commissioner Meisner asked if the electric fence would be installed inside a perimeter fence.

Mr. Pate confirmed that the electric fence would be contained inside the perimeter fence as required by the institute standards.

Chair Hansen noted that the graphic in the presentation showed a distance close to the trail and asked for clarification. Commissioner Meisner noted that the site plan diagram shows clear representation of where the fence is proposed.

Brett Bullock, business and building owner, provided clarification on the proposed fence location, noting that it would not be on the side of the property near the sidewalk/trail.

Commissioner Meisner asked how the electric fence would do its job. Mr. Pate explained that the electric fence is a bit higher than the perimeter fence and provided additional details on how that electric fence would be a barrier.

Commissioner Klemz asked staff for clarification on an IUP and its intended use.

Ms. Abts replied that an IUP is intended to allow a use, temporarily, that is presently acceptable but would not be with future development or use of the site.

Chair Hansen referenced the photos showing sections of the current fence in disrepair and asked if those would be addressed.

Ted White, Operations Manager for the business, commented that they have had issues with people trespassing into their yard for as long as he has worked there, which was 2008. He stated that he calls the Police Department three to five times per year and half the time the Police catch individuals attempting to steal from the yard. He stated that he has been investigating options to deter this theft, explaining that the thieves are taking parts of the electrical equipment that can be scrapped which leaves the equipment unusable and cannot be sold. He stated that this equipment ranges in price from \$25,000 to \$100,000. He stated that he has reviewed replacement of the chain-link fence, but the thieves are cutting the fence and will continue to do so even with a new fence of that type. He stated that in his research he found Amarok and that does seem like a good plan for mitigation. He stated that they would be clearing the overgrown vegetation before the Amarok fence is installed. Mr. Pate clarified that the Amarok fence would not work properly if there is vegetation on the fence and therefore, they keep that area clean.

Chair Hansen asked if a privacy screen could be added to the chain link. Mr. Pate confirmed that the perimeter fence could have the privacy screen without impacting his fence.

Mr. Bullock commented that he has owned the building since 2003 and has come to the City for any permits that he requires. He commented that he donates to the Police Department and donated the land for the trail and therefore is a good community member. He stated that they are not linked to Copart and found out about Amarok because of their online research. He stated that the Police Department is phenomenal and City staff has always been great to work with.

Commissioner Meisner recognized that the property is having a problem with security at this location. He noted the staff recommendation for denial and asked the alternatives that have been discussed to resolve this issue with security on the property.

Mr. Bullock commented that he has worked with the Police Department over the years and was part of a pilot program but was then told that the issue was too big, and he would need to find the solution himself.

Commissioner Borman commented that an IUP is intended to be a short-term fix and asked what the long-term fix would be. Mr. Bullock commented that he cannot control the attempted thefts and has been told that the Police cannot control that either, which led to this solution. He stated that perhaps

a five-year period is allowed to try this out. He commented that the City and its Police are great, but the railyard is a problem because of the theft activity. He clarified that the railroad will only allow them to trim and maintain their side of the fence line and will not allow that activity on the other side of the fence.

Chair Hansen asked and received clarification that the issues are only on the railway side of the property. He asked if the electrified fence would need to be around the building or whether it could just be near the railway.

Mr. Pate commented that would be similar to locking only the back door and not the front door of a building, as thieves would simply enter from the portion that is not electrified.

Stacy Stromberg, Planning Manager, commented that since this application was received staff met with the Police Department and an Officer took staff onsite to view the property from the railroad side. He stated that the Officer mentioned that he was willing to do a security assessment with the property owner, as the six-foot chain-link fence is the only deterrent to theft. She reviewed some other measures that could be considered to deter theft such as a taller fence, lighting, cameras, opaque fencing.

Mr. White commented that he does have a full camera security system at the site and has installed spotlights. He was unsure how making the fence taller would help as the thieves are cutting the fence, not going over it.

Chair Hansen asked if there was data on similar properties in this area that experience issues with theft. Ms. Stromberg commented that there are industries along the corridor with outdoor storage but was not aware of similar incidents. She noted that those businesses have better screening from the railway which perhaps has deterred issues of theft on those properties.

Mr. Bullock commented that part of the issue is that their equipment has copper, which is a target for thieves.

Commissioner Brom asked if the City is concerned with children interacting with the fence.

Mr. Pate provided details on the level of shock that would be provided from the fence. He noted that the shock will not harm someone, but it will deter theft. He also noted the difficulties in attempting to work with the railroad, explaining that the solution must be on the subject property.

Ms. Stromberg commented that staff received an email from Burlington Northern this afternoon with some questions/concerns about the request, but she has not yet had time to respond to that email.

Motion by Commissioner Meisner, to close the public hearing. Seconded by Commissioner Borman.

Upon a voice vote, all voting aye, Chair Hansen declared the motion carried unanimously and the public hearing was closed at 7:42 p.m.

Commissioner Klemz stated that it does not seem that either of the IUPs considered would meet the temporary use criteria. He recognized that during the review of the last electric fence request there was discussion on whether that would set precedent and here is another request. He stated that it would seem clear that a text amendment would be the better path rather than continuing to use the IUP tool. He noted that the Copart site was very unique in that it was bordered on all sides by industrial property and no residential property nearby. He stated that he supported the Copart request because of its unique use and location but believed that the Council should consider a text amendment related to electric fences and determine whether they should be allowed or not. He stated that if approved as a use, specific criteria could be developed. He stated that he will not be supporting the request as he believes the text amendment path should be considered.

Commissioner Borman also agreed that this is not an appropriate interim use, although he recognized the concerns for safety that the property is experiencing.

Commissioner Meisner stated that he did not get the impression that interim meant short-term. He stated that if an end time were specified, such as the business no longer operating, the IUP would terminate. He did not see an issue with visual concerns given the distance from the property line. He asked if Public Safety had concern with the electric fence or merely offered to complete an assessment. Ms. Abts replied that from a safety perspective, Public Safety does not have concerns with the proposed fence. Commissioner Meisner commented that the concerns supporting denial are mitigatable. He agreed that a text amendment could be considered going forward. He noted that this case and the previous Copart case are completely separate and should not be lumped together as the only commonality is the electric fence component.

Commissioner Heuchert stated that his concern would be that there are other alternatives that could be considered before approving this request. Commissioner Meisner stated that if the City does not have a problem with electric fences in terms of safety, and that is a viable solution for the petitioner, he does not see a problem with the request. He stated that he would not want the City or Commission to second guess how a business manages the security of its site.

Commissioner Klemz stated that it was clear in November that there were sites that would not be appropriate for an electric fence and therefore believes there should be a more comprehensive approach, via a text amendment as that would provide specific criteria for such requests. Commissioner Meisner agreed that request could still be made for a text amendment, independent of this request. Commissioner Klemz stated that he would be denying the request as he would prefer to consider requests under a set of standards rather than continuing to review and approve on an ad-hoc basis.

Chair Hansen stated that he would also lean towards following the staff recommendation. He stated that the Copart location was unique, and he would not want to see electric fences all down the Main Street corridor or near residential. He stated that the Commission makes a recommendation, and the City Council will make the final determination.

Motion by Commissioner Borman recommend denial of the Interim Use Permit, #24-1. Seconded by Commissioner Klemz.

Upon a voice vote, five votes in favor and one vote opposed (Meisner opposed), Chair Hansen declared the motion carried unanimously.

Other Business

Ms. Abts noted that typically there is an election of a Vice-Chair at the first meeting of the year, but it was not placed on the agenda in error.

Chair Hansen asked for nominations for the position of Vice-Chair.

Commissioner Heuchert nominated Commissioner Klemz. Commissioner Klemz declined the nomination noting that he already serves as the Chair of another Commission.

Commissioner Meisner commented that he would consider the Vice-Chair role.

Motion by Commissioner Meisner to elect Ross Meisner as Vice Chair of the Planning Commission for 2024. Seconded by Commissioner Brom.

Upon a voice vote, all voting aye, Chair Hansen declared the motion carried unanimously.

Ms. Stromberg commented that the March meeting has been canceled and noted an upcoming workshop in April.

Adjournment

Motion by Commissioner Brom to adjourn the meeting. Seconded by Commissioner Borman.

Upon a voice vote, all voting aye, Chair Hansen declared the motion carried unanimously and the meeting adjourned at 8:05 p.m.

Respectfully submitted,
Amanda Staple, Recording Secretary