



Planning Commission

April 17, 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
Michael Pate, Amarok
Brett Bullock, Electric Motor Supply, 4650 Main Street N.E.

Approval of Meeting Minutes

1. Approve February 21, 2024, Planning Commission Minutes

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

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

Public Hearing

2. Public Hearing for Text Amendment 2024-01: Electric Security Fences

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, stated that the case tonight is to consider a text amendment to allow 10-foot-tall electric security fences at all properties not zoned exclusively for residential use. She stated that Amarok, the applicant, has previously requested Interim Use Permits (IUPs) for electric security fences at 3737 East River Road (approved December 22, 2023) and 4650 Main Street (denied March 11, 2024). She reviewed the discretion that the City would have when reviewing a request for a text amendment. She discussed what is currently allowed under City Code for barbed wire security fences on industrial properties. She stated that staff would suggest mirroring those allowances for electric security fences and reviewed the specific proposal method of approval suggested by staff. She stated that staff recommends approval of the ordinance amendment as prepared. She noted that the City may also delay consideration until State preemption legislation is addressed, or the fence ordinance is recodified.

Commissioner Meisner acknowledged that this would largely mirror the language related to barbed wire. He asked for details on the guidelines for height of solid fences. Ms. Abts replied that currently fences are only regulated on the basis of height, not opacity.

Commissioner Klemz asked whether the change would apply across the city or only to the areas that allow barbed wire fencing. Ms. Abts replied that the majority of this amendment would specifically apply to industrial districts. Commissioner Klemz asked if the owner/operator of the fence would be required to provide access for emergency personnel. Ms. Abts commented that the Fire Marshal has been active in this process and explained that an ordinance is meant to provide a balance of the direction and allowances without going into every detail. She explained that type of access would be addressed through the building permit process.

Commissioner Borman asked for, and received, clarification on the owner of the property at 4650 Main Street. Commissioner Heuchert referenced language proposed in the amendment as shown in the packet and asked for clarification. Ms. Abts explained that both the version proposed by Amarok and the version proposed by staff were included in the packet for the Commission to review.

Commissioner Borman stated that he questioned whether the better deterrent would be the barrier in front of the electric fence, or the electric fence itself.

Brett Bullock, owner of 4650 Main Street, commented that their issue is that people are cutting through the chain link fence. He stated that if they were to have the electric fence, someone would need to cut the chain link and if they attempted to cut the electric fence, they would then be notified as it is connected to a security system.

Michael Pate, Amarok, commented that a solid fence is horrible for security as once behind the fence people cannot see what an intruder may be doing.

Commissioner Klemz asked the reason for submitting this request while there is also a request to preempt City zoning controls through the legislature. Mr. Pate stated that he is unsure if either the

text amendment or legislation will be approved, which is why both processes are running at the same time. Mr. Pate commented that the text amendment they submitted is unrecognizable after the work of City staff. He stated that he is the applicant and there was no communication from staff before making these changes. He provided details on the international standards that his fences comply with and explained that those standards should be included in the draft to ensure safety. He identified other elements of the staff drafted amendment that would not be satisfactory and would not match his company's recommended standards for electric fences. He confirmed that he objects to the language as drafted by staff. He asked the Commission to review the draft that he proposed and go from there. He recognized that the location where the device could be used would be up for debate but the standards under which the devices are tested and regulated must be included.

Commissioner Klemz asked if there is an objection to referencing those standards. Ms. Abts explained that she consulted with staff from Crystal who had processed, and denied, the exact same text amendment request from Amarok. In the process she learned that the IEC standard is not adopted in Minnesota and therefore not considered enforceable by the Building Official. Mr. Pate commented that American National Standards Institute (ANSI) could be referenced in place of IEC. He commented that if the language is put into City Code, it would then be enforceable.

Commissioner Meisner noted that Mr. Pate's version references a five foot fence height, but he also described that as insufficient and asked for clarification. Mr. Pate commented that five feet is sufficient for the barrier fence outside the electric fence.

Commissioner Brom asked if there is a reason this is proposed to be restricted to properties near the railroad. Ms. Abts commented that staff proposed limiting the location of these fences to preserve the neighborhood character of many areas of Fridley and "right size" the solution for Fridley.

Motion by Commissioner Meisner to close 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 closed at 7:33 p.m.

Commissioner Klemz commented that he likes the restriction for locations. He believed that this proposed amendment, as drafted by staff, would allow the specific use on the property requested at the last meeting. He was troubled that the City is spending this amount of time and resources on this issue when there is also preemptive legislation being lobbied by the same applicant that is before them.

Commissioner Meisner stated that he also likes the draft recommended by staff as it makes the application appropriate for Fridley. He stated that he prefer to see a definition or some type of standard. He agreed that it would be appropriate to limit the application of this type of fence to the railroad properties at this time, as he would prefer to start small with this.

Commissioner Heuchert stated that he does have concerns with not having standards for the electric current of the fence. He stated that he supports the eight-foot barrier fence and could see expanding this use to the entire industrial area of the community as long as it is not adjacent to residential property.

Chair Hansen commented that there have been multiple comments related to the desire for a definition of electric fence and the strength of current allowed. He also recognized the openness of Commissioner Heuchert to perhaps open up the industrial area and remove the stipulation of the railroad tracks. Ms. Abts commented that it would be appropriate to add the recommendations as part of the motion if there are desired modifications to the amendment proposed.

Commissioner Meisner asked staff for input on the issue of solid versus non-solid barrier fence. Ms. Abts replied that staff was interested in preventing someone from poking through a barrier fence. She noted that the solid barrier fence used by Copart, which is eight feet tall, provides a good barrier.

Commissioner Klemz referenced the use of the word "impenetrable" and asked if there is a definition for that. Ms. Abts replied that there is not as it is meant to be flexible and provide some options for businesses. Commissioner Klemz stated that while he would be open to allowing the use in other industrial areas, there would need to be stipulations placing a limit on the proximity to residential properties. Commissioner Brom commented that he would be open to that as well. Commissioner Meisner stated that while he is also open to that, he is also fine beginning with this as a starting point to see how the community responds. He noted that they can always amend in the future to open the use outside of the railroad corridor.

Chair Hansen stated that he would be open to adding a definition for electric fence and would err on the side of caution as to where this is allowed, taking this first step and then considering opening to more areas in the future.

Commissioner Borman stated that he also works for a company that had an issue with theft and their solution to deter theft was not to use an electric fence. He stated that he would be opposed to this as he did not believe that an electric fence is the right solution to protect properties.

Commissioner Brom commented that he believes that the applicant made a strong case of why they believe this would be the right form of security. Commissioner Borman commented that if a chain link fence is continually being cut, then perhaps something other than a chain link fence is needed.

Motion by Commissioner Meisner approving the text amendment as drafted by staff with the stipulation that some type of performance or minimum safety standard is provided for the operation of the electric fence. Seconded by Commissioner Klemz.

Upon a voice vote, all voting aye, Chair Hansen declared the motion carried with a vote of 5 - 1 (Borman opposed).

Other Business

Ms. Abts noted the housing grant programs available to all Fridley homeowners, noting that more information can be found on the City website.

Stacy Stromberg, Planning Manager, reported that the Planning Commission will be holding a meeting in May but will not be holding its regular June meeting.

Adjournment

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

Upon a voice vote, all voting aye, Chair Hansen declared the motion carried unanimously and the meeting adjourned at 7:56 p.m.

Respectfully submitted,
Amanda Staple, Recording Secretary