

**CITY COUNCIL MEETING
CITY OF FRIDLEY
JULY 8, 2019**

The City Council meeting for the City of Fridley was called to order by Mayor Lund at 7:00 p.m.

MEMBERS PRESENT: Mayor Lund
Councilmember Barnette
Councilmember Tillberry
Commissioner Eggert
Councilmember Bolkcom

OTHERS PRESENT: Wally Wysopal, City Manager
Scott Hickok, Community Development Director
Jay Karlovich, City Attorney

APPROVAL OF PROPOSED CONSENT AGENDA:

APPROVAL OF MINUTES:

1. City Council Meeting Minutes of June 24, 2019.

APPROVED.

NEW BUSINESS:

2. Receive the Minutes from the Planning Commission Meeting of June 19, 2019.

RECEIVED.

3. Resolution Approving a Deed Restriction for Springbrook Nature Center in Compliance with the Minnesota Department of Natural Resources Grant Contract

ADOPTED RESOLUTION NO. 2019 – 31.

4. Claims (ACH PCARD 1906; 185577 - 185738).

APPROVED.

ADOPTION OF PROPOSED CONSENT AGENDA:

MOTION by Councilmember Barnette to adopt the proposed consent agenda. Seconded by Councilmember Eggert.

UPON A VOICE VOTE, ALL VOTING AYE, MAYOR LUND DECLARED THE MOTION CARRIED UNANIMOUSLY.

OPEN FORUM, VISITORS:

No one from the audience spoke.

ADOPTION OF AGENDA:

MOTION by Councilmember Bolkcom to adopt the agenda as presented. Seconded by Councilmember Eggert.

UPON A VOICE VOTE, ALL VOTING AYE, MAYOR LUND DECLARED THE MOTION CARRIED UNANIMOUSLY.

NEW BUSINESS:

- 5. Approve Special Use Permit Request, SP #19-01, by Park Construction Company, to Allow a Rock crushing Operation, Generally Located at 30 – 81st Avenue N.E.**

and

Resolution Approving Special Use Permit, SP #19-01, for Park Construction Company and Carlson Park Properties, LLV, the Property Owner of 30 – 81st Avenue N.E. (Ward 3).

Scott Hickok, Community Development Director, stated the petitioner is requesting a special use permit to allow a rock crushing operation at 30 – 81st Avenue. Park Construction was originally located at 900 Beech Street, which also included the land that is now 30 and 40 – 81st Avenue. In 1982, the City Council approved a special use permit to allow a rock crushing operation. At that time Council put a one-year expiration date on the special use permit. Council granted many extensions to continue that use until the permit expired in 1997. The property is zoned M-3, Outdoor Intensive Heavy Industrial. In 1992, the M-3 zoning district was created to control the location of outdoor intensive uses to assure compatibility with adjacent uses. The purpose of the district was to permit by uses like trucking terminals and construction companies with intense outdoor storage needs, and then to further permit uses such as a crushing and recycling facilities through the special use permit process.

Mr. Hickok noted the City Code allows a rock crushing facility with a special use permit in the M-3, Outdoor Intensive, Heavy Industrial zoning district. A special use permit allows a particular use that is not permitted by right, provided certain conditions/stipulations can be met to reduce any adverse effects to neighboring property owners. A rock crushing operation involves taking used concrete and asphalt materials from area projects and putting them into a machine that crushes the materials into a reusable gravel-based product. During a street or building construction project, the petitioner prefers to crush the material onsite, so it can be immediately reused and does not

need to be trucked to a crushing facility. This process is more efficient and better for the environment. However, if there is not a need for the crushed product on the construction site, it needs to be trucked to a facility, like the one the petitioner is proposing, to be stored and crushed so it can be used again.

Mr. Hickok said the cell tower will remain onsite. New hard surface will be added where trucks are driving, and a scale added to weigh loads. Two stockpiles will be onsite, one crushed and one uncrushed. The uncrushed pile will remain until there is enough material to bring in a portable crusher to crush the material. The City Code requires noise decibels levels between 75-80 in our industrial districts when measured at the property line for daytime and nighttime. Decibels levels between 60-65 are required during the day in our residential districts and 50-55 during the night. The City did approve a special use permit in 2003 for a crushing facility at the Dahlke Trailer property, which is located just north of the subject property. At that time, staff conducted an onsite inspection to measure the decibel level when the crusher was in operation. At 200 feet from the machine, the decibel level was around 70. At 100 feet from the machine, the level was 75, and at 50 feet it was 76. All were below the 80-decibel level. According to the petitioner, technology has come a long way in the last 16 years to continue to reduce the noise this machine creates. Park Construction stated they will also be using a smaller, portable type crusher that is much quieter than the one used by the other company.

Mr. Hickok said staff has heard from residents at 124, 154, 159 and 166 Longfellow Street and 139 - 79th Way, all with concerns of existing noise from back up alarms and the slamming of tail gates. One of the residents wanted general information about the use, and the other four were generally opposed to the request due to the noise and the dust. The Planning Commission held a public hearing on June 19, 2019. The Commission heard from several neighboring property owners who were generally opposed to the request due to the potential for noise and dust. After considering the neighbors' concerns and further discussion amongst themselves, the Planning Commission recommended approval of Special Use Permit, SP #19-01, because the zoning is appropriate for the use, and the stipulations should remedy the concerns expressed. The permit was recommended for approval with the stipulations as presented. The motion carried unanimously. City staff recommends concurrence with the Planning Commission and approval of this resolution with the following seventeen stipulations:

1. The hours and days of the rock crushing operation shall be limited to 7:00 a.m. to 7:00 p.m., Monday --Friday and 9:00 a.m. to 5:00 p.m. on Saturday.
2. The crushing shall occur no more than 72 days (6 weeks) a year, with not more than 36 days being during the months of May – September.
3. Each year, the petitioner shall provide the City with a tentative calendar in which the weeks of crushing will occur, a one-week notification is required to modify the calendar.
4. The maximum height of all stockpiles shall not exceed 20 feet.
5. The petitioner shall comply with any requirements as set forth by the Coon Creek Watershed District.
6. The petitioner shall comply with any storm water management requirements set forth by the City's Engineering Department.
7. The drive aisles to stockpiles shall be paved as indicated on site plan prior to operation.

8. The crushing of limestone shall be prohibited.
9. If water for this process is separate from the service that already exists on-site, a new water service and meter shall be installed.
10. The petitioner shall obtain a National Pollutant Discharge Elimination System (NPDES) industrial discharge permit or certify a condition of no exposure from the MN Pollution Control Agency.
11. All State and City regulations shall be met for noise, dust and air quality and permits obtained if necessary.
12. Noise level shall not exceed 80 decibels at the property line.
13. Site and stockpiles of material shall be watered as needed to keep dust down.
14. All loads to be watered when leaving the site and streets to be cleaned daily if the City deems necessary.
15. The petitioner shall provide a letter from each utility company that has an easement on the subject property allowing the proposed use.
16. The petitioner shall provide a letter from Vision Woodworking approving the truck circulation through their site.
17. The special use permit shall be reviewed in one year to ensure compatibility.

Mr. Hickok said the noise level of a jet aircraft takeoff at 100 feet is 140 decibels, a jackhammer at 6 feet is 130 decibels, a power lawnmower at 3 feet is 90 decibels, a vacuum cleaner at 3 feet is 70 decibels and normal speech at 3 feet is 60 decibels.

Councilmember Bolkcom asked what came first, residential properties or industrial.

Mr. Hickok replied industrial.

Councilmember Bolkcom said she was concerned about the noise. The neighbors were saying there was a lot of backup noise from the trucks. She asked why staff only notified those within 350 feet, when other neighbors beyond that would hear the noise. People are also concerned about more traffic going through the area.

Mr. Hickok replied the law requires that the City notify those within 350 feet of the property. He noted that they prefer to crush at the working sites whenever possible. Material would only be brought to this site if it could not be crushed on the construction site.

Councilmember Bolkcom asked about the air quality if the wind could blow dust from the piles sitting there.

Mr. Hickok replied that was a concern but that is why they would need a NPDES permit and work with the Mississippi Watershed District to make sure they are complying with all the standards both airborne and water. In 1992, this M-3 district was created because the city has very few opportunities where certain uses like this can exist. This district has a spectrum of intensity from light industrial to outdoor intensive heavy industrial. There are bus companies and trucking companies in this area and all trucks have a requirement to beep when they back up.

Councilmember Bolkcom noted that this will be additional noise to add to the noise pollution. One of the other questions was about the 80 decibels noise a lawn mower makes and people wear headsets and mow for a short period of time. If they are allowed to do this from 7-7 weekdays and 9-5 Saturdays for 72 days per calendar year that is a lot of noise for a long period of time.

Mr. Hickok replied that the City does not typically limit hours on industrial work. This is over and above what is typical to prescribe hours. There is a potential to having decibels close to what the state limits are, but they cannot exceed those limits.

Councilmember Bolkcom said she hopes the petitioner will try to be neighborly. Residents cannot mow their lawn after 9:00 .m., but an industrial site can make additional noise on their property. Most of the crushing will be done in the summer, and she asked if the hours could be changed to starting later and not working every Saturday.

Jeff Carlson, Park Construction Owner, said they would be accommodating. Everyone has a project schedule, and they have to get the job done in a certain amount of time. They do not plan to work until 7:00 p.m. crushing concrete. The typical hours are 7:00 a.m. to 5:00 p.m. They do not plan to work on Saturdays unless the schedule dictates. They will try to limit it to 5 days a week, 10 hours a day. They have a safety briefing daily at 7:00 a.m., so they would not start crushing rock at 7:00 a.m.

Councilmember Bolkcom said she did not think the math worked out where it says working 72 days (6 weeks) of the year.

Mr. Hickok said the language was taken directly from the two previous special use permits. It should probably say 72 days a year with not more than 36 days or 6 weeks from May-September.

Mayor Lund said he thought 72 days seemed excessive. He asked how long it took to crush a pile.

Mr. Carlson replied that the crew would work solid for a couple of weeks until they were done. If the permit is approved, they would stockpile this year and start crushing in the spring with cooler temperatures. The length of time depends on the job and demand for the product. He would like the 72 days in there just in case there is a need for it. Whenever possible they would crush on the construction site but if there is no room, they need to haul it to be crushed. It is expensive and a liability to haul the rock.

Councilmember Bolkcom asked if other contractors brought in material to be crushed.

Mr. Carlson replied yes, and they will reuse the materials for themselves.

Councilmember Bolkcom asked how they maintain the site and prevent particles from blowing around.

Mr. Carlson replied they remedy that by watering the debris. Once water hits the debris, it solidifies.

Mayor Lund said if residents saw it blowing around and City offices were closed, they could call 911 and report it and the police would decide if it was a valid concern and contact Park Construction.

Mr. Carlson said they have been crushing rock for over 100 years and never had a situation like that.

Councilmember Bolkcom asked if there was a way to monitor the decibel level of the backup noise people were concerned about.

Mr. Hickok replied that staff could measure it and determine the level. It is a big exercise to go through. Based on the equipment and measurement, by the time it gets to the property line it should not be an issue. He said he and Stacy Stromberg have toured rock crushing facilities and are equipped to measure if Council would like them to do that.

Councilmember Bolkcom asked how staff arrived at a 20-foot rock pile. She saw that Blaine's ordinance is 15 feet high.

Mr. Hickok said that it was a compromise. Initially the petition was for a 30-foot pile, and we thought that was too high and that 20 feet was more adequate. Height has an impact to the volume they can keep on site and the pile would turn over quicker at 20 feet than 30 feet.

Councilmember Bolkcom asked how Stipulation 3 would work with the calendar and weeks of operation.

Mr. Hickok replied they would provide a calendar and keep the City current and give notice when they would be crushing rock. If there is a change, they give a one-week notice to change the calendar. Staff knows when the crushing is happening, so they are better equipped to answer any questions. Park Construction has done this before and are good at monitoring the calendar.

Mayor Lund asked if anything was received from Vision Woodworking.

Mr. Hickok replied that they have not received a letter yet but have talked with them and they have no problem with it.

Mayor Lund asked who monitors the permits in Stipulation 11.

Mr. Carlson replied the MPCA and EPA. He had the Safety Director debrief information about air quality and what they will do to mitigate any issues.

Jeff Slusser, Safety Director, said that OSHA takes this very seriously and their rock crushing equipment is designed to have zero emission for dust. Through the process of crushing the rock there are spray nozzles to spray water to tamp down the dust. There is a suppressant in it and if

you walked by the crusher you would not be able to see any dust. He said they do take this seriously, and need to meet OSHA requirements.

Mr. Carlson added that cutting concrete creates more hazard with dust than crushing concrete. Employees wear different safety equipment when cutting concrete.

Mr. Slusser noted that the chemical used to tamp down the dust is non-toxic. The suppressant is sprayed when they are crushing the rock.

Mayor Lund asked how this would be done in the winter.

Mr. Carlson replied that they would not crush rock without water.

Councilmember Bolkcom asked if workers wear a mask or if anything needed to be done to make sure employees are not at a hazard risk.

Mr. Slusser stated that OSHA came out in 2017 with new regulations from 250 micrograms to 50 micrograms. There is a strong emphasis to control the dust and manufacturers have designed equipment to tamp down the dust. Crushing machines need spray nozzles and they add a suppressant for an additional measure. He said they do not legally have to wear masks.

Mr. Carlson noted that Hanson comes in to do the crushing. They subcontract with them.

Mayor Lund asked about Stipulation 14, watering the truckloads when leaving the site.

Mr. Carlson said that state law requires that the trucks are tarped, people do not want to pay for hauling water.

Mayor Lund asked about Stipulation 17, that this would be reviewed in one year to ensure compatibility. Also, the Planning Commission mentioned adding a higher fence to hide the unsightliness. He asked if they had given that any consideration.

Mr. Carlson said they cannot do it, there is an advantage to the pile height. It will reduce the noise because they crush behind the pile.

Mayor Lund said that they will look at this a year from now and see how it is working for everyone.

Councilmember Bolkcom asked if the crew doing rock crushing wore safety ear protection.

Mr. Carlson replied yes.

Terry Pierce, 8020 Ruth Street, said she appreciated all that was shared. She said she does not live in the circle of people concerned. Rock crushing was done a while ago and it was not that bad. She asked for a copy of the stipulations.

Justin Dritz said he has a purple air monitor at his house, and he will monitor the situation.

Councilmember Bolkcom asked if staff had any air quality monitors.

Mr. Hickok replied that staff does not do code enforcement on that.

Councilmember Bolkcom applauded staff for hearing what was going on at the Planning Commission and following up on their concerns. This is a good business in our community and monitoring the situation will help.

MOTION by Councilmember Bolkcom to delete the “6 weeks” in Stipulation 2. Seconded by Councilmember Barnette.

UPON A VOICE VOTE, ALL VOTING AYE, MAYOR LUND DECLARED THE MOTION CARRIED UNANIMOUSLY.

MOTION by Councilmember Barnette to approve the Resolution Approving Special Use Permit, SP #19-01, for Park Construction Company and Carlson Park Properties, LLV, the Property Owner of 30 – 81st Avenue N.E. (Ward 3) with 17 stipulations (as amended) below:

1. The hours and days of the rock crushing operation shall be limited to 7:00 a.m. to 7:00 p.m., Monday-Friday and 9:00 a.m. to 5:00 p.m. on Saturday.
2. The crushing shall occur no more than 72 days (~~6 weeks~~) a year, with not more than 36 days being during the months of May – September.
3. Each year, the petitioner shall provide the City with a tentative calendar in which the weeks of crushing will occur, a one-week notification is required to modify the calendar.
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17. The special use permit shall be reviewed in one year to ensure compatibility.

Seconded by Councilmember Bolkcom.

UPON A VOICE VOTE, ALL VOTING AYE, MAYOR LUND DECLARED THE MOTION CARRIED UNANIMOUSLY.

6. Informal Status Reports.

Mayor Lund said that the second workshop for the parks and trails master plan will be held on July 11 at 6:00 p.m. at City Hall.

Councilmember Bolkcom said the Anoka County and Fridley Historical Society Garden Tour is on July 21 from 1 to 5 p.m.

Councilmember Barnette said that there will be a presentation of the traffic analysis on the closure of 69th Avenue at 6:00 p.m. on July 16.

ADJOURN:

MOTION by Councilmember Barnette to adjourn. Seconded by Councilmember Eggert.

UPON A VOICE VOTE, ALL VOTING AYE, MAYOR LUND DECLARED THE MOTION CARRIED UNANIMOUSLY AND THE MEETING ADJOURNED AT 8:08 P.M.

Respectfully submitted,



Krista Peterson
Recording Secretary



Scott J. Lund
Mayor