City of Columbus
Public Hearing – Westmor Fluid Solutions Site Plan & CUP Application (PC-13-110)
West Freeway Drive
October 2, 2013

The October 2, 2013 Public Hearing to receive testimony regarding the request of Westmor Fluid Solutions for a site plan and a CUP application, at West Freeway Drive, Columbus, MN was called to order at 7:37 p.m. by Vice Chair Garth Sternberg at the City Hall. Present were Commission members Andy Anderson, Myron Organ, Pam Wolowski, Jesse Preiner, and Jody Krebs; Planner Dean Johnson, and Recording Secretary Karen Boland.

Also in attendance were City Council member Denny Peterson; Kevin Lyzhoft, Mark Kragenbring, Randy Swanson, Mark and Jackie Kotchen, Dick Tschida, Judi and Pat Kinsella, Robert Buetow, Pat Preiner, and Mary Preiner.

Sternberg: Next item on the agenda is the Public Hearing and discussion for Westmor Fluid Solutions site plan and CUP application request, pages 27 through 36 and enclosures. At this time I'd like to ask the secretary to read the notice.

Notice was read at this time.

Sternberg: Thank you. At this time I'd like to ask the applicants to come forward.

Kragenbring: I'm Mark Kragenbring with Westmor Industries in Morris, Minnesota, 3 Development Drive, Morris, Minnesota. I'm Operations Manager for Westmor Corporate.

Lyzhoft: I'm Kevin Lyzhoft from Westmor Fluid Solutions. My home address is 1435 261st Avenue NE, in Isanti, Minnesota.

Sternberg: Okay. Can you please explain to us what you're asking of us here tonight?

Kragenbring: We're asking for a conditional use permit for an accessory structure for the main building for a test and steam slab that meets all the requirements to the ordinances, building, things like that – uh, setbacks – it meets all those requirements as well.

Sternberg: Okay. Thank you. Um, any questions?

Johnson: I just want to point out that there was a revision in my original memo that went out last week. Unfortunately it didn't go out until after your packets were done, and so, there is a second memo that was handed out tonight with your packets. And, what Elizabeth and I discovered after I had prepared the original memo on this…this is, uh, I think the first time where the uses that are proposed on the property, other than storage, are permitted uses within the light industry district. That's a simple site-plan review. But, because of the outside storage, we have a conditional use permit. My original memo structured everything as a conditional use permit. So, what you received, and what's red-lined in my updated memo, is just that clarification. Um, and I took out one provision in the recommendations that any facility expansions or use changes would

require a conditional use. That's not true. They would be governed by our normal ordinance standards, so that if they wanted a building expansion, it would require another site-plan review, but, as a permitted use, it's not a CUP. So, I just wanted to clarify that. I did forward my original memo and the clarifications to Mark. Uh, and the other addition in your packet is a one-page memo, and the top of it says MSA. It's the engineering company that represented Westmor on this process. And this basically, uh, indicates their agreement with the conditions, recommendations that are included in the memo. You also received, outside of your packet, I believe – yeah, this is dated today - from Larry Bohrer the City Engineer…I do have a placeholder for all of his recommendations in here, but he talked about some specific issues: sanitary sewer and water service. This is in our utility district. And some comments noted on fire protection, and he noted, as I did, that Rice Creek has not issued a permit yet, but it appears to be close. So, I just wanted to make sure you have all of those in your possession.

Anderson: Have you two gentlemen seen this letter from our City Engineer.

Lyzhoft: Yes.

Krebs: Mr. Chairman. Point of order. Are we granting both an IUP and a CUP for the…?

Johnson: Not an IUP. You're doing a basic…if you look at the…under the recommendations. Uh, based on the findings of fact, "Planning Commission approves the Westmor Fluid Solutions, LLC manufacturing facility site plan and recommends to the City Council approval" of the CUP based on the following conditions. And then, I've incorporated that the site plan – at the time I put this together we did not have the Engineer's letter – we don't have a final building plan completed, so we want both the site plan and the CUP contingent on the building official. Uh, we don't have a permit from Rice Creek, so, all of those are still valid. But, the clarification is, you have site-plan approval authority that does not have to go to the City Council. So, if, if you were to make a motion to approve the site plan and then recommend City Council approval for conditional use, that covers both things. We've not had one of these before, so I…I had to make that clarification.

Preiner: Okay. Dean would you please continue to explain? So with the site-plan review…

Johnson: Yes.

Preiner: …is…will you repeat yourself again? I'm…

Johnson: Okay. We have basically two forms of approval for land-use items. One would be a formal conditional use permit, interim use permit, or, in an instance where interim or conditional uses are not required, our City Code requires site-plan approval.

Preiner: This falls in that category.

Johnson: This falls in that category. Anything that is listed in any of your zoning districts as a permitted use – if it's commercial or industrial or institutional, but is a permitted use, it doesn't go straight to the building inspector. It still has to have Planning Commission site-plan review

and approval. So, we look at a regular site plan, in fact, you get a site plan with every conditional use. A new conditional use project is, typically just includes all of the site-plan information that we would ask for. In this case, the applicant was required to have an application for the conditional use, just for the outside storage on the property. So, we still are making a recommendation on a conditional use, but the site plan approval is up to the Planning Commission. It does not require City Council approval or endorsement. So, you can make full recommendation to approve the site plan, then that will go straight to the building inspector and that's really the last stop in the City, other than the other conditions that we identify in here from the Engineer. They're going to have to get permits for sewer and water connections. They still need a permit from Anoka County for their driveway access. And we understand the conditions for the permit from the County, and they understand them, and we will get those revised drawings. So if I hadn't mentioned that this was a simple site-plan review, we would have packaged it just like we always do a conditional use. It's just, in this case, this is a permitted use. So, I'll still make similar findings, so that in, in making that site-plan approval I have stated in here they meet setbacks, they meet height limitations, uh, things of that magnitude. And then the rest of the findings really identify other features on the property which you may have questions about. As a, as a petroleum service industry they are performing certain test functions as a result of this particular facility. Their primary activity, they're going to make fuel tankers here. And most of this is assembly, but there is some manufacturing. And so, part of the outside storage that's covered under the conditional use, allows them to have…I, I don't want to speak out of turn, but, whether it's steel or aluminum or whatever, there are storage racks on the back of the building, and that's referenced in here. And that's on the very west side of the building and won't be visible. New product or certain product that might be in for inspection and repair, will also be outside storage. And those are located in two primary areas. I think, I think the assembled or new things are going to be on the south side, on the one pad on the south side of the building. But there's also a large gravel parking area to the west of the building, that could be a staging area for a number of things. They also have a garage that's a lean-to, it's three-sided, it's open on the south side. And that'll be storage primarily for tankers.

Kragenbring: Actually, that'll be for our service trucks.

Johnson: Okay. Oh, your own service vehicles?

Kragenbring: Yup. Our own service vehicles.

Johnson: And, and you might explain, they go out and service client needs off site. They will also be doing on-site maintenance for clients. And talk about the test station.

Lyzhoft: I'll take that one. So the test station…

Johnson: I'll see if I can blow this up a little bit (referring to overhead visual).

Kragenbring: You know what, let me just explain a little bit. Um, the reason some of these other permits…and it's still under review at the Rice Creek…the goal of this project was to get us in the ground—foundations in—before freeze-up. And, through discussions with Elizabeth, she understood how we were kind of applying for all these permits simultaneously. And, so I

don't want you guys to think that we're disorganized and didn't know the process. So, that's why, as Dean explained, some of these things are still pending.

Lyzhoft: We want it in Columbus.

Kragenbring: It appears with the Rice Creek Watershed District, we've been in communication with them, the engineer, MSA, has been, you know, back and forth, making sure we're compliant. And that's why he included that letter, um, on the top, just explaining where we're at in the approval process. And also, uh, the parking structure at this point, I don't think that will be part of the new construction. Budget constraints said that we should pull that out. So, the intent is, with this new construction project, we will not include that. If a year down the line we decide that we need that or we can afford that parking structure, I think the plan would be to reapply for a conditional use permit. Um, is that the course that the Commissioners recommend?

Johnson: Well, I might clarify, if the Planning Commission is approving an entire site plan, including the outside storage, my, my suggestion is you don't change that. The only thing that you would technically need to do, because we've also approved a site plan, as long as that parking garage is put in the identical location it shows up on these plans today, you would be coming back only to the building official.

Kragenbring: Okay.

Johnson: So, I hate to deprive you of coming back to another hearing or public meeting, but, um, it's, it's really an administrative function, as would be the approval of any signage after this meeting. We haven't seen any detailed sign plans, but that's an administrative approval. Um, the building and parking lot lighting is also an administrative. We need a plan for that, and the City Engineer and the City Administrator would sign off, but you don't have to come back here. So, we make reference to everything that's included in your packet, uh, your application materials, and then we'll reference things that are missing and what needs to be done next. Um, if you did nothing, within a year of this approval everything would expire, including a building permit application.

Kragenbring: Okay.

Johnson: But if you are receiving site-plan review only and you decide to phase the construction, it's not validated and you don't have to come back for the site-plan review.

Kragenbring: Okay.

Johnson: Only if the building location changes.

Kragenbring: Okay.

Johnson: Or the surface.

Kragenbring: Right. And the intent is that they wouldn't. And, quite honestly, I appreciate the accommodations, because the goal would be, you know, we get through construction, we have a little money left over, my gosh, we can put that parking structure…so, um,…

Johnson: You can complain to the Watershed if you've run out of money. (laughter) I, I would want to clarify…Sorry, Pat. I would want to clarify too…

Pat Preiner: I heard that Dean. (laughter)

Johnson: ...it is not unusual that people come in at this stage –certainly this time of year – and make requests for City approval subject to or contingent upon others. There are a lot of projects that don't have final watershed approval or, perhaps, County approval. We just put a placeholder in our requirements that says you're not done until you get those. So, you're not out of sequence. You didn't do anything unusual.

Kragenbring: Okay. That's good to hear.

Anderson: Uh, Mr. Chair, may I ask the applicant a question?

Sternberg: Sure.

Anderson: Um, it says assembly of fuel tankers, fuel carts, and skids. What is a fuel cart?

Lyzhoft: Okay. Well, the fuel tankers…what we really specialize in is the aircraft for fueling. So there are fuelers that fuel aircraft.

Anderson: Okay.

Lyzhoft: Sizes ranging from 750-gallon tanks on their fueler, up to 5000, occasionally we get up to 10,000. The fuel carts – if you've ever flown out of Minneapolis, the cart fueling your airplanes, the little yellow cart down at Minneapolis, we build those. So that would be a fuel cart.

Anderson: Okay.

Lyzhoft: And then skids…we're a fairly dominant player in the ethanol market, um, off-loading, loading skids of the ethanol product. That, those would be like the skids we're talking about.

Anderson: And that skid, actually, I think in terms of a skid to put a product on top, but the skid is actually a self-contained…?

Lyzhoft: Yup. It would be a steel-frame…

Anderson: …tank?

Lyzhoft: Nope. These wouldn't, the skids wouldn't have a tank on. They'd be a steel frame with a filter, strainer, meter, control valve, sending it down more.

Anderson: Okay. Thank you.

Sternberg: Back to the test pump standard.

Lyzhoft: So in our test building steam slab, the steam slab, the steam portion of the building, which would be…the structures a 50 by 50 building, um, the path of the steam slab would be used for… we bring work in for service, it's got residual fuel in it. The process to get that residual fuel out, so you can bring it in a building safely, is to steam it out. So you steam it out. There's a holding tank. The holding tank does not go to sewer. It's pumped out by, by environmental companies. So that would be the steam slab or the steam part of the building. The test stand would have all of our flow equipment and hydro equipment for testing the equipment. We test with either water, jet fuel – which is a combustible, not a flammable product. Um, so we fill that, in the case of fuel, we put, um, enough fuel in the tank so that we can properly wet all the piping and then we have some equipment in there so we can pull the tests that calibrate the meters, make sure we don't have any leaks.

Organ: And then that goes back into those above-ground tanks?

Lyzhoft: Yup. It all goes back into the storage tanks.

Organ: And just for information I guess, why would you use water on one and a fuel or something on another? Is it the viscosity or the weight or what?

Lyzhoft: If we're just doing a hydro, then we would do water. If we're doing flow testing, then we would use jet fuel.

Kragenbring: Right. So, specifically, our customers, they want us to test their equipment with the product that they dispense out of it. Just to make sure that the meters and everything are calibrated properly for that consistency of fuel. Otherwise, we could conceivably test everything with water, but the customer demands that we test it with their product, so…

Johnson: I believe when I spoke with Mark earlier, Westmor also does tanker, over-the-road tanker certifications.

Lyzhoft: We do. We are a DOT inspection shop.

Johnson: So you see somebody fueling, Holiday, whatever their certification is - I know another one located off 52 south in the Cities now. But, they would also have that as a part of the service that they're doing.

Lyzhoft: Proposed use of the building: the north side would be our manufacturing space; the south side of the ware…or the south side of the manufacturing building, the first three bays would actually be a parts warehouse, and the back four bays or the southwest four bays would actually be service bays.

Kragenbring: Whether it matters or not, service would be a, at least a secondary, maybe a third tier.

Lyzhoft: Yeah. It's more of a service for our…

Kragenbring: …existing customers.

Krebs: Mr. Chair, can I have a question? How many employees do you guys have?

Lyzhoft: Right now about 55, I believe.

Krebs: Very good.

Anderson: Mr. Chair, I have a clarification. Tonight we're voting on everything except the site plan. We don't have a site plan.

Johnson: Yes.

Anderson: Right?

Johnson: You have a site plan.

Krebs: We have a site plan.

Anderson: We do. Okay. And this is, this is the valid site plan, here?

Johnson: Yes. There were no changes in the site plan. We also have, uh, some building elevations, uh, and we had a full set of, a larger set of plans, that go to the building official. This building is basically, uh, beige or earth-tone colors. The building is predominantly metal, but the office, which is the front part of the building, facing the highway, is all EIFs. Again, I think I made reference to those, but yes, we have all of the…

Anderson: Okay, so you've reviewed the site plan?

Johnson: Right. And, and hopefully, again, my setback references, sizes, heights of buildings, they're all consistent with the various ordinance requirements. We've got…this is a large parcel – a 30-acre parcel just north of Ziegler, if you're not familiar with it – but it is a 30-acre parcel. Eighteen acres of that is wetland, so they've got about 12 acres upland area. There's a lot of room for expansion on this property. Right now, with the building, the driveways, and the other impervious access areas, it's under 15% site coverage, so…Everything that I've commented on in the findings make this, including the building treatment, consistent with the zoning ordinance. And that gives me comfort for you to say yes, you could approve the site plan, and then recommend action on the CUP. So, it could be one motion, but it's two separate actions.

Anderson: Okay. Thank you.

Sternberg: At this time... You've got one more? Go ahead.

Organ: Is this the front of the building then? (referring to plan document)

Johnson: Yes. Yes.

Organ: Okay.

Sternberg: Any other questions? At this time I'd like to open the meeting to the public. Any further questions? Then I'd like to close this hearing with the right to re-open if it becomes necessary.

Hearing closed at 7:58 p.m.

Respectfully Submitted:

Karen Boland, Recording Secretary