

CITY OF COLUMBUS
PUBLIC HEARING IN ALTERNATIVE MEETING FORMAT
STATUTES SECTION 13D.021
16811 NOTRE DAME ST NE,
INTERIM USE PERMIT (PC20-111)
07.15.2020

The 07.15.2020 Public Hearing to consider a request by the applicant, Kendall Friese, for an interim use permit to operate a residential zone business consisting of truck storage for over the road hauling, trailer repair and/or fabrication business located at 16811 Notre Dame Street, was called to order at 8:03 p.m. by Chair Ron Hanegraaf at the City Hall. Present via telephone were Commission members: Steve Wagamon, and Barb Bobick; City Administrator Elizabeth Mursko; City Associate Planner Ben Gutknecht; City Planner Dean Johnson; and Administrative Technician Rochelle Busch. The meeting was held in a telephonic meeting format.

Also, in attendance via telephone were: Mayor Jesse Preiner; City Council members: Janet Hegland, and Shelly Logren; John Bodger, Kendall Friese, Annette Rivard, Tim Vaughn, Craig Lundberg, Liz Friese, and Josh Friese. The meeting was held in a telephonic meeting format.

Hanegraaf: Were going to go on to agenda item number 8, the public hearing and discussion, 16811 Notre Dame St NE. Kendall Friese, Interim Use Application for residential zoned business consists of Semi-Truck and trailer repair and limited personal truck driving. Pages 63-76 enclosure E1. Additional pages 1 and 2. Rochelle would you like to read the notice as published?

Notice was read at this time by the recording secretary.

Hanegraaf: Thank you Rochelle. At this time, we would like Kendall Friese the applicant of the requested IUP or their representative acknowledge their presence and state their name and address.

Friese: Kendall Friese.16811 Notre Dame St Columbus Minnesota.

Hanegraaf: Thank you, Ken. You requested and IUP for a pre-existing business as you stated in your, what would you call that? You're background on your business, trucking and occasional trailer repair at 16811 Notre Dame ST. For the record and the Planning Commission could you explain a little of the history of this business and how you plan to operate?

Friese: The history is, I moved there in '92 and we built a building that I believe was '99. The trucking, the equipment over the years got a little bigger so and built a 50-foot building which was the biggest. Which housed the repair which was not big enough because the trailers are 53 feet long after about 2000 era somewhere in there. So, I couldn't get them in to work on them. We did a little bit of work on them outside. Over the years, it's beginning to be kind of an issue. What was it? 2-3 years ago, June 8th the building burned down, an electrical fire. Then we went to rebuild here, and we get compliance with everything that we needed to for the City.

Hanegraaf: Okay, Ken. Can you explain the type of work you do on trailers? Whatever? And how you operate with, are you out at the community for 10 days of the month? Is that the way it goes?

Friese: I'm gone roughly I'm gone a week at home a week is kind of where its at right now. I've been doing the transportation industry for 35 years. Kind of do a general freight out of Minneapolis area, generally going out to, we have a terminal out in Ontario California. We go out there. Its kind of just the area that I've been running. I've been working with that, that area in transportation for like I said since 1984/85 somewhere in there, prior to even moving to Columbus. But that's just what I do when I'm gone. But when I'm back for the week I kind of just do a little bit of repair on trailers and stuff I got. Some of that equipment is from what I've had from before the building burned. I'm in a process now of trying to get some of that wrapped up and getting that out of there. Just dispose of all other stuff that's going to the salvage yard. But that's the jest of what we do. 13A when I talked to Ben I called and told him that the writing on that was incorrect where it says with a semi-truck that leaves about every 10 days. I notified him, its actually, that was a different referral from the say on there, but I come and go from the yard sometimes once a day, when I'm home sometimes its once a week. It kind of varies and depends because I do some, I do when I'm home I haul some trailers to the helping hand stores, local stores either Duluth or Rochester or something like that, I will leave and come back and do that. When I do it, I kind of just sneak out quietly and come back. So that's kind of the chest of the operation it's what we do.

Hanegraaf: Okay, so let's get down to the mechanics of it. What kind of work are you doing there, trailers? Are you working on reefers and stuff like that for mechanical?

Friese: Well I have, 3 reefers. But mechanical work on the reefer part is not too often, very general I don't work on those. I take those to usually like a thermal king shop or something to do that. I don't do any of that refrigerant on it. Repairs, like I stated in there, tires and suspension. Repairs consist of other things, also like panels or so on certain trailers. And that will just consist of for one little period of time when that trailer needs repair or something. Kind of like damage repair on equipment its kind of happens. And some stuff I got I buy at salvage for a little extra something to do on the side so.

Hanegraaf: Do you do brake jobs?

Friese: Yeah, but not too often maybe twice a year.

Hanegraaf: So, you don't really, I gather just trying to get this nailed down what do you do the most of there? Just repair trailers. Like the visual sides? Or riveting and stuff like that?

Friese: Yeah like I said earlier we have some trailers there for a hauling livestock I got 3 of them. A couple of them are for parts I'm going to get rid of those. But I got those, they are riveting for panels or putting a side on it is what I would do on that. And I also got a couple of grain trailers, which I've had which I fixed one and took it to the farm and left it out at the farm, which I help my brother with the farming industry. And I got another one there that I got to fix

up and that's generally where that sets. I kind of buy and sell some stuff to the industry which I work in so.

Hanegraaf: Okay so, what are we talking about hour wise? Do you have any thing that you can put down that you're working Monday and Tuesday or is it just scattered the times your working on these vehicles?

Friese: its generally kind of scattered because when I'm coordinating I kind of dispatch and coordinate freight and stuff, but I'll work generally when I'm home probably 2-3 days of the week. About 6-10 hours a day probably. That would be every other week so. Its not extremely a lot of you know its not 7-7 5, 6, 7 days a week. Its not anywhere near that. It used to be more like that a few years ago when I was home all the time and I had employees working with me, owner operators, I had to close that down and got rid of all that operation. It's a lot less activity going on now than prior.

Mursko: Kendall, this is Elizabeth Mursko, City Administrator. Can you tell the Planning Commission are you just running your truck? And you are storing your personal truck that you run over the road at this location. I know that you repair the trailers. In your trailer repair whether its body work or whether its mechanical work on the tires and brakes, will you only have 1 or 2 trailers on the property that you are repairing inside the accessory building? And more along that lines, as far as the really, I know you've narrowed down your business, you've condensed it, but really what is the business end of what your going to do on the property?

Friese: The trailer issue that you discussed or told me there, is I have 2 rental trailers, and I have 2 of my own trailers, I have another parts trailer that are mine right now. And that's generally what I have for equipment for what I use. They're not scrap or anything, I use them. They're DOT, they are licensed. But generally, I have two of them that are rentals which I believe are going back pretty soon, because I found out I don't have much need for them anymore because I purchased a piece of equipment that kind of accommodates a little bit of that. So that's kind of in question right now if I'm going to need all of that.

King: Mr. Chair, may I ask a question?

Hanegraaf: Yes.

King: Ken, with the IUP you are applying for its kind of making that everything has to fit in your pole barn. Would the size of your pole barn, what you own or rent out, will that all fit in that building?

Friese: The trailers, what I own, fitting them in there. Well, with the other stuff I got in there I can't leave them all sit in there all the time. That would be kind of (unintelligible) to try to do that. I know there was something on the questioner that said something like that, I just was kind of like well this is not really proper wording either. But the trailers are generally not usually inside a building at all until you got to work on them and that's usually not too often.

Hanegraaf: I guess I will jump right in here, Ken. Did you receive a letter, or an email dated July 9th, by City Staff member Ben Gutknecht, noting 22 Findings of Fact and 18 Recommendations regarding this IUP? While you were reading these facts and recommendations, do you have any questions or concerns regarding them?

Friese: Yeah, its just stated also on 13A, which I discussed earlier, I also told him, I don't know if its revised, on the paper I got its unrevised, but it's on 13D where it says trailer repairs consist of brakes for airlines, suspension work, as well as riveting, fabrication of its outer shell on a semi-trailer. Friese spends approximately 10 to 20 hours per year. Because the question that I was intend, was how much time do I spend riveting? That should be about 10-20 hours per year of riveting which is just an approximate guess. Sometimes its 0 hours, sometimes its maybe 20, maybe 30 hours. But hours is not consistent, you know if you got to do a row of rivets now, I can get the trailers inside I can do that, to keep the noise down, when that needs to be done.

Hanegraaf: Okay I want to bring up on the recommendations on page 75 number 9, there is absolutely no outdoor storage or display of trucks, trailers, and equipment associated with business shall be permitted and any associated vehicles or equipment currently on site shall be removed or properly stored by time of issuance of this permit. So, I guess what were saying is, you can't store trailers outside. The way we've been doing IUP's on these businesses that's why we kind of get on people about leaving equipment outside. Did you read that part?

Friese: Yeah, I read it here, its about storing trailers. I guess the part is that you know, its not a storage trailer, but if you don't need it well you are going to park it there until you need it is kind of a different terminology of storage or stored. That's kind of my question is, storing it, just so it can sit there for 30 years. No. It's something I need or need to use. Putting it inside is kind of a, I don't know, it just doesn't seem like its really applicable to try to do that.

Hanegraaf: I understand that. But even if we go up to the top, number 1 in the recommendations. The Residential Zone Business shall comply with and is subject to all of the provisions of the City's Zoning Ordinance. I guess the deal is you're in a residential area, and well that's go down to Mastell's. They're not in a residential area, all the trailers, you can see that storage. Its written in their IUP probably. But you're in a residential area, you're storing trailers. If this was a rig you came home from California with it, parked it in the driveway, that's a different story. Leaving stuff sit there part of the business, I don't know where we sit on that. That's not following the code. I know you might be kind of confused I know you own the trailers and stuff like that for storage and stuff, but its this ordinance maybe we got to tighten up.

King: Mr. Chair, Elizabeth, how does our ordinance read for residential business? Isn't it supposed to be, how is it worded? But its not supposed to be out there in the public view. Can you explain how that's worded?

Mursko: This is Elizabeth Mursko, City Administrator. The idea of a home occupation or residential zone business as the code is written, is that its invisible to the public because its in a residential district. Whether its your neighbors or you, and such. The property is guided and zoned residential. So, we make these exceptions, because we know that people work from their house for certain occupations and such. The idea of having a permit for having a residential zoned business

is so it's a little bit more extensive than home occupation. They use part of their accessory building or their whole accessory buildings. They may have customers coming to the house. But it gives you the opportunity to put conditions on the property so that you don't impact the neighbors with different things. We have adhered to, if its your business it needs to be in the building. And I understand what Kendall is saying, that a 53-foot trailer you generally don't park or store in a building because it's so big, I understand that.

Hanegraaf: It's the way it's written.

Mursko: It's the way its written. Really you would have to change the code in order to say yes you can have outdoor storage for a business.

Hanegraaf: You know when you say it's got to be covered, would a fence, a 6-foot fence all the way around it?

Mursko: You know we have not talked about in a residential zoned business it doesn't say screened. And it doesn't give a percentage of outdoor storage, or what outdoor storage could be. So, it really would take a text amendment. And I know there's been some discussion how were going to look at residential zoned businesses in the future and how you would regulate them. So, I know that discussion is coming whether its in the next 6 months or an entire year. I know it coming, because some of these issues have been coming before you and they're not new issues but we've had feedback and I think there is a difference between a 10-acre lot and 2 ½ acre lot and an acre lot. We have all of those kinds of lots in Columbus. And these rules guide all of them. And while Kendall has 5 acres. The same rules apply to the 1 acre. At our last council meeting I don't know if those of you have been listening, there is a property in Columbus that has box trucks, stored on the property. How do you balance, you know its against the code to have box trucks on one property and then you have storage of commercial vehicles on another? That would be hard to enforce.

Hanegraaf: Steve, do you have any comments, questions to ask the applicant?

Wagamon: Well I do have some questions for him. I'm kind of trying to get an idea, a better idea exactly what he does. It seems like he does quite a bit of different things which I get. You do whatever you have to do. But can you split it up? How much time are you driving? One question first. Do you do DOT certification?

Friese: No, I don't.

Wagamon: You don't. Okay. So, driving compared to heavy work, I heard that it sounds like you probably spend 3 days a week on the work that you do, and the other times driving is that right?

Friese: Roughly like that. Generally, I'm gone for 7 days and I'm off for 7 day. But like I said on the off 7 days I'm running around like I said, helping hand trailers, running for parts or something or doing stuff like that. Every other week I should have stated as the more clarified answer on that. Then I do general repairs and stuff for operations.

Wagamon: One last question do you have lifts or hoists in there that you are lifting up?

Friese: No, I don't at this time I got a little car lift, but I do have a bridge crane which I plan on installing. I got it; I just haven't installed it yet.

Wagamon: A bridge crane? I'm not familiar with that.

Friese: Bridge crane its an overhead hoist.

Wagamon: Oh, I'm quite familiar with that. I just have never heard it called that. I'm sorry. That was the only question I had. Other than I don't know is there any this is a question for maybe Elizabeth, is there a difference when he's using his trucks for the business. As far as being parked outside or does that not have any bearing on that at all?

Mursko: This is Elizabeth Mursko, there is a difference between parking and storage. And when I look at his over the road truck its his vehicle. You know we all bring our vehicle home. To me that's parking. He's parking his vehicle he uses it 7 days a month. It's very standard throughout the community that someone would have that. As far as, the line I think is if your trailer is not hooked to your vehicle, you're then storing it. I realize that some people say well I'm parking it because it has a license on it and all and all those sorts of things and it moves and temporary. But in this case, it really is associated with a business. And it really doesn't matter whether it's a trailer or a basket. I realize there's a size difference, but it supposed to be stored inside.

Wagamon: Okay, thank you.

Hanegraaf: Thank you, Steve. Barb, do you have any statements or comments or questions of the applicant?

Bobick: Can you hear me? Hello?

Hanegraaf: Yes, we can hear you.

Bobick: Okay, I was going through the paperwork here and my concern is the storage. You have 13 tractor trailers on the property, and it is a residential area. And I'm familiar with independent truckers. My dad was one. We lived in Roseville, and he couldn't even keep his tractor and trailer in our driveway. He had to park like 2 miles and make arrangements at a gas station to park his truck and walk home the 2 miles after he got off the road you know 6 days a week. So, I know other cities have specific rules and we do about, its an industry. You know a truck is not a residential vehicle and that does concern me. I know if I were living next to you if I had to look at 13 trailers every single day from my property it would probably concern me. Because you know a lot of cities, they have ordinances for abatement of animals. Because when things are stored like that you get critters, living under them. And that's a real concern because we have wilder animals around here. So that is my concern. If they're stored in the same place, it creates other issues. I really think if you want to run a business, and I know there are other contractors out here that have businesses, but they have their own home with say a 3 car garage and then they have a huge pole barn that they can get all their equipment in it. So that their neighbors don't have to look at it. So

that would be my concern. Is there any way that you could consolidate all of your equipment so that you only keep what you need to do your business? Do you understand what I'm saying about, you know?

Friese: Yeah, I understand. As I stated earlier, I think I stated there's 2, I think, no there's 3 trailers that like I said are rental trailers. Which I said, to back up earlier, Elizabeth I believe said the aerial said there's 13 trailers well that was prior to now. I think there's 10 or 11 there now. But like I said there's actually 1, 2, 3 rentals, excuse me, there's 3 rentals there, there's 2 trailers that are sold but he doesn't have the room for them right now. He was supposed to pick them up last week so that would get rid of 2 so it'd be down to about 6. And the 6 that I have other than the one I have running on the road with, generally are the ones that I had prior to the fire, except for I believe to be 1 there that was working getting through my shop and get them done and get them out of there. which 2 of them end up at the farm and the other 2 would be sold. And one I use for a spare trailer depends on what the call is for freight if they need a refrigerated trailer or if they need a flat bed or if they need a dry van. That's what I go and use because I need a, my occupation I need a variance of equipment which you know I can limit it to approximately 4 trailers or 5 depending on what the call is. But that's what I mean, you can only hook one trailer to a truck at a time but. I understand that parts of the trailers stored outside. I don't like stuff stored out there either but like I said I've been in a 3-year lapse here trying to get some of this stuff out of here. So, I made an area in the back to put it, till I get time to get it through there which I started this spring I got a couple of them out of there and now I'm in the process of doing it. But it's kind of slowed down because when I'm gone for a week I don't get as much of that done as I plan on.

Bobick: Yeah, and I understand that. And nobody wants to infringe on your how you make a living and so forth. But your speaking of a farm, is there any possibility that you could store some of the trailers there when you're not using them so they're not in a residential area. Or could you maybe rent a space in a commercial area; you know so that your neighbors wouldn't have to look at that. You know what I'm saying? Because it is a residential area.

Friese: Yeah, I understand that. I kind of tried to do the best I could to kind of, when I fire happened it kind of made a big mess of everything. So, I had to redo everything. So, I got a place where I stored (unintelligible) only visible site to the neighbors is the people on the other side of the creek. I think that's the rice creek, it runs through the very back of my yard. Which it goes to the far east of the property there is one house there, maybe 2 that can probably see the trailers. But everything from the road is not really visible or (unintelligible). Two closest neighbors that's kind of why I put them back there. There not there just to store, as junk. There just there till I get the process through to get them done and get them out of here. I do have an option to move a couple of them down to a place where I used to rent a shop. When the building burned, I could probably rent a space there. But some of that is probably best if I don't move it until I get it through the shop, because it's kind of, it kind of only should only be once, otherwise it starts to get damaged a lot more than it already is.

Bobick: Well I guess that's the only question I have. So, Mr. Chair if you want to pass it on to someone else.

Hanegraaf: I think we've gone through all the commissioners here. I want to note one thing Ben put up the code there. Can you pull that up that section 7A-806? No outside display or storage of materials, products, debris, junk, waste, equipment, or vehicles associated with residential zoned businesses permitted, except vehicles customarily allowed with the principal residential use of the property. I just want to tell you that again, do you have any other statements before I open this up to the public for the public hearing?

Friese: Yeah, I would see if we can maybe include or exclude the equipment that I can or generally use for the, like I said, I will need 3 or 5 of pieces of equipment that I generally use for picking up freight. Which you know is flatbed, van, reefer, rollout door, swing door type stuff so I use a little variance of equipment. So, it's like you know I can't pull them all at one time. If I could kind of you know keep it low key, out of the way, not visible to most neighbors, see if we can kind of a little variance on that a little bit, to accommodate the business.

Hanegraaf: Okay, its time to open up the public hearing for the public, Mr. Friese. We would like to reserve the right to come back to you if further questions should come up and also if you have any comments to make concerning testimony taken from the public. I'm going to open it up to the public, anyone who is interested in this matter and wants to present testimony on the issues please acknowledge themselves by stating their name and address after which you have the floor to speak. I heard some people earlier so, who would like to step forward?

Rivard: My name is Annette Rivard. 8777 167th Lane NE. And I'm adjacent to him to Mr. Friese. First, I would like to say, I appreciate Mr. Friese that you have made an attempt to clean things up. One of my biggest concerns has been the whole time, well actually 2, one was the noise because I understand your schedule, what your schedule is. But I have gone to bed at 9 o'clock or 9:30 and I get up very early to go into the cities to work, and I've heard riveting 9/9:30 at night waiting to finally fall asleep at 10 when it shuts down. Noise for me has been a biggie. Because I have windows closed and again, living in the county I've always been able to sit on my deck, and have a conversation and that hasn't even been when your busy, it sounds like riveting. So, I don't know the tools or the terminology. But its just pretty noisy and I don't know how to reign that in. I understand a person, as far as I wouldn't want to have doors shut in my pole building either when I'm working but, I'm the evening I can't have a conversation with my friends or even have dinner out on my deck. Because the noise is so loud. My other concern, I heard you talk about the fire, and I was called home from work twice about the fire, because I am adjacent to your property. And I do have horses that I have to move if that fire was to jump that creek. I only heard about the one fire, I didn't hear about the second one, but they were about 7 months apart. Is that correct?

Friese: I don't know where did the second fire come from? Excuse me on that. Yeah there was actually a truck fire in November 8th of 2016. Yeah that's what you're referring to. But the other one was a building fire.

Rivard: Yeah, that was a biggie. Yeah again, my concern is the safety of what your doing over there. Because those two, like I said was quite toxic and it was pretty major because the pictures I got, I was like holy crap, I dropped what I was doing and came home. I work in the medical field too. So that was kind of it for me. And again, I do appreciate you are trying to keep the noise to a minimum and that you are trying to clean it up. That was just my concern is I see that your

schedule, and I get it too, I've worked extra jobs to make ends meet, I'm not saying that you are, I'm just saying for me personally. Those late hours, I had to close windows, I don't even use my air conditioner. I like to have my windows open. I love to be outdoors. So, it's kind of my concern is the noise. And of course, I winced when I heard you saying about getting cleaned up, your trying to get things off your property, get it all in your building. I heard what all the codes are and the ordinance and stuff so. I'm glad your trying to get that stuff in place. So, I appreciate that.

Friese: Is the noise since we rebuilt, I try to eliminate all the noise I can. Is it still effecting?

Rivard: Oh yeah, its pretty loud. We've got an actual recording of it. It's like woah.

Hanegraaf: I hate to interrupt you two, but we don't typically carry conversations between the applicant and people of the public.

Rivard: Okay that's fine

Hanegraaf: Okay, thank you Annette. Is there anybody else? Is there anyone else out there that would like to speak?

Vaughn: Yeah, this is Tim Vaughn. 8777 167th Lane NE. I live with Annette also. Its been an issue for quite a while. The biggest on for me is the noise. It seems to be some sort of (unintelligible) air chisel of something. When they're dismantling these semis, I can't even describe the sound. It's just, you can't do anything. You have to close up. Sometimes I just leave the house because its so bad. And its been an ongoing issue. I've called the City many times. I've made trips up there. It never seems to get resolved. I did make a trip back in April or excuse me, I called I think I talked to Elizabeth because the noise was getting so bad. I'm home during the day so I hear it more than other people. Other people are working and don't hear it. When I called, I was told that there is no permit and that they weren't allowed to keep semis on the property. I don't know for how many years I've been looking at semis over there. I was just out on my deck earlier and I can count at least 6 that I can see. And it looks more like a distribution center than residential neighborhood. So, I'm having some real issues with the whole thing. I understand Mr. Friese is trying to make a living but this is a residential neighborhood and I just don't see how we can coexist the way things have been going. I must say it has been a little better, as far as the noise goes. When the leaves are out, I don't see it as much as I do in the winter. but there's a pile of scrap metal with a semi cab in it. There's damaged semis. These aren't little utility trailers these are semi-trailers. You move out here to live out here. You don't expect to have to look at that. Those are my complaints.

Hanegraaf: Thank you Tim.

Vaughn: you bet.

Hanegraaf: Is there anyone else that would like to present testimony.

Lundberg: Yes, this is Craig Lundberg.

Hanegraaf: Craig?

Lundberg: Craig.

Hanegraaf: Your address?

Lundberg: 16762 Stafford St.

Hanegraaf: Okay, you have the floor sir.

Lundberg: I'm property on the other side of the creek that looks over and looks at all his trailers right out my kitchen window. And my concern is, if he has 6 trailers as of now and he has no permit, how many trailers is he going to have next? Am I going to be looking at a trailer park? I mean (unintelligible) put trailers on. I really don't want to look at a trailer park out my kitchen window. And the noise is also is factor over here. So maybe some (unintelligible) work hours? You know? Just like a regular business would be helpful.

Hanegraaf: Okay, Craig, is there anything else?

Lundberg: No, I think that's it.

Hanegraaf: I appreciate the call. Is there anyone else out there? Anybody else would like to make a statement? Hearing none were going to close the public hearing.

At this time Chair Hanegraaf closed the Public Hearing. Hearing closed at 8:46 p.m.

Respectfully submitted:

Rochelle Busch, Recording Secretary