

**CITY OF ISANTI
PLANNING COMMISSION
MEETING MINUTES
May 13, 2014**

1. Meeting Opening.

A. Call to Order.

Englund called the meeting to order at 7:00 p.m.

B. Pledge of Allegiance.

Everyone rose for the pledge of allegiance.

C. Roll Call.

Members Present: David Englund, Sue Larson, Steve Lundeen, Kristi Gordon, Wayne Traver, and Cindy Lind-Livingston.

Members Absent: None.

Staff Present: Community Development Director Roxanne Achman, City Attorney Clark Joslin

Others Present: None.

D. Agenda Modifications.

Achman stated there were none.

2. Organization of Advisory Bodies as per the City Code of Ordinances Chapter 8.

A. Nomination of Vice-Chair of the Planning Commission

Lind-Livingston nominated Traver to take the Vice-Chair position, Larson seconded the nomination. Traver accepted the nomination. Motion carried unanimously.

3. Approval of Minutes from April 8th, 2014 Planning Commission Meeting.

Englund questioned if there were any comments or changes to the minutes.

Motion by Lundeen, second by Larson to approve the April 8th, 2014 Planning Commission Meeting Minutes.

Motion was unanimously approved.

4. Public Hearings.

A. Request from Minnco Credit Union for an Interim Use Permit to allow for Temporary Motor Vehicle Sales on the property located at 309 and 311 Credit Union Dr NE; which is legally described as Lot 1 and Lot 2, Block 1 Credit Union Addition.

Achman presented the staff memo and staff's recommendation to approve the IUP request.

Englund opened the public hearing at 7:03 p.m. There was no one to speak on the item. The public hearing was closed.

Motion by Larson, second by Lundeen to approve the request from Minnco Credit Union for an Interim Use Permit to allow for Temporary Motor Vehicle Sales on the property located at 309 and 311 Credit Union Dr NE; which is legally described as Lot 1 and Lot 2, Block 1 Credit Union Addition. Motion was unanimously approved.

B. Request from the Isanti City Council to approve an Amendment to the Conditional Use Permit and Site Plan Review as requested by Ever Cat Fuels, LLC for a Bio-Diesel Plant to be located on the property at the Northwest Quadrant of Isanti Parkway and East Dual Boulevard previously approved pursuant to Resolution No. 2007-245.

Englund introduced the item.

Achman presented the staff memo. Mentioning that the Conditional Use Permit has been updated since the agenda packet was released and a new CUP was placed in front of each of them prior to the meeting. She read the following conditions to the Planning Commission:

7. The petitioner shall comply with Isanti Ordinance Number 420 related to stormwater management practices, including the prohibition on causing illegal discharges to the City stormwater system, and no product from the facility's manufacturing process shall be discharged to the City stormwater or ponding system.
8. The petitioner's discharge to the city sanitary sewer system shall be limited to domestic waste water, including wastewater from restrooms, laundry facilities, kitchen areas and housekeeping wash water. The petitioner shall implement housekeeping practices, including spill response practices as required by state law, to ensure that wash water from production areas does not include any avoidable amount of products used in the manufacturing process or the product of the manufacturing process.
9. All costs associated with maintenance/repair of city infrastructure due to violations of Isanti Ordinance Number 420 or the discharge of nondomestic wastewater, including products used in the manufacturing process or the product of the manufacturing process, that obstruct the flow in City sewers shall be paid by Ever Cat Fuels within 30 days of notice from the City.
10. All incidents (as defined herein), shall be reported to the City of Isanti's Mayor, City Administrator, Assistant City Administrator or Community Development Director or his or her designee within 12 hours of the knowledge of an occurrence.
11. Incidents shall be defined as:
 - a. Discharge of illegal substances to the City stormwater system or any discharge to the City sanitary system of nondomestic wastewater, including products used in the manufacturing process or the product of the manufacturing process.
 - b. Fires or explosions.
 - c. Fugitive odors – i.e. the release of offensive or noxious odors into the atmosphere.
 - d. Ongoing MPCA or other environmental agency investigations and/or citations.
12. Ever Cat Fuels LLC shall notify the City of Isanti's Mayor, City Administrator, Assistant City Administrator or Community Development Director or his or her designee at least 24 hours in advance of any predictable incidents via email or other written communication.
13. In accordance with Minnesota law, the breach of the conditions of the Conditional Use Permit may under certain circumstances be grounds for amendment or revocation of the Conditional Use Permit.

Achman stated that the conditions have been discussed and agreed upon by both the City of Isanti and Ever Cat Fuels.

Lind-Livingston asked if they have ever discharged illegal substances into the storm sewer.

Achman replied that they had dealt with issues a number of times.

Lind-Livingston asked how often they release offensive odors. It seems like it uses to smell a lot more a while ago.

Achman stated that to her understanding, they've improved some equipment to reduce the amount of odors released.

Lind-Livingston asked – if it's a predictable incident, can't they prevent it?

Achman explained that in the past Ever Cat has had to exchange equipment that would result in the release of odors. Ever Cat would call the City to let them know this would be occurring.

In regards to number 8, Larson asked about the spills in the loading area, the washing of the area where they are loading, where's all that drainage going to?

Lundeen asked Joslin to address this question.

Joslin stated that they are not supposed to be spilling anything. If there's a little bit of leakage in the loading area, the goal is to keep that from getting into the storm water system. Even if it's spillage from a loading process, that would be considered a discharge and there's not supposed to be a discharge of anything that will get into the storm water ponding or storm water drainage system. If there were some kind of an incident, they are to follow the MPCA procedures to clean it up. If it's just trace amounts because a drop or two get away, that's not going to be too concerning, but if they spill measurable amounts, then they need to prevent it from getting in the waste water system. If it shows up in the waste water system, that's going to be a violation. In terms of how closely that's monitored, the site itself is primarily going to be monitored by the MPCA. If it gets into our system and we find evidence of the product, then they'll have to be dealt with in a way that rectifies the problem. If there's an expense involved they are responsible for paying for the clean-up costs.

Larson said that she didn't remember the design of the loading area and where spills would get washed too.

Joslin indicated that Brad DeWolf would be in a better position to answer that question but what he envisions is that they would use some absorbent material, and then there are MPCA regulations on where it is to be disposed of.

Lundeen asked if they had a containment pond.

Joslin informed Lundeen that they don't really have a containment pond. Their pond will catch things if they have a major spill, it's not supposed to do that, but it would contain it on the site, but those ponds are intended to be storm sewer ponds, not containment ponds.

Lind-Livingston asked how large their spills have been in the past. How many and how big of an issue has it been in the past?

Achman replied that it has become an issue twice that she is aware of where they had to clean it out of the lift stations. There's been an oily substance that the Public Works staff has had to clean out of there.

Lundeen stated that they are to be paying the City for that time.

Traver said that at any given time when you drive past there you can tell that spills are not just a couple drops. They were pretty significant up until we had the rain. Before that you could see oil traces coming out of there. It wasn't just a little bit, it was a lot. My guess is that's kind of careless. A couple drops are one thing, but it looks like they are losing gallons. It's coming out of the driveway and its going thirty to fifty feet from the entrance to the facility. The other thing I noticed, they pile snow up at the ends and it killed all the grass, but now they put rock in there, and if they continue to pile up all the snow it's just going to melt down on to the rocks. And whatever killed the grass is now going to melt down through the rocks and contaminate the soil. If you kill off that much grass, there's something going down in that soil. It didn't make it just a little brown, it killed it off.

Lundeen said he's pretty confident that the MPCA is keeping a pretty close eye on them. He said he was aware that Mr. Joslin and their (Ever Cat's) attorney met and came to a lot of resolutions on where they are at on this.

Larson had a question on "all incidents shall be reported to the city within 12 hours". She stated that she thought that some incidents should be reported, if not all, immediately so that someone at the City knows there has been an incident right away rather than having that 12 hour window. And I know City Hall doesn't open up until X time and that it's closed at X time, and maybe that's where they're looking at the 12 hours, but still, I think somebody should be receiving a call immediately.

Joslin indicated that this has been run through the City Engineer and the time frame was deemed appropriate. And if you don't have a time frame then there'd be a question – what does immediate mean? What's reasonable? It may vary under the circumstances; this may be a fairly liberal time frame in some circumstances and may be a strict time line in others. Joslin said he would assume that if there was some kind of major incident he thinks we would become aware of it as soon as the incident did occur. Where the 12 hours came from, he's not sure. He said he didn't negotiate that.

Larson said they've been a good company as far as Isanti getting on the map.

Englund asked if there were any other questions.

Englund opened the public hearing at 7:18 pm. There was no one to speak on the item. The public hearing was closed.

Motion by Lundeen, second by Larson to approve the request from the Isanti City Council to approve an Amendment to the Conditional Use Permit and Site Plan Review as requested by Ever Cat Fuels, LLC for a Bio-Diesel Plant to be located on the property at the Northwest Quadrant of Isanti Parkway and East Dual Boulevard previously approved pursuant to Resolution No. 2007-245. Motion was unanimously approved.

4. Other Business.

A. None.

Achman stated there was none.

5. Discussion Items.

A. None.

6. Adjournment

Motion by Lind-Livingston, second by Larson to adjourn the May 13th, 2014 meeting of the Planning Commission. Motion was unanimously approved.

The meeting adjourned at 7:19 p.m.

Dated at Isanti, Minnesota this 20th day of May 2014.

Respectfully submitted,

Roxanne Achman
Community Development Director