



Planning Commission Meeting

April 17, 2024

7:00 PM

Fridley Civic Campus, 7071 University Avenue N.E.

Agenda

Call to Order

Roll Call

Approval of Meeting Minutes

1. Approval of the February 21, 2024, Planning Commission Meeting Minutes

Public Hearing

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

Other Business

Adjournment

Upon request, accommodation will be provided to allow individuals with disabilities to participate in any City of Fridley services, programs, or activities. Hearing impaired persons who need an interpreter or other persons who require auxiliary aids should contact the City at (763) 572-3450.



AGENDA REPORT

Meeting Date: February 21, 2024

Meeting Type: Planning Commission

Submitted By: Julianne Beberg, Office Coordinator

Title

Approval of the February 21, 2024, Planning Commission Meeting Minutes

Background

Attached are the February 21, 2024, minutes from the meeting for the Commission's consideration

Financial Impact

None

Recommendation

Staff recommend the approval of the February 21, 2024, Planning Commission Meeting Minutes

Attachments and Other Resources

- February 21, 2024, Planning Commission Meeting Minutes

Vision Statement

We believe Fridley will be a safe, vibrant, friendly and stable home for families and businesses.



Planning Commission

February 21, 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

Approval of Meeting Minutes

1. Approve November 15, 2023, Planning Commission Minutes

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

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

Public Hearing

2. Public Hearing to Consider Interim Use Permit, IUP #24-01, to Allow an Electric Security Fence Use at 4650 Main Street NE

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, presented a request for an Interim Use Permit (IUP), from Amarok on behalf of Electric Motor Supply Company, to allow a ten-foot tall low-voltage electric security fence at 4650 Main Street NE. She stated that a similar request was considered in November for Copart located at 3737 East River Road, and approved by the City Council in December. She reviewed the site description and some history of the property as well as surrounding property uses. She explained the differences between this site and the Copart site noting that the proposed fence in this case would be visible from adjacent residential properties. She stated that the current chain-link fence along the railyard is overgrown with vegetation, vulnerable to being cut and shorter than the maximum height allowed. She reviewed the IUP criteria for consideration and noted that this request would not meet two of the criteria and therefore staff recommends denial of the IUP as the interim use would affect the surrounding neighborhood character and the reason to terminate the interim use is unclear.

Commissioner Klemz asked and received confirmation that Amarok was also the applicant for the Copart request. He asked if this were approved, would the only IUPs in Fridley be for electric fences.

Ms. Abts confirmed that would be correct.

Commissioner Borman asked if a timeline for the use was not established.

Michael Pate, Amarok Security, explained how Amarok runs its low-voltage electric fences using solar power and how that links to the security system. He stated that this installation is over 300 feet from the sidewalk/trail and could not be seen. He stated that the warning signs would be placed every 30 feet and would not be visible from the sidewalk. He stated that he would be fine with including an end date, as the equipment would be removed if the business were to leave the site. He commented that the Copart fence was not noticed for over 30 years.

Commissioner Meisner asked if the electric fence would be installed inside a perimeter fence.

Mr. Pate confirmed that the electric fence would be contained inside the perimeter fence as required by the institute standards.

Chair Hansen noted that the graphic in the presentation showed a distance close to the trail and asked for clarification. Commissioner Meisner noted that the site plan diagram shows clear representation of where the fence is proposed.

Brett Bullock, business and building owner, provided clarification on the proposed fence location, noting that it would not be on the side of the property near the sidewalk/trail.

Commissioner Meisner asked how the electric fence would do its job. Mr. Pate explained that the electric fence is a bit higher than the perimeter fence and provided additional details on how that electric fence would be a barrier.

Commissioner Klemz asked staff for clarification on an IUP and its intended use.

Ms. Abts replied that an IUP is intended to allow a use, temporarily, that is presently acceptable but would not be with future development or use of the site.

Chair Hansen referenced the photos showing sections of the current fence in disrepair and asked if those would be addressed.

Ted White, Operations Manager for the business, commented that they have had issues with people trespassing into their yard for as long as he has worked there, which was 2008. He stated that he calls the Police Department three to five times per year and half the time the Police catch individuals attempting to steal from the yard. He stated that he has been investigating options to deter this theft, explaining that the thieves are taking parts of the electrical equipment that can be scrapped which leaves the equipment unusable and cannot be sold. He stated that this equipment ranges in price from \$25,000 to \$100,000. He stated that he has reviewed replacement of the chain-link fence, but the thieves are cutting the fence and will continue to do so even with a new fence of that type. He stated that in his research he found Amarok and that does seem like a good plan for mitigation. He stated that they would be clearing the overgrown vegetation before the Amarok fence is installed. Mr. Pate clarified that the Amarok fence would not work properly if there is vegetation on the fence and therefore, they keep that area clean.

Chair Hansen asked if a privacy screen could be added to the chain link. Mr. Pate confirmed that the perimeter fence could have the privacy screen without impacting his fence.

Mr. Bullock commented that he has owned the building since 2003 and has come to the City for any permits that he requires. He commented that he donates to the Police Department and donated the land for the trail and therefore is a good community member. He stated that they are not linked to Copart and found out about Amarok because of their online research. He stated that the Police Department is phenomenal and City staff has always been great to work with.

Commissioner Meisner recognized that the property is having a problem with security at this location. He noted the staff recommendation for denial and asked the alternatives that have been discussed to resolve this issue with security on the property.

Mr. Bullock commented that he has worked with the Police Department over the years and was part of a pilot program but was then told that the issue was too big, and he would need to find the solution himself.

Commissioner Borman commented that an IUP is intended to be a short-term fix and asked what the long-term fix would be. Mr. Bullock commented that he cannot control the attempted thefts and has been told that the Police cannot control that either, which led to this solution. He stated that perhaps

a five-year period is allowed to try this out. He commented that the City and its Police are great, but the railyard is a problem because of the theft activity. He clarified that the railroad will only allow them to trim and maintain their side of the fence line and will not allow that activity on the other side of the fence.

Chair Hansen asked and received clarification that the issues are only on the railway side of the property. He asked if the electrified fence would need to be around the building or whether it could just be near the railway.

Mr. Pate commented that would be similar to locking only the back door and not the front door of a building, as thieves would simply enter from the portion that is not electrified.

Stacy Stromberg, Planning Manager, commented that since this application was received staff met with the Police Department and an Officer took staff onsite to view the property from the railroad side. He stated that the Officer mentioned that he was willing to do a security assessment with the property owner, as the six-foot chain-link fence is the only deterrent to theft. She reviewed some other measures that could be considered to deter theft such as a taller fence, lighting, cameras, opaque fencing.

Mr. White commented that he does have a full camera security system at the site and has installed spotlights. He was unsure how making the fence taller would help as the thieves are cutting the fence, not going over it.

Chair Hansen asked if there was data on similar properties in this area that experience issues with theft. Ms. Stromberg commented that there are industries along the corridor with outdoor storage but was not aware of similar incidents. She noted that those businesses have better screening from the railway which perhaps has deterred issues of theft on those properties.

Mr. Bullock commented that part of the issue is that their equipment has copper, which is a target for thieves.

Commissioner Brom asked if the City is concerned with children interacting with the fence.

Mr. Pate provided details on the level of shock that would be provided from the fence. He noted that the shock will not harm someone, but it will deter theft. He also noted the difficulties in attempting to work with the railroad, explaining that the solution must be on the subject property.

Ms. Stromberg commented that staff received an email from Burlington Northern this afternoon with some questions/concerns about the request, but she has not yet had time to respond to that email.

Motion by Commissioner Meisner, to close the public hearing. Seconded by Commissioner Borman.

Upon a voice vote, all voting aye, Chair Hansen declared the motion carried unanimously and the public hearing was closed at 7:42 p.m.

Commissioner Klemz stated that it does not seem that either of the IUPs considered would meet the temporary use criteria. He recognized that during the review of the last electric fence request there was discussion on whether that would set precedent and here is another request. He stated that it would seem clear that a text amendment would be the better path rather than continuing to use the IUP tool. He noted that the Copart site was very unique in that it was bordered on all sides by industrial property and no residential property nearby. He stated that he supported the Copart request because of its unique use and location but believed that the Council should consider a text amendment related to electric fences and determine whether they should be allowed or not. He stated that if approved as a use, specific criteria could be developed. He stated that he will not be supporting the request as he believes the text amendment path should be considered.

Commissioner Borman also agreed that this is not an appropriate interim use, although he recognized the concerns for safety that the property is experiencing.

Commissioner Meisner stated that he did not get the impression that interim meant short-term. He stated that if an end time were specified, such as the business no longer operating, the IUP would terminate. He did not see an issue with visual concerns given the distance from the property line. He asked if Public Safety had concern with the electric fence or merely offered to complete an assessment. Ms. Abts replied that from a safety perspective, Public Safety does not have concerns with the proposed fence. Commissioner Meisner commented that the concerns supporting denial are mitigatable. He agreed that a text amendment could be considered going forward. He noted that this case and the previous Copart case are completely separate and should not be lumped together as the only commonality is the electric fence component.

Commissioner Heuchert stated that his concern would be that there are other alternatives that could be considered before approving this request. Commissioner Meisner stated that if the City does not have a problem with electric fences in terms of safety, and that is a viable solution for the petitioner, he does not see a problem with the request. He stated that he would not want the City or Commission to second guess how a business manages the security of its site.

Commissioner Klemz stated that it was clear in November that there were sites that would not be appropriate for an electric fence and therefore believes there should be a more comprehensive approach, via a text amendment as that would provide specific criteria for such requests. Commissioner Meisner agreed that request could still be made for a text amendment, independent of this request. Commissioner Klemz stated that he would be denying the request as he would prefer to consider requests under a set of standards rather than continuing to review and approve on an ad-hoc basis.

Chair Hansen stated that he would also lean towards following the staff recommendation. He stated that the Copart location was unique, and he would not want to see electric fences all down the Main Street corridor or near residential. He stated that the Commission makes a recommendation, and the City Council will make the final determination.

Motion by Commissioner Borman recommend denial of the Interim Use Permit, #24-1. Seconded by Commissioner Klemz.

Upon a voice vote, five votes in favor and one vote opposed (Meisner opposed), Chair Hansen declared the motion carried unanimously.

Other Business

Ms. Abts noted that typically there is an election of a Vice-Chair at the first meeting of the year, but it was not placed on the agenda in error.

Chair Hansen asked for nominations for the position of Vice-Chair.

Commissioner Heuchert nominated Commissioner Klemz. Commissioner Klemz declined the nomination noting that he already serves as the Chair of another Commission.

Commissioner Meisner commented that he would consider the Vice-Chair role.

Motion by Commissioner Meisner to elect Ross Meisner as Vice Chair of the Planning Commission for 2024. Seconded by Commissioner Brom.

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

Ms. Stromberg commented that the March meeting has been canceled and noted an upcoming workshop in April.

Adjournment

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

Upon a voice vote, all voting aye, Chair Hansen declared the motion carried unanimously and the meeting adjourned at 8:05 p.m.

Respectfully submitted,
Amanda Staple, Recording Secretary



AGENDA REPORT

Meeting Date: April 17, 2024

Meeting Type: Planning Commission

Submitted By: Scott Hickok, Community Development Director
Stacy Stromberg, Planning Manager
Nancy Abts, Associate Planner

Title

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

Background

An application for an amendment to the city’s fence code was submitted by Amarok, on behalf of STB Minneapolis Partnership, LLP, the owner of 4650 Main Street NE (occupied by Electric Motor Supply Company).

On March 11, 2024, the City Council denied an application for an Interim Use Permit (IUP) authorizing an electric security fence at this location. The application did not meet the criteria established for Interim Use Permits. As part of the decision to deny the IUP, an amendment to the City Code was identified as a potential way to allow electric security fences in more locations in the community.



Figure 1: The ‘Pyramid of Discretion’ for reviewing land use applications.

The City has relatively broad discretion in choosing to adopt an ordinance amendment. Generally, the city’s zoning and land use regulations are intended to implement the Comprehensive Plan. The Comprehensive Plan does not speak directly to the topic of electric security fences.

Additionally, the City Attorney has advised that ordinance amendments are not bound by the “60-day law” contained in Minnesota Statute 15.99, which prescribes a timeline for approval for requests relating to zoning and other approvals.

The state legislature is currently processing preemption bills relating to battery-charged electric security fences. Additionally, the City is in the process of updating its Zoning and Fence Codes with an expected first reading of those codes in fall 2024. The City may decide to delay its decision to coincide with either of these items.

Vision Statement

We believe Fridley will be a safe, vibrant, friendly and stable home for families and businesses.

Analysis

Staff believes that electric security fences are similar to barbed wire security fences. Staff suggests that electric security fences be allowed as an accessory use to properties that abut the railroad. The proposed ordinance allows electric fences on industrial properties with outdoor storage uses. It also allows them at sites with public utilities and defense contractor facilities for protection. This mirrors the city's existing allowances for barbed wire security fences.

The applicant proposes that electric fences be installed inside a non-electric fence or wall. Staff's draft ordinance specifies that this fence should be at least eight feet tall, to ensure that casual contact with the electric fence is not possible from the ground. This height also ensures that a building permit is obtained; building permits are required for fences over seven feet tall. Building permit review ensures that the perimeter fence is structurally sound and appropriately installed, and that proper documentation of property boundaries and easements is reviewed as part of the approval process. As part of the building permit review, the fire department ensures that adequate measures are taken to allow public safety to access the property.

Financial Impact

The application fee is intended to cover the costs of processing a text amendment application.

Recommendation

Staff recommend the Planning Commission hold a public hearing regarding the proposed ordinance.

Staff further recommends that the Commission make a recommendation to the City Council to approve the ordinance amendment.

The Council is scheduled to review this item at their May 13, 2024, meeting. Ordinance amendments undergo two readings at the City Council and are effective 15 days after publication in the city's official paper.

Attachments and Other Resources

- Draft ordinance
- Application materials
- Public Hearing notice

Vision Statement

We believe Fridley will be a safe, vibrant, friendly and stable home for families and businesses.

Fridley City Code
Chapter ###. Fences

###.03 FENCE HEIGHT

No fence shall exceed a height of 30 inches within 10 feet of a driveway for 10 feet in each direction from the intersection of the property line.

1. Residential districts – Fences located in the front yard shall not exceed four feet in height. Fences located in the side and rear yard shall not exceed seven feet in height.
2. Commercial districts – Fences located in the front yard shall not exceed four feet in height. Fences located in the side and rear yard shall not exceed eight feet in height unless otherwise authorized by this chapter.
3. Industrial districts – Fences located in the front yard shall not exceed four feet in height. Fences located in the side and rear yard shall not exceed eight feet in height **unless otherwise authorized by this chapter.**
 - a. Security Fencing.
 - i. Barbed Wire. In addition to an eight foot high fence, up to three strands of barbed wire, not to exceed 18 inches in height, may be affixed to the top of the eight foot high fence and mounted on standard barbed wire arms designed specifically for that purpose. These barbed wire arms may be used on industrial properties only under the following conditions:
 1. Barbed wire may be used on all sides of public utility and defense contractor facilities for protection.
 2. Barbed wire may be used in the side and rear yard of those properties that have approved outdoor storage use.
 - ii. **Electric wire. In addition to an eight-foot high solid-surface fence, electric security fencing may extend up to 24 inches above the eight-foot high fence.**
 1. **Electric fencing must be placed inside a solid-surface or otherwise impenetrable eight-foot tall non-electric security fence, in order to prevent contact with the electric fence.**
 2. ***Electric fencing may be used on all sides of public utility and defense contractor facilities for protection***
 3. ***Electric fencing may only be used in the side and rear yard of industrial properties that both***
 - a. ***Abut a railroad; and***
 - b. ***Have approved outdoor storage uses.***
 4. **The electric fence shall at all times be marked with clearly legible electric fence warning signage. Signage shall be placed at least every 30 linear feet.**

5. The area three feet from the fence in any direction must be kept free of vegetation which may contact the electric fence.

- b. With City approval, during times of national emergency, properties may be authorized additional usage of barbed or electric wire to include temporary barriers made of barbed wire and barbed wire used to top temporary security fences.

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###.06 PROHIBITION

The following fences are prohibited within the City:

1. Any fence charged with or connected to an electrical current able to be transmitted to persons, animals, or objects which might come in contact with it, unless otherwise authorized by this chapter.
2. Any fence constructed within or on any public right-of-way.
3. Any fence constructed within, on, or through drainage areas, ponds, or wetlands.
4. Any fence that encloses, hinders, or restricts access to above ground utility boxes, fire hydrants, or other above ground utility structures or components.
5. Any fence located within a Vision Safety Zone.



Fridley Civic Campus

7071 University Avenue N.E. Fridley, MN 55432
763-571-3450 | FAX: 763-571-1287 | FridleyMN.gov

Permit Information:

Permit Type: Text Amendment
Permit Subtype: Text Amendment Permit
Permit Number: TA24-000001
Work Description: To allow the installation of 10' low voltage, battery powered (12V/DC) pulse electric security fence on non residential property

Property Information:

Address: 4650 MAIN ST NE
City, State and Zip: FRIDLEY, MN 55421
PIN: 273024440001

Property Owner Information:

Property Owner: STB MINNEAPOLIS PTSHLP LLP
Property Owner Address: 4650 MAIN ST NE
FRIDLEY, MN 55421

Applicant Information:

Name: Michelle Affronti
Address: 550 Assembly Street
5th Floor
Columbia, SC 29201
Phone: (803) 923-2715

Application Information:

Is the applicant the property owner?	No
Property Owner Email	twhite@Emscomn.com
Property Owner Phone Number	763-248-4044

Payment Information:

Payment Date	Received From	Payment Amount
03/15/2024	Michelle Affronti	\$1,500.00
03/15/2024	Michelle Affronti	\$41.25

Signature:**Application Date:**

Application Date: 03/15/2024

Review Dates:

Activity Name	Completion Date	Activity Status
Application Intake	03/18/2024	Under Review
Send 15 Day Letter	03/28/2024	Complete
Planning Commission Meeting	04/17/2024	Pending
City Council Meeting	05/13/2024	Pending
File with County		

CHAPTER 213 FENCES

213.01 DEFINITIONS

213.02 LOCATION

213.03 FENCE HEIGHT

213.04 CONSTRUCTION AND MAINTENANCE

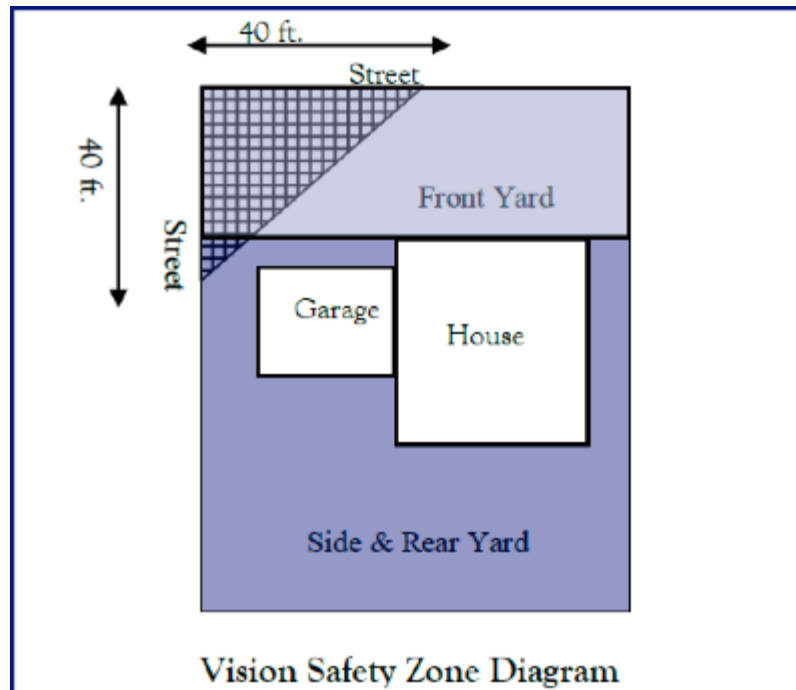
213.05 PERMITTING

213.06 PROHIBITION

(Ref. Ord 180, 1160 and 1320)

213.01 DEFINITIONS

1. Fence – As used herein the term "fence" means and includes a structure, partition or wall erected for the purpose of enclosing a piece of land or to divide a piece of land into distinct portions. The term "fence" includes an enclosure made of a permanent material, such as wood or iron.
2. Vision Safety Zone – The triangular area of a corner lot beginning at the intersection of the street surface edge or curb lines, measuring forty (40) feet along each curb line and a straight line between the two (2) points.



213.02 LOCATION

Fences shall be located entirely on the private property of the owner constructing the fence. It is the responsibility of the property owner installing the fence to determine the location of the property line.

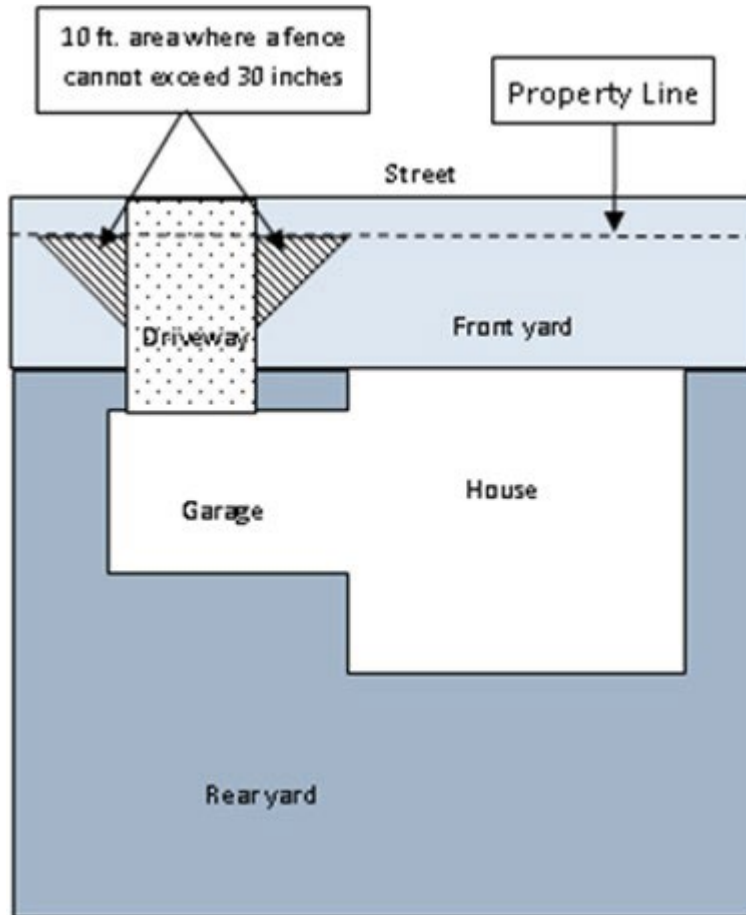
Fences on corner lots shall not encroach into the Vision Safety Zone.

Fences placed within a drainage or utility easement shall not impede the flow of runoff or interfere with planned or installed utilities. The City or any utility company having authority to use such easement shall not be liable for any damages, or to repair or replace such a fence, in the event it is moved,

damaged, or destroyed in the maintenance of the easement or the installation, maintenance, or repair of utilities thereto. Item 2.

213.03 FENCE HEIGHT

No fence shall exceed a height of thirty (30) inches within ten (10) feet of a driveway for a distance of ten (10) feet in each direction from the intersection of the property line.



1. Residential districts – Fences located in front of the principal structure shall not exceed four (4) feet in height. Fences located in the side and rear yard lot line shall not exceed seven (7) feet in height.
2. Commercial districts – Fences located in front of the principal structure shall not exceed four (4) feet in height. Fences located in the side and rear yard lot line shall not exceed eight (8) feet in height.

In addition to an eight (8) foot fence, up to three (3) strands of barbed wire, which are not to exceed eighteen (18) inches in height, may be affixed to the top of the eight (8) foot fence and mounted on standard barbed wire arms designed specifically for that purpose. These barbed wire arms may be used in the C-2 and C-3 districts, under the following conditions:

- a. Barbed wire may be used on all sides of public utility and defense contractor facilities for protection.
- b. Barbed wire may be used in the side and rear yard of those properties that have approved special use permits for outdoor storage areas or outdoor sales lots.

- c. With City approval, during times of national emergency, properties may be authorized additional usage of barbed wire to include temporary barriers made of barbed wire and barbed wire used to top temporary security fences. Item 2.

3. Industrial districts – Fences located in front of the principal structure shall not exceed four (4) feet in height. Fences in the side and rear yard shall not exceed eight (8) feet in height.

In addition to an eight (8) foot fence, up to three (3) strands of barbed wire, which are not to exceed eighteen (18) inches in height, may be affixed to the top of the eight (8) foot fence and mounted on standard barbed wire arms designed specifically for that purpose. These barbed wire arms may be used in the M-1, M-2, M-3, M-4, and S-3 districts, under the following conditions:

- a. Barbed wire may be used on all sides of public utility and defense contractor facilities for protection.
- b. Barbed wire may be used in the side and rear yard of those properties that have approved special use permits for outdoor storage areas or outdoor sales lots.
- c. With City approval, during times of national emergency, properties may be authorized additional usage of barbed wire to include temporary barriers made of barbed wire and barbed wire used to top temporary security fences.

213.04 CONSTRUCTION AND MAINTENANCE

Every fence shall be constructed in a substantial and workmanship-like manner and of a substantial material. Every fence shall be maintained in a condition of reasonable repair and shall not be allowed to become and remain in a condition of disrepair or danger, or constitute a nuisance, public or private. Any fence which is dangerous by reason of its state of disrepair or construction or is otherwise injurious to public safety, health or welfare is a nuisance. Any such fence that has become a nuisance shall be repaired or removed. Any violation of this section shall be subject to the abatement process as set forth in Chapter 128.

213.05 PERMITTING

Building permits are required for fences over 7 ft. in height.

213.06 PROHIBITION

The following fences are prohibited within the City.

1. Any fence of metal construction or otherwise, which is charged or connected with an electrical current in such a manner as to transmit said current to persons, animals or objects which might come in contact with same.

With City approval, properties not used for nonresidential purposes, the construction and use of electric fences shall be allowed in the city only as provided in this section, subject to the following standards:

- A. IEC Standard 60335-2-76: Unless otherwise specified herein, electric fences shall be constructed or installed in conformance with the specifications set forth in International Electrotechnical Commission (IEC) Standard No. 60335-2-76.

1. Electrification:

(a) The energizer for electric fences must be driven by a commercial storage battery not to exceed 12 volts DC. The storage battery is charged primarily by a solar panel. However, the solar panel may be augmented by a commercial trickle charger.

(b) The electric charge produced by the fence upon contact shall not exceed energizer characteristics set forth in paragraph 22.108 and depicted in Figure 102 of IEC Standard No. 60335-2-76.

3. Perimeter fence or wall:

(a) No electric fence shall be installed or used unless it is completely behind/inside a non-electrical fence or wall that is not less than five feet.

4. Location: Electric fences shall be permitted on any property not zoned exclusively for residential use.

5. Height: Electric fences shall have a height of 10 feet, or 2 feet higher than the perimeter fence, whichever is higher.

6. Warning signs: Electric fences shall be clearly identified with warning signs that read: "Warning-Electric Fence" at intervals of not more than thirty feet.

7. Electric fences shall be governed and regulated under burglar alarm regulations and permitted as such.

B. It shall be unlawful for any person to install, maintain or operate an electric fence in violation of this section.

The purpose of this text amendment is for businesses located within the Commercial, Industrial, Manufacturing and Agricultural zones to have the ability to secure and protect their business, assets and employees from criminal activity.

2. Any fence constructed within or upon any public right-of-way.
3. Any fence constructed within, upon or through a drainage areas, ponds, or wetlands.
4. Any fence that encloses, hinders, or restricts access to above ground utility boxes, fire hydrants or other above ground utility structures or components.
5. Any fence located within a Vision Safety Zone.

Dear Members of Fridley City Council:

AMAROK, LLC, is respectfully requesting for City Council to approve the text amendment which has been submitted, allowing the installation of a 10' tall low-voltage, battery-powered, pulsed electric security fence to secure the property safely and effectively.

The security fence would be low-voltage, battery-powered (12V/DC), 10' tall, safely located inside/behind the existing 6'-0" tall chain-link fence to secure the property during non-business hours. The AMAROK security fence has proven to be the most effective theft and crime deterrent for businesses across the country. Even in cases where businesses were experiencing frequent theft and loss, the installation of our security fence immediately results in the prevention of any further attempted break-ins, vandalism, and theft.

AMAROK, LLC has installed the security system in more than 6000 jurisdictions throughout the United States. In Nebraska, the security system is installed in Omaha and Lincoln; in Iowa, we install in Des Moines, Council Bluffs, and Cedar Rapids. State Law in Michigan and Wisconsin speak directly to the system and allow for the installation as we are requesting in our text amendment application.

The AMAROK security fence is medically safe to install and utilize as a crime prevention for businesses. Safety information has been provided by Dr. Mark Kroll, PhD, FACC, FHRS specifically addresses medical concerns with the someone encountering the system. The system will not harm any person, whether a child or adult, or animal that encounters the system. Over 100 years of medical research has been utilized in the Safety Summary provided by Dr. Mark Kroll, PhD, FACC, FHRS.

Electric charged fences used for animal containment do not use the same technology or safety features as the AMAROK perimeter security fence. When used in a security application, the battery-charged fence itself is not charged with electricity. The energizer used to deliver temporary pulses to the battery-charged fence has a duration of .0003 (three ten-thousandths of one second) and occurs every 1.3 seconds. No part of the system is connected to the main power grid, and the battery-charged fence has no continuous current. The system is safety tested by a nationally recognized laboratory and certified by SGS. We have provided a copy of the SGS Certification.

The security fence is medically safe and will not harm anyone who comes in contact with the security fence; however, it will deter someone who is planning on committing a criminal act and breach a perimeter fence. The security fence will not be energized during business hours and is monitored continuously.

There is no change or newly proposed use to existing parcels in the city of Fridley. The existing parcel's use remains the same with the battery-powered, perimeter security fence running concurrent with the existing perimeter barrier fence. The security fence does not

affect the yard, spaces, fences, parking, loading, and landscaping. Therefore, there will be no impact on streets, highways, and pavement type.

The text amendment will not be detrimental to the health, safety, morals or welfare of persons residing or working in the neighborhood, nor will there be any adverse effects on abutting properties or improvements in the neighborhood. The security fence is installed completely inside the existing perimeter fence and therefore not exposed to the public. To come in contact with the AMAROK security fence, a criminal would have to intentionally trespass by, first, disregarding the posted warning signs and then breaking through or scaling the existing perimeter barrier.

The approval of the text amendment allowing the installation of the security fence would have the opposite effect on the safety and general welfare of the neighborhood through crime prevention. In fact, the security fence enhances the health, safety, and welfare of persons by improving workplace safety and discouraging criminals from targeting the subject property and committing other crimes of opportunity in the neighborhood.

The security fence is the most reliable, economical, and effective perimeter security fence application available. The installation of the security fence will secure property, increase the security of the surrounding properties and the immediate area by deterring the criminal element from targeting the neighborhood. The result is that the City of Fridley can redirect law enforcement time and resources toward crimes other than trespassing and burglary.

Criminal trespass and resultant incidents can lead to catastrophic outcomes (arson, employee endangerment) and/or a public safety concern. Public safety concerns come in many forms, such as stolen vehicles/trucks driven on public roadways or specialized tools, equipment, and regulated supplies being trafficked and sold illegally.

Based on the information and evidence presented above, we respectfully request the approval of the Text Amendment application by City Council.



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Narrative Statement – Text Amendment, Fridley, MN

Chapter 213

FENCES 213.06 PROHIBITION

The proposed amendment is consistent with the applicable provisions of the Fridley general plan.

The proposed amendment will be in harmony with and serves the general intent and purpose of the general plan because it enhances the community by effectively deterring crime. It is not exposed to the public so there is no danger or nuisance. Much more effective and reliable than security guards, electric fences will provide local businesses with an affordable means to protect their assets and employees, allowing them to invest monies into growth, resulting in continued employment and continued or increased tax base for the City. This security system, “The EGD,” requires the fence to be 10’ to be most effective.

The security system is virtually invisible to passersby. It is comprised of 20, 12.5-gauge, galvanized steel wires which are run horizontally to the height of 10’. There is a second layer of protection (audible deterrent). These sirens sound when an illegal criminal trespasser cuts the wires or places objects on them to insulate them to bypass the system. The sirens will automatically shut off after a set amount of time.

2. The proposed amendment bears a substantial relation to public health, safety or welfare.

The proposed amendment language will detail the safety measures of the low-voltage, pulsed security system. It will not cause injury to adjacent properties or the surrounding neighborhood or otherwise be detrimental to public welfare. It is installed completely inside the existing perimeter, non-electrified fence and therefore not exposed to the public. The general safety and welfare of the public is maintained, crime is prevented, and the City can utilize police resources toward crime other than property break-ins and vandalism. To come in contact with the EGD, one would have to be trespassing and illegally entering the property.

3. The proposed amendment promotes the best long-term interests of the Fridley community.

The security system is a crime prevention tool. It secures local businesses from random criminal activity and provides for the limited police resources to address crimes other than property ones. The local businesses who seek this protective measure would be located in the appropriate zoning district and comply with all other ordinances. The proposed amendment will promote the best long-term interests of the Community.

In Summary:

The EGD is the most reliable, most economical, and safest security application available. The installation of the EGD security system will secure local businesses and increase the security of the surrounding properties and the immediate area by deterring the criminal element.

**City of Fridley Planning
Commission and City Council
Notice of Public Hearing
Consider a Text Amendment
by Amarok, LLC**

Item 2.

Notice is hereby given that the Planning Commission of the City of Fridley will hold a public hearing on April 17, 2024 at 7:00 pm at Fridley City Hall, 7071 University Avenue N.E.

Notice is hereby given that the City Council of the City of Fridley will hold a public hearing on May 13, 2024 at 7:00 pm at Fridley City Hall, 7071 University Avenue N.E.

The public hearing will consider a Text Amendment, TA #24-01, to amend the City's fence ordinance to allow ten-foot-tall electric security fences on nonresidential property.

Any person desiring to be heard shall be given an opportunity at the above stated time and place. Or, comments may be submitted before the meeting to Stacy Stromberg at stromberg@fridleymn.gov or 763-572-3595. Publication date(s): April 5, 2024 and April 12, 2024.