

President Lantry and members of the city council and all the people around you that make this portion of democracy possible, thank you for your service and contributions to Saint Paul. My name is Gjerry Berquist, 46 Prospect Boulevard, Ward 2 Precinct 13.

I need to let you know that I have no financial standing in this issue before the council with the Semples nor do I have any grudges or past interactions with the Semple family that would cause any sort of a negative feeling toward them. I grew up on the Iron Range, not the East Side of Saint Paul.

I was surprised and somewhat disappointed that there was such little information provided for this item on your agenda. The five of you that were here at the last time we discussed this issue should remember the quantity of information that was provided concerning this rock crushing activity on the West Side and the Semple's behavior (72 pages). I believe some of this information is essential for you five to hear again as well as the two new members to the council, congratulations by the way, to make a well informed decision. I will be brief.

Let's back up to 1999. The Semple Trucking Company, famous for their spectacular late night, early morning house moving efforts, decides to get involved in asphalt and pavement crushing and recycling in what seemed like a good fit for their trucking operation. They purchased a 2 ½ acres parcel of land at 91 Ridder Circle which is located on the West Side behind the floodwall and sandwiched in by the Holman Field airport and the PP Press printing facility.

In 2000, the Semples applied for a rezoning from I-2 to I-3 "for the purpose of allowing (with a Conditional Use Permit) processing (crushing) and recycling of concrete and asphalt on-site."

Zoning committee of the Planning Commission
June 15, 2000

NO/DENIAL (5-1)

Building and Land Use Committee
District Three Planning Council (WSCO)
June 20, 2000

NO/DENIAL

Saint Paul Planning Commission
June 23, 2000

NO/DENIAL (10-4)

City Council
July 12, 2000

Then Ward 2 Councilperson, Christopher Coleman (a West Side , District 3 Planning council resident) said, "The city has worked hard for years to reclaim the riverfront to insure that the industrial uses along the riverfront have a specific relationship to the river. Also, the City is trying to lessen the intensity of uses as they relate to the river." Coleman then moved to deny the application.

NO/DENIAL (7-0)

So, you would think that this was the end of this issue. It was pretty clear that they were denied their application to crush on the site. But the Semples ignored the decisions of those in authority. And for ten years the Semples thumbed their noses at the City Council, The Planning Commission, the Mayors office, Licensing and Inspections, and WSCO. They crushed for all that time, ten years, in direct violation with what was permitted at their site. They knew it was illegal, they did it anyway. How do we know this??

On September 30, 2009 Denise Semple applied for a Non Conforming use for their property. She checked the box "Establishment of legal non conforming use status for use in existence at least 10 years."

The Supporting information attached indicates again that "Applicant has been using the concrete and asphalt processor ever since this time (May 24, 1999) at their site."

And in James Semples Affidavit Item 9 "... at least three times a year."

DSI staff informed Willie Semple that crushing operations were not allowed at the property location. June and July 2009

Even their competition got into the action and hired an attorney to look more closely at the Semples behavior at their site. They took photographs of crushing during the weekend of October 3 and 4.

So here is how the application of 2009 went down.

PED "APPROVE"
District Three Planning Council/WSCO.

"DENY"

The Friends of the Mississippi River chimed in and said,
"DENY THE REQUEST"

National Park Service

Mississippi National River and Recreational Area

"BE DENIED"

Zoning Committee of the Planning Commission "DENIED"

Saint Paul Planning Commission

"DENIED"

Saint Paul City Council

"DENIED"

Long time veteran of LEIP and DSI , John Hardwick said it best in a memo to Josh Williams of PED. " Overall good report although I would have recommended denial. He (Semple) knew better or should have known better when he established this illegal use. I don't believe someone should get rewarded for doing something illegal just because he didn't get caught for ten years unless there are extenuating circumstances where a person would not reasonably have cause to know what he was doing was illegal. Semple has been in the construction business for many years and has no excuse for what he did."

So why are we here today? It is about this pile of pavement and other items waiting to be crushed. This pile represents multiple successful bids that the Semples won mainly because of their location advantage. Let me briefly explain. In trucking, it is all about the distance and time traveled from point A to B. If that distance is ten miles as opposed to one mile, it is going to cost

more to transport that product. Semple has consistently underbid his competition mainly because the trucking distance from the demolition site to his facility was much shorter than his competition. This is why one of his competitors hired the attorney to observe Semples illegal crushing. The pile represents the residue of his lower bids. It is a simple as that.

The Semples continued their quest to have the city permit them to crush the existing pile of pavement that they have at 91 Ridder Circle. They even hired Council Member Thune's best friend, Chuck Repke to work on their behalf to come up with a way to remove their pile by crushing it on site rather than trucking it away to have it crushed where it would be legal. They claimed, although never produced any documentation, that if they were forced to move the pile, it would bankrupt them.

In fact, recently Julie Semple alluded to a number I believe was over \$300,000 to have their competition remove the pile from their site. She did not provide any documentation for that claim but apparently her story convinced Brown And Bigelow to drop their objections to the on site pavement crushing for sixty days.

I do not believe it is in the best interest of the city to provide a "Get out of Jail" card to the Semples just because they claim they will be bankrupt if they are forced to do something that they should have done all along, which is, not use their location for crushing. They thumbed their noses at the city for ten years by illegally crushing on their site. They under-bid their competition for ten years because of their location advantage. In short, the Semples were scamming the city and the demolition industry by illegally crushing at their site.

If the city council approves this temporary permit, the Semples get out of Jail card, it will sending a hopeful note to the other businesses in Saint Paul that are violating the law and have not been caught, yet.

Let me change the product for a quick minute as a comparison. A grocery store next to a school requests from the city a license to sell cigarettes. The city says, no, the zoning rules say you cannot do that." The owners of the grocery store apply for a change in zoning and or a conditional use permit and are denied.

The grocery store owner sells cigarettes anyway and does it for ten years without getting caught by DSI. The owner requests a non-conforming use permit because they have been selling cigarettes illegally for ten years. The city says no again and starts to monitor the stores sales. The grocery store owner comes to the city again and says, " Please, we have a huge inventory of cigarettes that we need to sell. If we can't sell them we will go bankrupt. Please let us sell them for sixty days and we will never sell cigarettes again. We promise."

Finally there has been mention about this facility and the over all increased interest by the city in recycling and lowering transportation costs. Although I applaud the efforts of Anne Hunt and the mayors office and the city council to make the city more sensitive to the miles driven to accomplish a certain task, I believe we should have a city wide conversation about that and other energy conservation items rather than having those discussions not be made public before decisions are being made.

We are all in this together for the best of the City. Thank you for your attention. Are there any questions?

18 April, 2012

A large, stylized handwritten signature in black ink, appearing to be the initials 'BS' with a long horizontal line extending to the right.

All Items Mentioned
Are Public Record.