

MINUTES OF THE ZONING COMMITTEE
Thursday, April 16, 2015 - 3:30 p.m.
City Council Chambers, 3rd Floor
City Hall and Court House
15 West Kellogg Boulevard

PRESENT: Makarios, Merrigan, Nelson, Reveal, Wencil, and Wickiser
EXCUSED: Edgerton and Padilla
STAFF: Josh Williams, Samantha Langer, Bill Dermody, and Peter Warner

The meeting was chaired by Commissioner Nelson.

Hawkins Inc. (Barge Channel Rd) - 15-018-147 - Conditional use permit for construction of 8 new tanks and tank containment area, truck containment area and rail containment area structures not elevated on fill in the Flood Fringe District, 637 - 701 Barge Channel Road,

Josh Williams presented the staff report with a recommendation of approval with conditions for the conditional use permit. He stated District 3 requested another lay over, and there were 0 letters in support, and 1 letter in opposition.

Greg Ohlhues, Operations Engineering Manager for Hawkins Inc., 4582 196th St W, Farmington, MN, was available for questions.

Richard Erstad, Vice President & General Counsel, Hawkins Inc., 1660 Laurel Avenue, Saint Paul, was available for questions.

Kevin ORourke, St. Paul Operations Manager, 8755 Highwood Way, Apple Valley, MN, was available for questions.

Steven Matthews, Vice President of Operations, 9246 189 Ave NE, Forest Lake, MN, was available for questions.

At questions from the Commissioners, Mr. Ohlhues explained the new tanks that will be installed will be holding hydrochloric acid. The tank being removed currently holds hydroflourosilic acid. The other existing tanks on the site will continue to hold sodium hydroxide.

Mason Wells, Community Organizer at West Side Community Organization (WSCO), 1 W Water Street, Saint Paul, spoke in opposition. Due to the timing of the application, WSCO's Riverfront Development Land Use Committee hasn't had a chance to review the application formally, and they have requested a layover to review the project. Some of the concerns are regarding impact of traffic and industrial uses on nearby residential and commercial districts, particularly District Del Sol, Concord Street, and Cesar Chavez Street. Generally Committee members were in support of replacing aging equipment and safety improvements to their operations. WSCO also submitted a letter.

Salina Amey, 283 Curtice Street E, Saint Paul, spoke in opposition. She is a new board member on WSCO and a community member. She explained that while replacing aging equipment is a good thing, it does cause Hawkins Inc. to become more entrenched with the infrastructure in Southport, which she opposes for a number of reasons. Ms. Amey stated that the Southport

industrial district is zoned as I2 General Industrial, and hazardous chemical tank farms and transfer stations are clearly categorized as heavy industrial in nature, and do not belong in such a zone. The Hawkins Chemical site is within three to four blocks of Guadalupe Alternative Programs School for disadvantage and poor youth, Our Lady of Guadalupe Church, apartment buildings and many homes. Further development places an additional heavy burden of negative health effects and erosion of property values for the minority community in this part of Saint Paul. This can be construed as environmental racism. River developments in other parts of Saint Paul enhance the quality of life, property values, and health of nearby residents. Only on the west side is this kind of situation occurring. Southport is not a significant source of revenue for Saint Paul, it only brings in \$144,000 a year, which is miniscule compared to other river development areas. She stated they have also received a report from the Community Air Monitoring Project Division of the Minnesota Pollution Control Agency, and the findings were startling. There is a serious pollution problem in the area. They monitored air quality on the roof of the Guadalupe Church and found that of 17 sites statewide the highest levels of fine particulate matter pollution came from this site. They also found that of seven sites in the Twin Cities, the highest levels of formaldehyde were found at this site. They also looked at six sites throughout the Twin Cities and the west side site had the highest levels of arsenic in addition to other chemicals. She would like to see a process of reviewing what is going on in the area and how the site is being used in general. It is listed as a super fund site, and the pollution is enough to raise the cancer risk of everyone in the vicinity. She would like Saint Paul to seriously consider making it the highest priority to clean up this area for the sake of the citizens and environment. She has great respect for Hawkins Inc., but she does not want them becoming more entrenched in the area.

Richard Eurstad, Hawkins Inc., responded to testimony. Mr. Eurstad said that in regards to truck traffic they are not expecting a lot of increase. They bring products in by barge and rail and everything leaves the site by truck. The volume will not increase by much, maybe one truck per day. In regards to the environmental concerns, Mr. Eurstad said that the chemicals mentioned, such as formaldehyde and arsenic, are not handled by their company. He does not believe they are contributing to the pollution issues raised by Ms. Amey. Hawkins Inc. was founded in Saint Paul in 1938. They have had three facilities on the Mississippi River for decades. The lease they have been renegotiating with the Port Authority for this facility goes back to the 1960's. They will be taking the adjacent parcel and expanding by footprint their facility at this site.

No one spoke in support. The public hearing was closed.

Upon questions from the Commissioners, Mr. Williams stated that the use is not considered nonconforming and therefore is allowed in the existing zoning. He also stated that the use itself is not changing at the site only the physical footprint will be changing.

From questions from the Commissioners regarding environmental issues, Mr. Williams stated that it is the MPCA's domain to regulate the issues that may arise during the tank replacement process that might relate to soil contamination on the site.

Commissioner Wickiser stated the Committee is not responsible for the removal of the tanks. There is a process in place that Hawkins Inc. will need to comply with during the replacement of the tanks at the site.

Upon further inquiry of the Commissioners, Mr. Warner stated that the application before the Committee deals with Flood Plain requirements. The information presented during testimony does not pertain to the application. Hawkins Inc. will need to deal with the MPCA seperately.

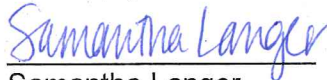
Commissioner Makarios stated he is satisfied that they are not dealing with an expansion of a nonconforming use and he supports the application.

Commissioner David Wickiser moved approval with conditions of the conditional use permit. Commissioner Kyle Makarios seconded the motion.

The motion passed by a vote of 6-0-0.

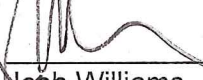
Adopted Yeas - 6 Nays - 0 Abstained - 0

Drafted by:



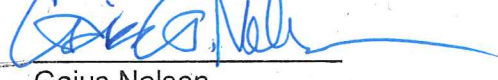
Samantha Langer
Recording Secretary

Submitted by:



Josh Williams
Zoning Section

Approved by:



Gaius Nelson
Chair