

**City of Columbus
Regular Planning Commission Meeting
December 18, 2013**

The December 18, 2013 regular meeting of the Planning Commission for the City of Columbus was called to order at 7:01 p.m. by Chair Barbara Hvass at the City Hall. Present were Commission members Andy Anderson, Myron Organ, Pam Wolowski, Jesse Preiner, Jody Krebs, and Garth Sternberg; City Administrator Elizabeth Mursko, City Planner Dean Johnson, and Recording Secretary Karen Boland.

Also in attendance were City Council members Dennis Peterson, Jeff Duraine, Bill Krebs, Jessie Messina, and Mayor David Povolny; Jeff Joyer, Andi Moffatt, Becky Haydon, Mark Kiperstin, Sue and Steve Wagamon; Perry Wagamon, Frank Wagamon, Michelle Daubs, Robert Immerman, Michael Madden, Rick Zebro, Chelsea Peck, Don Waldoch, Larry Waldoch, Virginia Mitchell; Jena, Sara and Dave Povolny; Roger and Sherri Nase; David Waldoch, John Zechbauer, and Cecilia Woodrich.

AGENDA APPROVAL

Motion by Anderson to approve the Agenda as presented. Second by Wolowski. Motion carried.

APPROVAL - REGULAR PC MEETING MINUTES OF DECEMBER 4, 2013

Motion by Preiner to approve the minutes of the December 4, 2013 regular Planning Commission meeting as written. Second by Anderson. Votes as follows: Sternberg – aye; Krebs – abstain; Preiner – aye; Wolowski – aye; Organ – aye; Anderson – aye; Hvass - aye. Motion carried.

CONTINUED DISCUSSION – INSURANCE AUTO AUCTIONS, INC. (IAAI) COMPREHENSIVE PLAN AMENDMENT, REZONING AMENDMENT AND CUP APPLICATION

Chair Hvass re-opened the public hearing at 7:03 p.m.

Michael Madden with Insurance Auto Auctions, Incorporated, 2 Westbrook Corporate Center, Westchester, Illinois answered questions from the Planning Commission.

Regarding environmental issues that could occur, Madden described the company's Master Environmental Insurance Policy issued by a company called ACE. It covers all of IAAI's 175 locations in the U.S. and Canada. Under the insurance company's jurisdiction, IAAI has to adhere to environmental best practices at all times, which is company policy. IAAI would share the policy with the City Attorney and look into whether or not the City should be added as an insured party.

When asked about environmental contaminations at other sites, Madden said there was an incident in New Jersey where they were cited by local officials for a petroleum spill. IAAI cleaned it up and paid a fine. Also, outside of Seattle, along the Duwamish River, the state and federal governments have named every company that ever owned or leased land along the river as a potentially responsible party in a river pollution investigation. IAAI had leased a facility for about two years when they were named as part of that action. The litigation is on-going. They

were not charged with doing anything illegal. They were brought in because of leasing the land from a company there previously.

Regarding screening along Zodiac, between the west side of the property and the single-family residences, Madden said IAAI is presenting three options: 1) a chain-link fence with Christmas-tree screening material; 2) an eight-foot tall berm landscaped with a combination of conifers, deciduous trees, and plants; 3) an eight-foot high wooden fence with conifers, deciduous trees, and plantings in front of it. IAAI will abide by the City's direction.

Madden confirmed that the business would operate Monday through Friday, basically 9 a.m. to 5 p.m., absent some type of natural catastrophe where IAAI might ask permission to work weekends, e.g. following Superstorm Sandy out east. The auction would take place one day per week – Wednesdays. It is typically from 9 a.m. to noon; sometimes it will run a bit longer if it is a very big auction.

Regarding concerns about noise, IAAI commissioned and paid for a noise study. Results showed IAAI's use is in compliance with the law and will not create appreciable unpleasantness to the single family homes. The noise expert was in attendance to answer questions.

Regarding security, IAAI intends to have a low-voltage security fence inside the perimeter fencing. It will also install state-of-the-art night-vision camera systems. They are monitored 24/7 and can tell whether a person or animal is in the yard.

Madden emphasized that IAAI will not use Pine or Zodiac streets for any of its business. If the City's fire department or first responders require a gate along Zodiac in case of emergency, IAAI would comply, but that would be strictly for emergency purposes.

IAAI does not stack vehicles; they are parked.

Regarding traffic, Anoka County did a traffic study showing there will be no appreciable impact on Lake Drive. In addition, IAAI will pay for a right-turn lane and a bypass lane going north.

Regarding dust, there will be no dust, because the facility will be paved.

Regarding the building design, one or more Commissioners expressed concerns about the building. In response, IAAI has committed to place split-face block on the north, east and south facades of the building. Those are the three sides visible from Lake Drive.

IAAI passed all scrutiny of the Rice Lake Watershed with storm water management.

Madden said there are presently 18 full-time employees in St. Paul. They make between \$15 and \$22/hour. They offer full medical insurance, a 401k plan with matching company contributions, vacations, etc. IAAI's plan would be to grow their business in the Columbus location.

Madden showed aerial photographs of some of its U.S. facilities: Phoenix, AZ; Kansas City; Los Angeles; Shirley, Massachusetts, outside of Boston; and Baltimore. He pointed out that cars are parked neatly, like a parking lot. He also showed interior pictures of a San Diego warehouse facility. When asked about public parking during auctions, Madden said parking would be in front of the building or around the side if needed. He said they would not be allowed to park on the street.

The site plan was projected on the overhead to show where activity on the site will take place. Madden pointed out where the drive-through auction would take place, and where the exterior auction will take place. The every day, busy activity of the facility will take place on the east side of the property near Lake Drive. As the business grows, cars will be stored further west. IAAI is prepared to use the area nearest the residential neighbors for holds – cars put on a court order – and specialty pieces and slow-movers, to lessen the activity on that part of the property.

PC members asked to hear from the noise expert.

Becky Haydon with WSB & Associates, Inc. summarized the methods and results of the noise study commissioned by IAAI. Existing noise conditions at the proposed building site were monitored at four different locations around the perimeter of the property. That background noise information was put into a computerized noise prediction program called CadnaA (Computer Aided Design for Noise Abatement). The proposed noise sources were then added into that existing background noise. The sources added included the auction with the speakers, and the Volvo loader with the back-up beeper. Those can be plugged in and then moved around the site to find out the impact at the various receptors around the property and calculate the noise levels at those locations. First, they looked at existing noise. Then, at existing noise with a chain-link fence with trees. The majority of the activity will take place on the east side of the property; however, they did a worst-case scenario looking at if there *was* west-side activity. The increase in noise from what exists to what it would be with the proposed auction site ranges from about 0 to a 3.1 decibel increase. The human ear can't even really perceive a 3-decibel increase. Studies show it has to get up to about five decibels before a person can actually acknowledge an increase or decrease. Looking at if the activity was to be on the west side of the site, the increase ranges from 0.1 to 12.6 decibels. Even with this increase, all the levels are below the State standards set by the MPCA, which is 65 decibels.

The noise levels were studied with an 8-foot berm with trees, and an 8-foot wall with trees. Plugging the 8-foot berm into the model, the increases if activity were to occur on the west side of the site, goes down from a 0.1 to a 12.6 decibel increase to a 0.1 to 7.9 decibel increase. With the wall, the maximum increase falls to 5.5 decibels. The wall reduced the sound more.

Madden reiterated that IAAI is willing to go with the wall or berm, whichever the City decides upon. This wall or berm will be only on the west side of the property. He also pointed out that at the last hearing IAAI committed to putting white noise back-up devices on the Volvo loaders. They stand by that commitment. **Haydon** said the noise study assumed worst-case scenario, so it was done with the standard Volvo back-up beeper, not the reduced white-noise beeper.

Krebs proposed a change to the Planner's Findings of Fact #31. It says the City has the discretion to reduce the amount of required plantings based upon site conditions. She suggested making that reduce or increase, depending on what the CC feels is best. Planner **Johnson** said the ordinance allows for reduction on a case-by-case analysis. It does not allow for the City to increase it. That can be negotiated, but not required. He would be reluctant to change the finding. The City's ordinance only allows us to reduce it. **Krebs** retracted the change proposal.

Hvass asked if the Planner memo addresses vehicles coming into the property with cars. **Johnson** said CUP recommendation #16 addresses this. Any IAAI-owned or leased vehicles or equipment equipped with back-up alarms will use the white-noise back-up beeper. Item #17 says that anyone bringing vehicles to or taking vehicles from this property that doesn't have white-noise back-up alarms, will not be allowed anywhere but the vehicle drop-off south and east of the building, or the vehicle pull-out area which is north or east of the building.

Johnson also pointed out a typo in Finding #43. IAAI has agreed to extend the formal review periods to January 31st. The memo currently reads January 1st in error.

Hvass asked for a condition stating that IAAI use Columbus in its address, not Forest Lake or Lino Lakes. Columbus would be used on all its correspondence, brochures, etc.

Madden said as a business practice, they don't allow outsiders into the inventory area. Tow trucks that drop off cars are only allowed into the drop zone, which is along Lake Drive. People picking up cars are only allowed into the pull-out area.

Krebs asked if Madden and IAAI are familiar with the findings of facts and recommendations laid out in Johnson's December 18th memo and if everything is acceptable. **Madden** said yes.

Hvass opened the meeting to audience questions, asking for comments to be kept brief, since this matter has already had public participation.

Robert Immerman, 13434 Zodiac St., had questions about traffic control. How would their drivers be kept off of Pine Street, and what about third party tow-truck drivers? **Madden** said tow-truck operators are an outsourced vendor. They would be instructed to use Lake Drive. The website would direct drivers to Lake Drive as well. **Immerman** asked if they would be tracked in some way to prevent them from using Pine Street. He said residents paid for that road and have children on it, and would not want the increase in traffic. **Madden** said tow-truck drivers are their vendors; they need to follow IAAI instructions or they would fire them.

Immerman asked if a traffic study has been done to determine if 23 can handle the extra traffic.

PC members reported that a traffic study was done and approved the traffic increase.

Immerman asked about construction traffic. **Madden** said IAAI will direct them to Lake Drive.

Immerman asked whether any research has been done on how IAAI facilities affect neighboring property values. **Madden** doesn't know of any. **Immerman** asked if IAAI has considered buying out the residential properties on the west side of Zodiac. **Madden** said no.

Perry Wagamon, 13640 Zodiac St., asked about how the noise test was conducted. **Haydon** explained that the existing noise on the site was monitored and that data was collected. The noise sources that will exist on-site when the business is operating were added using a computer program. Then changes in the noise level based on the introduction of a berm or a wall were studied.

P. Wagamon asked how a berm will affect water run-off. He asked if another study will be done by the Watershed. **Andi Moffatt with WSB & Associates** addressed this issue. She said the stormwater run-off will be accommodated on-site, regardless of whether a berm or a wall is used. She said the Watershed reviewed the plan that was submitted with the chain-link fence. They are aware of potential changes. When the City has decided upon a berm or wall, the Watershed will review the new plan. **P. Wagamon** said he wants to make sure this issue is looked at, as he has tremendous water problems on his property already, due to City actions. **Preiner** confirmed with Moffatt that the Watershed will review the plan that is finalized with a berm or wall.

P. Wagamon asked what is going to stop the City from changing more zoning from RR to C/I and what is going to stop people from driving on Zodiac when they do that. **PC members** said that would have to be addressed in the conditions of any future development. **Sternberg** said that property owners' rights are taken into consideration when looking at applications and conditions on those applications. Traffic concerns would be looked at with any new development proposal.

P. Wagamon said he is nearing 80 and has lived in the U.S. his whole life. He never thought he would see a group legislating against a few citizens trying to live a peaceful life. He can't believe this is happening, and he does not believe it is right.

Rick Zebro, 13556 Zodiac St., asked what material would be used to construct the wall option being discussed. He asked if it offered more noise reduction than the berm. **Moffatt** said it would

be made of wood. A picture was passed around. **Haydon** said it offered better noise reduction than the berm at some properties, including Mr. Zebro's. **Zebro** asked if any IAAI employees present, or any of the company's employees, live across from their auction locations. **Madden** does not. He cannot answer whether any IAAI employees do. **Zebro** closed on his house 7 or 8 years ago. He thought it was one of his rights when he moved in next to residential, that that is what he signed up for. He said he understands change can happen. He asked what gives the City the right to change this property from RR to C/I. What drives that change? Is it the sale of the land, a company coming in with millions of dollars? **Krebs** said existing City ordinance is one of the things driving the change. Property owners have the right to request changes to their property. He could make the same request. The PC makes recommendations to the CC as to whether the request meets the criteria of the ordinances of the City. The CC will make the final decision. **Hvass** asked if the ownership of the property is changing. She asked if it is being leased. **Madden** said it is under contract right now, but the business model is a REIT (real estate investment trust). They will assume the contract and then lease the property back to themselves. The ownership is going to change. **Zebro** asked if there was ever a consideration for them to move onto only the land that is already zoned C/I. **Mursko** explained that the City has a property owner that wants to sell property and an applicant that wants to buy it. In processing the application, the City takes the time to look at all the details, takes into account the testimony of adjoining property owners, and then ultimately has the PC make a recommendation to the CC. Nothing is final until the CC makes their decision. **Zebro** asked for a copy of the site plan with measurements on it. **Mursko** said that, upon request, City staff can e-mail the site plan to him or he can stop into the City Office for a copy.

Frank Wagamon, 6559 Pine St., requested his letters of October 14th and November 26th be included in the official minutes. (See below):

City of Columbus
16319 Kettle River Blvd.,
Columbus, MN 55025

October 14, 2013

Re: Proposed re-zoning and development of Vacant Land North of 13452 Lake Drive.

As real property owners I respectfully submit as such we have the right to **quiet enjoyment of our property** which at this point is being totally ignored by the people who were elected to protect our rights as property owners. It's obvious that you are moving forward on this proposal and if you are not going to represent our concerns it is also obvious we need to stand together to protect our good community and environment. We certainly recall the joys of going for groceries or the complications of accessing our property during the "Haydays" celebrations. We remember the loudspeakers, the incessant traffic nuisance. That may have been tolerable for a week-end, but this is permanent. They make the point that they only have this disturbance during business hours however, we live here 24 hrs. a day and often times myself and others in the neighborhood work nights and have varying work and sleep schedules. I don't believe our way of life should be encumbered by a new neighbor that has been given the

right by the city to trample all over our rights of “quiet enjoyment”. This needs some heavy scrutiny and serious consideration. We are not talking normal trafficthese are tow trucks with damaged vehicles attached and car carriers creating dust, diesel noise, diesel smell and vibrations. People who have lived next to a “New Construction Project” know the annoying sounds of trucks, forklifts and other heavier equipment continually beeping while backing up and accelerating to move forward. Although this is not a construction project, it is an integral part of the salvage operation as necessitated by the need to continually move vehicles around the site and in and out of the facility. The nature of this business in spite of being presented as an auction is actually a “salvage yard” storage facility. Auto’s that have been totaled by insurance companies and are being stored by IAAI (Insurance Auto Auctions, Inc.) and auctioned on a weekly basis. This company is being paid by insurance companies to store, tow and auction their damaged vehicles to the estimated volume of 10,000 units. In their proposal they suggest this is not a salvage operation. Wikipedia describes salvage as a car being sold which has previously been damaged or in a crash or the proceeds from the sale of salvaged goods or property. This is not “Inventory” as on their proposal (as they do not own these vehicles), but rather storage. They are receiving compensation for towing, storage and auction fees which is simply a salvage operation.

If you love the sound of trucks backing up, revving of diesel engines and the smell of diesel fuel, vibration of heavy equipment, a cloud of dust and a chanting auctioneer, this one is for you. The quiet residential environment we now enjoy is about to change drastically unless we have someone at the city willing to represent our concerns and put a stop to this disaster. This is doing nothing for the city, the neighborhood, the buyer or the seller. The buyer would be much better off in a more friendly conducive environment that has commercial/industrial property to accommodate them, the city would be much better

off with a business that serves the community and employs more than 15 people, the seller would be best served working with the community and the city to get the highest and best use of their property and the neighborhood would be ecstatic. Why would any adjoining property owner be charmed or overjoyed about this proposal? This is giving 60 acres of choice land (40 of which has to be re-zoned to accommodate this) to a remote business that does not serve or enhance the community at all, but rather creates every aspect of a public or private nuisance (extreme traffic, noise, dust, vibration, safety, smell to name a few) in there own admission and employs only15 people. That 40 acres was our only protection against just this kind of community aggravation. Common sense would suggest that they wouldn’t put an operation of this type next to their own residential property, so why re-zone it and put it in someone elses front/back yard. Our neighbors have invested a lot of money and hard work in their property and the new road on Zodiac relying on the fact that at one point there would be newer homes coming in the community to enhance their property values and living conditions not a “salvage yard” to do just the extreme opposite. What may seem appropriate in view of all the auto dealers and storage facilities on Lake Drive, might not be so glamorous in the residential community and that’s precisely why this 40 acres needs to buffer these two elements. In view of all the auto dealers, repair and storage facilities on Lake Drive it may not be that great of an idea for future development in that area either. In my twenty five years as a real estate broker I was always led to believe that planning and zoning was there to

protect our property rights and act in the best interest of the community. Catering to or advocating for one property at the expense of the whole residential community shouldn't be a consideration. If property taxes are the big glamour in this deal, we all pay taxes and so will any one else that buys that property and hopefully they will make a positive contribution.

With the re-zoning of the residential property on the west side they will have unfettered access down Pine and Zodiac streets which is common sense in view of the traffic load on Lake Drive and the potential for congestion at the entrance to the facility on the Lake Drive entrance. Additionally we will have no future argument to oppose any future nuisance (extreme traffic, noise, dust, safety, smell, vibrations to plumbing,

electrical, heating and other structural components to name a few) or other issues such as environmental, loss of natural habitat, property devaluation created by this operation as it comes with the re-zoning, special use permit for this type of operation and our acceptance of such.

Zoning generally overrules nuisance. For example: if a factory is operating in an industrial zone, neighbors in the neighboring residential zone can't make a claim in nuisance and even if they could they wouldn't be found in favor of as the offender is operating within his approved zoning guidelines.

This property is zoned residential and should remain residential for the communities own protection and to maintain the quiet residential environment. It is not land locked and there is no reason for it not to remain residential for the best interest of the community. A person who owns residential zoned property have the right to sell according to its highest and best use which in this case would be a single family home or development with structures approved by the building department that don't offend the community.

With the ownership of our property comes our "Right to Quiet Enjoyment", which is the item to be concerned with when someone with this type of operation are requesting zoning changes and special use permits to run a business of this nature which violates all aspects of quiet enjoyment (extreme traffic, noise, dust, vibration, safety, smell) as a normal operation of their business, on a parcel of land now zoned residential. They are putting us on notice by including these adverse conditions in there proposal so that if any of these are a problem in the future we were put on notice at the time of the hearing. We therefore have no complaint moving forward. A city that will advocate for this type of operation certainly won't bring a "Public Nuisance" action against them and they are the only ones who could reasonably do so. Therefore we live with it.

In their proposal they suggest 250 trips per day in basically a 12 hr. period which figures to be a traffic count of 500/12 hrs or 40 trucks per hr coming or going. Typically a proposal of this sort doesn't use the maximum traffic estimate, but rather the minimum. If in fact 4th Ave., Pine Street and Zodiac become an alternate route at busy times of the day and other convenient times or situations, one truck past my house on this newly surfaced road is too many in my opinion. We spent over \$7000 per unit for a decent residential road to access our property and to get rid of the dust and they're proposing to

expose this new road to commercial traffic and put the dust on the back of our property. A continual activity within the facility of fork lifts, cars and tow trucks is undeniably a huge source of dust and noise.

In addition, we're setting a pretty low standard for future development. What business do you attract next to or across the street from a salvage yard particularly with this much of a traffic and visual presence. Also the proximity of this type of operation is simply inappropriate in consideration of the residential community and the type of future businesses it may encourage or discourage. This type of business does not serve the community at all and is to the benefit of one property owner to the detriment of the rest of the whole community.

I couldn't think of a bigger and better smorgasbord for criminal activity than an auto salvage yard. Auto cpu's, catalytic converters and other electronic accessories are extremely expensive and quite profitable in the stolen goods market. With something like this bordering Zodiac street it's just an ideal cover and access for criminal activity. It's dark, sparsely populated and almost no police patrol in this area. The criminal element that this attracts are generally armed, drug infested and dangerous and not what I would want running around in my back yard or in my utility buildings under the cover of night. I hope someone in the planning and zoning is thoughtful enough to think this thing through with the best interest of the local residency in mind. The present owners of the subject properties have the opportunity to develop that land and make a favorable contribution to the community and no-one would be opposed to that. Not even the wildlife. That's what they are zoned for. No more – no less. That's what people who bought or built their homes in this neighborhood relied on when purchasing and that simply shouldn't be trampled on. The impact of a salvage operation on the evaluation of these adjoining residential properties are enormous and the city should be well aware of this.

Thank you for your consideration on this matter.

Frank E. Wagamon 6559
Pine Street
Columbus, MN 55014

City of Columbus
16319 Kettle River Blvd.,
Columbus, MN 55025

November 26, 2013

Re: Proposed rezoning and development of Vacant Land North of 13452 Lake Drive. Dear

Mayor Povolny, members of the City Council and Planning Commission:

Upon reviewing the minutes of the Public Hearing of October 16, 2013 I have noted that my

letter to the City of Columbus dated October 14, 2013 has not been included in the minutes of the meeting as requested in my e-mail to City Administrator Mursko on October 15, 2013. I respectfully request the letter submitted to City of Columbus at that time be included in the Official Minutes of the meeting along with these additional comments.

The entire process **without the consideration of written testimony** is prejudicial to myself and others who may be under medication for conditions such as anxiety or have other disabilities and are unable to equally represent themselves in a public forum. I am a Disabled American Veteran of the Vietnam era and happen to be a member of that group. If you find anything I have to say particularly harsh I ask that you please put yourself in the place of myself and my good neighbors who are standing by and watching everything they have worked for plummeting in value through no fault of their own and through the total disregard by others. As a twenty-five year real estate broker and sales professional I can assure you that the mere mention of commercial/industrial adjoining residential negatively affects residential property values. Especially in the case where the city seems to have no regulatory boundaries and appear to be openly courting a “salvage auction” business.

I am particularly troubled by the continued aggressive nature of the City of Columbus in their past and present approach of going through the minimum standards to appear to have complied with The Municipal Plan, The Metropolitan Council or your own Comprehensive Plan in your furtive efforts to expand your commercial/industrial agenda. In this particular case I don't feel the “Public Hearing of October 16, 2013” was valid in as much as the legal description was flawed, the CUP conditions were not presented, the roadway was not discussed, the sound demonstration was performed after the meeting was adjourned with no opportunity for rebuttal and we were not allowed discussion on the Comprehensive Plan or how this would affect the long term plan or how this would affect existing residential properties as a result of this zoning change. In addition this zoning change affects all residents from and including Pine Street to the northern end of your 400' C/I corridor. Absolutely none of these affected residents on Pine Street or extending North of this project were notified and given opportunity to represent themselves. Thus you have failed to inform affected neighbors of the full conditions of the application including the (CUP) conditional use permit. Therefore, the public hearing was for what exactly? Columbus residents on Pine Street and Zodiac Street have already been seriously damaged by the city's willingness to ignore the will of the people in 2008 with the “Spot” rezoning of the property at 13434 and 13452 Lake Drive and this continued type of disregard for the good of the community will only compound the problem. This particular action put C/I right up to the back door of all the residents on Pine Street and my property on Zodiac Street which incidentally is a property that actually adjoins the subject property now being rezoned. I gave an easement the full length of my property for Zodiac Street. I also invested \$15,000 into the road improvements. I'm certainly not happy about being suckered into supplying a thoroughfare for others commercial/industrial interests. With the re-zoning of this 40 acre parcel, you will be accommodating C/I further to Potomac and Kettle River Blvd., thus surrounding the adjoining residents with the nuisance of C/I trucks, supply vehicles and future sales traffic on Pine and Zodiac Streets which fronts these residential properties in addition to the typical business annoyance to the rear of their property. Completely surrounded! There is not one street light from Lake Dr. and Pine Street all the way to the end of Zodiac Street to deter

criminal activity. Please consider yourself being one of these unfortunate residential property owners.

This subject 40 acre parcel could have been developed and a source of revenue years ago with the current zoning and the fact that it is contiguous to 2+ acre lots down Pine Street. The City of Columbus and the owner of this property choose to ignore this fact for your own personal gain. In 2008 and in several of your comments in public forums, P & Z minutes and Council minutes you have alluded to having a surplus of 800 acres of commercial property and a concern for damaging the opportunities for the Freeway Commercial Corridor by furthering commercial endeavors of lesser priced development properties elsewhere. You then had a residential count of approx. 2600 and expressed the fact that it was a perfect balance of residential to commercial. Now you have 1500 residences as indicated at the last P & Z meeting of Nov. 4, 2013 and you're still trying to rezone choice R-R to C/I. What is this doing to your balance? How are you ever going to support positive commercial development with no residential growth? How can you attain a commercial development next to residential that would have a positive effect on residential values without having sewer and water? There is negative and positive C/I. With no sewer and water I believe you are pretty much stuck with the negative. A commercial/industrial business of this nature has no place next to residential, with no buffer or transition area. At their St. Paul operation they had over 700 incidents, in the last five years, where they either had hired police protection or police response to calls of stolen vehicles, property theft and property damage to their facility and neighboring properties. This averages out to approximately every third day. Frankly living right next door to this scares me to death. The prudent reaction would be to front it on a highway and stay away from damaging and risking the safety of every resident in its pathway; which is the path we're on now. I see nothing positive coming from using 60 choice acres to employ 15 people who may not even be from this area for a mere tax advantage of \$37,000.00 per year of which a major portion if not all of that will be taken up by added police protection, possible street lights to protect the neighboring community and other maintenance issues. Furthermore, what's to stop them from buying the 38+ acres North of this for twice the storage, twice the negative externalities and for relatively the same tax dollar?

In effect, the rezoning of 13434 Lake Drive was not an adjustment as City Administrator Mursko has suggested, but in reality an expansion of commercial/industrial. Using your own logic of adjustment, the more logical approach in view of the existing residence, and R-R zoning at 13434 Lake drive, would have been to adjust possibly another 200+' West (if at all necessary) to the quarter-quarter line, being more in line with the existing 19 acre commercially zoned Waldoch property and the adjoining properties further North. In that case you would have one or two properties to deal with; which are the ones that would stand to gain from this. That would probably take care of 90% of the negative residential impact and then we would not have the C/I traffic issue on Zodiac Street, Pine Street and further down to 4th avenue in Lino Lakes. The transition and buffer would be supplied by the people who stand to benefit from all of this and the residential development would enhance the existing residential. It's obvious the city wouldn't be in favor of this as you wouldn't have road access to further your commercial sprawl, but it is simply the fair and equitable way to deal with all residents involved.

By moving forward with this you are acting against the “Peoples” will and in total disregard for the public health, safety, and welfare of its residents and the environment of the City as well as the surrounding area; failing to consider petitioning by people who will be directly and adversely affected by this type of business and the rezoning for any other business in this location. We will receive absolutely no benefit from this, and stand to be harmed financially, mentally, emotionally, and physically as well. We have vehemently and openly opposed this ill-advised project and the re-zoning of 13434 Lake Drive from the moment we became aware of them. In absence of any business proposal, the mere mention of future Commercial/Industrial development adjacent to rural-residential has a negative impact on the residential property values. By courting and placing an Auto Salvage business right up to the property line of an existing residence is a very strong message as to what you’re willing to do to residential neighbors in Columbus moving forward.

The residents of this community really needs someone to come forward and tell them:

1. How you’ve complied with THE MUNICIPAL PLAN Minn. Stat. § 462.357, subd. which specifically states: By creating zoning districts that separate uses, the city assures that adequate space is provided for each use and that a **transition area and buffer exists between distinct and incompatible uses.**

2. How you’ve come from a 400’ C/I corridor surrounded by rural residential to rezoning properties to C/I all the way to the end of the west section line and abutting R-R on the North, South and West without a “Spot Zone”. This was done by the City of Columbus with no valid purpose, no compensation for the neighboring residents and no required buffer or transition area between distinct and incompatible uses and no rational basis related to promoting the public health safety, morals, or general welfare of the community. Several points in this regard were made at the public hearings in 2008 and completely ignored by the City of Columbus.

3. How you’ve complied with your own 2030 Comprehensive Plan which states:

Rural Residential Polices:

It is the policy of the City of Columbus to:

Maintain the existing density of rural residential areas.

Prohibit unplanned commercial or industrial uses from developing near residential areas.

4. How you can disregard the traffic safety issue when the state of Minnesota takes issue with this type of business on a “Trunk Highway” for the following reasons:

(These are excerpts from the 161.242 JUNK YARD ACT.)

161.242 JUNK YARD ACT.

Subdivision 1. Legislative findings and purpose.

It is hereby found that the operation of motor vehicle, agricultural, construction machinery or other junk yards adjacent to the trunk highways on which motor vehicles

are operated is a distracting influence on drivers, thereby impairing the public safety; and that junk yards are unsightly, thus impairing the public investment in such highways. It is hereby found and declared that in the interest of and to promote the public safety, to protect the public investment in such highways, and to preserve natural beauty, it is necessary to regulate the operation of junk yards on lands adjacent to the trunk highways of the state.

Subd. 2. Definitions.

(a) For the purposes of this section, the terms defined in this subdivision have the meanings given them.

(b) "Automobile graveyard" means any establishment or place of business which is maintained, used, or operated for storing, keeping, buying, or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts.

(c) "Dealer" means any person, partnership, or corporation engaged in the operation of a junk yard.

(7) junk yards, as defined in paragraph (g).

(f) "Junk" means old or scrap hazard signs, copper, brass, rope, rags, batteries, paper, synthetic or organic, trash, rubber debris, waste, or junked, dismantled, **or wrecked automobiles** or farm or construction machinery or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material.

(g) "Junk yard" means an establishment, place of business, or place of storage or deposit, which is maintained, operated, or used for storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard, and shall include garbage dumps and sanitary fills not regulated by the Minnesota Pollution Control Agency, any of which are wholly or partly within one-half mile of any right-of-way of any state trunk highway, including the interstate highways, whether maintained in connection with another business or not, where the waste, body, or discarded material stored is equal in bulk to five or more motor vehicles and which are to be resold for used parts or old iron, metal, glass, or other discarded material.

If these conditions are not acceptable next to a highway what are they doing in a rural residential community where people are expected to enjoy their property and maintain their property values.

Furthermore your City Planners stealth maneuver to classify this operation as “Used Auto Sales” is simply to validate the CUP and the IAAI’s overall application. By this interpretation and your willingness to change the Comprehensive Plan, amend city ordinances, rezone R-R to C/I is simply acting as an agent for the “Auto Salvage Auction” applicant and to the detriment of the people of the community. I would have to believe there is a distinct difference between a drive-able used car that is advertised and sold by a licensed auto dealership to the local community and a “public enterprise” that does not sell to the local community, but stores in the open outdoors, tows and auctions junked cars as an agent for insurance companies and others. Just like living on a C/I property doesn’t make the property residential; having a 2nd hand auto dealers license doesn’t make you a “Used Auto Sales” operation. It’s the nature of your operation that determines your identity. According to the 161.242 JUNK YARD ACT it would be

distinctly classified as a “Junk Dealer”.

As an adjoining residential property owner I conclude this is not meant to be a personal attack on anyone as there have been many positive results from previous actions of your committees. I’ve heard a lot of good positive input from some well meaning individuals on both the Planning Commission and the City Council, however I believe the local residents have been swept under the rug on a couple key issues which stand to cost the city and the community immensely. We are not opposed to expanding commercial and industrial development, but in an organized, legal manner with the best interest of all members of the community in mind. It’s simply not necessary to sacrifice others for the interests of the city, one property owner and to the detriment of the whole surrounding community.

Respectfully submitted,

Frank E. Wagamon 6559
Pine St.
Columbus, MN 55014
651-464-5795

F. Wagamon asked if an inverse depreciation analysis has been done so that the City realizes the impact that this will have on the community. He thinks that would be advisable. He said he also thinks that, legally, an applicant that is trying to rezone RR to C/I has to prove that the existing zoning is a detriment to the community’s health, welfare, safety and morals. He doesn’t remember where he read that, but he thought that was a condition of the applicant. **Johnson** said the basis of all community zoning regulation, which comes from MN Statue, is based on a principal that the City has the right to protect the public health, safety and welfare. That is a test that virtually every decision that is made from a land-use standpoint is one of the factors that PC and the CC make. He does not know of a test that the applicant has to meet. The City is charged with, and their ordinances are all based upon, the premise that the purpose of these regulations is to protect the public health, safety, and welfare. The test is on an applicant in the sense that they have to present that evidence. The PC has requested and been furnished more information from this applicant to try to accomplish that. Chapter 462 of State Statute is the basic enabling legislation for all communities. **F. Wagamon** is not sure where he read this.

Rick Immerman asked again about how IAAI would control third-party tow trucks coming in and out, or the public who come in to take out vehicles. His concern is the traffic on Pine Street. **Madden** said the vehicles are all brought in by tow-truck operators paid by IAAI. Public citizens can come in to the facility. The route they take cannot be controlled. **Immerman** believes this will heavily increase public traffic on Pine Street. He also asked if Waldoch has been approached about making the whole property RR and selling it in five-acre lots. **Hvass** said the PC has to deal with the application that has been presented. **Immerman** asked if IAAI has seen the petition showing that 140 people right

around that area don't want them in Columbus. He asked if a property-value study could be done to see what happened to peoples' property values near other IAAI locations. Is that a possibility? Who would want to live next to this business? **Anderson** asked if there is any business that could go in there that would not affect him. **Immerman** said something that isn't noisy and isn't an auto salvage or auto storage company. **Anderson** asked him to name a specific company that could build there that would not offend him. He refuted the description of this business as a junk yard or a salvage yard. **Hvass** said she thinks a property-value study would be unreasonable. **Sternberg** said that recently everyone has discovered that if your neighbor doesn't make their house payment property values are affected, so he doesn't know how you could accurately determine the affects of something like this in the current market. **Immerman** wanted to know what happened to other people in a similar situation. He said he would welcome a Kohl's or a Target over this. **Sternberg** said that what IAAI is proposing fits with other businesses you see on Lake Drive. **Immerman** understands that on the front 20 acres. He asked if any other property along Lake has housing behind it, where the C/I was expanded back to abut houses. **Hvass** said some years ago the Town Board extended the boundaries of C/I to the parcel. This parcel did not change at that time. **Immerman** asked if there is a comparison. **PC members** gave the example of Erickson's Storage at the corner of 141st which abuts single family homes. **Immerman** asked about that property value. **Mursko** said she thinks a brand new house is actually being built right behind it. **Hvass** said there are also areas along Lake Drive that are actually C/I, but are being used as residences now. Slowly they have been selling, and they will become C/I. **Immerman** said, in closing, he thinks the City is going down a path that is not reversible. The people just around this property are the people that are going to suffer for it.

P. Wagamon said of the 140 people that signed the petition, none of them had heard of the project and they were all against it. He thinks another 140 would feel the same way. Nobody wants it. **Hvass** said when Running Aces came in, 600-700 people petitioned against it. **P. Wagamon** said they didn't live across the street and their property wasn't being destroyed. He asked if any study has been done as to how much this will reduce the taxes on the homes in Columbus. He doesn't think Running Aces has reduced his taxes. **Mursko** said she spoke to the assessor. She first needed to find out the market value of the new improvements, and the land value. We don't have exact dollar figures, but we rounded it off. If improvements plus land values are about \$3 million, then the net tax benefit to Columbus would be approximately \$41,000. It's probably in the range of lowering taxes \$25 per household if everything stayed equal. Again, you have to look at overall value and other variables as to how it will impact you personally. Any time you bring on commercial value in a community, they pay at a higher rate for taxes, so, generally you see a larger benefit than if you bring in homes. **P. Wagamon** wondered how much expense there will be to police this business, to regulate it.

Roger Nase, 6636 141st Avenue, said he too would like to understand what the devaluation of surrounding property is going to be. He doesn't think you can compare the impact of this to that of Running Aces, because they are two totally different types of businesses with two different types of traffic as well. He believes there are discrepancies in some of the information provided regarding the amount of traffic generated by IAAI.

He believes that in the documentation they provided, IAAI said there would be 600 cars sold/week. He said most tow trucks are going to bring in one or two cars, so if you took it as 1 ½ cars/truck, that's 400 tow trucks per week coming in. That's 800 tow truck trips in and out. He said that is in the traffic study, but said that just accounts for the cars coming in. People have to come in to pick up the cars sold, so he thinks that traffic number will be doubled to 1600 trips per week. He doesn't believe we understand the scale of this operation well enough to make a good judgment. **PC members** disputed the information that cars would be transported in such consistently small quantities. **Organ** said his recollection of the traffic study showed that approximately 6900 cars travel on Lake Drive per day, and it's designed for 15,000. **Nase** feels it is a lot of trips and a lot of tow trucks. He also said he does not believe they have demonstrated that they will have adequate parking for auction traffic. He also thinks the septic designed for a small office will not be adequate. He doesn't think the scale of it is fully understood.

Nase asked about the decibel level of the source noise when the noise study was done. **Haydon** said speakers were monitored from varying distances (25 feet, 91 feet, 177 feet, and 235 feet) from the speakers. The noise level range was 59 to 77 decibels. The Volvo engine without the back-up beeper on was 74 decibels at 10 feet from the source. The Volvo engine with the standard back-up beeper, which will not be used at the Columbus facility, was 85.4 decibels at 10 feet. With the white-noise back-up beeper at 10 feet it was 83.6 decibels. **Nase** said, in their brochures, Volvo lists their decibels for their forklifts as 105 decibels. **Haydon** said that is probably what is emitted at the engine output. Also, different levels are associated with different models and years. **Nase** said he doesn't think the study based on those back-up alarms is helpful, because there are other noises louder than those, per the manufacturer's information. He concluded by saying he believes there is a lot of uncertainty and they would like to see the land remain residential.

Donald Waldoch, 12191 St. Croix Trail, North Branch, owns the property across the street from the land in question. He said he used to hunt on the property where the current residents live. His dad told him you have to accept change or move on. He said he has run the business across the street from them for 40 years. They had over 1500 vehicles they used to park in their lots, all along the highway. Business has gotten tougher. But, today, for instance, they had nine transports in to drop off rigs. They parked on the highway. They have traffic in and out all the time. He is all for this, and views that land as prime for this. He said he sympathizes with the residents on the back side, but he thinks it's important that they have a company here that wants to work with people and make it right and make it nice, and make it good for the City. He thinks it is a good opportunity to have a good national company move in.

Steve Wagamon, 13530 Zodiac Street, said he has nothing new, and has talked to many of the PC members personally, but he wants to make sure he is on the record as being totally against this.

Hvass asked if IAAI is a for-profit or not-for-profit corporation. **Madden** said it is a for-profit corporation.

Hvass closed the public hearing at 8:40 p.m. with the right to reopen it if it becomes necessary.

PC members decided to leave both the berm and wall barrier options open to the CC for a decision, if this application is sent on to them for approval. The CC can seek input from residents if they so choose.

PC members went over the issues they've heard comment on, discussed, and addressed: noise, dust, traffic, building design, screening, security, hazardous waste, parking, and lighting.

Johnson explained that the CUP would not be valid without a recommendation from the PC favoring the Comp Plan amendment, and the rezoning amendment. This is a policy issue, not an ordinance issue. It is not spot zoning, it is expanding an existing C/I area. This is a private-property-owner-driven request. A recommendation has to be made one way or another.

Motion by Krebs to forward to the City Council with recommendation for approval an amendment to the Comprehensive Plan (CPA 2013) identifying the redesignation of the proposed Property from Rural Residential to Commercial/Industrial. Second by Anderson. Motion carried.

Motion by Krebs to forward to the City Council with recommendation for approval an amendment to the Zoning Ordinance to rezone the 40-acre Property parcel from Rural Residential to Commercial/Industrial. Second by Sternberg. Motion carried.

Motion by Krebs to forward to the City Council the application of Insurance Auto Auctions, Incorporated (IAAI) for a Conditional Use Permit with recommendation for approval based on the findings of fact and recommendations from the Planner's memo dated December 18, 2013, with an addition of recommendation #28 requesting that the address on all materials used by IAAI identify this property as being located in Columbus, Minnesota. Second by Sternberg. Motion carried.

Findings of Fact

1. IAAI submitted complete applications for a CPA, rezoning and CUP on September 3, 2013.
2. Additional materials were distributed by IAAI at a public hearing held on October 16, 2013.
3. IAAI requested that additional discussions at the Planning Commission be tabled until the December 4, 2013 regular meeting of the Planning Commission.
4. The 60-day review deadline is November 1, 2013. The 120-day review deadline, initiated by a letter dated October 24, 2013, is January 1, 2014.
5. IAAI submitted additional materials for review by the City on November 21, 2013. The revised submittal includes:
 - A. Revised Narrative.
 - B. Noise Analysis.
 - C. Original site plan, grading plan and landscape plan.
 - D. Original plan landscaping renderings.

- E. Fencing and signage examples.
 - F. Alternative west side 8-foot-tall berming details and landscape plan.
 - G. Berming plan landscaping renderings.
 - H. Alternative west side 8-foot-tall wood fence plan and landscape plan.
 - I. Wood fencing landscaping renderings.
 - J. Revised building elevations with 3-sided split face block exterior.
6. The proposed CPA and rezoning are for a 40-acre redesignation from Rural Residential to Commercial/Industrial.
 7. The 40-acre parcel abuts a 19-acre parcel, which is currently zoned C/I Commercial/Industrial, along the west side of Lake Drive near 135th Avenue. The C/I District also abuts the entire 40-acre parcel on the south.
 8. IAAI proposes to operate an auto auction facility on the combined 59-acre site ("Property") to receive, store, and auction 'total-loss' insurance vehicles.
 9. The C/I District allows used automobile sales as a conditional use.
 10. The proposed auction facility includes an 11,270 square feet office/vehicle intake building, a 40-vehicle office area parking lot, vehicle drop-off and pull-out areas, stormwater ponding areas and an approximately 37-acre vehicle storage area. The vehicle storage area can hold a maximum of approximately 5735 vehicles.
 11. IAAI anticipates a minimum of 15 employees at the facility, initially, and a potential maximum of 25 employees.
 12. There are approximately 1.74 acres of wetlands on the Property, which will not be altered.
 13. There is no proposed repair or parting or stacking of vehicles on the Property.
 14. IAAI has identified a future goal of receiving, storing and selling an average of 25,000 cars and pickup trucks per year in Columbus.
 15. Most vehicles are hauled in and out by tow truck or on 1- or 2-vehicle trailer transports.
 16. A traffic analysis identifies an average daily traffic of 250 vehicle trips per day. This includes all office, visitor, and transport vehicle traffic.
 17. The majority of auction sales (70%) are completed over the internet. An on-site auction will also be conducted one day per week. Public viewing of auction vehicles is allowed one day prior to the on-site auction day and is limited to a defined vehicle inspection area adjacent to the office/vehicle intake building.
 18. Typical business hours are 8:00-5:30 Monday through Friday, with occasional vehicle deliveries after hours or on weekends.
 19. IAAI has an Environmental Best Management Practices plan to address potential vehicle fluids management and potential spills. IAAI does not drain vehicle fluids unless leaks are detected. Licensing for fluids storage and potential cleanup will be regulated through Anoka County.
 20. IAAI maintains comprehensive liability insurance, including environmental contamination. The City of Columbus can be named an additional insured on the policy.
 21. IAAI is proposing development of the site in two phases. Phase 1 will include construction of the office/vehicle intake building, office parking and vehicle drop-

- off/pull-out areas, sewer and water installation, all stormwater ponding, fencing, screening and landscaping, and a majority of the vehicle inventory area. Phase 2 will include the expansion/completion of the vehicle inventory area.
22. The entire vehicle inventory area will be paved with recycled asphalt.
 23. The total impervious area on the site is approximately 78% of the Property.
 24. The site plans and stormwater management plans have been forwarded to Rice Creek Watershed District for review and permitting. A conditional permit has been approved at this time.
 25. The vehicle inventory area will be entirely fenced. There will also be infrared security cameras throughout the inventory area. There will also be an electric fence located inside of the security fence.
 26. There will be no lighting of the vehicle inventory area. Outdoor site lighting will be limited to lighting at the building entrances.
 27. The proposed building is set back over 200 feet from any property line. The proposed parking areas are setback a minimum of 50 feet from any property line.
 28. The proposed building is 18 feet in height.
 29. The proposed building will have split face block walls on three sides and a metal wall panel exterior on the west side.
 30. IAAI has identified primary and secondary SSTS locations in the front yard of the Property. A private well will be located on the south side of the building.
 31. IAAI has prepared alternative landscape plans with a minimum of 152 overstory trees and 162 shrubs. Based upon the maximum site coverage on the Property, a total of 334 trees could be required. The City has the discretion to reduce the amount of required plantings, based upon site conditions.
 32. The primary areas of proposed plantings include the entire westerly Property boundary along Zodiac Street, the northerly Property boundary which abuts a Rural Residential Zoning District, and along Lake Drive. The southerly Property boundary abuts an existing C/I District and there are areas of existing vegetation on the abutting properties.
 33. IAAI has submitted the site plan to Anoka County for an access permit. A single driveway on Lake Drive is proposed and has been conditionally approved by Anoka County. The conditions include left and right turn lane construction and detailed design approval.
 34. The building elevation rendering illustrates a typical IAAI wall sign and other renderings illustrate a typical monument sign or freestanding sign.
 35. The Planning Commission reviewed concept development plans for a similar proposal by IAAI on adjacent property to the north in May 2012. The Planning Commission conceded a non-binding acceptance for the concept use of the property.
 36. The City Council reviewed concept development plans for a similar proposal by IAAI on adjacent property to the north in May 2012. The City Council conceded a non-binding acceptance for the concept use of the property, contingent upon turn lanes on Lake Drive and screened fencing adjacent to residential properties.
 37. Consideration of a CUP on the Property is subject to a CPA redesignation and rezoning from Rural Residential to Commercial/Industrial.
 38. Consideration of the CUP is subject to a lot combination of the 19-acre parcel and 40-acre parcel.

39. The Planning Commission held public hearings on the proposed CPA, rezoning, and CUP on October 16, 2013.
40. At IAAI's request, the Planning Commission tabled further discussion of the applications until December 4, 2013.
41. The City received a letter from Lino Lakes on December 2, 2013 requesting that no IAAI traffic be permitted on Pine or Zodiac Streets.
42. Due to inclement weather on December 4, 2013, discussion on the applications was postponed to December 18, 2013.
43. The City received a letter from IAAI on December 4, 2013 extending the formal review period to January 31, 2014.

Recommendations:

1. The CUP is contingent upon City Council approval and Metropolitan Council review of CPA 2013.
- 1A. The CUP is contingent upon rezoning of the 40-acre Property parcel from RR Rural Residential to C/I Commercial/Industrial.
2. The CUP is contingent upon final recommendations of the City Engineer.
3. The CUP is contingent upon final recommendations of the City Building Official.
4. The CUP is contingent upon final recommendations of the Rice Creek Watershed District.
5. The CUP is contingent upon Fire Marshal review and approval.
6. The CUP is contingent upon access permitting by Anoka County.
7. The CUP is contingent upon City review of a Stormwater Pollution Prevention Plan and NPDES permitting by the Minnesota Pollution Control Agency.
8. The CUP is contingent upon a lot combination of the 19-acre and 40-acre parcels on the Property.
9. The CUP is contingent upon acknowledgment by IAAI that the CUP approval does not eliminate the requirement for obtaining all other permits and approvals as required by City, watershed, county, or state laws, rules, ordinances, and policies, including but not limited to grading permits, building permits, plumbing permits, electrical permits, stormwater permits, sign permits, driveway permits, and private utility permits.
10. The proposed site improvements and construction shall be consistent with the CUP application received by the City on September 2, 2013 and as supplemented on November 21, 2013 (except as modified by the City, county, or watershed district).
11. IAAI shall:
 - A. Install the 8-foot-tall wood fence and landscaping along Zodiac Street as identified in the November 21, 2013 plan submittal - **OR** -
 - B. Install the 8-foot-tall berm and landscaping along Zodiac Street as identified in the November 21, 2013 plan submittal - and IAAI shall install the artificial evergreen fencing fabric in the security fencing on the north, east and south sides of the Property.
12. IAAI shall not use Pine Street or Zodiac Street for any business purposes other than temporary construction access. In the event any agency or jurisdiction requires an emergency access to be constructed on Zodiac Street to the Property, such access shall be gated and locked and used solely for emergency access. Such required emergency access

will require the City's review and approval of any changes in screening resulting in the emergency access provision.

13. The office parking lot, vehicle drop-off area, and vehicle pull-out area shall be paved with virgin bituminous surfacing.
14. The vehicle inventory area on the balance of the Property shall be paved with recycled asphalt.
15. There shall be no repair, dismantling, parting, salvaging, or stacking of vehicles on the Property.
16. All IAAI-owned or leased auto delivery or service vehicles and equipment with back-up alarms shall be equipped with "white noise" back-up alarms.
17. No auto delivery vehicles or equipment shall be allowed on the Property without "white noise" back-up alarms, except within the vehicle drop-off area and vehicle pull-out area adjacent to Lake Drive.
18. Phase 1 improvements shall be completed within one year of approval of the CUP.
19. Phase 2 improvements shall require prior notification and administrative approval by the City.
20. Facility expansions or use changes inconsistent with the CUP application, shall require an amendment to the CUP, at the City's discretion.
21. IAAI shall operate the auction facility in full compliance with all federal, state, and local laws, rules, regulations, and ordinances.
22. Hazardous materials or wastes used or generated on the Property shall be consistent with federal, state and county permitting and licensing requirements.
23. The City of Columbus shall be named an additional insured party on the IAAI comprehensive liability insurance policy.
24. The comprehensive liability insurance policy, including coverage for environmental contamination discovered within the Property, shall cover the Property a minimum of five years after use of the Property by IAAI has ceased or upon determination that there is no environmental contamination remaining on the Property.
25. There shall be no site lighting, except building lighting, which shall include shrouded, downcast fixtures to prevent direct lighting toward adjacent properties or public right-of-way.
26. Any proposed site or building signage shall require City review and permitting.
27. IAAI shall be responsible to reimburse the City for its out of pocket expenses incurred in the review and approval of the CUP, CPA 2013, and rezoning, including any subsequent inspection and enforcement actions.
- 28. The address on all materials used by IAAI shall identify this property as being located in Columbus, Minnesota.**

Mursko explained that this matter will go before the City Council at its January 8, 2014 meeting.

PUBLIC OPEN FORUM

There was no topic raised for discussion for Open Forum.

CITY ADMINISTRATOR'S REPORT

Mursko said the City Council will meet on December 26, 2013.

PLANNING COMMISSION MEMBERS' REPORT

WOLOWSKI COMMENT

Wolowski feels PC members did a good job gathering facts for the IAAI applications.

HVASS COMMENT

Hvass, other PC members, and staff expressed their gratitude to Organ for his service on the PC, and said he will be missed.

ATTENDANCE - NEXT CC MEETING

It was agreed there is no need for a Planning Commission member to attend the City Council meeting on December 26, 2013. Organ is scheduled to attend the City Council meeting on January 8, 2014.

Motion by Krebs to adjourn. Second by Anderson. Motion carried.

Meeting adjourned at 9:25 p.m.

Respectfully Submitted:

Karen Boland, Recording Secretary