

**CITY OF COLUMBUS**  
**PUBLIC HEARING IN INTERACTIVE TECHNOLOGY MEETING FORMAT**  
**STATUTES SECTION 13D.021**  
**33-32-22-23-0004**  
**CONDITIONAL USE PERMIT, PARK CONSTRUCTION - PC22-103**  
**07-20-2022**

The 07-20-2022 Public Hearing to consider a request for a Conditional Use Permit to permit a contractor shop consisting of an office, mechanical shop, equipment storage, material storage, and crushing activity in the Commercial/Industrial district vacant properties, PIN 33-32-22-23-0004. The meeting was called to order at 6:47pm by Chair Ron Hanegraaf at the City Hall. Present were Commission members Kris King, Barb Bobick and Bob Berens, City Administrator Elizabeth Mursko, City Planner Dean Johnson, Associate Planner Frank Koenen, Planning and Zoning Permit Tech Ella Giefer, Larkin Hoffman Attorney Megan Rogers, and Permit Coordinator Carissa Kranz.

In attendance via interactive technology were City Council members Shelly Logren, Forest Lake Times Representative Natalie Ryder, Don Waldoch, Paul & Holly Pearson and Josh Brobeck.

Also, in attendance in person were City Council member Janet Hegland and Mayor Jesse Preiner, Tom Olson, Sue Wagamon, Steve Wagamon, John Dahl, Barb Waldoch, Brent Fritzinger, Greg Newville, Michelle Daubs, Craig Kepler, Roger Nase, Sherri Nase, Jerry Winiecki, Earl Halley, James Underdahl, Cindy Angel, Julie Lane, Travis Lane, Perry Wagamon, Keith Brone, Krystle Bloch, Sheri Heim, Richard Wildflower, Helen Wood, Mike Wood, Darren Zabinski, Mary Jo Lyons, James Gauerke, Mark Walden, Jeff Carlson and Alberta Swanson.

The meeting was held in an interactive technology meeting format.

**Hanegraaf:** We're going to go on to item number 7 on the agenda tonight. It's a public hearing for Park Construction Conditional Use Permit, Jeff Carlson, Enclosures A, Enclosures B, Enclosures F, Enclosures G, Enclosures H, and also please bring enclosure A with you to the meeting. Ella, would you read the notice that's published?

Notice was read at this time by the recording secretary.

**Hanegraaf:** Thank you Ella. Now, usually at this time I say for the record with Jeff Carlson and the applicant come up and sit at the front table, but I gather that's who you are with LLC Carlson Group? Are you Jeff Carlson? Can we call you Jeff?

**Carlson:** Yes, I am. You may.

**Hanegraaf:** Okay, and you have three other associates with. Are they going to do any of this speaking?

**Carlson:** They will probably do some speaking, yes.

**Hanegraaf:** Okay, well just for the record, if you can move, we need your name and address even though we have it here. If you can just give your name and address Jeff and then go down a line with each person.

**Carlson:** Okay, I'm Jeff Carlson, President of Park Construction. My home address is 11681 Saint Andrew Circle, Blaine, MN.

**Hanegraaf:** Thank you and you might have to move that mic up, you know and move it. You can go to your left or right whoever.

**Friedner:** I'm Dan Friedner, I'm a commercial real estate broker with Newmark. I live in Lindstrom.

**Hanegraaf:** Okay, your first name again and your last name.

**Friedner :** Dan Friedner.

**Hanegraaf:** Do you want to spell that?

**Friedner:** F-R-I-E-D-N-E-R

**Hanegraaf:** We do that so the Secretary typing can figure it out, and then the party next to you?

**Kepler:** I'm Craig Kepler. I'm a lawyer at the law firm of Best and Flanagan. Kepler is K-E-P-L-E-R. That address is 60 S 6th St, 27th floor, Minneapolis, 94102.

**Hanegraaf:** Thank you.

**Bloch:** I'm Krystle Bloch with Bloch Engineering. My address is 32210 Sand St, Cambridge, MN.

**Hanegraaf:** Krystle right?

**Bloch:** Yes, Krystle yeah.

**Hanegraaf:** I'm getting kind of old, I have bad ears. Did you get all that down? Okay, thank you. Well good evening. Jeff, the Commission received your application for Conditional Use Permit along with lots of data in your narrative statements. There was a number of narrative statements in here, and I have to say it's fairly large and complete, as is the normal protocol and for the record and public, could you brief us or give us a presentation about what you plan to do on this property?

**Carlson:** Yes, I can thank you for having us here tonight. First of all, I have a little PowerPoint, I'll bring up in a few minutes or Elizabeth will, but 1st, I'll just give you a little history. Park Construction is over 100 years old. My great grandfather started the business and down on Park Ave and hauled goods and services and coals and everything they could to make a dollar and survive. We made it through the Great Depression and turned into Park Construction in 1916. Today we're a general contractor that builds roads, there's a lot of flood control work we do for the core of engineers, that's mostly out of state. We work all over the Midwest, but our main work is Minnesota and North Dakota. We have an office in North Dakota and an office here. I'm 5th generation. My nephew is in the business, so I'm 4th generation my nephew is 5th. We've been local to the area for, I mean, we were downtown and then we were in Fridley for 50 to 60 years and we've outgrown our space. So, we're looking for a, we found the place on Lake Drive and it fits us very well and we plan on servicing our equipment there and storing, having outside storage and we did that where you asking for, a Conditional Use Permit to recycle concrete, along with the other contractors on Lake Drive that do the same thing. So that's a little bit about myself, you can ask me any questions, interrupt me anytime.

**Hanegraaf:** No, we'll wait till your presentation is done, you know, and then we'll have some questions.

**Carlson:** Okay, yeah, the main thing on my presentation was, I know there's a lot of concern about crushing concrete, and people throw up their arms and they don't want to have it in their backyard, and we met with the City and we talked to them about our plan and they've made recommendations on how we could do screening and keep the noise from leaving the property that we're buying and we made those changes and incorporated it into our design. Can you switch it to... Yeah, so again, we're a family owned and operated since 1916, with 5 generations, we're a heavy civil contractor that does excavating, grading, underground utilities, paving, and some concrete foundations. And our customers are the federal government, state and local government, commercial and private. This picture is a depiction of what we're proposing on the South side of the property. It is where the main drive will come in off the road and the left of that is where the crushing, one would be rubble pile and the other one would be a crushed pile, and the other pile is just topsoil pile and then to the left to the West of that is just some equipment parking. We proposed to put, after the City recommendations, a berm along the Southwest corner of the property and then running straight to the East, an 8 to 10 foot fence to help with blocking any view and keeping the aesthetics. The right is North, but to the to the East is the long length of the berm. There's a pipeline that runs through the property to the left of the driveway and then it tees and runs North and West on the Westerly part of the property. And all that as wetlands on that Westerly half. And you see the ponds in there, those are infiltration ponds that we have put in for design purposes. The remainder of the area is used for parking our trucks. We currently have 13 dump trucks, and we have some trucks with trailers to move equipment and the rest of it is heavy equipment. Keep in mind that that equipment mainly stays out of the yard, we bring it in to fix it. That's where we do our repairs. We'll leave our equipment on job sites over the winter and then start it up and get that back to work in the spring, so we don't all have all of our equipment in there at one time. We also have miscellaneous other pieces of equipment for storage that we use, small attachments type material, trench boxes for safety, a lot of miscellaneous stuff that's involved in construction. The shop area and office is 15,000 square feet, and that's where we will do our maintenance and washing of equipment and then there's a warehouse to the North, that will be just cold storage for storing parts and supplies inside. So that's the layout of the rendering. Does anybody have any questions on this picture?

**Hanegraaf:** Not at the moment, have you still got more of the presentation?

**Carlson:** Yeah, there's other slides. This is a picture rendering of our office or shop and office and the warehouse that our architect did for us. Next slide. And why we're here today to request a Conditional Use Permit to allow for recycling of concrete and asphalt, provide education on the recycling process and answer any questions you might have. Next slide. This is a typical, this is a size of machine that we use. We load it with an excavator that sits on top of the rubble pile, and he dumps it into the crushing equipment, and then it spits out onto a conveyor, which stacks it up in a pile. Next slide. This was a video, I don't know if, Elizabeth, were you able to make this work? Oh, the arrow down there in the lower left. Can you click on that? It lasts a minute; it doesn't last very long.

Video is played.

**Carlson:** That's basically how you crush the concrete. You dump it in there and it busts it all off into little pieces and goes through a screen and spits it out then and goes onto a conveyor and it piled it up. We do not do the crushing ourselves. We outsource that to another vendor, the same vendor that Forest Lake used a month ago, right up here on Lake Drive and crushed their pile. Next slide, please. Okay, there we go. This is a little- (Audio and Internet cut off)

**Recess from 7:06pm to 7:32pm due to technical issues with the internet at City Hall.**

**Hanegraaf:** I guess we're going to continue the meeting.

**Rogers:** We are back in full session. We are back with our recording and so I would ask that you call this meeting to order, and we move forward with the testimony of the applicant.

**Hanegraaf:** Okay, alright, where did we stop?

**Rogers:** We took a brief recess that turned into a slightly longer recess, and now we are back in open session.

**Hanegraaf:** Okay, alright.

**Mursko:** And I believe, Mr. Chair, we were looking at, we stopped at this slide that's on their proposed recycling site looking North and I will turn the floor back over to Jeff Carlson, President of Park Construction.

**Hanegraaf:** I guess you're on Jeff.

**Carlson:** I'm on again, thank you. As we were sitting here waiting for the internet to come back online, we were talking, and I was looking at a noise chart that's in my presentation coming up. And I just want to make the comment that noise decibels from a crushing operation are less than a noisy restaurant, which would be similar to what how noisy it was in here while we were all waiting and talking. So just wanted to say that. That's the picture of our crushing location looking North. And the next slide is a picture of the where the crushing location will be looking West, and that's Mr. Wagamon's horse barn, the red barn there. Now the next slide. The distance is measured off 1,330 feet to the West and 1,730 feet to the North to the residents to the North. Some of the concerns that we thought about that we think about it all the time, I will say that the safety is our number one priority at Park Construction, to keep our employees safe and the surrounding public while we're working safe. We have a very good safety record we work with OSHA all the time. And so, we thought about what the concerns that the neighbors would have, and we came up with noise, dust, any type of hazards, the screening of the site, and how it looks, the aesthetics. The noise levels you can see from this chart. from 75 feet away, crushing operations at 75 decibels. City traffic from inside a car is 85 decibels. A food processor, you guys can read it yourself 95 decibels, jackhammers 130 decibels. What does it say? Average office noise, 70 decibels. So, the thought the old thought that the crushing is loud and noisy and it's not that loud and I put the distances in there to show how far they will be away from the residences and without any screening like a berm or a fence, even without that the noise dissipates as it gets further away, the decibels go down. Now when you put up a screening up because we don't want them, we want to be good neighbors. We don't want them to look at our crushing operation. We want them to enjoy their property, and so with that up as well, it's going to block the noise even more, they won't even hear it. So, I'll go to my next slide. That's just a picture of a crusher that was at Forest Lake contracting, and it was at 75 feet it was 76.8 decibels. The noise, the approximate duration is for four weeks we would crush from 7:00AM to 5:00PM Monday through Friday. The distance I already said this in the previous slide is 1,330 feet to the West and 1,730 feet to the North for the closest residents. And we would screen it by a berm fence, buildings, trees would be screening, and it would decrease the sound decibels. The backup alarms on our trucks are all white noise and the slamming of tailgates we would

prohibit on this site so they wouldn't have to hear any slamming of tailgates. Typically, that's just a natural habit of a truck driver, to dump their load when they're hauling dirt, they back up, and then they slam their tailgates to get the dirt out because the dirt sticks in it. But rubble doesn't stick, it just slides out. So that will be taken care of that way. Next slide, please. Dust during hauling activities, we will use water to eliminate the dust. Our vendor that does the crushing has a written safety plan on how to handle the dust and mitigate any hazardous chemicals and silicas and that and they use a chemical added to the water to suppress the dust and any silica that's in the air. That is a, I saw in one of the latest attachments today that they added to the meeting today that somebody said, 'how do they water it?', well they water it by, they have a, they hook up a hose up to the machine and the machine's got lines in it with sprayers that sprays the conveyor belt that's raising pressure. It sprays where they generate the dust. So, it keeps the dust down. Well, that's how we do it. Next slide. Silica dust, well, how we manage it is implement the appropriate controls to mitigate risks at acceptable levels. The acceptable levels are set by OSHA, not by me. We use personal protective equipment as far as glasses, hard hats, respirators if needed, but we don't use respirators because we control the dust. Air monitoring, we monitor the air, if it gets bad then we shut down. OSHA approved suppressant, that's what we use, and then we have a safety officer that conducts a risk assessment on what are the hazards of the job that we're currently doing on all of our jobs. Every day he's out doing risk assessments to keep us safe. And then we train our employees, and our vendor trains their employees on the risks associated with any type of work. There's always risks whatever you do. Next slide, please. The Aesthetics, so, after meeting with the City, I will say we wanted to put the crushing operation in the Southwest corner closest to the Wagamon's when we first designed this, they made recommendations to move it away from them, so we did, and then they said screen it as best you can. So, we screened it by putting a 10-foot berm in and it then putting a 8 to 10 foot fence in and then we had somebody do a rendering, Bloch Engineering. This is what you would see looking from their house. That's the view they would see they would not see any of the equipment parked. They'd see the trees in the background. They'd see the top of our buildings, and that's all. Next slide if there is, I don't think there is. That's all I had for right now.

**Hanegraaf:** Well, thank you. I guess I want to go on to one more point here before we get into questioning, and I'll get to that in a minute. But for the record, did you receive a report written by Dean Johnson of Resource Strategies Corporation dated July 13, 2022, noted in your project with his findings of facts and issue discussion items. And do you have any questions or comments about them that you'd like to express?

**Carlson:** Yeah, yeah, we did get that, and we responded to that, didn't we Krystle?

**Bloch:** [inaudible]

**Carlson:** Yes, we did receive that.

**Hanegraaf:** Do you have any questions or comments?

**Carlson:** I don't think so.

**Bloch:** They went over... it's kind of mostly repeating the news.

**Hanegraaf:** Okay, and also, I'd like to note that City Engineer Kevin Bittner wrote a memorandum dated July 12th, 2022. Did you, Krystle, you kind of keep shaking your head there, did you receive that one?

**Carlson:** Yes, yes we did.

**Hanegraaf:** Again, do you have any questions, comments?

**Carlson:** Yes, I do, on item number 6. This is from Kevin Bittner's memorandum letter. He talked about the high-water table, then the presence of mottled soils is roughly 907. The grading plan indicates the bottom of the crushing storage area to be to 906, which would be below the high-water table indicated by the mottled soil. The high-water table is not 907, it's 901, and that's verified by the watershed, and we have that documentation. And then it also on item number 9, I already said this, but I will repeat myself. It would be beneficial in how the water would be applied to the crushing operation. So, if we usually use like that, we'll park a water truck over there and run a hose over to the crushing machine and then it sprays. It has its own pump system, and it sprays the water on the crushing operation, so while it's crushing it keeps the dust down. Okay, here you go (passing microphone to Kepler).

**Kepler:** I have a couple of comments specifically as to those reports as well, and since you had asked the question, I thought I'd make them now. In the July 12th Bolton Menk report, I would just note what Bolton-

**Hanegraaf:** Excuse me, can you pull the mic up closer?

**Kepler:** Oh, I'm sorry. I just note what Bolton Menk says in conclusion about the traffic impact of the project. The comprehensive plan shows that in 2015 this road sees around 7,300 or so daily vehicle trips. At a heavy estimate, Bolton Menk said that this project will add about 300, I think their math is a little bit high, I think that's probably a rounding error, the actual trips is 260. But in either event it's going to just be a 3 to 4% increase in traffic on this stretch of road and Bolton Menk specifically concludes that they don't anticipate any traffic or operational issues given the improvements that are being made to the road by the Waldoch's. Jeff already commented on the height of the water table in the area and of course he will provide the conclusion of an engineer on that point. As to the July 13th report from Resource Strategies Dean Johnson, I did just have a couple of points there. They talk in point 8 about the zoning code and how the zoning code does not have a specific reference to concrete recycling and crushing as a Conditional or Permitted Use. That's true, it doesn't say those words 'concrete recycling'. However, the zoning code does have some provisions that are fairly broad and open-ended, and the zoning code has to be viewed as it's been consistently applied and interpreted by the City of Columbus over the decades. And as Jeff has noted, there's multiple concrete crushing operations. And as the Engineer noted, even as recently as 2008 or so, a CUP has been given in a Commercial Industrial Zoning District property for concrete crushing. Exactly the same zoning district that this property is in. The City has to treat Commercial Industrial properties consistently. It can't discriminate among them for uses, and consistently the City has allowed this use. I would remind the City that the other CUPs in place, are CUPs, and that Conditional Use Permits can be terminated if the City believes there is a violation. And there are multiple concrete crushing operations and other commercial industrial properties. None of those CUPs have been terminated by the City. Therefore, the only real conclusion is that the City doesn't believe that's a violation of any of the CUPs up and down Lake Street. Harmonious with the Comprehensive Plan. That's been something that's been raised a lot by many of the commentators, and by the engineering firm as well. I'd like to point out a few things that that the Comprehensive Plan says. Goal #6 very, very plainly stated, allow for intensification of Commercial Industrial opportunities in the Lake Drive corridor. The clear intent of the City all along has been to intensify Commercial Industrial

uses, not to limit it. I'd remind the City that this specific site is zoned Commercial Industrial, just exactly like the Blake Dewatering site, just to the South, which is almost exactly the same use minus the crushing, but it's going to be staging of equipment and vehicles and materials and fixing the vehicles. It's immediately East of several of the residences on Zodiac Street that are complaining about this. By the way, I would remind the City that there is no residence to the West of this property. There are only two residences, even in proximity to this property at all, and both of those are very, very far away from this site. I think that that, Jeff's Engineer is going to talk a little bit about the impact of distance on noise, but if you do the math a 75-decibel sound at the site where the crushing is supposed to be comes to around 50 decibels by the time it reaches the distance of the residences and that's without any screening between the crushing and the residences. 50 decibels is approximate office conversational level sound. So, there's that. Back to the Comprehensive Plan, expanding construction services. That's one of the goals stated in a Comprehensive Plan. The Comprehensive Plan specifically says that they aren't going to designate more Commercial Industrial space because there is still developable acres currently identified as Commercial Industrial. The clear intent of the Comprehensive Plan at the time it was passed just a couple of years ago, after two years of work by the City was to put uses on this land that are consistent with uses already existing on the other Commercial Industrial parcels located up and down Lake Drive. And again, as I noted just recently, Blake Dewatering has been given a CUP for a use that's very, very close to this use with the only exception being the concrete recycling. A couple of other things from that note, in paragraph 6, where the report talks about noise, they cite an inapplicable noise standard. I think Jeff's engineer will talk about the correct noise standard. But the engineering report to the City is wrong there. I would note that in paragraph 1B, that's where they measure, they mentioned the recent Ryback CUP, although in my opinion all of the existing CUPs suggest that this is an appropriate use and a Conditional Use that's allowed by the zoning ordinance, because that's the way the City has consistently interpreted its own ordinance for decades. By the way, the ordinance was adopted in about 2002, when this was still a town, but it has remained in place unchanged with respect to Commercial Industrials since 2002, so there's been no changes to the ordinance that would suggest any change in the use of the ordinance has been consistent and the interpretation has been consistent for decades. And I would suggest that the City can't discriminate against this property and treat it differently than it has treated every other Commercial Industrial property up and down the street. Finally, the only real issue that's been raised, in my opinion, which is a small one, by the July 13th report, has to do with whether there's any applicable set back or screening requirements that may require a little bit more screening around the piles. It's not clear whether the which is the front yard and which is the side yard of this site, and the engineer suggests that that might require a little bit more consideration and depending on how that comes out, perhaps a little bit of additional screening might be needed. Of course, I think Jeff is willing to add any screening that's needed for setback purposes. So specifically, with respect to the questions about those two reports, those are the comments I would have, and I think Jeff's engineer has a couple of comments more specific about noise.

**Bloch:** Yeah, I don't have a whole lot to add. I mean, I feel like we've already hit on the points that the sound is going to get less obviously the further away the house is, and he already touched base on the accurate number of decibels too, just for example at 300 feet it would be 63 decibels and at 1,200 feet it's 54 decibels and then once you add in the piles the extra distance the berm defense everything I just I don't think that the noise is going to be an issue, and I think they covered everything else that we had talked about in the in the memos so, that's all I have.

**Carlson:** Excuse me, one other thing I'd like to comment on is the traffic. Our traffic that we generate, typically we're going out with 12 dump trucks in the morning, and they come back at the end of the day. Yes, there's some trips where we make some rounds of rubble, but we don't haul all the rubble back to our site. That's cost prohibitive for us. We're not going to drive from Bloomington all the way up here to dump a load of rubble. We'll dump it down there at a local crushing spot. We're only going to bring in rubble if it's close to us. So that's going to limit how much rubble we're bringing in every day. Close to our projects, and we work from April to November and typically your removals are the first thing you do when you start a construction job. You tear up the curb, you grind the asphalt off, and you pull the sidewalk up and you haul it away so you can start grading and widening the road. So, it happens in first two or three months of work and then we don't do much of it. Little spotty here and there.

**Hanegraaf:** Okay, thank you, and I guess we're going to go on here. This is a big project and a big lot of issues, and you brought them up earlier on page 18, enclosure B, I think or whatever. The ones you just had on a slide up front there. Anyway, I'd like to go to those topics in a minute, but before we go there, there's a lot of paperwork here that you handed us, and I was kind of confused in the beginning on what you do. I thought, are you in a recycling business? Are you in a heavy construction?

**Carlson:** We're in a heavy construction business, which involves, one part of our, one component of our work is recycling the material.

**Hanegraaf:** So, what would you say on your business? Is it 10% 20% 50%?

**Carlson:** Of the recycling?

**Hanegraaf:** No, of your business. I'm trying to figure out, like I said, most of it when I started reading, I got this idea that you're in the recycling business.

**Carlson:** Oh no no no. Our main work is earthmoving and underground utilities and paving asphalt.

**Hanegraaf:** Okay, fine. Before I yield the floor to any of my other Commissioner members up here, I had some questions I'd like to ask you. And I like I said, I went to page 17 of enclosure B and I took off of that and I want to start with noise. You know the possible concerns you said is noise, and on page 20 of enclosure B, you state that recycling takes place in the winter months, noting approximate duration is 4 weeks from 7:00 AM to 5:00 PM. Then on page 439 of enclosure A, crushing operations you note would only take place around six weeks a year, and be done in colder weather, hours of operation 7:00 AM to 5:30 PM, months of operation 12. Could you clarify this? I mean, I see it going back and forth: one time you say you're done at 5:30 PM, another one says you're done at 5 PM, one says it's four weeks, one says it's six weeks. What is-

**Carlson:** Is that coming from the narrative?

**Hanegraaf:** Yes, it's coming from, I can give you the pages, it's coming from 439 and the narrative you got in here too on page... Anyway, it went back and forth. What would page 20 of this enclosure be?

**Carlson:** I'd be happy to answer that question.

**Hanegraaf:** On this one here you state 7:00 to 5:00 PM, approximate duration 4 weeks, and then on page 439 on this one it says will move importable equipment to the site, press materials to finish

product and it further states that the time was 4:00 AM to 5:00 PM, on this one hours of operations says 7:00 AM to 5:30 PM. Then it says months of operation 12 months.

**Carlson:** But that's for the business, not for this recycling.

**Hanegraaf:** But farther up here it says Park Construction will also run concrete recycling crushing operation on this site, below you will find a detailed description of how Park plans to run this operation, so I take for granted that you're running this recycling. So, which one is correct?

**Carlson:** Okay, I apologize. We're not a recycling company. We're a construction company. That's a component of it. So, the recycling, we will meet all the City requirements and when we can recycle, whether it's 7:00 AM to 7:00 PM or 7:00 AM to 5:30 PM or 7:00 AM to 5:00 PM. We will follow the guidelines set by the City to do so. And as far as when we crush, we've only been crushing once a year. I would like the ability to crush twice a year, if it's necessary, but we typically- last year we crushed in January and two years before we crushed in March, then we were done.

**Hanegraaf:** Okay, when you're crushing, I'm kind of confused on another question that comes up, so it's January. How are you running water in there? Doesn't that freeze?

**Carlson:** No, no, we just run hot water in our truck and feed it through the line we have. We put blankets down to cover the line and it's fine.

**Hanegraaf:** Alright, well it's just kind of confusing to me.

**Carlson:** Frost blankets.

**Hanegraaf:** You know, I just thought it would be freezing up.

**Carlson:** No.

**Hanegraaf:** Okay, alright, and when you explain crushing, you explain it very well, but I'm confused about some data and you talk about stockpiling recyclables at 15,000 to 35,000 cubic yards, then yielding 3 tons of product. I understand that once you crushed concrete you remove the steel out of it right? Or the metal? And that's, where is that going to be?

**Carlson:** That gets piled, and we put it in a dumpster and recycle it.

**Hanegraaf:** A dumpster? I mean, it's just like one of these dumpsters that they put on the back of a truck?

**Carlson:** Yep, a roll off, yeah.

**Hanegraaf:** A roll off. Okay, so that's where they put that and where is that going to be on site? Right next?

**Carlson:** That'll be right next to the crushing operation, and it's only there when we're crushing.

**Hanegraaf:** Okay, and then I'm trying to understand how much, I know it's an estimate, but to get 3 tons of your product that you want to use, I gather, recycle how many stockpilings of the recyclables? You got that cubic yards and you got the other one in tons, and I'm trying to figure that out? What?

**Carlson:** Right, it is because we haul it in by the cubic yards, and then we crush it and sell it by the ton. So typically, it's two to one, so if you have if we bring in 15,000 cubic yards of rubble and we pile it, and then we say, Okay, we have enough to crush, and we crush it, then we'll generate 30,000 ton. Same amount, it's just one ton in one cubic yards. And it we could have 15,000 cubic yards, or we could have 25,000 cubic yards piled up to crush.

**Hanegraaf:** That'll be 2 to one.

**Carlson:** Well, no, yardage. We might have a bigger pile to crush. There might be a smaller pile, but minimum we want to crush is like 15,000 cubic yards.

**Hanegraaf:** Okay, again on page 20 of enclosure B you talk about backup alarms or white noise. Does this include all your track equipment? I mean like your dozers and that too?

**Carlson:** No, our dozers really aren't working in the yard, they're just getting loaded and unloaded and walking into the shop.

**Hanegraaf:** In the shop, they'll be unloaded in the shop?

**Carlson:** No, no, no. They'll be unloaded outside on the ground, and then we'll bring them in, we'll just park them, and then we'll bring them into the shop.

**Hanegraaf:** But they have the noise beepers then, right?

**Carlson:** When they go in reverse, yes, for safety.

**Hanegraaf:** Okay, and the skid loaders, same thing? They got noise beepers too, not white noise?

**Carlson:** Yes, they do. I don't think those skid steers have white noise.

**Hanegraaf:** And we are talking about slamming tailgates is prohibited. I've never driven a dump truck, but I'm trying to figure out how do you enforce that?

**Carlson:** How do you enforce that? By managing our employees and the people that are bringing in our stuff and putting signs up on there.

**Hanegraaf:** Okay, another question. I want to throw on you there, are you operating this by your own employees bringing in recyclables? Or can John Doe come in with a dump truck and dump recyclables on your property?

**Carlson:** Yes, we have a little bit of that.

**Hanegraaf:** [inaudible]

**Carlson:** I'd say 90% of it is ours, and 10% of it can be John Doe.

**Hanegraaf:** Okay.

**Carlson:** Or they can go up to Forest Lake Contracting or North Pine, Cemstone.

**Hanegraaf:** The new maintenance shop you're proposing, will it be air conditioned, or will the doors be open in the summer?

**Carlson:** The doors should be open in the summer.

**Hanegraaf:** So that noise will escape there too, right?

**Carlson:** Yeah.

**Hanegraaf:** Okay. Will there be any work done out on a yard?

**Carlson:** Very minimal, I don't...

**Hanegraaf:** I'll give you an example. Do you have all your trucks, are the tires handled by your mechanics or do you have a contractor come in and rotate your tires or?

**Carlson:** We have a vendor that comes in and does our tire work, but we are looking at getting a tire machine for our new shop.

**Hanegraaf:** But does the vendor do it out in the yard?

**Carlson:** Yes.

**Hanegraaf:** All right, so he's got a compressor on his truck and the whole works going too. And my final question, on noise, is what time do you believe everything will be shut down? No fueling of trucks running, no maintenance in the shop, etc.?

**Carlson:** Well, on an average we usually shut down about, between 6:00 PM and 7:00 PM. By that time, all the trucks float in.

**Hanegraaf:** And all the fueling is done? I don't know if you-

**Carlson:** We fuel out on the jobs, all the trucks fuel in the onsite.

**Hanegraaf:** Oh, you do?

**Carlson:** Well, the trucks fuel on site, and then they come in and they fuel and then they –

**Hanegraaf:** Go park their rigs? And the mechanics will be out of the shop? Or will they be working till 8:00 o'clock at night or?

**Carlson:** Ah, no, typically not.

**Hanegraaf:** So, everything is quiet like about 7 PM?

**Carlson:** Yeah.

**Hanegraaf:** Okay, I'm kind of just trying to coordinate data here, so we're not throwing questions back and forth.

**Carlson:** Right, there's times, I'm not going to lie, there is times when there's emergency situations - we do a lot of railroad work, they call us there's a derailment, they need us now. Boom, we don't even have to obey the frost laws because they have jurisdiction over the highways. We can haul our equipment when there's road postings out and we haul heavy loads when there's an emergency, or the Core of Engineers where it's flooding somewhere we got to gear up and go, so we gear up and go. But we're not noisy.

**Hanegraaf:** Okay, all right that one area of noise, I'm going to end my question on but I'm going to yield the floor to my other Commissioners here if they have any questions about noise or activity that goes on there. So, start with Kris.

**King:** Hi, I'm Kris. I do have a question; it would be page 19 of your noise. You show, what is that? A backhoe up there and that's sitting how high on the rubble?

**Carlson:** Suppose that's probably 25 or 30 foot.

**King:** Okay, so you got the backhoes sitting above and I know you're focusing more on the crushing itself and trying to convince us that that noise level is pretty low. I'll speak in here more (referring to microphone). But I look at this picture and I see Okay, you're going to have your berm at 10 and your fence at 8 to 10, but you're going to have a backhoe that's up there, reaching down, grabbing the rock, there's noise generated there, and that's different from the decibels you're showing there, and that's more of the noise that is maybe harmful more to the residents that are back there, and how do you mitigate that? Because you're not going to build the fence that's 30 feet high to be above the rubble, I'm assuming.

**Carlson:** Well, we are going to have 25 feet of clearance with line of sight, so we have a 10 foot berm, 10 foot fence, and then we're lowering the elevation of where that's going to happen by 5 feet, so it'll be 25 feet.

**King:** But you're still going to be a little... the potential of being over there because it is still there. So, I mean it is a concern that should be looked at because it's not just the crushing that I'm concerned about. That's one aspect. The other is everything else that goes along with the operation and Ron had brought up about the backup beepers on your tracked equipment, and I know based on your site plan you have 88 spaces towards what is at the North edge and there is a neighbor back there I think, that if you are starting those up to load them, you've got backup beepers, if you're loading them early in the morning, you've got that noise associated. Am I correct there?

**Carlson:** Keep in mind, like I said earlier, that our equipment isn't, we don't want it in the yard. On the jobs. The only time it comes in there is to service it or store it for the winter. We leave our equipment on the jobs all winter long when we can. Those equipment that's parked there, it might be a bobcat trailer and a pickup, they're going to start it up, yep, and they're going to drive over where the skid steers are parked and they're going to fire it up and load it up. Fuel is, you know how expensive gas and diesel fuel is right now, right? Well, we've been monitoring it for years and we have a policy that we do not let our equipment idle more than five minutes. So, the equipment isn't going to be sitting there running for a long time.

**King:** No, and I realize that you're in the business to make money and running fuel and idling your equipment is a waste of money. I mean, I get that and really, my point is, is it still is a nuisance to those neighbors back there that they possibly early in the morning - and unless you can convince me that there's never going to be a piece of equipment back there, you could be starting up a piece of equipment and/or your mechanic could need to work on something back there when they start their shift at 4:00 o'clock in the morning, so there is that potential for that noise. Is there or is there not?

**Carlson:** The equipment will make noise.

**King:** Okay. Yep.

**Carlson:** Okay, and then I'm going to go back and I'm going to refer to my chart. A food processor is 95 decibels. Our equipment is not that loud, and at the at a distance and with the screening that we're providing that dissipates to there to down to 53 - 54 decibels, right? By the time it gets there.

**King:** You know, I sat through a public hearing quite a few years ago and there was some items going on with trucks and heavy equipment that was on a site, and a gentleman brought in a backup beeper to show the Council what that really sounded like, and granted in here it's very loud, but, to flip forward, I lived close to the site that this was and I could hear them all the time. So be it for short durations or long durations, it still is an annoyance to residents that butt up against that that property. That's my point. And your 10-foot fence, I don't know if that's enough to buffer that, so my big thing is, besides the crushing, I believe there's a little more activity on your site that's going on that generates noise.

**Carlson:** Okay, so you're right, we generate noise, but I will reiterate the buffering by the trees, existing trees, the berm, the fence, but also, we don't start the equipment up and drive backwards with it. That's not safe. We start the equipment, and we drive forward onto the piece, onto the trailer and turn it off load it and leave. So, you're not going to hear any backup alarms. You might hear one occasionally if they have to make an adjustment, but they're not driving their own backwards all over in our yard. Absolutely not.

**King:** Well, no, and I don't believe that they are driving around backwards all over. I'm just kind of anticipating some equipment that's parked, and you might have to back it out of the location because you might have some of your other equipment stored there and you need to get one piece out that needs to back out, so you are backing out in that. That's a possible scenario.

**Carlson:** It is a possible scenario, and it probably lasts about 5 - 10 seconds to back it out and then you're in forward.

**King:** But it is a possible scenario.

**Carlson:** You'll get a couple beeps if you do that.

**King:** Right and you can understand where that type of noise, even for a couple beeps, can be an annoyance to residents early in the morning or later at night. I mean, that really is another, so that's-

**Carlson:** Oh yeah, if it, yeah it would annoy me too if I had listened to that all day long, but that's not what we want to do. We want to be good neighbors. We don't want to annoy people.

**King:** You know, I understand that I don't think you're in the business to annoy people and I'm going to assume you want to be a good neighbor and everything. But there is that potential, and the big part that becomes a problem is those neighbors call the City, and then the City staff has to deal with this. Which takes them away from what they should be doing. So, there's another flip side to the whole scenario there that we need to look at also. So that's just kind of there. Let's see. I think that's it for a minute with the noise. Barb?

**Hanegraaf:** Barb do you have any questions?

**Bobick:** I do question the fact that you're saying your drivers don't bang their tailgates, I mean, that's common practice. I was just walking on Furman, which is, I don't know, a mile from Lake Drive, and me and another resident were walking and all of a sudden, we heard a boom. Like I say, that's almost a mile away, and she said, what is that? I said, well, it is what dump trucks do to remove every piece of soil in their dump. And I can't imagine, how are they going to get it out if they don't bang?

**Carlson:** A lot of them have vibrators on their boxes now, it vibrates the bottom and it shakes it right out.

**Bobick:** You know that's another issue is the vibration is also a noise. Everyone knows how heavy semis are. You're saying that you have a turning radius of what 75 to 90 feet. So, these obviously you've got large vehicles moving around that creates vibration, you know? And that's also a noise, and it's annoying.

**Carlson:** What I don't understand, what's the vibration of a truck turning?

**Bobick:** From, you said that you're going to have gravel, so if you're moving these 18 Wheelers around, there's vibration.

**Carlson:** They're not 18 Wheelers, they're dump trucks.

**Bobick:** Okay, what are all of your 500 vehicles that you're going to store there, are they all dump trucks?

**Carlson:** No, there's loaders, there's motor graders, there's dump trucks, there's pickups, there's trailers, there's compressors, there's water pumps on wheels. There's all sorts of equipment down on wheels.

**Bobick:** Heavy equipment, right? And it doesn't make noise when you drive it across?

**Carlson:** No.

**Bobick:** No? When you hook up a lowboy and put a track front loader on that doesn't make noise?

**Carlson:** I'm not saying it's silent, but it doesn't make noise that people can hear all over the place.

**Bobick:** Well, we just heard a dump truck.

**Carlson:** A dump truck? Yes, when they slam their tailgate. I'm saying yeah, I agree with you. They will make noise.

**Bobick:** But your guys aren't going to do it when all the other guys-

**Carlson:** Not if we prohibit it.

**Bobick:** Well, to me it doesn't seem realistic to say that. Because they all do it here, you know.

**Carlson:** Well, if they do it then they're not allowed in there to dump them.

**Bobick:** Okay. Except -

**Carlson:** I mean, all I can do is manage it to the best of my ability and eliminate the problem. And if somebody is doing that then you're done. You can't haul in here.

**Bobick:** All right.

**Berens:** Yeah, Hi, Bob here. Sticking with the theme of noise as a potential nuisance, I want to refer to your safety program. You had mentioned a safety officer, which implies that you have, as a large contractor, you have a pretty comprehensive health and safety plan in place?

**Carlson:** Yes Sir, yes.

**Berens:** And in addition to your safety officer, do you have any other safety staff that works?

**Carlson:** Yes, yes.

**Berens:** How many do you have?

**Carlson:** We have two.

**Berens:** And that covers Minnesota and North Dakota?

**Carlson:** Yeah. Our safety manager, officer and two others that work remotely and like one in North Dakota and one here traveling around. But we train all of our supervision and our employees our operators our laborers. We have two to three days of training every winter on safety, so we consider we're all part of that. We're a team. We're all trying to be safe, not just, but there's three designated people that monitor consistently and manages.

**Berens:** Do you have an environmental company that you contract with to do your monitoring, air quality, noise abatement, any of those things.

**Carlson:** American Engineering and Testing. We've used Braun. We've used Braun Intertec.

**Berens:** When you talk about noise and dB levels and all that, who actually does the monitoring for you to determine those levels?

**Carlson:** Well, we have somebody come out and monitor while we're crushing.

**Berens:** I'm trying to figure that out, who is 'they'?

**Carlson:** Well, I don't know if we used American Engineering or Braun, but we'll have somebody come out and monitor and then we'll be with them when they do it. And then we can monitor after that monitor it to make sure it's Okay.

**Berens:** So, you have on site equipment to monitor, and you send those results out.

**Carlson:** Yeah, we have that, yeah.

**Berens:** And you send those results out then to determine those levels? Or is that something to do it then?

**Carlson:** No, its levels are spit out right there. So our safety manager manages that so. If there's not a problem, then you know anything, of course.

**Berens:** Now what would you consider a problem related to noise?

**Carlson:** Well, if it's getting above the acceptable levels of ordinances.

**Berens:** So how often do you do you do your monitoring for that?

**Carlson:** Well, when we're crushing-

**Berens:** Is the complaint driven or is it a systematic?

**Carlson:** We don't monitor if we're not crushing. I'll tell you that. Okay, but when we're crushing, we'll monitor probably, when we first start crushing three times a week, and make sure it stays consistently the same and then after that, as long as nothing changes, we'll monitor once a week.

**Berens:** Once a week during crushing operations? And that's written in your policies?

**Carlson:** Ah, not in our policy, no.

**Berens:** How did how did you determine the frequency of those testing sequences?

**Carlson:** When we when we got our permit with the City of Fridley. That's when we did. And then we had to show them our noise levels.

**Berens:** That's the questions I have at this point, but I'll I have many others. So, stay tuned.

**Hanegraaf :** Thank you Bob. Real quick, you mentioned earlier that you had what? How many dump trucks?

**Carlson:** We have 13 dump trucks, 12 dedicated to our paving operations and 1 that just works with our commercial guys.

**Hanegraaf:** Okay, you know I might be getting confused because your numbers on page 439, that must be the ones in Minnesota? Then you got some in North Dakota because you got 25 down here for dump trucks.

**Carlson:** Really?

**Hanegraaf:** Yeah, on page 439 of this.

**Carlson:** In the narrative? Well, that's wrong then.

**Hanegraaf:** Well then, I was kind of confused about. Now, what is a loader?

**Carlson:** That that might that number maybe was or future growth. I don't know.

**Hanegraaf:** Okay, well that's fine. Beause when you said that number I looked and I thought this is-

**Carlson:** We did have some side dump trailers that might have been included, but we sold those. We're not running those anymore.

**Hanegraaf:** I just want to check another one. When you got the term loaders here-

**Carlson:** Wheel loaders yes.

**Hanegraaf:** What is that? Like a front-end loader?

**Carlson:** It's the front-end loader. Yep.

**Hanegraaf:** So you got 50 of those?

**Carlson:** No.

**Hanegraaf:** It says 50. I thought that's a lot of loaders, if it's a front-end loader. You're talking about big tires.

**Carlson:** Well, maybe they might have included that number with the skid steers, because they're loaders too.

**Hanegraaf:** All right, and you got fuel trucks. You got 5 fuel mover truck?

**Carlson:** Yeah, but they're not there. There's only one that we use here and then the rest of them are in North Dakota.

**Hanegraaf:** Okay. When you mentioned 12, I just thought I seen 25. I thought maybe it's a typo. I don't know. We're going to go on another topic now, dust, and I want to ask: you got side dumps right?

**Carlson:** Nope we don't have any side dumps. We did and we got rid of them.

**Hanegraaf:** Okay, alright, so do your dump trucks do they have covers prevent leakage? I mean, you know, like on the road?

**Carlson:** Yeah, they got automatic tarps that cover them.

**Hanegraaf:** Are they always covered when they come in with recyclables and covered when they go out with product?

**Carlson:** Nope. If it'll blow off the truck, they're covered.

**Hanegraaf:** They will.

**Carlson:** If it'll blow off the truck, they'll cover it by law, and if it's hot asphalt they're covered to keep the temperature in.

**Hanegraaf:** So, you don't have any leaky loads. That's what State Patrol calls it, leaky loads.

**Carlson:** Okay.

**Hanegraaf:** On page 440 you note truck watering and street cleaning practices. I notice in all your equipment you don't have a street sweeper, but you probably have a skid loader with a brush and all that?

**Carlson:** No, we have a street sweeper we use at the shop dedicated to the shop.

**Hanegraaf:** Okay, I didn't see it in your list. May it be, and so are we talking about, you're going to keep that street 137th or the paved road swept? How far out are you going to go? You're going to go to County Road 23 and sweep all that, and then you'll bring back the residue?

**Carlson:** If we track out onto that road, we will sweep it up.

**Hanegraaf:** Okay, you or if you or if a contractor comes in?

**Carlson:** Yeah, generated by our facility our site, we will clean it up. That's what we do now.

**Hanegraaf:** Well, you talked a little about dust earlier and stuff like that, but with the watering system I didn't know how that operated. Like you said, I was confused about doing it in the wintertime and you said you did it this last January and you haul it to Fridley and haul it to Spring Lake Park. Where are you?

**Carlson:** Our office is in Spring Lake Park and our shop is 2 miles down the road in Fridley.

**Hanegraaf:** Okay. So, you did it January last year, so you contractor this first come out, they do it right? I'm going to yield the floor to you Kris.

**King:** Me again. Okay, for dust you say you're going to sweep. What puts that in action? Is it the drivers that tell you? Or do you got somebody out there or what actually is your process for making sure that road is kept clean? Because there's going to be other companies along that road, and as they come in, if it's not clean, they're going to be generating dust and it's going to be shooting all over. So, what's your policy for enacting the cleaning of it?

**Carlson:** Well, we have managers on site so we will be monitoring it and at the end of every day or middle of the day we will sweep it.

**King:** Now your whole site pretty much, with the exception of the road and the parking lots, is gravel. And how do you contain the dust there? And I know there's been talk that you know the prevailing winds and all that. And it's not just crushing it is everyday activities we're talking about. There are times when swirl, there's times we get gusts. How do you control that from going off into the air and people's property? And I know you say they're far away, but there still is dust clouds.

**Carlson:** Right, yeah, dust gets generated. I know what you're saying. When we have truck hauling activity going on, we water for the paths those watered down so it eliminates the dust. That's where the trucks are hauling so if we have a lowboy trailer come in with a bulldozer that's broke down, he'll pull in, and we don't water his way in, he pulls in, he's driving 5 miles an hour at the most so the any dust is just rumbling around the tires and he stops and unloads a dozer and they put it in the shop to fix it. We all know that 99% of the time the winds blowing out of the West or blowing to the East, so it's blowing towards Lake drive.

**King:** Which is a problem too.

**Carlson:** Sure it is.

**King:** Because we got a lot of drivers on Lake Drive and they don't-

**Carlson:** But we have a lot of other contractors on Lake Drive and the wind blows in all directions and-

**King:** I know, but, correct, but you're the one who just mentioned that it'll blow on Lake Drive, so I'm just emphasizing we don't want that either. We're not talking about the other one. Now we're talking about this statement, so I give-

**Carlson:** If it is a problem Kris, we will water it down.

**King:** Okay, I think I will pass it. I got some other comments later on it, but for now thank you.

**Hanegraaf:** We'll yield the floor to Barb if you want it? Or Bob?

**Berens:** Staying with the dust, on the water, where do you get your water source from?

**Carlson:** From our well.

**Berens:** So, you're going to dig in on site well on the property?

**Carlson:** Yes, Sir.

**Berens:** How far down is the aquifer?

**Carlson:** I don't know I'm not a well guy.

**Berens:** Well, you've done some preliminary studies. Obviously, if you already say that you're going to have an onsite well, it's curious.

**Carlson:** I haven't done any studies. I've just talked to a well guy and gotten an estimate. I haven't looked at any studies or anything.

**Berens:** And it makes a difference how many gallons per minute it can produce, and so forth and so on. So, how many times a day, do you have any written policy to water down the traffic area?

**Carlson:** When the dust is a nuisance, we water it down and-

**Berens:** So, it's subjective. Okay, how do you determine that?

**Carlson:** When you see the dust.

**Berens:** Well, there's varying degrees of dust, right? Dust has a density level to it, and it also has a particulate matter that carries in a plume so, do you have experts on staff that will tell you we're at that threshold where we need to water?

**Carlson:** I guess you could say we have experts. They don't go to school in dust control, but we've worked in plenty of road jobs, or we have to control the dust for the traveling public and we monitor that. And when it gets too dusty, we feed water for dust. I can't verbally explain how much dust there is.

**Berens:** So roughly how many times a day then do you water?

**Carlson:** It depends on how dusty it is.

**Berens:** Which is my question.

**Carlson:** And if it's if it's raining, or if it just rained, it lasts for a while, and then it dries out.

**Berens:** I mean you've got good experience because you've been in business for so long. On average in a similar situation, I'm trying to get a handle here on how often do you water on an average case basis.

**Carlson:** As far as where we're at now for our crushing operation, or on a just some general on a road project?

**Berens:** Just at your existing location, do you grind up and recycle gravel concrete.

**Carlson:** Yep yes.

**Berens:** Okay, so how many times a day do you water?

**Carlson:** Uhm, we have asphalt going in and I'm not there all the time, but I would say maybe, I don't know a few times a week. There's not a very long path where it's not asphalt and there won't be here either, because there's some asphalt road going in and then they're jumping across and dump it. And then they're back on the asphalt path, so there isn't a long path for that to create dust. Now sweeping, I would say sometimes we sweep 2 to 3 times a day.

**Berens:** Is that a water sweep or is that?

**Carlson:** A dry sweep. No, it's just an Elgin Pelican. And as the water well, if we don't have enough water, then we go buy a meter and go down the Lino Lakes where there is a water main, and we pay for the water to keep our water truck full.

**Berens:** Okay, so you would bring in water trucks?

**Carlson:** Yeah, we would have a water truck on site. Oh yeah, and that's how we do it on all of our road projects and street projects in residential areas or wherever, we rent a meter from the City, then we buy the water from them, fill our truck and we use it for dust control. We use it for compaction.

**Berens:** How many gallons of water does a typical truck hold?

**Carlson:** 3,000.

**Berens:** During a normal spray application of water, how many gallons do you typically lay down?

**Carlson:** I would say on for the site that we're proposing, probably 100 gallons of time. It's not going to be that much of an area that there's gravel area. It's going to be coming in on the black top and then turning. So, it's just watering a short area.

**Berens:** Not just during gravel operations, but all truck traffic operations and so forth. You water that down as well throughout your facility, right?

**Carlson:** Yeah, we can. If it's dusty, we're definitely going to.

**Berens:** That's all the questions I have for now.

**Hanegraaf:** Thank you Bob. I want to go to an area now about traffic. Okay, I'm just going to ask you a quick question here. I see some of your competitors I think out there, and when you go do a road. I don't know if you do like 35 down in Albert Lea or something like that, would you do a big project like that down there? Or I guess what I'm looking at is when you haul these dump trucks down there do you just park them and the employees show up in their car?

**Carlson:** No, the dump trucks don't leave. They're only for the metro area.

**Hanegraaf:** All the ones here.

**Carlson:** Yep, because they they're dedicated to our paving operations. So, we only pave in the metro. So, when I talk about we work out of state and in rural Minnesota. We sub out the paving or the concrete for the highway. We just do the earthwork and the utility work, the pipe.

**Hanegraaf:** Well, that's your that's expertise is that?

**Carlson:** Well, I would say it's paving too. We do very good and a lot of it in metro.

**Hanegraaf:** Okay, well I was kind of, you've probably heard of Shafer. I see their trucks like when they get 35 out here they're all sitting out there and the employees would come there and get in. I just didn't understand how your operation goes, but the number of trucks going down 137th kind of concerns me and I know we don't have a real number. Your attorney made a comment that it wasn't really 300, it was 200-

**Kepler:** [inaudible]

**Koenen:** Sir, could you speak in the mic please?

**Kepler:** Whether it's 260 or 300, it amounts to a low single digit change in the total traffic on the road. The roads are being improved in the location of 137th with the left turn, etc. There's a project in the works by the County to improve the whole stretch of road and Bolton Menk says in the report that it's submitted to this Commission says there's no traffic concern from the amount of traffic that's going to be generated by this business.

**Hanegraaf:** Okay, well I guess I maybe wasn't going in that route. But there's other businesses going in there now. We got Street Smart going in farther up the street from you, and that's traffic. And I mean if that's what the Engineer says, I just I look at the amount of vehicles like you said, private contractors can come in and dump their asphalts or whatever, and that's kind of a no-mans-land, you don't know how many are coming in, am I right, or?

**Carlson:** Well, they have to check in. We don't just let anybody come.

**Hanegraaf:** Well, I know, but I mean it's, let's say, John Doe's trucking. You know he calls you up, so I got 8 trucks loaded coming in and you don't know that until it happens, right? Or is this pre planned day ahead of time?

**Carlson:** It goes both ways. Sometimes they'll call me and say, yeah, I need 1,000 ton today. Can you load me? I think I can, I can do it.

**Hanegraaf:** Okay, but that's the same with recycles coming in.

**Carlson:** Yes.

**Hanegraaf:** So, if someone is tearing something up, they may call you up in the morning and say we got 10 trucks.

**Carlson:** Yeah, typically when it's hauling in the rubble, they'll call me beforehand so I'm aware of it and ready for it.

**Hanegraaf:** Okay.

**Carlson:** And just, it's Ron right? Yeah, so we have a dozen dump trucks that go out every day. And then a dozen trucks they come back at the end of the day. We have two to three lowboy drivers working. Mostly it's probably on average 2 running. They leave they might be going in North Dakota or they might be going southern Minnesota, but they're sometimes they come back and sometimes they're gone for a few days. So, there's a truck, we have a fuel truck, and we have several mechanics trucks. There's

probably 2 that will be in the shop that will run out if something breaks down on the job, and then they'll come back. So that's about 20 trucks right there. For the day. Just going out and coming back. Now you can add on top of it, if we're taking rubble in, there'll be more trucks, but like I said, we don't haul rubble from Bloomington or Edina or even Maple Grove or Coon Rapids. We're not going to haul it way up here, it's too far, it's cost prohibitive. We're going to haul it to the closest spot, so we're going to have trucks coming in all the time. It's how the recycling process goes.

**Hanegraaf:** Okay, I'm going to get off topic here and go into another thing. If you're granted to put this business in our City are you going to close the other one in?

**Carlson:** Yes.

**Hanegraaf:** Okay that's about it on traffic, I'm going to pass it over to yield the floor to Kris.

**King:** To me again. I think the question still comes down to 137<sup>th</sup>. Now, this is a 10-ton road, correct? Dean?

**Johnson:** I'm sorry.

**King:** 137<sup>th</sup> was built to 10 ton? Do we know?

**Johnson:** I don't, Elizabeth may. I believe it was?

**Mursko:** It's either a 10 ton or 9-ton road, it's one of the two.

**King:** I know you say you have, maybe 12 or 13 dump trucks going out, coming back. You got a few fuel tank trucks. You got half ton pickup, three quarter ton pictures that are in and out and whatever else. But you also have your equipment coming in for maintenance, and big equipment breaks down. How much of that is brought back in each day for service, roughly?

**Carlson:** Not very often. Because when we bring a piece in its we try to fix it on the job. It costs money to haul it all the way in and then haul it all the way back. Unless it's a major where we have to bring it in. We bring it in. If it's a hydraulic hose, little stuff you know we fix it. If we have put new tracks on it, we can do that out on the job, but when it's engine repairs or hydraulic pump problem we bring it in to fix it.

**King:** You know, I'm kind of getting the feeling that this site is going to be empty 99% of the time, and there's going to be no traffic and I just don't buy that.

**Carlson:** No, it's not, it's not.

**King:** I mean, based on... I know you're not trying to sell me a bill of goods here, but it's kind of leaning that way that there's not much equipment stored on here and that the focus mostly has been on crushing, and I just don't believe that's all that's going on, on that site.

**Carlson:** I hear what you're saying, I probably come off that way, but in reality, that's what it is. The trucks go out and then they come back at the end of the day. Yes, there's superintendents that 'oh, I need more safety supplies, or I need would lath for stakes, I need paint, I need whatever', they'll run into and get the stuff at the shop and then leave and drive back, that's in a pickup, but usually a three quarter ton pickup.

**King:** So then back to the other haulers that bring in rubble, or want some picked up. How many do you see of those roughly a day? On an average. Let's say on a high day and a low day.

**Carlson:** On a high day I would say two to three trucks per hour, on a high day.

**King:** And that's in and out, right?

**Carlson:** Yeah, and sometimes there isn't any trucks hauling in. A lot of the time.

**King:** Okay. And I know what our City Engineer's report stated on Lake Drive and I know there's other, there's Cemstone, there's Ryback, there's multiple, there's Forest Lake Contracting. We have a lot of big trucks coming back and forth on that road, so I know Anoka County has said that it's not totally utilized. But we have a lot of citizens that drive that road, and I've driven it many times during the day and with the trucks turning in and out of these facilities, it does create hazards. So, I mean, for all of us to be concerned about that, that is why we've driven it with the amount of heavy equipment, big belly dumps, semi-trucks, whatever is coming and going. You got possibly your trucks coming out and maybe it's infrequent but say you got a trailer pulling a bulldozer or whatever it is, they go slow as they start up and get up to speed, that backs up a lot of traffic and we've all been behind this and during rush hour traffic on that road it creates a lot of hazards and people drive crazy and we all get impatient and you get people doing stupid things. But that road, even with what the County says, is still a hazard and we are all concerned about that with more traffic. So I just want to make that statement that even though it is said both by an Anoka County and by our City Engineer, we all have driven it and all our citizens have and there is a lot of concern on that road from a lot of the citizens here.

**Carlson:** And whether I'm in here or not, that truck traffic is not going to stop. It might increase a little bit, yes.

**King:** I know it's not going to stop but it's still a hazard. That's my point, be it you're here or not. Okay?

**Carlson:** Okay.

**King:** Thank you.

**Bobick:** This is Barb. I'd also like to continue on this traffic issue since you brought it up. I did go over to your site over on 81st and when you exit that property, when you walk to 47, that's a controlled intersection and you have three lanes a left turn only, straight through lane, and a right turn only, and I'm sure that's very very effective for getting your equipment out on 47, which is a four-lane highway. Ours is not a four-lane highway. It's a two-lane highway. You have a stop sign at 137, not a controlled intersection, and you're saying that that's not going to be a problem? If you go to Lake Drive in rush hour, it's 55 miles an hour. And I'll tell you a lot of people go faster than 55 miles an hour. If you have a slow truck pull out of there it's going to take them two blocks to get up to 55 miles an hour. So, what is your plan to you know, your lawyer just said that it's not a problem. That's not a realistic statement. It is a problem to have heavy equipment pull out into 55 mile an hour traffic without a controlled intersection. So, what is your plan to handle that?

**Kepler:** [inaudible] platted their land the City weighed in on what was going to be required for 137th St, knowing that that was Commercial Industrial land. The time to visit that question with was at the time

the Waldoch's platted that land and build 137th St. There's heavy trucks pulling in and out of Lake Drive all the time now from multiple entities-

**Bobick:** I'm aware of that sir.

**Kepler:** This is not going to be any different than what's already happening, so his plan is the same as every other user on Lake Drive.

**Bobick:** But his business over on 81st does have a controlled intersection.

**Carlson:** Yes it does, but I'm going to be pulling out on Lake Drive like every other business does.

**Bobick:** But you're adding more to an already very busy road. We have three main roads. There's Kettle River, there's Lake Drive, and there's Broadway. We're not set-up like Spring Lake Park is or Blaine or any of them. They have all sorts of roads. We do not have that kind of a road system. And just because we do have other businesses that have trucks doesn't mean that we should necessarily add another business when we've already reached a very high volume on that road and our residents shouldn't have to worry about more trucks on that road.

**Kepler:** [inaudible] Comprehensive Plan talks about density of users in Commercial Industrial Zones. Keep in mind the Comprehensive Plan specifically contemplates that there's going to be increased intensity of Commercial Industrial Use on this specific land and the City had already decided that it wants more users here on this land. There's no specific provision in your code regarding density of use, but average in the metro which is in your Comprehensive Plan is between 8 and 33 jobs per acre. This is what about 30 - 25 acres. So, you're talking potentially for another Commercial Industrial user 100 or more jobs would be consistent with Commercial Industrial use. If it was some other kind of use, a lot more traffic, perfectly honest, by most Commercial Industrial users, his use is very land intensive and therefore vehicle non intensive compared to many other types of Commercial Industrial uses and his use is quite frankly at the low end of scale of density that's contemplated right in your own Comprehensive Plan, both in terms of people on site and vehicles on site.

**Bobick:** Sir, you're talking words. We're talking- we live here and we're worried about the health, safety, and welfare of our citizens.

**Kepler:** Yes, you live here, but the City thought about this for years and enacted a Comprehensive Plan just a couple of years ago that specifically guides this site to be built more intensively for Commercial Industry. Are you going to ignore your own Comprehensive Plan? That's exactly what the City decided it wants is more users here on this site more intensively. More cars, I mean that that's right in the plan itself, and this use is completely consistent with the guidance in the Comprehensive Plan it was adopted just a couple of years ago after years of work by the City.

**Bobick:** That's all I have.

**King:** I would like to just kind of go back to the Comp Plan too and part of it is to maintain a safe and efficient road transportation system. So, there's multiple facets to all of this. I could kind of dig through here too and pick and pick out more things, but you know, I think we're just bringing out a point that we're concerned for the safety of our citizens, and we all understand that what the Engineer's report

was and what our Comp Plan says about traffic and development and that stuff but. We're concerned for the residents, that's part of this too.

**Carlson:** And we don't want any accidents. So, I do know that the Lake Drive is projected to rebuild the road and improve it in the next five years. Now I'm not a road designer, I'm just a road builder. Somebody else does the designing where they need passing lanes and where they need two lanes. But this was put out to Anoka County. They evaluated it and they designed it. They set the criteria of how 137th would go in and they had made us, made the Waldoch's put in a half mile long left turn lane to go turn in and add a right turn lane. And that's what they did to do this development, they didn't say we had to put in acceleration lanes. So, I can't tell you what to do there. All I can say is that we're going to try, we'll be as safe as we can, like anybody else is driving around in City.

**Hanegraaf:** Well, do you have anything else Barb?

**Bobick:** No.

**Hanegraaf:** Can we move on? Bob do you have anything, do you want to talk about traffic?

**Berens:** Yeah, just a couple quick questions, the traffic flow from the South and from the North.

**Carlson:** On Lake Drive?

**Berens:** On Lake Dr, what percent, and I suspect it's going to change given the projects you're working on, but would you say that 50% comes off of Hwy 35 Up Lake Drive? Or would you say 50% comes down off of Hwy 35 and 97 to the South to your site? What percentage of traffic goes either way? Would you say on average?

**Carlson:** My guess would be 80 to 90% is going North up to our facility from 35.

**Berens:** Okay, Yep.

**Carlson:** From 35 going North. Exiting our facility 80 to 90% going South on Lake Drive.

**Berens.** Alright. Talking a little bit more about your health and safety plan. I'm assuming that you have DOT training as part of that out comprehensive plan.

**Carlson:** Yes, Sir.

**Berens:** Do you have restrictions on the number of hours that your drivers can drive?

**Carlson:** Yes, Sir.

**Berens:** And it's all contingent based on duty regulations.

**Carlson:** Yes, Sir.

**Berens:** Yeah, that's it related to traffic at this point.

**Hanegraaf:** Okay. I think those are three of the major points we want to get moving along here. So what I'm going to do is just open up the floor to the Commissioners, if you have any other questions you want to discuss or ask of the applicant before we open this up to a public hearing.

**Berens:** This is Bob, I have a question or two.

**Hanegraaf:** Well, go ahead.

**Berens:** So, we should have asked this right out of the gate. What brought you to Columbus?

**Carlson:** That guy right there, the realtor. I should have said this earlier, where our current location is it's way too small. It's not safe, we've damaged equipment because we don't have enough room, so we've outgrown it. We need to move, and we would like to stay in closer to the City but there's nothing available for us so.

**Berens:** Was Columbus your first choice?

**Carlson:** Columbus? Last year it was, that's the only place I looked at last year. We looked at a place four years ago.

**Berens:** Where was that?

**Carlson:** That was in Blaine.

**Berens:** Yeah, what kind of reception did you get from the City?

**Carlson:** They were very welcoming.

**Berens:** And why didn't you build in Blaine?

**Carlson:** Because it was right next to a housing development and the housing development people did not want us in there, and so they voiced their opinions and the City Council voted it down. The Mayor wanted us in. The Planning Commission recommended us for approval and then we got turned down. And so, then we tabled it for a while.

**Berens:** After you get into your new facility, wherever that's at, regardless of what City it's in, what are your growth plans beyond that?

**Carlson:** We expect 5% growth we try to get 5% growth a year as far as volume goes, that doesn't mean as much how much equipment you have.

**Berens:** And a lot of it depends on the federal infrastructure and everything else that goes with that.

**Carlson:** Actually, I'm expecting us to shrink down a little bit in the next year with the recession coming on. But this site will accommodate us for 50 - 60 years at its current size and with growth.

**Berens:** That's all the question I had at this point. Kris?

**King:** I just have a few more. These are kind of miscellaneous. I was looking at your site plan and you have phase one and phase two of your office building warehouse and phase one actually sits back and phase two is in front by your parking lot, why?

**Carlson:** Because we wanted the shop further away from the street.

**King:** And when is your plan that you thought you might add on to phase two.

**Carlson:** Next, I don't know, maybe five years. I don't know.

**King:** And how are your employees going to like it that you got the parking lot and then all the gravel leading to the business? Wondering because your plan view shows your parking lot then it shows your proposed site for your new for phase two, which is gravel. Then it shows your business, so I'm assuming-

**Carlson:** There will be walkways.

**King:** Okay. Also, there's a 60-foot gate that is on the West side. What is that for?

**Carlson:** The gas company.

**King:** Okay, that's the only people that would ever go in there?

**Carlson:** Yep.

**King:** Okay. Plowing through the winter? Do you plow the entire lot? So, there won't ever be the potential, have you ever been open a full year where you have done work 12 months?

**Carlson:** Yeah, we do work in the wintertime, commercial work. You know for building construction. They want us to, you know, dig footings, backfill footings for a new building. We'll do that, but road work we don't do any.

**King:** Okay, so then as far as your plowing in that, you just plow the areas you need to maintain that?

**Carlson:** Yeah, yes, ma'am.

**King:** Okay, I think that's it for now. Thank you.

**Hanegraaf:** And Barb?

**Bobick:** I have nothing further.

**Hanegraaf:** You have nothing further? I guess we're to the point where we're going to open up the public hearing. And I think the way we're going to operate is we'll do this room first. Maybe, Elizabeth can I ask you a question, would it be best to start like in one room and do the backroom later, when we open this up to a public hearing.

**Mursko:** You know, I think you can take this room in order, I know there's others in the next room that want to also speak, so I think if you want to take care of –

**Hanegraaf:** Okay, we'll take everybody in this room. Anyone who has an interest in this manner and wants to present testimony as evidence on the issues, please acknowledge themselves by stating their name and address, after which you'll have the floor to speak. So, we have a table up here with the microphone. Thank you, you must have known what was coming up. We have one party, Sue Wagmon, if you want to come up first. If there's anybody else after Sue, as soon as Sue's done, just raise your hand and you'll get the floor so.

**Sue Wagamon:** My name is Sue Wagamon and live at 13530 Zodiac street, Columbus, 55014. Mr. Chair and Planning Commissioners, thank you for allowing me to speak tonight regarding the Park Construction application. As you know, I am a member of the City Council, however, I am here tonight as a citizen. I have lived on Zodiac Street for over 30 years and have enjoyed the rural nature of the City and intend to live there for several more years under the same conditions. I am here tonight to

respectfully request the Planning Commission to recommend denying a Conditional Use Permit to Park Construction. I have nothing personal against Park Construction or the Waldochs. I realize Park Construction has put in a lot of time and effort on information and reports on how they are going to fit into this area. Although I am here as a citizen, I reviewed the ordinances and am basing my request according to Sections 7A-602, 7A-740, and 7A-543 of the Zoning Ordinance. It seems I'm interpreting them a little different than the Park Construction legal counsel, so this is going to go in a different direction. Before I go into the ordinances, I wanted to repeat some information I provided at the May 4<sup>th</sup> joint meeting which is when most of the residents that currently live on Zodiac Street and 141<sup>st</sup> bought their property which 30-50 years ago that property that's adjoining on the West side of the Waldoch subdivision was zoned residential. The full parcel was split, a 1/3 of it on Lake Drive was Commercial and the other 2/3 to the west was zoned Residential and then over the last 10 years or so you know things have happened. The Planning Commission and Council, at the request of the Waldochs, made a few attempts to rezone that property. At that time, it did not pass. However, after a couple more attempts, only 10 acres of the full 80 acre parcel was kept Residential and the rest Commercial. And so there's still, now there's residents that directly butt up against the Commercial area, one on Zodiac and a couple on 141<sup>st</sup>. In the Commercial District off of the Freeway Drive there are zoned areas for Mixed Use, which creates a transition area between the General Commercial and the Residential. That really should have been done in this area. But because it wasn't, there should be special considerations due to the impact a large commercial business would have on residential property. So first of all, starting with section 7A-602 of the Zoning Ordinance, it says that "Articles VI (6) and VII (7) contain the use provisions for each Zoning District. Uses not listed as Permitted, Conditional or Interim Uses shall be considered prohibited." Park construction operations includes 2 uses that are prohibited, the asphalt/concrete crushing and the backhauling and storage of sand, which is noted in the planning report. I mean no disrespect to Park Construction. I'm sure it's a great business. But this type of business does not belong in this Commercial and Industrial District, especially next to a Residential area. The denial could be based on that alone. But I will continue with how it doesn't fit according to the other areas of the ordinance. Ordinance Section 7A-740, which defines the purpose of the district as, "The overall character of the district is intended to be transitional in nature, thus industrial uses allowed in this district shall be limited to those which compatibly exist adjacent to the commercial and lower density activities." And in this case residential. This business is not transitional in nature and cannot compatibly exist next to residential houses and a horse farm. The definition of compatible is "capable of existing together in harmony." This business is the most intrusive business I can think of. With several trucks on site hauling concrete several times per day, truck beepers, which I know is going to happen, dump truck back ends clanking and running around the clock. Their hours of operation are really 4am – 8pm and it does see there's some activity at 1am. The actual crushing activity, which they're talking about the recycling you know a few weeks out of the year is not the biggest concern. It's really the daily dumping, I mean they're coming in they're picking up and they're dumping concrete every day. I don't know how anyone thought that this was a fit. This is not compatible. This type of business belongs with other similar businesses, like the area they are located now in Fridley. They are in an Industrial Park with semi-truck businesses on one side and a railroad track on the other side. That would be considered compatible. Not next to residential houses that is historically known for peace and tranquility. This is not transitional or compatible. I did pull out a couple things from the 2040 Comprehensive Plan. Goal #1, "Growth Management," bullet #1 states, "Protect the rural character of the city." Bullet #2 states, "Maintain land use patterns which ensure **compatibility** and function of uses." Goal #2, "Land Use," bullet 4, says,

“Prohibit unplanned commercial or industrial uses from developing near residential areas.” Although I now this parcel was zoned Commercial before Comprehensive plan was completed, it is clear to me the intent is to not place Commercial Industrial Uses next to Residential areas for compatibility concerns. There is the property to the East side of that district, there’s no residential on the other side of the Commercial, so where Cemstone, the other ones that were mentioned, there’s no residential on the other side and I don’t believe that’s an issue. It is a different story on the West side. Section 7A-543 General Standard Applicable to all Conditional Uses. A: Will be harmonious with and in accordance with the general objectives, or with any specific objective of the City Comprehensive Plan and the Zoning Ordinance; so, as I already stated above, Park Construction would not be harmonious or in accordance with the zoning ordinance or general rural nature the City. I have only been on the Council for a year and a half but have understood the direction of the Planning Commission and Council is to preserve the rural nature and reduce the amount of large vehicles in the City. B: Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use not change the essential character of the same area. I was looking at the pretty pictures they have in their packet that show how nice this will look. They have beautiful fences and trees that make it look like a park. If any of you had a chance to visit their current location, it doesn’t look like a park. It doesn’t even look like a general contractor business. It’s really kind of the dirtiest place I have ever seen. It may look nice for the first few months after construction, but after that it will significantly get worse over the years. C: Will not be hazardous or disturbing to existing or future neighboring uses; Everything I’ve mentioned so far would be disturbing to existing neighboring uses. The trees and screens they’ve proposed to mitigate this are not sufficient and I don’t think anything would be sufficient to mitigate the noise of the dump trucks. But I wanted to call out that in another agenda item for this meeting, is to discuss the Residential Home Business Ordinance. One of the biggest concerns for residents living next to a home business is Sights, Sounds and Odor. If someone wants to have a home business, our ordinance has a statement “prohibiting any equipment, activity, or process which creates noise, vibration, glare, fumes, odors, or electrical interferences detectable to normal senses.” If we are so concerned about small businesses encroaching on a neighbor, why would we not be concerned about a large commercial business encroaching on a neighbor? They would be our neighbor. D: Will be served adequately by essential public facilities and services such as highways, streets, police, fire, drainage, refuse, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services. I can’t comment on how this will be able to be served adequately by essential public facilities, but I will say that there is a very good chance that their vehicles will have a tendency to want to drive down 4<sup>th</sup> Street and Pine Street to avoid the traffic signal on Main Street. Pine Street has a 7-ton limit and would not be suitable for a 10-ton load. This type of traffic could have an impact on the normal lifespan of those roads. E: Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community. I believe Park Construction would be detrimental to the economic welfare of the residents on Zodiac and 141<sup>st</sup>. According to an article in the Blaine local paper, the hometown source, which I have attached a copy of that article, dated May 24<sup>th</sup>, 2018, when Park Construction tried getting into Blaine. I quote: “A Blaine resident contacted the firm CBRE, which is a very reputable firm, to analyze the effects that Park Construction Company would have on 11 residential parcels along 103rd Court and Xylite Street, which are just North of the Park Construction Company where they want to occupy. A CBRE appraiser concluded that Park Construction’s development “will result in reduced market values for the residential properties that abut

the proposed conditional use permit on Xylite” This study would have to apply to any residential area where Park Construction wants to go, including our residents on Zodiac and 141<sup>st</sup>. F: Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or orders. One of the regular operations that will take place is the pickup and dumping of concrete that creates massive dust, silica dust which is considered a health risk. They say they have measures in place to address the trucks driving on the roads, but during the hauling activities it doesn't specify how they would address the dust from the trucks dumping the concrete. I don't know how you can stop dust plumes every time a truck dumps concrete or asphalt. And I don't know how Columbus would monitor the requirements for watering the piles and the gravel road. We currently do not have a Compliance Officer and would allow them to manage it loosely. This will be a health risk and a detriment to persons and property in the area. G: Will have vehicular approaches to the property which shall be designed as not to create an interference in traffic on surrounding public thoroughfares. Although Anoka County has stated that Lake Drive is underutilized, it doesn't seem like that most days. It is obvious there will be several more vehicles per hour during peak times on Lake Drive. At the end of the day during the heaviest traffic, there will be multiple dump trucks with trailers. I know because I visited their existing site during peak time. There were several that had to be 30 feet long. It was like a dump truck with a trailer. With the traffic as it already is today on Lake Drive, say if 3 of them were waiting to take a left on 137<sup>th</sup> going northbound, there wouldn't be room for anyone to get around on a bypass. This is going to create a massive traffic stop and is a potential hazard to the citizens passing through. They did mention they have a left turn lane, I didn't see that on the map so you know, I just didn't see that. Last but not least, H: Will not result in the destruction, loss or damage of a natural, scenic, or historic feature of major importance. I believe a historic feature of major importance is the existing residential homes and horse farm. This would definitely result in a loss or damage in property value. In conclusion, I believe there are businesses that fit in this area, like Blake Drilling, Street-Smart, and Frontier. They have little impact on the adjoining properties and fit the overall character of the area and are transitional in nature. I don't believe that Park Construction fits the description and the character we are trying to preserve in our City. I hope I have made it clear that according to the Columbus ordinances, this business does not fit and am respectfully requesting the Planning Commission deny a Conditional Use Permit to Park Construction. Thank you.

**Hanegraaf:** Thank you Sue. Next party. Steve Wagamon. I didn't say it in the beginning, but that's because we probably knew people, but I suppose you're supposed to say your name and address.

**Steve Wagamon:** I will do that.

**Hanegraaf:** Thank you.

**Steve Wagamon:** My name is Steve Wagamon. I'm from 13530 Zodiac Street. I'm going to read a letter that my dad wrote to the City, just to put it in the record. But before I do that, I'd just like to say a couple things I wanted first of all to thank the Chair and the Commissioners for giving us the opportunity to speak. Also, I want to make it crystal clear that I have no issue with the Waldochs, and I'm sure that Park Construction is a very good company. Nothing that I have to say is personal against Park Construction or the Waldochs. I'll do my best not to do that, but there are some issues that have to be addressed. I will start by reading my dad's letter and then I have a couple comments I'd like to make afterwards. This is basically a history of what he has gone through since he's moved to his property there, and I want to

acknowledge first that I understand that it was a completely different administration at that time. So, I'm not aiming this at anybody here or on the Council or the Planning and Zoning Commission, so here I go. I first want to say this is for my dad, Perry Wagamon, from 13640 Zodiac Street. "I want to say a bit about the predicament this proposal will put me in. First off, my property was purchased in the mid-70s as a retirement guarantee. We spent years building what we considered a beautiful farmstead and nature area where we intended to live out our retirement years if we could, and if we could not, it would certainly sell for enough to provide for a nice retirement. Simultaneously, while the federal government and the 2008 recession pretty much wiped out our particular type of business nationwide, the business we'd run for 40 years, the City of Columbus negligent built a road (which is Jodrell) to the rear of his property and cut off every bit of drainage, severely flooded and pretty much destroyed it for sales purposes until major repairs have been completed. He has been forced to remain here, and instead of retiring, he's had to continue working. Not what he had in mind for 86 years old. Now, this particular fiasco is the fourth major assault that the City of Columbus has cast on me and my property over the 20 years, certainly killing any joy that there had was to be had living here. I've been informed a few times that the City has backing of the League of Cities and lawsuits. First came the flooding and the City's refusal to be of any help to mitigate the problem. Then came the City's willingness to help the neighbors increase the value of their property while destroying the value of mine. They simply rezone and move their property line problem to my property line. Second assault was a ferocious effort by the City to permit a massive junkyard, or what was considered an auction, but they were going to park 10,000 junk cars there at the auction and with all of its effects right up to the lot line of my residential property. The third assault, of course I fought like hell to prevent the junkyard, so they vindictively rezoned the neighbor's property as industrial right up to my lot line. This was done strictly to enhance the value of their property, openly stating that now they could put whatever they wanted there. The Mayor at that time even maliciously suggested a rock crusher. The willingness of the City to facilitate the greed of the neighbor is beyond my imagination, and now to even consider bringing the worst possible industry next to anyone's residential property is unbelievable. Now I am sure you are all concerned about how this will affect the City, good or bad, so I will try to stick to how it will affect me. #1: Has there been an environmental study as well as residential? This is a beautiful nature area. There is a Minnesota Statute 561.01 that says that a person should be able to enjoy living on their property. Could this statute be used against the City for knowingly permitting such a vast nuisance to be endured by the neighbors? I have for 40 years earned a living with my horse business, which I am quite sure will not be possible going forward if this disaster is permitted. How do I replace the income? There is no doubt that this will kill the value of my property, and we'll certainly adverse the effect of all the neighbors' values as well as their health, so one neighbor can greedily benefit financially. There will be dusts, including dangerous silica dust and diesel smoke night and day right in my backyard, all of which cause cancer and other serious diseases. They say that they will run the water through my property, and that I do know that because I'm on a Rice Creek Watershed Board, and that is the plan. The City of Columbus saw to it that the water with other pollutants that are dangerous to humans, waterfowl and animals, both wild and domestic, will come onto my property and remain there until it evaporates and leave behind any and all pollutants. Remember, if this happens, it is forever and it will shape the future development. Is this what we want in perpetuity for our City just so one family can enhance their inheritance? There will be unbearable noise both day and night. Their promised business hours will be their office hours, however, there will be equipment running and trucks coming and going both day and night. There will be lights and lights flashing, beepers beeping, engines idling and roaring people talking and hollering, all for me

and the neighbors to enjoy. Of course, I will need to share the added nuisance and danger of additional truck traffic on Lake Drive, which is now being used as kind of a staging area to support the already truck heavy business in this area with the other residents of Columbus. Pine Street and Forest Street are not built to handle the added pressure. Who will pay to redo them? Please know that I'm not against the Waldochs developing their property, only please don't allow their obvious greed to harm our health and the livability of our neighborhood, not to mention our property values. I am quite sure if this project goes forward, I will need to move and somehow reestablish my life. This will probably be not easy at my point of life. I am sure that there are more issues. Will you please consider them as well as the ones that I have listed?" And then that is the end of this letter. And I just had a couple things that I wanted to add to that. And I actually wrote down a few more as the applicants were talking that are just quick things that I'll cover. I would bet that if I asked every resident in Columbus 'would they not like to raise the value of their property?' I bet you that every person in Columbus would like to raise the value of their property. I don't see how significantly raising the value of one person's property at the expense of the property values and enjoyment of the neighbors is treating all the citizens of Columbus fairly or equally. Another issue I understand that Anoka County said that County Road 23 could handle more traffic by numbers. I think they did it I believe they just put a thing across the road to count traffic going through and, I don't believe that's the crux of the issue. I was down at Park Construction, I've been there about three times and I was there two nights ago or three nights, I can't give you the exact night this was about 6:45pm and there were three dump trucks lined up in a row and in between those three dump trucks there was another truck the size of a dump truck with a full size trailer on the back with heavy equipment on it. They were parked waiting to get into the parking lot just like they would be if they were turning left on Lake Drive and it's half a block long. I'm not sure how a passing lane would be effective under those conditions. I don't know how long they can be or whatever, but that seems to be a concern. And then I do have one other question I cannot understand why do the Waldochs continue to try to put businesses in our community that have already been turned down by all by most of our neighboring cities? So, in that respect, I humbly ask you to vote no, for the same reasons they've been turned down in every other neighboring community they've tried to move into. And then there were a few issues that I saw when they were given their presentation, one being talk about the wetlands that are on the West side of it, and I think there's some on the North side, but I am on the Watershed Board and I know that any of those wetlands can be mitigated away through the wetland banks and they can be used right up to the lot line. So that really doesn't solve anything, having a wetland there. Also, I'm not an expert on pipelines, but I have read some, and the ones that I've read, most pipelines that I've seen do not have a problem with you using their easement, as long as you are willing to move your stuff if they have to get to the pipes. So that easement can be used for parking and pretty much anything. I talked to the pipeline guy that was out there from the company and he said they could even build a road over it as long as they're willing to move it, if they have to get to it. Then let me see what else I have here. Oh, another thing they were talking about the equipment. When it backs up, it's only for a few seconds or a few minutes. If you would like I've got my phone here and they backed their equipment into their buildings to work on, and I sat and taped it and videoed it on my phone and took them about 15 minutes to get one vehicle in the building. And I talked to the guys that work there and that's their job. That's what they do. They work on equipment in these buildings. They're going to be bringing it in all the time. And it doesn't take 2 minutes to bring it in and I believe that's a problem. Let's see, there's three pieces of equipment working on the building on the lot that's right behind them now (referencing the Street Smart Rental parcel) where they are intending on going, and I can tell you that today in my

front yard I can hear them as plain as day. And there's three pieces of equipment over there, and they're talking about 540 some pieces closer. So, when they say there's only one neighbor close and the other neighbors aren't, I'm one of the neighbors that aren't, and I can hear it as plain as day, so I don't know about that noise issue. I have a real concern about 4th and Pine Streets, because it's already starting. We have dump trucks coming down 4th and Pine Street now, I wouldn't say frequently, but it's getting more and more frequent because every time traffic gets backed up on Lake Drive it can be backed up all the way to the freeway, 4<sup>th</sup> Street's the answer. We take 4th to Pine to Lake Drive. In my opinion, they'd be foolish not to do that if they could do it. So, I don't think that's a good idea either. I'm trying to remember if I had anything else. I believe that's all I had to say. My wife gave all the major issues that I had. Well, thank you very much for letting me speak.

**Hanegraaf:** Thank you Mr. Wagamon. We have another party at once step up. Oh you dropped your sheet. If you could give your name and your address, Sir? For the people here, there's some chairs in the other. If you need a chair.

**P Wagamon:** Okay, my name is Perry Wagamon at 13640 Zodiac St. I'm the one that lives directly behind where Park Construction would like to build. I'm only going to take a couple seconds y'all already listed to my son do my whining for me.

**Hanegraaf:** Okay, you're up.

**P Wagamon:** I've got some real problems with this. Number one problem I have is it'll ruin my home. It will also destroy the value of the property that I have. I thought because I thought it was going to be great residential property for development later, and that's going to kill that. Also, I'd like to mention, I was in business for 62 years and I listened to all the things that they tell you that they're going to do, and that's all nice. And it's a pretty picture they painted, but things change. Over the years that I was in business, a lot of things changed, it goes up and down and hopefully for Park Construction it's going to go up. But what the things they're telling you today don't mean a damn thing about what's going to be next year or the year after. I'd just like to remind people that once they come in there and establish themselves, I don't know how you're going to patrol what they're doing. I don't think there's any possible way, so once they're there, I think they'll do as they very damn well please, and there's nothing you can do about it. That's just my opinion, but I think it's pretty good opinion. So, I don't think there's any way you can enforce what they're going to do. The business that I have there now I've been doing there for 40 years. I moved here 40 years ago and I have tried, I don't know if everybody would agree, but I've tried to be a good citizen. This, as far as I can see, will force me to move. I've got a couple reasons for that. One is the fact that it would irritate the hell out of me to start with, but that isn't the only thing. My hearing is just about gone. I hear with a Cochlear implant and frankly, that noise consistently, I can't wear a Cochlear implant out my yard with that noise, so I'm going to have to either stay in the house or be deaf. There's no way I'm going to be able to stay there, and there's no way I can run my business there, and I certainly would appreciate it if you would consider that before you make a decision on this Park Construction business. I want to vent but I want to say too that I was pretty impressed by the questions you guys asked and how diligent you all are with what you're trying to do. Thanks a lot.

**Hanegraaf:** Thank you, thank you very much. Is there anybody else in the Chamber here that would like to get up? We have another party here.

**Zabinski:** Good evening, my name is Darren Zabinski, 6711 Pine St.

**Hanegraaf:** Darren, could you spell your last name? Thank you.

**Zabenski:** Z-A-B-E-N-S-K-I. We just purchased our property here two years ago, so we're pretty new to the city. And we came here because we thought it was a beautiful place to live. I've got three kids 8, 6, and six months. We finally got a piece of land that we 2 1/2 acres. We came from Brooklyn Center during the race riots. So, we wanted to raise a family in a place that was beautiful and where we could have our forever home. Had we known that we would have an asphalt plant behind us, we probably would not have chosen this property. And if Columbus is going to go the way of industrializing, we will probably decide to move again. We want to be the next generation of Columbus citizens. We want to raise a family here and create good citizens for this City. But if Lake Street is going to become the highway of asphalt and construction, we will probably end up moving again. Thank you.

**Hanegraaf:** Thank you. Is there somebody else in the Chambers?

**Nase:** Roger Nase 6636 141st Ave North East, Columbus MN. So as was stated by Park Construction they're a heavy civil contractor. By heavy they mean intensive. They have a lot of equipment. It's really beyond imagination that this massive construction company would be proposed on the site adjacent to the residential property. From the Planner's finding of facts, they have 550 construction vehicles and equipment that are proposed to be on this lot and I'm just trying to imagine 550 just counting all those. It's just it's just an enormous amount and I'm just shocked by that number. Tracked vehicles alone to 88. They're plan to be parked up closer to my property. You know, and who has 88 tracks vehicle? A super large construction company and I feel that will dramatically affect the quiet enjoyment of our residential properties.

**Hanegraaf:** Roger, can you move this speaker a little closer to you? Thank you.

**Nase:** I can move a little closer to it so. We strongly oppose the Park Construction CUP request due to the negative impact on the surrounding residential properties and the residents themselves and request the Park Construction CUP not be granted. And I don't know if my slides, you may have a copy of my presentation. Okay, you did. Okay good. So, I'm going to go onto the slide #2. Where we live and why we moved to Columbus. I have a map kind of a showing in there and we moved to Columbus 12 years ago. We were looking for a place like this for many years. We really love the beautiful woods and the quiet rural setting. The field adjacent to our property. We selected property that was surrounded by other rural residential properties and not next to Commercial Industrial property. The field adjacent to our property where the proposed Park Construction CUP is was all rural residential properties when we moved in. We love our beautiful tranquil property with trails, chickens, gardens, the value of our property will be impacted negatively. Devastated, I think, with the massive amounts of construction equipment, the constant dumping truck hauling, and dumping with end gates slamming, back up alarms beeping, concrete crushing going on. All day for weeks at a time. The hours of operation seem ridiculous. 4:00 AM to 8:00 PM with some loads coming in at 1:00 to 2:00 AM. Park Construction is on the extreme opposite end of the land use spectrum from the adjoining rural residential property and should not be the transition business between Commercial, Industrial, and Residential. There are businesses out there that could be good tenants and blend sufficiently with the adjacent residential properties. But this is not one of them. We have a 990-foot border that we share with the Waldoch's field. About 900 feet of it, roughly, is a shared border with this proposal on the North End of the field.

You can see where our two gardens are and you can see our house and pole barn, so our gardens are just behind the proposed area that they would be parking their tracked vehicles. A review of the Park Contractor CUP application, there's a large amount of information there, 542 pages, it's a lot to get through in just a few days that we had business days, last Thursday or Friday was first I knew that it was available. So, a lot to go through. But you know, we recommend not approving this CUP. But if someone disagrees, please allow more time to pull in experts for the concrete crushing noise, silica, dust, dangers, weather, back up alarms, or what other issues may still be open because this is too important to get wrong. The City Engineer feels it would be a good idea to have noise reviewed by experts in the area and has more questions on how the dust will actually be controlled and watered. I included his excerpt there on regarding noise concerns surrounding the crushing operation. He says a more detailed evaluation by someone with expertise in this area would be required, and that was from the City Engineer. I did notice that when they showed the image of the loading from the backhoe into the rock crusher, they didn't turn the rock crusher on. I kind of was interested to hear that, but that didn't get turned on. So, you know how much water and how these piles will be watered and how much dust will blow before they get watered? You know those are questions, and I think I talked to them a little bit more as I go here, but one of the concerns and I think I bring it up again is they make the statement they'll water as necessary, or they'll do something as needed and those statements are statements, but there's no measurable way to say that it is valid. It's time to go water. So in someone's mind, in my mind, I might go, wow, you know there's a dust storm over there it needs to be watered, and then maybe in somebody else's mind they'd go that's not a problem and you know, I could see the businesses and the and the residential properties around might kind of see it quite a bit differently as far as when that might need to happen so. I liked the line of questions trying to identify how you know you need to do that. I heard about watering driveways and watering roads, but I didn't hear much about how they water the piles of the of the debris and the crushed concrete so I'm still a little confused as how that is done. And so, anyhow, we'll I think I've got some more questions on that later so. Moving on to slide four the CUP approval status. You have to forgive me, there was a few slides here that I had the titles wrong, and I was working on them kind of late so and there's a couple of typos and stuff, so I apologize but I have them straightened out here. If you want a new copy, I'd be happy to give you one. So, CUP approval standards is the title of this one now, and then I referenced the Columbus Planner finding of facts and please review Section 9 that defines the CUP approval standards. In general, we don't see anything harmonious about this proposal. We assert that the CUP proposal does not meet the approval standards listed in sections B,C, and F. I have blown those up, they're very small and the copy you have, but I have them now expanded. Section B will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existence or intended character of the general vicinity that they use. That such use will not change the essential character of the same area. Then section C was it will not be hazardous or disturbing to existing or future neighboring uses, and section F will not involve uses, activities, processes, materials, equipment, conditions of operation that will be detrimental to any person's property or general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or others. We don't believe, and our assertion is that they don't meet those standards. Hours of operation is on the next slide, on slide five. We think that it is crazy, trucks moving equipment coming in at 1:00 to 2:00 AM near residential property just does not seem like it should be allowed. They're talking about paving, a lowboy and fuel truck, fuel lube trucks returning to the yard at 1:00 to 2:00 AM after moving equipment from job site to job site and refueling equipment. Outdoor equipment operation operating hours during the, I guess the construction season, have been

listed in their Park's narrative as 4:00 AM to 8:00 PM. This is also unacceptable and not compatible with residential neighboring property. There would be essentially constant noise from dawn to dark or near dark and could be dark depending on the time of the season of the time of the year. I did include an excerpt of the Park narrative that provided that information. In what I was seeing, I was hearing numbers on trucks, but I remember reading in the narrative that in the morning there would be like 20 to 40 vehicles and then there would be 5 to 10 vehicles per hour at the non-peak hours and then there would be another 20 to 40 vehicles coming back in the evening hours. So that that amounts to 10 vehicles per hour or one vehicle every 6 minutes coming into the yard and I think that'll be consistent with what we saw when we were over at Park, and we visited Park as well, and they're right up against the railroad tracks right now and it looks like a really good spot. It might be too small, but it's a type of neighborhood and the type of surroundings that that they really should be in. We visited there between 7:00 and 8:00 PM. A dump truck full of concrete pulled up to dump about every five minutes, which was close to the six minutes estimate when they dumped their load the driver revs their engine to make the hydraulics operate faster and dump quicker. When dumping the load and the concrete falls out, I was surprised by the plume of concrete dust that actually rose up into the air. I didn't think of that actually earlier. We saw no water being applied to any of that dumping operation or those dust clouds to prevent that dust from rising up into the air. We watched for 15 minutes, and three trucks came then of those three trucks on two of them, the end gate slammed loudly and on the third one it did not. I don't know what prohibited is. They state it's prohibited, but it happens, and it happened to two out of three of the trucks that we saw there that night. I know that's not a very big sample size, but we did go and speak with the neighbors. We said, well, let's see what the neighbors say, and I think the feedback we got was that the worst part, they thought, was the tailgate slamming. That was what they identified, and I guess that's kind of contrary to what Park said, that this would not occur. They made the statement when we asked, how late did they run and he said, well, they usually go till dark. I mean that could be 8:00 o'clock shift during the right time of the year, but so that was their comment so.

**Hanegraaf:** Let me excuse you a minute here, but in a little bit here. Is it Nase, Roger?

**Nase:** That's correct.

**Hanegraaf:** I know you got a 15 page document here. I want to give you time, 16, but we're going to run out of time tonight if we want to get everybody in here. So, is it possible to brief it a little more? I know it's very important to you.

**Nase:** I will try to move faster. I think that we spent a lot of time in going through this information and trying to put this together and we think it's important, obviously. But I also understand that it's getting you know, late and we want to keep things moving, so I will try to do that.

**Hanegraaf:** Okay, I don't know what the protocol, is there a protocol on this? Should I have said something in the beginning?

**Rogers:** Absolutely, Mr. Chair. We often ask that when we have a large number of members of the public who are here to speak that we try to be respectful of each other 's time and create an opportunity for everyone who wishes to be heard and to not create repetitive comments. It seems as though your comments are very specific to your particular property and in moving forward, we would just ask people if they do have comments that have already been stated that they keep their comments

to a minimum to just say that they concur with the statements that have already been made. Something along those lines would be appropriate.

**Hanegraaf:** Okay, see where I'm coming from Roger. We got another room that you don't see with people in it.

**Nase:** I know yeah, and I know we had some technical difficulties and there are all kinds of things so I will try to keep it moving here. Okay, so slide seven. We could not find the photometric plan in the application. I did look, it's hard because I searched for photometric. I could not find it. I know Dean you said you found something. I couldn't find it in the in the application. So, it seemed to be missing, and it's very important part to us. What are the lighting? I haven't heard anybody talk about lighting on this thing yet.

**King:** It was attached.

**Nase:** It was attached as part of the application? The information that was provided, so if I look if I go home, can you tell me what page that's on at some point? It doesn't have to be now, but then I can look it up, but the quantity and location of all the light poles. I thought Dean, you said that that was not provided when I read your summary in the in the Planner notes that was not provided, so that's a very important thing to us is how tall are these light poles? As far as I know, Dean, you didn't have that information, or you couldn't find it either. That was in your summary. Then how many fixtures per pole? What's the light wattage? What is the direction these feature fixtures are pointing? And then what kind of shrouding is provided for the neighboring people neighboring residential properties? I don't believe that was in there, so I didn't know how do we value evaluate that?

**Hanegraaf:** We'll go on, why don't you just go on?

**Nase:** Okay, yeah, the only problem I see is that this is our one opportunity to speak in front of the people here without being actually shut off. They can allow us to go until we get all of our issues here. And since this I don't believe was in the application itself, it seems like something that was missing, and if it's missing then I can't comment on it. And if I can't comment on it then, how can how can the decision be made? Maybe the application shouldn't have been accepted, and maybe that's an option. Maybe we could look at just rejecting the application and having him return it once they get that information?

**Hanegraaf:** I think we're going in a different area than that. We're having a public hearing here and like I said, it's 10:00 o'clock almost, and we got another room.

**Nase:** Right, but the lighting is very important though.

**Hanegraaf:** Yes, I believe it is.

**Nase:** And we didn't touch on that yet at all. There are no questions on that yet, so don't want to overlook it.

**King:** And just to interject here for a minute and just to let you know, before the application is put into practice or the finalized with the conditions, the photometrics the light fixtures and everything has to be submitted to the City, so when everything is 100%, say this goes forward and whatever else, we will have that information. Okay, they have to meet standards that the ordinance are and they cannot

exceed one foot candle from exiting the property onto a residential area. They also have to have full cut off and it's got to be downcast lighting. And the City is very stringent on this because I make a point of it.

**Nase:** Okay, I feel better actually having you looking out for me there.

**King:** Alright, I just want to let you know that they that will be addressed.

**Nase:** Alright, sounds good. Screening sound and dust barrier. Park Construction, huge construction company that does not really fit in our residential area. Blocking view. Sound and dust from a residential neighborhood and our residential property seems like it would have been on the top of Park's list to show that they care and are willing to work with us and protect the residential neighborhood. But Park didn't do that. They talked about this beautiful 10-foot berm and 8 to 10 foot fence on top of that, but Park CUP repeatedly said that the existing thin row of almost all deciduous trees would serve as a screen, a sound and dust barrier along our entire 900 foot property line. Half of those trees are on our property line and don't count towards their screening. They claimed that that was good enough. You can see below a winter picture and two summer pictures that you can see right through those deciduous trees there when the when the leaves are down. And so, I think it's a little disingenuous to say that that we would be protected by that thin row of trees. I'll keep moving to Slide 9. Below is what Park proposed to screen our property from sight, sound, and dust. It doesn't meet the screening requirements. We just we can see right through it. It doesn't have a 95% opacity and what they're proposing is a security fence only down the middle of the wood line on the property line. Moving onto slide 10. We would want the City to reject this proposal, but if we were to proceed the same berm and fence screening provided by Park on the South and West residential properties would also need to be provided to the North residential property. I don't know why they wouldn't have done that initially, it seems crazy to me, especially since per the measurements from the Planner, our house is actually the closest house to the Park Construction site. There's a big difference between a 10 foot berm with a 10 foot wood fence and what that stops from noise and light and sound, and the thin line of trees that we were looking at so that's a big deal and our residential property would not be protected by that thin line of trees. So, screening sound dust again right now you can see I highlighted the area there in the red, that that's where our gardens are at. It's right next to the Park proposal. We enjoy gardening and spend a lot of time out there. It would certainly take away from our enjoyment if we could see and hear construction equipment and tailgates slamming and beepers beeping while we're out there and then, we're also concerned about the dust and silica dust that could be blown over into our gardens and into our homes. From the public hearing that was held on 10/6/21, we had a discussion there, and in blue is what I read at that time, which was requesting a 50 foot buffer to our residential property line when the property was being subdivided by the Waldochs. And John concurred or agreed with that and so that that was good, I think he has it in there right now as a conservation easement. But based on the above agreement, we'd like to say that the fence that they currently have shown, running right down the property line, the one that's a chain link fence with three rolls of barbed wire on the top would be pushed to the other side of the conservation easement for a bunch of reasons, one is that provides the buffer between that it was intended to provide between the Residential and the Commercial Industrial. You don't have that big fence right down the middle of the wood line that gets pushed back 50 feet. There's also other good reasons to do that. How could you install that fence down the middle of the wood line without disturbing the trees or cutting down trees. You'd have to cut down trees on the conservation easement to do that, and it be much easier to install than build the fence on the field area,

which is where the 50-foot easement stops right at the start of the field. It would be much easier to build it there. Much easier to maintain that their trees wouldn't fall on it, so it just seems to make some sense to do that. It really doesn't do John any good to have it there because you know Park can't use that land anyhow and so the fence could be pushed to the other side of that buffer, and it would do me a lot of good to have that 50 foot buffer on our side of the fence to give some transitions between the Rural Residential and the Commercial Industrial. They provided a 300-foot buffer when they rezoned to Zodiac and this 50-foot seems like it should be a no brainer so I don't know. Eliminating hazardous dust, moving on so we have a few more here. During hauling activities, water will be used to eliminate dust. When we were at Park, we didn't see that, we saw them dumping and the dust coming up as the concrete came out of the out of the trucks. I'm not sure how that will be done when they're dumping out of the trucks and it's something that would need to be understood. So, silica dust hazard, moving onto 15. We need an expert to review, not Park, we need some extra, you know, there's all kinds of issues and health risks associated with the silica dust. I'm no expert on it. But it's something we would want to understand. What kind of measuring devices you would have, monitoring devices you should have, where they would be located and who would monitor them? Would that be a third party I don't know, but that would need to be further reviewed. I guess we brought up a question similar to the one you had, so I won't go into it too much, but use of water for dust control on piles and crushing and freezing temperatures. I see these piles of crushed and rubble and I don't know how they know, let's say a wind comes up or a storm comes up and it starts blowing it around. Is somebody going to rush over there to try to wet down the pile? What would be the protocol to even handle that situation? Or at nighttime when a storm or whatever would come in, we get high winds. Then how would that pile get wetted down so that it wouldn't blow around? I didn't see any provisions in there for doing that. In the wintertime, I don't understand how the water when you spray down the pile in the winter how that works, even like in the machine itself, once they pump the water into the crusher, where does it go? Does anything come out? If you're pumping in a lot of water, something's got to come out somewhere. And where does that water go after it comes out? I'm not sure. I think you know some more information would be good there. Will crushing always be done between the November and April months? I think we heard it would be, but I guess I'm not sure of that. There's a lot of statements that are, I think as I mentioned before, that are not measurable or enforceable in this in this narrative. And there's tons of them that talk about, that something will be done as necessary or as needed and there has to be a plan, and they have to follow a plan, there has to be something measurable. Otherwise, it just won't happen. Park's idea of what needs to be done will be completely different than what my idea would need to be done, and so there just needs to be something to define what those are instead of just 'as necessary'. And I just highlighted some a couple of the ones that say as needed and as necessary. In summary, we believe that this is too big and too intrusive to be next to the residential property and does not meet the CUP approval standards and we respectfully request the Planning Commission reject this application. Thank you for your time.

**Hanegraaf:** Thank you. Is there anyone else in the Chamber here that'd like to get up and speak? Do they hear me over there? I don't see you over there, but if there's anybody in the other room over in a Community Center, they'd like to get up and talk at the public hearing, is there a microphone over there? You have to come over here to the Chambers and as usual, state your name and your address. We'll wait a few seconds here if anybody is coming over. There we go.

**Waldoch:** Good evening. John Waldoch. I'm at 6755 Pine St in Lino Lakes. My father bought that property in 1938. In the 40s we had an airstrip on that property and through high winds it was blown down and the Core of Engineers at one point he had rented that airstrip from us for commercial operations and then in the 50s we had at one of the parcels there was an oval track for when Twin City Speedway was using it for a practice track so our whole life, and then when the pipeline went through we assumed, well this will always be Commercial property. So, there was never a time that we didn't assume this was going to be Commercial property from end to end. Couple of the comments. When the crusher was being loaded with the thing, the crusher was actually running. That's what the point was because you couldn't hear it. Traffic, you know driving on 23 if you pull out any time of the day, pretty much you're really pretty easily get to 50 - 55 miles an hour. Traffic, trying to get off of over on Lexington to go South on a Sunday morning, that's where traffic is, because it takes you 1/2 hour to go from Bunker Lake to the freeway. The whole nation has traffic. The more traffic they're going to bring isn't going to affect that. Anoka County, they're not thinking that 23 is full of traffic. Of course, if the freeway backs up, but those folks have every right to come down 23, we can't control where they drive. I think through this whole process of us spending, everybody spends money to do projects, but our thought process was from day one, two years ago, of what's happening right now. I think we need to think hard on putting this through, I think there's stipulations can be put in to help curb you know noise of these vehicles today and truck traffic and we've already got a series of these businesses in Columbus that frankly are very good companies that are in our City and it's what that CUP is designed for and I think we need to let this go through.

**Hanegraaf:** Thank you. Is there anyone else over in the community center?

**Newville:** Hello Council, my name is Greg Newville and I live at 6843 141st Ave. When I came here, I'm extremely pro-business, I believe that there needs to be some things done to keep all the neighbors happy, but I am for these projects, the traffic they can't control any of the traffic. It has nothing to do with them, they've approved by this County. But they went through what the development wants for the City. I don't know what the perfect use would ever be that would make everybody happy? But also, I think if they could meet the needs of the neighbors. I am certainly for this project, and we do live close by. And that's what I have to say, thank you.

**Hanegraaf:** Thank you.

**Daubs:** Good evening, I'll keep this very short. Michelle Daubs at 13324 Zodiac, and I just wanted to say that I concur with the Wagamon's and Nase with their statements. So, I just wanted that to be recorded, so that's it, thank you.

**Hanegraaf:** That was very quick. Thank you. Is there anyone else from the community?

**Lane:** Hi Travis Lane, 13434 Zodiac Street. I'm just about 3 houses down from where this is going to take place. We've only been there for three years, we love the tranquility and the opportunity, the quietness, and we enjoy all that, and the snowmobile trail in front. That's one of the reasons why I moved here so I can enjoy the snowmobile trails. I get the science and the numbers and all that and the decibel levels, but all reality, I can hear the construction that's going on over there right now (referring to the Street Smart Rental property). From my house and I'm not even right next to it, I'm kind of kiddie corner from it. So, to have the recycling and the trucks, it's not the recycling I'm worried about. It's the daily traffic, the noise, the backup, beepers that I hear on this equipment every day when I'm home and it's 3:00 PM

or 4:00 o'clock in the afternoon because I'm into work early and sometimes I'm home late and they're still doing work across in this development. I get there needs to be growth, I get it. How high are these piles going to be? We're talking cubic feet and tonnage, but how high are these piles? I've been downtown on Vandalia and that pile is 60-70 feet in the air and they're crushing rock. I mean, how big are we going to let these piles go? A 20-foot wall is not going to cover that. And when there is a dust storm, who's going to monitor it? You going to let me come in your property so I can come over there and hose it down when it's blowing dust into my neighbor's yards into my neighbor's horses? I mean this guy has been here for years, he has that right to live there and do what he would like. I get the point, we need business, but I agree I do think we should deny the CUP use for Park. I don't know who they are, I haven't been to their site, I'm an Industrial and Commercial refrigeration guy. I deal with these construction sites all the time. It's dusty, it's dirty. I leave my van windows up on construction sites because it's just filthy. So just wanted to make it quick and short, I think we should deny this, and I appreciate your time. Thank you.

**Hanegraaf:** Thank you Travis. Is there anyone else? Anyone from the Community Center?

**Perry Wagamon:** [inaudible]

**Hanegraaf:** Sure. A couple seconds. Not going to deny anybody, let's talk.

**Perry Wagamon:** Well, my name is Perry Wagamon, 13640 Zodiac St Columbus, Minnesota. I had decided not to say this, I was just going to be polite, keep my mouth shut. My mother told me once, if you can't say anything nice, keep your mouth shut. Well, I'm going to disobey her this time. Kind of hurts me to say what I'm going to say. I'm a little bit older and I actually don't remember ever having an argument with a neighbor before in my life. But frankly, I believe this situation is a culmination of a greedy process that we started back in 2001 when the Waldochs decided they wanted to develop their property and they wanted more for it than it was actually worth. At that time, Mr. Johnson was the City Planner, and he still is, and he stated at that time he told the City that he didn't think it was a good idea for Residential property together with Industrial property. And in fact, I'm going to quote him on something that you did say at that time. It is, "It would also be appropriate to identify a specific Commercial Use for the property, rather than change the land use and zoning speculative purposes", and that was Mr. Johnson statement in 2001. Now comes the junkyard that they proposed, and I want to make it clear I'm not laying any of the blame for any of this on you people. This is a prior administration that caused you to be sitting here tonight frankly. They decided they were going to put a junkyard there. They called it a sales auction plan. But it was going to be 80 acres, the junkyard of cars of cars that have been junked by the insurance companies, they were going to auction them off. Right up against my fence, right beside my property. And the City, for some reason, I have no idea why it was, but the City of Columbus fought like hell to get that done. They wanted that junkyard in my front yard, and I fought like hell not to have it done. So frankly at that point then, the City and the Waldochs were extremely mad at me. They're angry at me for this because they thought I caused the problem, that I wouldn't let the junk yard in. So, to get even then, for some reason, they vindictively, and I mean vindictively, decided that they would rezone the property without a project. They'd rezone it to Heavy Industrial instead of Light Industrial and Commercial like it was supposed to be, like the front part of the property was. They decided to put it there so that I would have no choice as to what they put there and it was no secret, they had openly let me know that. So here we are right now. This was a greedy process, it started in 2001, and when I say greedy process, they wanted more for their own property than it was

worth as it was set-up. So, they rezoned it to get more money for it. Which is not a good reason according to Mr. Johnson to rezone the property, and then to make it even worse they went out and not only rezoned it for Industrial, but they went out and found the very worst project that could get for Industrial property and insist on putting it right against my property line again. And I don't know I might sound like I'm up here whining. But this is the truth. I came to Columbus because I liked it. It was a beautiful piece of property. I intended it to be my home. I lived there for 40 years. I did my damndest to be a good citizen. I don't think you're supposed to get treated like that no matter where you live. And with that, I thank you for listening to me complain, and I'm sorry it got so late. But the truth is this just isn't right. It isn't fair to me or the other people in Columbus. Okay, thank you very much.

**Hanegraaf:** One last time, anybody else over in a Community Center wants to make a statement? Hearing none we will close the public hearings.

**Koenen:** Excuse me Sir, should we double check if there's anyone online that wishes to speak?

**King:** Anybody online?

**Mursko:** On Zoom.

**Hanegraaf:** Oh Zoom? Is there anybody on Zoom that wants to make a statement? I keep forgetting about that.

**Pearson:** Yes, this is Paul Pearson, 6548 141st Ave. I'd like to just comment that I concur with many of the concerns that have been expressed, and I would hope that you will reject this application.

**Hanegraaf:** Is that its Paul?

**Pearson:** Yes.

**Hanegraaf:** Thank you. Is there anyone else on Zoom that like to make a statement for the public hearing? Hearing none, I can close the meeting now, or the public hearing. Okay, the public hearing is closed. Been a long night here. Anyway, we got to move on. I know we have other things on the agenda, but we'd like to finish this up tonight. This part am I correct Elizabeth that item number, the deal with Jessica, we could put off to our next meeting?

**Mursko:** Mr. Chair, yes, we can put off the residential home business discussion if you choose.

At this time Chair Hanegraaf closed the Public Hearing. Hearing closed at 10:20pm.

*Ella Giefer*

Respectfully submitted: Ella Giefer, Recording Secretary