

**City of Columbus**  
**Public Hearing – Bituminous Roadways Rezone/CUP Request (PC-17-112)**  
**June 21, 2017**

The June 21, 2017 Public Hearing to receive testimony regarding a request for rezoning two land parcels (46.44 acres) from Light Industrial to Commercial Industrial zoning, and for a conditional use permit to allow Bituminous Roadways to construct and operate an asphalt production plant with storage and handling of various construction materials at the facility was called to order at 7:16 p.m. by Chair Garth Sternberg at the City Hall. Present were Commission members Jim Watson, Pam Wolowski, Jesse Preiner and Jody Krebs; City Administrator Elizabeth Mursko, Planner Dean Johnson, and Recording Secretary Karen Boland.

Also in attendance were City Council members Mark Daly, Bill Krebs, and Mayor Dave Povolny; Marlene and Dennis Nelson, Barb and Jim Preiner, Dan Robinson, Donna Carlson, Kate Heckaman, Norma Heuer, Jeff Danks, Myron Organ, Dan Mike, Taro Ito of Running Aces, Dale Peterburs, Kent Peterson of Bituminous Roadways, Richard Swanson, Joel Carlson, Jeff Meehan, Joe Radach of Carlson McCain, Inc., Frank Frattalone of Frattalone Co., Roger and Patsy Wismer, Jon Rausch, Sarah Lange of Coates RV, Ed Cary, Joe Bazey of Construction Technologies, Inc., Pat Preiner, Mary Preiner, Jim Windingstad, and Jason Rud of E.G. Rud and Sons.

**Sternberg:** So, we're going to have a Public Hearing and discussion for Bituminous Roadways Columbus preliminary plat, or no, Bituminous Roadways Columbus Rezone/CUP, pages 36 through 74, and enclosure A3 through A17. And, a Public Hearing and discussion—actually that's it, right there. So, at this time, I'd like to ask the recording secretary to read the notice as published.

Notice was read at this time by the recording secretary.

**Sternberg:** Thank you.

**Prior to opening this hearing, testimony was given by Dennis Nelson, Norma Heuer, Kate Heckaman, Roger Wismer, and Jeff Danks during the public hearing for Bituminous Roadways Columbus requesting a preliminary plat (PC-17-111). The testimony of these individuals, however, pertained to the rezoning and conditional use permit requests by Bituminous Roadways. All of this testimony is, therefore, included in its entirety in these public hearing minutes (PC-17-112). It is being presented here before the presentation given by the applicant, which took place after opening this public hearing.**

**Sternberg:** And if you could just state your name and address for the record please?

**Nelson:** Dennis Nelson, 8201 20<sup>th</sup> Avenue North.

**Sternberg:** Thank you sir.

**Nelson:** My mailing address is Hugo, but I live in Lino.

**Sternberg:** Okay.

**Nelson:** Well I know what they want to do with this land, is they want to put an asphalt plant on it. And it's just down the road from me, not very far. And it's going to affect several things in our neighborhood. One of them is going to be the health of the people that live around this asphalt plant. I worked at a refinery for 30 years, worked around asphalt, loaded asphalt, did a lot of stuff there in relation to that. And I know how dirty and nasty this stuff is. If they're going to have tanks there where they're going to heat asphalt to make, you know, the mix, and do all that stuff there, it's going to be pretty stinky. And anybody that lives—and I have a—there's health problems that people have. I have a reaction to any petroleum products like that, that I got from working in that refinery. In fact, I got out of there early, on a medical, but, after 30 years. My, my lips go numb, my tongue goes numb, anytime I'm around this stuff, so if this stuff comes drifting down our road and permeates my house, I won't even be able to live there. And, besides that, I mean, we have tons of traffic on that road already. I was out in the yard for maybe 15 minutes tonight and there was 35 dump trucks, side dumps, semis that come roaring up and down our road. And I can imagine what it's going to be like if they're going to be hauling in the gravel and stuff for the mix, and then they're going to be hauling mixed asphalt out of there. It's going to be, it's going to even be worse than Saturday and Sunday when church is on down at Eaglebrook. You won't be able to get out of the driveway.

**Sternberg:** It does get busy on Sundays down there.

**Nelson:** Huh?

**Sternberg:** I said it does get busy on Sundays down there.

**Nelson:** Yeah, it does. And it's going to be like that all week long. They're going to move this stuff, you know, and they're going to move it all over the Twin Cities. So we're going to have that problem, and a health problem. I don't think that it's the place, and, besides that, there's wetlands there. That whole country out in there, when I put my mound in, I had a guy come out and do a soil research test to see if I had to have a mound or if I could have regular. He said I have six inches of black dirt, six inches of peat, and then that gray pan underneath it. And, he showed me the sample. This far down from the surface of my yard is the free mottled soil, and it tells you that's where the water level is. So if you put anything down there, where there's any kind of chemicals, it's going to seep into the ground, and, and after working around, you know, the refinery, we made a lot of asphalt. It had asphalt tanks. And it's messy and stinky, and that's, that's going to be a concern. Is that stuff going to get into the water table? And get into our wells? I don't . . . I don't think it's a very good place for an asphalt plant—not, not at all. That's really, that's really low country out there, and it's all wetlands, and, you know. . .

**Mursko:** Mr. Chair, we can transfer this testimony into the conditional use permit testimony.

**Sternberg:** Yeah. You know, you're correct. At this point we're actually just talking about rezoning.

**Nelson:** I understand that.

**Sternberg:** We will, we will transfer your testimony into the next hearing or two, where we are actually talking about allowing the . . .

**Nelson:** See, and my theory is that if it gets rezoned – Most of that corridor is zoned light industrial, right? Pretty much all the way along 20<sup>th</sup> up to . . . It's pretty much zoned light industrial.

**Sternberg:** Light industrial, commercial retail.

**Mursko:** It is.

**Nelson:** Yeah. But they're trying to get it zoned—my understanding—to heavy industrial. And I don't think that's the place to have that kind of stuff, is on that road anywhere.

**Sternberg:** Well, thank you sir.

**Nelson:** It's not just, you know, getting my aspect of it, and our neighbors and stuff, but I don't think it should be zoned for that. You can change it from residential to light industrial, that's no problem; I don't have a problem with that, but . . .

**Sternberg:** Thank you. Thank you. Appreciate it.

**Nelson:** Yup.

**Sternberg:** Anyone else from the public? Please come forward. And if you could just state your name and address for the record, please.

**Heuer:** Norma Heuer, 8289 20<sup>th</sup> Avenue North.

**Sternberg:** Thank you.

**Heuer:** And I'm right across the road from where this would be rezoned as a major--am, am I understanding it right?—industrial area. Correct?

**Mursko:** It would be, it would be . . .

**Heuer:** It goes from minor industry to major industry?

**Mursko:** It's light industrial. It's, the request is from light industrial to commercial industrial. Which is a more intense, but it's not a heavy, it's not a heavy.

**Heuer:** Okay. My question is, what, the discussion that we've been hearing for a couple years about the changing of 35E and 35W connection, where they want to put the loops in so you can go north on 35E and then go south on 35W, and vice versa. How would that affect . . . because that's the area? That's where the loops would go. And what's the plan for that?

**Sternberg:** That'd be Minnesota, MN-DOT, right?

**Mursko:** You know, um . . .

**Heuer:** Has anybody checked that out or anything?

**Mursko:** The project that is moving forward is: they're doing a bridge replacement of the 35W crossover, and that's going to happen next year. I don't think anybody has talked about that design. I think then that was talked about, it was a 2040, kind of 'in the future' planning. But I haven't heard anything about the loops in a long time.

**Heuer:** And then the impact of a larger commercial enterprise there on the County for road maintenance, and I called the County to see what their take – they hadn't even heard of this. They, they said—I was told that they have heard absolutely nothing from Columbus Township about rezoning or anything. And any complex that goes into that area, what's the environmental impact statement on, on that? And what about Forest Lake, because if anything is built in that area, the way the wind moves, is going to be—it's not going to affect the people of Columbus, but it will affect every resident of Forest Lake? So, and, I talked to Forest Lake, they don't, they haven't heard anything about, uh, any changes or rezoning or anything. So, I wonder how—is this a secret project or are people supposed to know about it? I don't know. I just heard from my neighbor, earlier in the week. And I live across the road; I'm the first house across the road from 'em, from this area. So, it's going to affect my house, the value of my property, how much taxes I pay to have the road fixed. Because, there aren't even shoulders on that piece of the road. The County says it's too expensive to put that on. So, I, how does this all play together?

**Sternberg:** Well, we're going to be having more hearings here; we have two other hearings. And this, right now, is just on the plat--uh, just doing something with land.

**Heuer:** Right. Now, do you want to, do you, at this time, want to pass something that's going to rezone it? Because, you can't take that back once you do that.

**Sternberg:** Well, we, we're just discussing—you know, having a hearing and discussing the opportunity to do this. And we're going to take . . .

**Heuer:** So, you're not going to vote on the changing the zoning?

**Sternberg:** We are going to, we are going to vote one way or the other.

**Heuer:** You are going to vote tonight.

**Sternberg:** And then we're going to hold—we, we're advisory, we're the Planning Commission. We just take all this information, we make recommendations to the Council. City Council will actually rule on this; we don't actually do that. But, we do have to, you know, I mean, people do have a right to sell their land, and people do have a right . . .

**Heuer:** Oh, I'd love to sell. You make me an offer and it's yours. Um, because I know, if they put an asphalt plant in there, it isn't ever going to sell.

**Sternberg:** And that's if they do it. We have to, we have to get through these hearings. And we're going to do the same with your testimony. Uh, we'll transpose it so you don't have to come up for the other hearings too, and we'll put it into the record here for the future hearings that we're going to have here.

**Heuer:** Okay. It's just a, my feeling is that people in the area need to know about it ahead of time.

**Sternberg:** Yeah, I can attest that it's not a secret, uh, secret project. It was probably within the last year, we had a preliminary, you know, hearing on whether, er--not a hearing—but preliminary meeting on whether or not we would accept something like this into Columbus. We thought that it would . . .

**Heuer:** If you change the rezoning of an area, I would think you'd notify the people in the surrounding . . .

**Sternberg:** They should have, they should've been notified, right?

**Heuer:** I don't, I, I'm a half-block from the Columbus, um, line, and I'm in Lino Lakes. So, I'm sorry, I'm not happy with Lino Lakes, you know, but, that's the way it is. But, this is going to be a big impact on the people who live there, who, we're not members of Columbus Township, so how do we hear about these, these changes?

**Mursko:** If, if you live within 350 feet, that's when you get a notice. And, I know two Lino residents did get notices, but . . .

**Heuer:** Two?

**Mursko:** . . . they were, they were the immediate adjacent properties.

**Sternberg:** Yeah, they have a rule that it's 350 feet

**Heuer:** Well, I know the business next to me, the wholesale nursery, is really upset about it. And I would think—he's right, he's even closer than I am to the, to the land. And, um, he found out Monday.

**Sternberg:** Well, thanks for your testimony, appreciate it. Anyone else from the public? Go ahead, come on up.

**Heckaman:** Kate Heckaman, 19814 Farnham Road North, Forest Lake.

**Sternberg:** Thank you.

**Heckaman:** Uh, kind of similar to them, 'cause I might not have the chance to be at future hearings. I'm in a brand new residential development, just on the other side of 35. There's not a lot of trees in between us and this area. Um, it's growing rapidly over there, and I think this will be detrimental to our area. Um, my kids' school is in Lino, right near there. The air quality there, I'm concerned about the air quality in my neighborhood. Um, and value for everybody else, the roads, um, --found out from Norma as well-- and, the response of the County, that she left out, was 'It's cheaper to pay the lawsuits for people killed on that road from the semis, than to fix the road itself for the shoulders.' So that safe—that, to me, is crazy, that the County is going to put aside safety, because there's schools over there. You can't tell me there's not kids going to be on bikes. And just --I don't--my biggest thing is the air quality of this factory going in there. Um, I notified my Council member tonight. And, I would think that a large city butting up next to this, would maybe know that there's a giant factory coming down the line. I know there's going to be multiple hearings about this, but ducks are in a row already, and, we found out in Forest Lake, that things that happen early on in these preliminary hearings keep moving forward. And it's like a snowball effect, you can't stop it once it starts moving, um, until somebody stands up to it. And, I just think you owe it to the citizens, not just of Columbus, but the surrounding communities. Because she makes a good point, that, you know, I'm going to be affected downwind a lot more than some other people, and, I just, this is very disheartening to move into a brand new house, and to know that my property may drop because of --it's going to stink, and not want to be outside, and just, it's going to be disgusting. So, that's just my concerns.

**Sternberg:** Thank you very much. Come on up. And if you could state your name and address for the record, please.

**Wismer:** My name is Roger Wismer. I live at 8260 20<sup>th</sup> Avenue North. I'm about a quarter of a mile from the Williams property that this development is going to be sold, you know, from. And, my biggest problem is the same as everybody else's. I moved out in the country to live in the country, and I'm real satisfied. I've been there about 20 years now, and, all of a sudden, we're getting all of this heavy traffic; we're getting this industrial deal—proposal--that they'd like to put in there. And I know we got nothing but wetlands behind us. I have artesian well. I'm worried about the water. I'm worried about the resale of my property—how much it's going to go down, and how much the taxes are going to go up. Because, they're going to have to improve that road with the traffic. That road can't handle the traffic it's got right now. So, that's my biggest problem with it—it's the pollution and the water and the air and the traffic.

**Sternberg:** Okay. Thank you very much, appreciate it. Anyone else from the public?

**Danks:** Yes, my name is Jeffrey Danks. I live at 8289 20<sup>th</sup> Avenue North. Uh, I've lived there for 60-some years. My concern is that we have talked to Anoka County. They said they didn't care about the road; they weren't going to fix it. We talked to the Lino Lakes police. They tell us it's too inconvenient to come out and patrol our area. And now I come here, and you people are talking about putting in an asphalt plant across the street. Uh, I think it's a very unwise thing to do. Since you have no police protection, no road improvement or anything else, yet. And, uh, I guess if you people don't care about us either, it's time to move. Thank you.

**This concludes the testimony transferred from the public hearing on the Bituminous Roadways Columbus preliminary plat request (PC-17-111). Below is the testimony from this public hearing on Bituminous Roadways Rezoning and CUP request.**

**Sternberg:** And if you guys (referring to applicants) could come forward again, and, this time we'll hear your presentation on how you're going to handle all these deals, items.

**Peterson:** All right. Again, my name is Kent Peterson. I'm CEO of Bituminous Roadways. And, uh, Bituminous Roadways was founded in 1946 in south Minneapolis, and we currently have—we're an asphalt paving company—we currently have approximately 160 employees, and we have three asphalt plants that we operate: one in Minneapolis; one in Shakopee, Minnesota; and one in Inver Grove Heights. And our work takes place within about a 15-mile radius around our asphalt plants. And that's because of, uh, because further than that gets, uh, gets prohibitive on hauling materials. So, we wanted, I was looking for a location where we could serve the north metro, serve our customers in the north metro. That's why I zeroed in on Columbus. And I was in here last fall and presented a concept to you all of what our operation would be like, and, and then I, now I'm following up with a specific site in mind. And, uh, and we've done a lot of engineering, a lot of prep coming up to now. We've worked on wetland, a wetland mitigation plan to minimize the impact on the wetlands. The property is about 46 acres, and we've come up with about 20, 20 or 25 acres that's usable for us. And that's about the right size. The reason, the reason I was looking for that lot split is because I was planning out the bare minimum area that we could operate on. And that Lot number one is the extent that I, you know, that I determined would be the bare minimum that we would require to operate. But, uh, if you look at our other facilities, we operate on about 20 acres. And, so, I'm hoping to move in, get, start our operation, and then, if we can operate on that Lot 1, then Lot 2 might be available for another user in the future. But I don't want to commit to that until I've, I've established our operation. As far as trucking goes, we've, uh, I've determined that on a peak day we would have about 250 trucks round trip, round trips into the site and out of the site. Uh, some of them would go north, some of them would go south. So, it wouldn't be, it wouldn't be 250 trucks, it would be 250 truck trips. And then, on a typical day, average throughout the construction season, it would be about 120 trucks per day, or truck trips per day. As far as odor is concerned, there's, uh, there's certainly ways we can manage the odor. There's additives you can put into your asphalt cement to neutralize odors. There's vent condensers we can put on our tanks, and, uh, there's other measures we can take if odor becomes a nuisance. Uh, asphalt plants are regulated by the Environmental Protection Agency and the Minnesota Pollution Control Agency. So, before we'd be able to start operation, we would be required to get a permit from the Minnesota Pollution Control Agency. And then on an annual basis we would have to report our emissions. And

there's certain levels that, uh, that are allowed within the permit, emissions allowed. And, uh, if you look at our reports for the last couple years at our other asphalt plants we, we're way below those levels. So, we operate way under what our limits are in our permits. What else? What other issues?

**Sternberg:** I mean, I'm going through your . . .

**Peterson:** Would it help, would it help to put up some pictures of what an asphalt plant looks like?

**Sternberg:** Yeah, that would probably help. So, can you put that up there Elizabeth?

**Mursko:** Yup.

**Peterson:** These larger pictures are better than the one. This one here is of our Shakopee asphalt plant.

**Mursko:** This one is of what?

**Peterson:** That is our, that's our Shakopee asphalt plant. It didn't come out the greatest. I included examples of other asphalt plants; those are what those larger pages are.

**Mursko:** Ours is going to be shiny, new, painted.

**Peterson:** Yeah. So, now do you want to put some of those new plants pictures up? So, those are examples.

**Krebs:** Could you speak on the, um, your primary and secondary collectors to remove these particles in the air? Um, they're of concern.

**Peterson:** Uh, sure. So, as the air goes through a plant, it goes through the drum of the plant where you're drying your aggregates in mixing. That air goes through a duct works, uh, into a, a primary collector and a secondary collector that removes the dust particles from the air. And, uh, the secondary collector is that large box-looking piece of equipment, that's full of filter bags. They're like, like long vacuum cleaner bags, you know. They filter the air out of the, or they filter the dust out of the air before the air goes out, or goes to the atmosphere. And then that dust is augered back into your, into your mixing chamber of your drum, and becomes part of your mix.

**Krebs:** And I see that you did file with the, um, Rice Creek or what's the—I'm sorry—uh, Minnesota Wetland Conservation, and they gave you approval, with conditions. That's correct?

**Peterson:** Well, we're waiting on . . . (To Joe Radach of Carlson McCain) Why don't you talk to that?.

**Radach:** Yeah. We submitted an application for the wetland replacement plan, and we have a, we're working through it right now. We're basically there. It's, I believe our meeting is in the next two weeks with Rice Creek.

**Krebs:** Okay.

**Radach:** And we've also submitted the plans to Anoka County Highway Department. They have reviewed 'em, and we're in receipt of a review letter that is, in general, informant of what we're proposing to do out there. And the plat will go to MN DOT as well, since we're adjacent to a MN DOT right-of-way. So they will have reviewing authority as well.

**Krebs:** And what's your operation permit? Is it a capped one or is it a Part 70 or is it a State operations permit? Uh, at your other plants.

**Peterson:** Is that Pollution Control?

**Krebs:** Mmm-hmmm.

**Peterson:** That's a general Option D permit.

**Krebs:** Option D?

**Peterson:** Yeah.

**Krebs:** Okay.

**Sternberg:** Any other questions?

**Krebs:** I have a couple more.

**Preiner:** Uh, I'd like to talk a little bit about your truck trips up and down the West Freeway Drive. So, you said there's 120 truck trips per day.

**Peterson:** Round trips, yeah. So, so . . .

**Preiner:** If I'm standing at the end of my driveway, there's 220, or 120 going this way and 120 going back. So 250 chances to get ran over. Um, and how many hours do you operate, 10 or 12?

**Peterson:** Uh, typically we're 7 to 7, seven in the morning to seven at night.

**Preiner:** And I know there's a, I know there's opportunity for people to go south on the frontage road—West Freeway drive—and get on at Centerville onto 35 E. But my experience is, 90 percent of anybody goes up to Holiday, takes a right, hops on the freeway, and then splits down at the split, going both ways. So my concern is that there's going to be quite a bit of truck traffic

coming up and down West Freeway Drive, in front of Gander Mountain, in front of Freeway Mini Storage, in front of Coates RV.

**Peterson:** I guess I imagined about 50 percent up or north, and 50 percent south.

**Preiner:** And I think that's not accurate. My experience—and I've been there for a long, long time—ideally it'd be 50 percent, I agree. But I know it won't be that. And with the traffic from the other two trucking companies down there, Westmore and Zeigler, this is really going to make the street, with no shoulders and with no turn lanes, not a very friendly place to be. And we're really struggling with that issue, because we want you in Columbus somewhere, and what we've read about your factory and the way you run your business is all good. This is just a real terrible—it's a big issue, and we're dealing, trying to deal with it, so. And there's nothing you can do. The trucks have to drag in the mix and the trucks have to drag out the bituminous when it's done. That's your business.

**Peterson:** That's the way, yup, that's the way the business operates.

**Preiner:** And it's just a, a real tough, a tough thing for us to make a decision on.

**Sternberg:** Go ahead.

**Krebs:** I have one more question. Um, on the petroleum storage, is that above ground or below ground?

**Peterson:** That's above ground. If you see those round cylinders on the right side . . .

**Krebs:** Mmm-hmmm.

**Peterson:** That's, uh, what the asphalt tanks would look like.

**Krebs:** Okay.

**Sternberg:** Any other questions Jody?

**Krebs:** Maybe not questions, but just comments. Uh, we did receive in our packet, er, I guess our addition packet, A3, A4, A5 are: one letter is from Zeigler, with a positive, that they would support, um, Bituminous coming to us; we have one from Dale Furrer that also says the same thing; and we have one from Jerry Richert that says that they would support the Bituminous coming. We do have one letter from the City of Lino Lakes with concern about the truck traffic, and, um, we do have a concern letter that you all must have read from Ellen Schaal.

**Sternberg:** Jim?

**Watson:** Mr. Chair. Um, we've got a copy of the Anoka County letter, uh, I apologize, I spent five minutes, plus or minus, just glancing over it. They address issues, specifically coming out of

the property onto County Road 54. Um, has there been any further discussion about truck traffic farther up, um, the road, closer to the roundabouts, in terms of amount of traffic that that road would carry?

**Peterson:** Um, just what we talked about a little bit ago, about the amount of roundtrip trucks to and from our facility. Some would go north, some would go south, and that would, the north would be in that area you're talking about.

**Watson:** Well, I guess the, more so with the curves that come around, um, or the planned curves as West Freeway Drive and that area is re-done.

**Peterson:** As far as being able to make those?

**Watson:** Well, not so much the trucks being able to make 'em as the impact of the trucks on that new roadway. I don't believe there is shoulders.

**Unidentified audience members:** There's no shoulders.

**Watson:** Of the new construction that will be coming?

**Bill Krebs:** There will be.

**Watson:** There is. Thank you sir.

**Mursko:** Yeah, new construction will have shoulders.

**Watson:** Will have shoulders. The, um, I guess I'd, I'd like to get more information out of Anoka County, as well as the State, before I'd feel comfortable going one direction or the other on it.

**Peterson:** Well, last, uh, last fall we met over at your attorney's office for that staff meeting. Yeah. I was looking at the wrong person.

**Mursko:** It's me.

**Peterson:** And, uh, there was a plan that was, that your engineer had, that, uh, was, showed that road with the roundabouts.

**Mursko:** Yeah, so the, um, the nine million dollars was appropriated to, to the project, for the County Road 54 relocation project, um, and so, just north of Gander Mountain, the County Road 54 will be relocated and will be rebuilt. It does have shoulders on it and the new area with roundabouts. Um, it will, it will not be, uh, south of Gander Mountain, the road will stay in its current location, and I don't, I'm not aware of any improvements, so, up there. But, uh, maybe you can also tell them what types of trucks do you generally have hauling in and out of your facility?

**Peterson:** Uh, dump trucks.

**Unidentified audience member:** What kind of dump trucks?

**Peterson:** Uh, they'd typically be probably the quad-axle dump trucks, straight trucks.

**Unidentified audience member:** Any belly dumps?

**Sternberg:** We need to keep order here, this is a public hearing. You'll get a chance to come up and ask more questions once I open the hearing to the public, but, (to Peterson) just continue to answer the question--dump trucks and belly dumps, and . . .

**Peterson:** Yeah, we wouldn't have many belly dumps, it'd be straight dump trucks.

**Sternberg:** There you go.

**Krebs:** Just a couple questions.

**Sternberg:** Go ahead.

**Krebs:** Did you receive the letter from Anoka County Transportation Division that they put out today?

**Peterson:** Yes, I did. It talked about some turn-lane requirements.

**Krebs:** Right. Okay. Just wanted to make sure you had seen it.

**Sternberg:** Any other questions?

**Krebs:** Um, so in looking at all the findings of fact and recommendations for each state, um, you read through all of 'em?

**Peterson:** Yeah.

**Krebs:** Do you have any questions, concerns or anything that you want to address at this time on these?

**Peterson:** No.

**Sternberg:** Anything else? Okay, if you gentlemen want to take a seat, at this time I'm going to open the hearing to the public. If you could please state your name and address for the record?

**Ito:** Uh, Taro Ito, 15201 Running Aces Boulevard.

**Sternberg:** Thank you sir.

**Ito:** Um, I represent Running Aces, I'm President and CEO. And I'd like to read into the record a letter and I will hand in the letter after.

'To Members of the Planning Commission, City of Columbus:

On behalf of Running Aces Casino and Racetrack, we would like to express our deep concerns regarding the proposed asphalt plant currently under consideration. After decades of planning and discussion the City of Columbus stands at this doorstep of a truly transformative period. This is a direct result of the upcoming freeway frontage road and the 97 bridge project. This represents the only undeveloped on-and-off ramp for 90 miles. The future retail and commercial development potential in our city is unquestionable. As members of the Planning Commission with the responsibility to make recommendations as to the best use of City resources, I challenge you to answer a few simple questions:

- 1) Does this use enhance or hinder the potential development of the freeway frontage road?
- 2) In the 20 years of planning and discussing the 97 bridge project, was the ultimate goal of this city to make it more convenient for asphalt trucks to gain access?
- 3) What effect will this use have on the surrounding businesses, residents, both current and prospective?

Having spent the last ten months working towards developing a hotel on our property, I feel qualified to address item number three. My answer, quite simply is, "A lot." Based on the impact of the asphalt trucks and the level of traffic generated by this operation, we would need to reevaluate the decision to invest approximately \$9,000,000 into this, our hotel project. Economic feasibility studies will validate the superior financial impact, both direct and indirect, generated by a hotel to the hosting city compared to incremental property tax. The new freeway frontage road and roundabout will become the main entrance to the casino and hotel. In addition, the hotel has been designed with site lines to take advantage of the harness-racing track and the freeway frontage road. Navigating and viewing asphalt trucks all day long is not considered a marketable amenity in the gaming and hotel business.

We respectfully request the Planning Commission recommend to the City Council the unsuitability of this project at this location, and the negative impact this will have on future developments in this area. There currently exists an area in the city specifically zoned for this exact use that should be considered.'

So I'd like to enter this into the record.

**Sternberg:** Thank you sir.

**Ito:** Thank you.

**Sternberg:** Anyone else from the public?

**Cary:** The name is Ed Cary, and I live at 7790 Scandia Trail North, Forest Lake. I have a piece of property along West Freeway Drive, at 15226 West Freeway Drive. And that is, it just butts up to almost the corner, the northeast corner, of the racetrack property. Um, I agree with everything that I'm hearing tonight. I have very little to say, except to say that. Uh, there is one issue that I would like to ask if you've thought about or has the County. And that has to do with the roundabouts themselves. Um, my understanding is, they're single-lane are they?

**Mursko:** Yes.

**Cary:** They are single-lane?

**Mursko:** Yes.

**Cary:** The other day I was over at the high school, following a semi through, and he was heading west, and that's a double lane. I've got to tell you, that was a semi, and he had some smooth moves to make it around. When you consider that these trucks will be coming from the south at about 55 miles per hour—that's the speed limit—they'll be cutting their engines and braking for that first roundabout. I don't know if, do they have reefers on them or anything like that? Um, a dump truck. I don't know that. Um, I do know that they will be making a lot of noise, and, uh, my property is about 300 yards from that first roundabout, and just listening to the racetrack and the hotel, which they're planning, that's in that same vicinity. So, there's going to be a great deal of noise. Ah, again, I agree with what I'm hearing from the public, and that's about all I have to say regarding it. I guess, other than, I certainly want business to come to Columbus. It's a great, great area. And also, as was mentioned, I understand there's designated areas for this type of business, and I think they should be explored. Thank you.

**Sternberg:** Thank you sir. You want to come up again?

**Dennis Nelson:** I just want to make one little statement about what these gentlemen over here said about controlling the smell of that place. After 30 years in the refinery, there's no controlling it. You heat asphalt, you do anything with asphalt—you can scrub it or whatever—it's still gonna stink. It's gonna stink when you load it in the trucks, it's gonna stink when you're mixing it. And that, that's one of my big concerns—that and the trucks. I mean that road is no place for trucks. And if they come along and put shoulders on that road, the edge of that shoulder's going to be about 20 feet from the front steps of my house. I've been there for 47 years and I think, I don't think I need that. And I'm planning on staying there until . . . whatever. I hope I'm gonna live 'til I'm 90, so I . . . And the, and the—I see that Anoka County has counters up where 80<sup>th</sup> comes in up there. So they're counting the traffic to there, and then they're counting traffic down our road now. The little rubber pipes they put across.

**Sternberg:** Yeah.

**Nelson:** And, I'll betcha . . . 'cause I remember when they did that road the last time, I talked to the foreman and he said, 'Man, we figured we'd have it made on this road, because there's hardly any traffic.' He said, 'I can't believe the traffic.' He said, 'It, there's, there's way more traffic on that road than most people . . .' You know when we first moved out there our kids could play on the road. Well, you know stuff gets built and there's more people, and . . .

**Sternberg:** Right.

**Nelson:** So, I mean, it's gone downhill and it's gonna affect our property taxes. If they run, uh, 250 trucks past my house every day, coming and going, that's going to be . . . But, there's no

way they can get rid of the stink off of an asphalt plant, I don't care what they say. They can put all the perfume in there they want.

**Sternberg:** Thank you sir.

**Nelson:** Thanks.

**Lange:** Hi. My name is Sarah Lange, and I'm with Coates RV Center. Our address is 14025 West Freeway Drive in Columbus. Um, I want to express my concern with the situation. With it being down the street from us. Um, kind of just to reiterate what everybody else says, I am extremely concerned about the traffic that this would bring to our area. Um, to our street specifically. Since we've been here for about the past 15 years, I've watched the traffic increase and increase and increase. And I drive that road every single day to work, so I'm very familiar with it, and, um, you know, concerned for my customers, my employees, the residents in that area – I know they've voiced their concerns as well. But, um, kids, pets, that road, it's just really becoming unsafe, and I can't imagine putting another couple hundred trucks, additionally, on that road every day. Um, also I don't, to second what Taro said, I don't feel that this is a good, um, long-term fit for our community and what we're trying to do here. Um, I do feel bad that I'm sure the, the business owners have spent a lot of time and money and effort, um, into putting a plan together. And, as a business owner myself, I know what goes into that, and it's tough, so, I feel for that. But, um, overall, I just don't think that this would be a good decision for our area.

**Sternberg:** Thank you. Anyone else from the public want to come up and speak?

**Wisner:** My name is Roger Wisner, of 8260 20<sup>th</sup> Avenue North. Now, talk about 200 trucks going back and forth. All right, so say 100 of them go south. That bridge is a restricted bridge. The traffic right now, when it backs up on 35E and 35W, we get the overflow that want to beat the traffic jams on the freeway, going south, going north. In the morning, when they're going to work, in the evening, when they're coming home. Put that up with a bunch of dump trucks coming back and forth, you got chaos. That's all I've got to say.

**Sternberg:** Thank you sir. Anybody else? Actually, we've got one guy coming up; we'll get to you right after.

**Swanson:** Uh, Richard Swanson.

**Sternberg:** Thanks.

**Swanson:** Uh, my business is at 8301 20<sup>th</sup> Avenue North. It's Green Value Nursery. My concern is more on the zoning issue. And, um, I have a concern that, on my property that's adjacent to their property or to the west of their property, or for the Planning Commission to zone that area equally as well, that the triangle would be zoned, um, all commercial use, so my land would be included in that. And not put me up against an area where my land would be light industrial against commercial use. I do welcome the opportunity for that area to develop. Uh, that's gonna be a tough decision for you people to move forward on. But again, my concern here today is

being treated fairly in the zoning. I did put a lot of energy, back when the corridor was first being thought about to be developed, to include the triangle in development, where I don't think it was ever looked at. And, uh, did pay for assessments to include my land in that development. So that's my concern here today. Thank you.

**Sternberg:** Thank you.

**Mursko:** So, just as a side note for the Planning Commission, um, Mr. Swanson has submitted an application for rezoning, so he is here tonight with testimony saying he's supporting this commercial industrial for the applicant, but, again, indicating that he wants to be treated the same. And, has indicated now that he put in a formal application.

**Sternberg:** Sounds good. Thanks. Next?

**Rausch:** My name is Jon Rausch, and I'm one of the owners of the property, along with my business partner, Frank Frattalone.

**Frattalone:** Frank Frattalone, 3205 Centerville Road.

**Sternberg:** Thank you sir.

**Rausch:** And, uh, just as a point of reference, I live less than a mile from an asphalt plant: Midwest Asphalt. And I just wanted to share an experience. Every day I drive my kids to school or my wife does. And, it's, it's by the asphalt plant, and we've not experienced any smell. It's right across from a golf course, and they've got new measures Kent would be glad to share with, with y'all about how, uh, how to take care of the smell. So, I just, I wanted you to know that, you know, that, that's something that I live first-hand every day, and not once have we experienced that. About ten years ago Frank and I bought the property from Bill Williams, William Williams. And Trent Carlson and his family, recently we also purchased that five-acre property with the idea of bringing more business to Columbus. We see this as a growth area, and, we, you know, managed to make it through the recession. We've had a couple of other deals in front of you guys, I know, prior to the recession coming. And that, that's been our goal, is to try to bring a deal to the City of Columbus that you guys like. I've worked with Ziegler Caterpillar, who I know is supportive of this project, and so is Cemstone. Um, and, as are a number of other landowners in the area. And, they're not here tonight, so they've either written letters, called Elizabeth, or just been silent. But I do want you to know that a lot of the other business owners in the area, including Bruce Miller and others are very supportive of this. And, we want the best for Columbus. And I'd like to assure you all, from my experience—I'm a commercial realtor, I've been doing it for 20 years. I'm not a scientist, but I do know that Joe Radach from Carlson McCain, Trent, er, uh, Kent Carls-, er, Kent Peterson of Bituminous Roadways, Frank, and their development ventures. And I'll bet these guys probably have about 60 years of experience, or we do collectively--nothing's going to get into the groundwater, at least based on today's science. As far as the, uh, air pollution, nothing's going to go into the air that's worse than a gravel road, I know that for a fact, from trying to get a number of other developments and air quality permits achieved. And, I feel strongly enough to live within a mile of one with my family and young

kids. So, I definitely, definitely would not be bringing something into the City to put anybody in harm or their children. So, I want you to know that.

**Frattalone:** I can't say much more than Jon said, because we'd be going backwards, but, I would like to attest to one thing. It is a County road and an artery to the freeway. Uh, there's traffic studies and everything done on that. So, there's not going to be put more traffic on that road than it can handle. And, I mean, if there's turn lanes needed, you know, we've applied for our access to that road. We got that back from the County just today. Uh, I'm just reading it here. But, uh, it's not going to happen. If there's gonna need to be turn lanes or there's gonna need to be shoulders, the County will be the jurisdiction of that. So, it's a, like Jon says, we've worked with the City of Columbus for ten years now. Uh, you know, we've invested in that property, and we've put a few pieces together. We're trying to bring something nice –matter of fact, I believe someone from the City sent 'em, sent Bituminous Roadways to us. They were looking along around Lake Drive was it?

**Mursko:** They were looking at Lake Drive, yes.

**Frattalone:** So, uh, we think we've got a pretty nice project there, and we'd sure like to see it happen. Uh, I'd just add one other thing. I'm in the construction and excavating business, and I have gravel pits, and we have the same obstacles to overcome every time we go there—it's the truck traffic. But, uh, we all need trucks to do our business and do our daily life. Trucks deliver everything, from dirt to furniture and everything else. So, it's something that we live with if we do it right. And, the trucks of today aren't noisy, they're not as pollutant. The Tier 3 and Tier 4 engines that they have of today . . . Am I speaking too low?

**Sternberg:** Yeah, can we . . .?

**Frattalone:** I'll speak up. Anyway, I was just saying, the trucks of today are quieter, they have to meet certain criteria for decibels of sound. Also the trucks of today are Tier 3 and Tier 4; they're less pollutant than most cars are. So, anyway, we think the Bituminous Roadway people have brought a nice product here, and, hopefully we can adjust whatever problems that we have, and make it all work. So, thank you.

**Sternberg:** Thank you. Anyone else from the public? If you could please state your name and address for the record?

**Carlson:** My name is Joel Carlson. I live at 8101 20<sup>th</sup> Avenue North, just down the road from this project. I also have property adjacent to that project. But I'm just going to not even allow that to be in my mind, even though it's currently zoned ten-acre residential. It butts right up to it. But that, that's totally separate. Just as . . . We live in an area south of this project. It is zoned ten-acre residential currently, in Lino Lakes. I can't give you the specifics how far, but, quite a ways down the road. Granted, over the years there's been multiple variances on that road of different acreage. But, our house that I live in is, um, approximately 60 feet from the road, and when large trucks go by, um, it's major. I mean we've seen, you can really tell when a large truck goes, goes down the road. Um, the concern that I have is the amount of added traffic.

That's the only concern that I can honestly say I . . . I can't control and I can't say how your decision would go for business, and I respect whatever that decision would be. But the only thing I can say is the additional traffic on that road is a major concern. I know we've had that, said it before, but, I can't help but state that. And, I understand it's a hard decision, and I'm sure you'll do your best to make the right decision. Um, but, uh, it's the traffic, that's the concern for me.

**Sternberg:** Well, thank you sir.

**Carlson:** Thank you.

**Sternberg:** Anybody else? If you could please state your name and address.

**Preiner:** Jim Preiner, 240 Lake Street, Park Rapids, Minnesota. Uh, I own about 21 acres north of this project, and, uh, I, I would like that to be considered as far as, if you redo the zoning commercial industrial. I would like my piece, uh . . . It's just on the north side of Coates Trailer Sales. That's about it.

**Sternberg:** Well, we appreciate it.

**Preiner:** Thank you.

**Sternberg:** Thanks. Anybody else from the public want to speak? Anyone else from the public? Okay, I'm going to close the hearing with the right to reopen.

Hearing closed at 8:18 p.m.

**The June 21, 2017 Public Hearing to receive testimony regarding a request for rezoning two land parcels (46.44 acres) from Light Industrial to Commercial Industrial zoning, and for a conditional use permit to allow Bituminous Roadways to construct and operate an asphalt production plant with storage and handling of various construction materials at the facility was reopened at 8:36 p.m. by Chair Garth Sternberg.**

**Sternberg:** Let me reopen the hearing and come on up. Yeah, we're going to reopen the hearing.

**Rausch:** My name is Jon Rausch and I'm a commercial realtor. Um, I've been in the real estate business in the Twin Cities for 20 years, and I help different folks like Amazon and Distribution Alternatives, and Ziegler Caterpillar, and, you know, and other warehouse—people that need, uh, you know, a combination of office and warehouse. We recently did a business park in Blaine, at 95<sup>th</sup> and 35W. And 250 truck trips a day for nine months? Kent, is that right?

**Kent Peterson:** (responded affirmatively)

**Rausch:** That's nothing compared to what's going on down in Shakopee, with Amazon, when we, when we brought those guys in. For a similar size lot at 25 acres, approximately, of upland, and at a 30 percent coverage ratio, roughly, we're going to be able to get about eight acres under

roof. So that's 320,000 square feet. You're going to have substantially more trucks if we're under the current light industrial zoning. If we're able to find an industrial group to come in and, and just operate under the light industrial zoning. And that's why Frank and I bought this property. We believe that the industrial, uh, companies were going to proceed up 35W and 35E. And when we, we just represented, like I said, Distribution Alternatives, which is in Lino Lakes in the Rehbein Industrial Park off of 35W, and we moved them over to 35E, under 425,000 square feet. And we looked in Columbus too. But it just, it was just a little bit closer to the owner's home—he lived in North Oaks. But, it's, it's coming, because they're out of land in Blaine. So, this light industrial zoning, I think, will start to get developed, and the truck traffic is going to be substantially greater, in my opinion, than, um, 250 trucks a day—especially if somebody like Amazon shows up. They're gonna, you know, they're gonna generate a lot, lot more. And, I'm not saying they would come here today. They're not ready to. And I'm not saying anything that I shouldn't. But, somebody like that, that has a number of office and warehouse jobs, and they're going to distribute to the Twin Cities, they're gonna like this area, because they go down 35W or 35E. Um, and then you're going to have the employees that are going to park there and work there. Um, so just a point on the truck traffic and, you know, the employees.

**Preiner:** Mr. Chair. Mr. Rausch, then what do we do about our road? We'd love to have Amazon up and down that whole street.

**Rausch:** Mmm-hmmm.

**Preiner:** My mail lady will not stop at the mailbox on the road, because she's afraid to get hit by a Ziegler truck and by a Westmore truck. We had to take our mailbox off of the street, put it up by the porch door, so she can pull off the road, come in, and do it. I'm not lying; I'd love to see you there. Everybody would love to see you there, etc., etc. But the truth, the facts are, she won't slow down her God-blessed car to put the mail in the mailbox, because it's too dangerous. So, that's the quandary I'm in.

**Rausch:** That's, yeah, I'm not qualified to answer that. We'd have to have a traffic engineer or a safety engineer answer that. I can speak to the commercial real estate.

**Preiner:** And will the County do anything? Why should the people that live on that road, pay the taxes, built the buildings, sweat it out, did all the planning, spent all their money, want anything to make it worse than it is? I mean, I've seen three little kids on bicycles nearly--within the last three weeks—be hit between an oncoming Westmore truck and a Ziegler truck going the other way. If they hadn't jumped for their lives, and been lucky, they'd have been in the Forest Lake Times this week.

**Rausch:** Yeah. There, and as a parent, I, I'm with you on that. There's—I got nothing to say. Kids are first, where, you know . . .

**Preiner:** And I know, that's the quandary; that is the problem we're in. Is the County going to put shoulders on that or do anything beyond the new road?

**Rausch:** Trails, and, yeah.

**Preiner:** I mean that's, that is the problem.

**Rausch:** I know. And it's always difficult when you have an existing, non-conforming use. You know, the residents in, in an industrial-zoned area. You know, chicken and egg.

**Preiner:** Okay. And we know they're going away, and they know they're going away. But no little kid should be worried about being splattered under an asphalt truck.

**Rausch:** Yeah, I'd throw this all in immediately if I, you know, if it was going to save a kid. There's, there's no doubt, but, and I, I'm compassionate to that.

**Preiner:** That's the spot we're in.

**Rausch:** Yeah. Tough one. Thank you.

**Sternberg:** Thank you.

**Rausch:** Any other?

**Sternberg:** Any other questions for him? Thank you sir. So, what are we gonna do here?

**Watson:** Before I'd move forward, I'd still like to have a conversation with Anoka County, and/or MN DOT.

**Boland:** Mr. Chair? Are we closing the hearing again?

**Sternberg:** Yeah. Let's close the hearing.

Hearing closed at 8:41 p.m.

**Eight letters were also received as part of the record in this matter. Seven of them are attached. They were submitted by: Ellen Schaal; Rehbein Properties; Trent and Sue Carlson; Andreas Hoeft, President of Zeigler Cat; Dale S. Furrer; Jerry Richert, Jr.; and Katie A. Larsen, City Planner, City of Lino Lakes. The eighth letter was read into the record by Taro Ito, President and CEO of Running Aces Casino and Racetrack. That testimony appears on Page 13 of these minutes.**

Respectfully Submitted:

Karen Boland, Recording Secretary