

City of Columbus
Public Hearing – Chapter 7A Zoning Code Amendment – Asphalt/Concrete Production
Facilities (PC-17-126)
November 15, 2017

The November 15, 2017 Public Hearing to receive testimony regarding amendments to Chapter 7A of the City Code to allow and regulate the use of asphalt/concrete production facilities, and to establish performance standards for asphalt/concrete production facilities in the Light Industrial (LI) district was called to order at 7:11 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.

The November 15, 2017 regular meeting of the Planning Commission for the City of Columbus was called to order at 7:07 p.m. by Chair Garth Sternberg at the City Hall. Present were Commission members: James Watson, Pam Wolowski, Jesse Preiner, and Jody Krebs; City Administrator Elizabeth Mursko; Planner Dean Johnson; Attorney Jacob Steen, and Recording Secretary Karen Boland.

Also in attendance were City Councilmembers Mark Daly, Jeff Duraine, Bill Krebs, Denny Peterson, and Mayor Dave Povolny; Tony Frattalone, Taylor Frattalone, Spencer Tibani, Justin Boss, Angie Capistrant, Jeff Meehan, Emery Herbert, Sherry Frattalone, Dennis Mars, Jennifer Anderson, John Miller, Nancy Miller, Rob Rafferty, Jenny Canine, John Kittleson, John Arnt, Richard Kowarsch, Mike & Diane Meath, Kathy Sianko, Ellen Schaal, Tom Schaal, Richard Belle Isle, Stacy Brown, Dennis & Denise Lund, Joel & Carol Carlson, Pat & Roger Wismer, Tony Edlund, Tom Olson, Kim Laylor, Frank Frattalone, Jon Rausch, Derek Otto, Mike Kempf, Nancy Loecken, Tom & Pat Scherber, Doug Hedberg, Rick Graybill, Anton Paul, Pat BJORKE, Dan LaCoursiere, Jim Coby, David Schueler, Todd & Molly Mindestrom, Jeff Zahn, Carolyn Coby, Raymond Raines, Don Santanni, Dennis & Marlene Nelson, Todd Sandbar (sp), Koby Fechner, Kevin Kenow, Jim Pechia, Brad Nelson, Kathryn Patrick, John Patrick, Ed Cary, Wendy Beck, Wynn Biyham, Norma Heuer, Janet Hegland, Barb Bobick, Vern and Marge Roisum, Roger & Kathy Person, Jeannine Sachs, Denny Breame, Tristan Wilberg, Jake Stendahl, Myron & Cindy Angel, Jeff Pasiuk, Shelley Logren, Arlen Logren, Pat Clearance, Brian Elliott, Jay Erickson, Brian Hansen, Toby Goodmanson, Morgan Laughlin, Lindsey Lautigar, Olivia Neururer, Marie Hansen, Kathleen Lund, David Klebe, Roberta Gronquist, Lynn Carver-Quinn, Andrew Johnson, Brad Ledvina, Kim Tong, Taro Ito, Ken Rohlf, Jim McComb, Kent Peterson, Anthony Edwards, Tim Worke, Bill Bobick, Ron Hanegraaf, Mark Hanson, John Perlich, Tom Musil, Mary Preiner, and Pat Preiner.

Sternberg: We are going to have a Public Hearing and discussion: ordinance amendment Chapter 7A to allow and regulate asphalt/concrete production facilities. And, at this time, I'm going to ask the recording secretary to read the procedure. So, if everybody can listen, there's a procedure for public hearings, and she's going to read the procedures right now.

Boland: City of Columbus Planning Commission Public Hearing Procedures:

The City of Columbus Planning Commission consists of volunteers appointed by the City Council. Our decisions are advisory. All final decisions are made by the elected City Council. The Planning Commission will conduct public hearings in accordance with the following guidelines:

Public Testimony – The purpose of the public hearing is to insure that everyone with an interest in the matter has an opportunity to present testimony as evidence in support of his or her position.

Fair, Open and Respectful – This Commission is committed to conducting fair and open process, and to provide everyone an opportunity to be heard. We expect that everyone will participate in an atmosphere of civility and mutual respect. Speaking out of turn will not be tolerated.

Relevant Testimony – Please refrain from personal attacks or references to matters that are not directly relevant to this application or ordinance.

Appointed Spokesperson – If there are several among you with a common point of view, you may appoint a common spokesperson.

Speaker Sign-In – The Chair has required tonight that speakers sign in to testify. A speaker will not be called on for a second time unless addressed by the Planning Commission.

Orderly Administration of Testimony – The Chair may impose a time limit on speakers. I believe that time limit tonight will be three minutes.

Sternberg: Three minutes.

Boland: One person will have the floor at a time. We ask that you listen respectfully and hold your comments until it is your turn. If testimony is repetitive, you will be asked to either move on to new information or yield the floor.

Review and Recommendation – After reviewing all the evidence, we formulate a recommendation to the City Council along with a summary of our findings.

Sternberg: Okay, and at this point I'd like to . . . well first of all, I'm going to remind everybody, if you want to testify or if you have any testimony or any public input, you're aware that you had to sign the sheet? So everybody's done that? On board with that? Okay, then at this time I'm going to ask the recording secretary to read the notice as published.

Notice was read at this time by the recording secretary.

Sternberg: Thank you Karen. Dean? I think you're up.

Johnson: Sure. My name's Dean Johnson. I'm the City Planner here in Columbus, and I'm just going to give a very brief outline of the public hearing draft of this ordinance. There are five basic sections. One establishes a new definition for asphalt/concrete production facilities. The second, um, is an addition to the light industrial zoning district conditional uses that would allow asphalt/concrete production facility. The third is an exception in the existing requirements in the light industry district for immediate connection to public utilities, for properties –I'll use two of them (referring to microphones) -- for properties that are not immediately adjacent to public utilities. A fourth provision would extend existing height standards that exist in the commercial industrial district in Columbus for asphalt/concrete facilities, to the light industrial district. And the fifth establishes new performance standards for asphalt/concrete facilities no matter which zoning district they may be located in the City. In my, uh, initial, um, memo to the Planning

Commission on the purpose of the ordinance, we discussed the, the benefit of the Planning Commission providing something to the City Council. In a previous discussion a month ago the Planning Commission simply said ‘We prefer not to have this ordinance.’ We, as staff, believe having performance standards and a definition is important. And so I’ve created two options for the Planning Commission to look at. Option 1 would, in fact, allow the asphalt/concrete facilities in the light industrial district. But it includes, as well, a definition which I’ve modified slightly. And it would include all of those performance standards, with some additional modification. So, uh, Option number 2 is not to allow this. So, if you hear that in the debate or discussion by the Planning Commission –Option 1 or 2-- it is essentially the same document with some minor modifications, but Option 1 would not allow or—excuse me—would allow asphalt/concrete in the light industry district. Option 2 would not.

Sternberg: Thank you sir.

Johnson: Okay.

Steen: Mr. Chair, I wanted to remind the Planning Commission that this is a hearing on a text amendment only. Uh, this, there are current applications, uh, that have been submitted for an asphalt plant in the City. But those applications have been continued pending the outcome of this text amendment, which is a City initiated text amendment. So if the, this language is approved, there will be a subsequent hearing, at which the merits of that project can be discussed. Uh, but that’s not what we’re here to discuss tonight, and that’s not what the Planning Commission is holding a hearing on. Uh, so, again, the hearing is not on any specific project. You do have a statutory obligation to hold this hearing. Uh, so any motion that is made regarding the language, must wait until the end of the hearing. Uh, and I would encourage you to take into consideration any comments. But, ultimately, your obligation is to consider the language that was forwarded to you by the City Council. So, there are lots of different, uh, drafts out there floating around. We’ve seen several drafts throughout this process. But the language you’re here tonight to consider is the language that was most recently forwarded to you. Again, after the hearing, you may provide a recommendation to the Council. In fact, you’re, you are obligated to make a recommendation to the Council, by the City Code. Uh, again, I want to reiterate, I know there has been some discussion, and the clerk did read the guidelines, but this is a recommending body. Ult-- the decision will be made by the City Council. Uh, the members of the public do not have an opportunity to vote here. You are here to make a recommendation on behalf of the public, and forward that to the City Council.

Sternberg: Sounds good. And, just a reminder, the hearing is on the text amendment. Text amendment only. So, any questions for the Planner?

Watson: No sir.

Sternberg: None? Okay, I’m going to open the hearing to the public. So, number one, Ken Rohlf.

Rohlf: Good evening Mr. Chairman, members of the Planning Commission. Are we good on, uh, sound here?

Sternberg: Sounds good to me.

Rohlf: Okay. My name is Ken Rohlf, and I'm an attorney appearing on behalf of Kent Peterson and Bituminous Roadways, as well as the owners of the so-called triangle property: Jon Rausch and Frank Frattalone. I've been asked to speak on behalf of all three parties tonight. And, as requested, I intend to only speak about the language of the text amendment. First, thank you for taking the time to consider this text amendment. We believe that, if drafted properly, the proposed use of the property, under the text amendment, is appropriate given that it is consistent with the City's Comprehensive Guide Plan and other uses within the light industrial zoning district. We fully believe that the development of the property under the text amendment will ignite other development in the immediate area, and, as in many other communities, we believe that this use can coexist with other surrounding uses. At the outset, let me say that, although not perfect, nearly all of the language in version three of the text amendment—the version that the Council asked for you to consider this evening—is acceptable to my client and his proposed use of the triangle property. That said, we recently received the additional comments referenced by your Planner, Dean Johnson, and I'd like to comment upon that. First, on the performance standards, Mr. Johnson suggests four changes to stockpile height, stockpile volume, crushing standards, and off-hours operations. My client will concede to Mr. Johnson's proposed changes related to stockpile height and off-hours operations, as drafted. And, we'll also concede to the proposed changes pertaining to stockpile volume and crushing, provided the language is more precisely drafted. We believe that section 7A-823 (4) should read, 'Stockpile volumes of concrete and asphalt rubble shall not exceed one and one-half times the amount required for annual asphalt or concrete production.' Similarly, we believe that the proposed paragraph 5 should read, 'Stockpiles of concrete and asphalt rubble should be—or shall be crushed and recycled at least once per year. Crushing activities shall not exceed five consecutive weeks of crushing at any single crushing interval.' Next, and more importantly, Mr. Johnson's proposal will re—would require the triangle property, would require that the triangle property immediately connect to City utilities. This requirement is very significant. First, the language of version three of the text amendment before you tonight would not require the immediate hook-up to City utilities. Rather the text amendment the City Council asked you to consider this evening, only requires the hook-up to utilities when they become immediately adjacent to the property, which, quite frankly, may not occur until well into the future. So, requiring the immediate connection to these City utilities, which are not currently adjacent to the property is a complete change of course. That would involve drilling under four lanes of the freeway, and, per an estimate provided by City staff, cost approximately \$820,000 to construct. Quite frankly, we believe that the immediate extension of these utilities is neither necessary nor justified to service the property south of 35W. In addition, previously, in an effort to be a good corporate citizen, Bituminous Roadways has voluntarily offered to pay the City of Columbus an annual host community fee in the \$75,000-\$100,000 range. This fee would be paid each and every year to the City, and could be used by the City as it saw fit.

(crowd called out about time limit)

Sternberg: Actually, he's representing multiple people, and so he gets a little, he gets more time, and he's giving us background.

Rohlf: Now, with the cost of the utility connection potentially being imposed at the time of development, under Mr. Johnson’s proposal, Bituminous Roadways would be required to immediately pay for the utility connection in the form of assessments. Just to be clear, Bituminous Roadways will agree to annually pay a voluntary host community fee to the City, but only until such time as the City requires my client to pay the assessments associated with the utility connection. At that time, my client will redirect the \$75,000-\$100,000 from payment into the City’s general fund to the payment of the utility assessments. Over the—uh, once the assessments have been paid in full, Bituminous Roadways will revert back to paying the City the annual host community fee. Finally, although I cannot predict what topics will be raised by the audience this evening, it is likely that the topics of noise, dust, odor and traffic will become part of the discussion. On these topics, as you know, there was a recent petition filed to require an environmental assessment worksheet on the property. We participated in that parti—in that petition, by filing documentation related to the project. On September 18th, after considering evidence related to air quality and emissions, dust, traffic, and noise concerns, truck traffic, wetlands, and stormwater impacts, the Minnesota Pollution Control Agency rendered its decision denying the petition for an environmental assessment worksheet, concluding that the potential environmental effects, which may result from the operation of an asphalt facility on this property, are insignificant. This concludes our comments to the proposed language of the text amendment. Again, thank you for allowing us to speak this evening. And thank you for your courtesy and consideration.

Sternberg: Thank you. Okay, we’re gonna move on to number 2.

Heuer: Do I have to give my name?

Sternberg: Yes. Name and address, please, for the record.

Heuer: Oh, okay. Norma Heuer, 8289 20th Avenue North, Hugo. And, I don’t live in the City of Columbus, however, I do live across the road from the proposed site of the asphalt plant. Um, I’ve been looking at some –concerned about my property, the depreciation of my property due to the construction of this plant. I’ve come across a couple items. Uh, there’s been two cases in the Min—in Minnesota that have been upheld by the Minnesota Supreme Court, that basically state that when the land use regulations or zoning ordinances are designed for a spec—the benefit of a specific public or governmental enterprise, being the City of Columbus, there must be compensation to the landowners whose property has suffered substantial or, and measurable decline in market value, because of these regulations.

Sternberg: We, we do have to keep it to the text amendment.

Heuer: Yes, well that’s, the changing of the text amendment will allow the construction of the asphalt plant. Is that not true?

Sternberg: Not necessarily true at all.

Heuer: Okay, um, so, but . . .

Sternberg: They still, it still has to be . . .

Heuer: . . . the text – it has to be changed to, to, um, accomplish this, and that affects my property and the depreciation of my property for which the City of Columbus would be then responsible for reimbursing me. And if I put my, my house on the market today, that depreciation is around \$71,500 just from talking about the building of the asphalt plant. So, I would hold then the City of Columbus accountable to pay me that. And, uh, probably my neighbors would also, uh, expect reimbursement for depreciation to their, and probably everybody else that lives around, along that road for a three-mile stretch down to Centerville, which is more than 50 properties. Um, I, I don't know what the financial situation of the City of Columbus is, but I'm sure they would be able to accommodate that, and reimburse the property owners for their loss. Correct?

Sternberg: Thank you.

Heuer: I also have one other thing. I live with my brother, and take care of him. He's a vet from Vietnam. He wanted to be here tonight, but is unable to, because he's in the hospital having his right foot amputated secondary to the effects of Agent Orange. But what he wants me to say is that he counts. And he's offended by having you say 'Thank you for your service' in one breath, and in the next breath put an asphalt plant that not only will take away his home, but probably his life also.

Sternberg: Thank you. Um, number three. Number three, Mr. McComb. Welcome. If you could state your name and address for the record.

McComb: Uh, James McComb, uh, 222 South Ninth Street, Suite 480, Minneapolis, Minnesota.

Sternberg: And could you come in to the microphone?

Wolowski: There we go.

Sternberg: Thank you, sir.

McComb: I have some information to pass out. (Gave a handout to PC members.)

Steen: We'll enter a copy into the record, but I believe all of the Planning Commissioners do have a copy of this already.

Wolowski: I think we have it, right?

McComb: This one?

Wolowski: A new one?

Krebs: This is amended.

Wolowski: Oh, amended, okay.

Sternberg: Oh. Addendum?

Krebs: Adden—well, addendum to, so, it's additional.

McComb: Tucked inside the front cover is copies of the prepared remarks for this evening. I am here on behalf of Running Aces, who has engaged us to evaluate and assist them with this project.

(PC members and audience expressed inability to hear)

Mursko: Jim, I think you might have to use the other microphone. It has a little bit better, bigger sound.

McComb: Uh, my comments will focus on five topics. Is this better? (expression that it was better). Zoning, image, asphalt plant comparisons, property value, and industrial development in the northeast area of Minneapolis/St. Paul area. First of all, uh, I understand that, uh, our retail report that we prepared for you recently has been used as justification for saying there's a potential to—I should put it the other way. That marketing analysis did not address the industrial or light industrial market. The report concluded that Columbus had more retail space than could be absorbed within the market, and recommended that multi-family or business-type uses, categories should be expanded. There was nothing that could be used to address the asphalt plant. When we looked at the other asphalt plants in the Twin Cities area, uh, no other asphalt plant is located in a light industrial district. Six are located in their city's heavy industrial zoning category. Two are legally non-conforming uses that were constructed legally when the zoning was different. The zoning has since changed in those two communities, one being North Saint Paul, the other being the City of Minneapolis. And three are in agriculturally zoned areas. There are unique characteristics about the proposed BRI asphalt in Columbus compared to other asphalt plants. Columbus is the only location where traffic to the plant will pass through a retail and entertainment area. The proposed BRI plant is bounded by public roads on three sides. The plant will be visible from West Freeway Drive, I-35E, and I-35W. The 50-foot-high asphalt rubble pile will face I-35E. One of the things that became clear as I was conducting our analysis is once an asphalt plant is established, it rarely goes away. Minneapolis and North Saint Paul are examples of that. BRI is seeking a conditional use permit with no time limits, indicating that the asphalt plant is likely to be located in Columbus beyond the foreseeable future.

Sternberg: Mr. McComb, we've reached the three-minute limit.

Unidentified: He's speaking for multiple people.

Sternberg: We've reached the three-minute limit. And, I want to remind everybody, we need to keep it to the text amendment.

Unidentified: I'll give him my three minutes.

Unidentified: She's number 10.

Sternberg: Number 10?

Unidentified: 22.

Steen: We need to stick to the three-minute limit, and, if you can wrap it up.

Sternberg: We want to keep order here. We've got a lot of people. We want everybody to have a shot at testimony. And . . .

Raines: The first person who spoke got more. He got ten minutes.

Sternberg: Raymond Raines, calm down back there.

Raines: It's not right; he got over ten minutes.

Sternberg: He was representing multiple people. Raymond . . .

Raines: He should have been under that three-minute warranty.

Sternberg: Order, Raymond. We've got a three-minute time limit.

McComb: Pardon.

Sternberg: Uh, we have a three-minute time limit.

Steen: If you could wrap it up, please.

Sternberg: If you could wrap up. If you could wrap up or come up with a summary.

McComb: I think you have my remarks. I really believe that the construction of an asphalt plant and potentially a concrete batch plant at the gateway to Columbus will have a dramatic impact on your ability to market land for light industrial uses. As we look at other plants in the metropolitan area, they are in heavy industrial areas surrounded by similar-type uses, and are not located in light industrial districts.

Sternberg: Thank you sir. We appreciate it. Number, number four.

Hegland: My name's Janet Hegland. I live at 14025 Julliard Street in Columbus.

Sternberg: Thank you.

Hegland: And I'm here to speak about the proposed text amendment. It is something I learned about in relation to the proposed asphalt plant when I heard on MPR in June that that was being

considered by our City. I have spent hours and hours and hours going to your Council, our Council, and our Planning Commission meetings, and, for those meetings I've missed, I've read the minutes or looked at the videos. I've also spent a tremendous amount of time looking at ordinances of other municipalities and also the minutes of other cities that have considered asphalt plants. So, for me, it was a lot of information that I wanted to sort of figure out what are the pros and the cons of this proposed ordinance change, and so I created this table (on overhead), and I thought it might be helpful to go over this. When I listened to testimony from our City or from people, um, speaking on behalf of the asphalt plant, I've heard three themes. And these, this text ordinance would allow, um, potential tax revenue for the City, some new jobs, and I actually heard somebody, um, at a Council meeting say that it would help a private citizen sell property. And if you look at the videos you will see that. Um, there's also some cons.

Ms. Hegland was asked to pull back from the microphone.

Hegland: Better? Can you hear me? I hope this isn't going against my three minutes.

Wolowski: No, it's not.

Hegland: Do you have, can I have the other mic? Oh, uh, how about if I step away from this? Okay. Can you hear me okay?

Audience: No.

Sternberg: Can we have the other mic?

Hegland: How about if I just stay away from this mic so we don't get feedback? Is that better?

Audience: Yeah.

Krebs: No, it's worse. Use this one.

Hegland: Okay. How about if I shout? I have a big voice. There's, um, a list of cons, and I've listed those here. I don't have to read all of them, but let me just highlight a couple. There are studies, that are published, that show that there will be tax revenue lost from loss of property values. The loss of property values from this type of ordinance change is proposed, or is estimated to be at average of 27%. And as was mentioned earlier, there are two precedent cases in Minnesota where cities have been sued and it's been upheld by the Minnesota Supreme Court, that has changed an ordinance to allow something like this. This also conflicts with our Comprehensive Plan. And, as, um, I will read exactly what it says, you can judge for yourself, 'The plan for the I-35 corridor policy promotes a pedestrian and redevelopment standard within the freeway corridor to provide internal, non-vehicle access options, and to insure future residential development has pedestrian access and circulation within the freeway corridor.' I hardly think that a change in the ordinance that would allow industries like asphalt plants is going to be conducive to that. There is also this change will attract like businesses -- so more of, more industry like asphalt plants. That is not going to uphold the vision for the Comprehensive Plan or the vision that the City is supposed

to be promoting. And, I quote, from the Comprehensive Plan, ‘The goal of the City of the Columbus is to manage future growth in a manner consistent with the protection of public health, safety, and welfare. The preservation of natural features and the environmental systems, the protection of a rural character and identity of the City.’ So, I have copies of this, if anybody would like them, but you can draw your own conclusions. When I look at the scorecard, it’s all negative. If anybody can convince me that there’s even one positive, have at it. Thank you.

Sternberg: Thank you. Number five.

Roisum: I’ve got a couple questions.

Sternberg: Can you state your name and address for the record?

Sternberg: My name is Vern Roisum. I live at 14016 Julliard. Why is this being considered under light industrial? Can anybody answer that question?

Mursko: Vern, you’re going to have to shout.

Sternberg: Into the mic.

Roisum: Oh, okay. Can anybody answer that question? Is anybody willing to? Since we never hear anything from the Council on what they’re doing, why they’re doing it . . . It’s always, we find out afterwards. Why? Can you tell me that, Mr. Lawyer?

Steen: Mr. Chair, I’m here to advise you, and I’d recommend that the Planning Commission does not respond to any direct questions, unless it’s, uh, procedural.

Roisum: Do you live in Columbus, sir?

Sternberg: Let’s keep order here. This is testimony, Vern, on the text amendment.

Roisum: Okay, testimony on the text amendment. The lawyer for Bituminous opened up about noise, pollution, and everything else on what he talked about. So we are allowed to talk about health factors, the hazardous? Is that correct? Because of the zoning of the property? Because we were told that we couldn’t before.

Steen: Mr. Chair, the text amendment does include dust and particulate regulation, so, it is germane. So I would, I would recommend allowing relevant testimony that, that relates directly to the text amendment itself.

Roisum: The change in the ton-- zoning text, to allow an asphalt plant will also affect adult and children’s health. The EPA’s acceptable risk means a number of adult and children—children’s health—will be adversely affected by air pollution and/or water pollution from the asphalt plant. Adults and children with existing health problems will suffer the most. There is a lot of people with asthma and a lot of other lung diseases in this society. There was a report by KSTP that 73%

of the high school athletes in the Twin-City area have some form of asthma. With this air pollution, it's only gonna make it worse. Uh, it's a sad day when Columbus City's citizens' health and well-being is worth less than a few dollars of property taxes and a few more dollars from your community host fee. To me, it's a bribe. They do not live in this area. They are bribing you to admit them to build their asphalt plant. That's very, very apparent. That's all I have to say.

Sternberg: Thank you. Number six.

Edwards: Good evening Mr. Chairman, Commissioners, my name is Tony Edwards. I am one of the attorneys who represents Running Aces in connection with this proposed development.

Sternberg: Could you just state your address for the record?

Edwards: Sure. Yeah. My name is Tony Edwards, and I'm one of the attorneys for Running Aces. My address is 123 North Third Street, Minneapolis, Minnesota, uh, Suite 888

Sternberg: Thank you.

Edwards: Now, I'm aware . . . obviously we're limited tonight to talking about the text amendment. I sent a letter in for submission in the record, which included, um, our comments, as well as proposed revisions to the text amendment. Running Aces is entirely opposed to this development, as you know. But, because this body has been embodied and directed to give recommendations to the City Council about the text of the ordinance, uh, we've suggested some language which we believe is a minimum for what's necessary to protect the interests not only of Running Aces, but of the people of Columbus. Um, you have a redlined version of my, uh, revision to the previous ordinance, that have been distributed. I'll just touch on a few highlights. First, in Section 7A-201, uh, I've changed it from asphalt/concrete production facility to asphalt production facility, because that is all that has been applied for here. There has been discussion of a concrete batch plant being added on Lot 2A of the, uh, triangle, but at this point, we're only talking about an asphalt plant. And, if you allow language for an asphalt/concrete plant that just allows them to, it opens the door to developing another very problematic, very high-impact plant on that same site, without any further revision to this language. Um, we've included it only as an interim use. Now why is that? –as opposed to a conditional use. A lot of it is something that Mr. McComb touches on in his report. He cites to a lot of information indicating that there is real retail and other light industrial development that is heading north from the Twin Cities, through Blaine, into Columbus. And, so the likelihood is that within several years there will be real, um, high-impact, high-intensity, high-tax-generating use for that property. An asphalt plant is extremely low intensity; it generates very little in taxes. And so for the City to just indefinitely commit this property as an asphalt plant would be contrary to the City's interest, and we believe it should be an interim use if it's allowed at all. The other reason is the Comp Plan, which one of the previous speakers talked about. The language in the Comp Plan calls for this to be a pedestrian-friendly area that preserves the rural character of Columbus. Again, this is an asphalt plant. That is directly opposed to the language in the Comp Plan. And, so, you shouldn't just allow this door to remain open indefinitely through a conditional use permit. Uh, next, with respect to utilities, um, as Mr. Johnson included in his draft language, we believe the plant should be obligated to connect to City utilities. They are

the ones who have sought to have amendments to the zoning language. They've sought all kinds of special permissions, so that they can build an asphalt plant in the middle of the light industrial area. And we believe they have to bear the cost that goes along with that, including connecting to City utilities. Um, we've also included some performance standards for the plant. Most of these are similar to what had been distributed in prior versions. Uh, but we do believe that the stockpiles for the plant have to be enclosed. Um, lastly, with respect to environmental standards, we've included some in there as well. Our hours and times of operations are meant to, um, keep the plant honest. One of the previous draft versions of language that had gone around said that they'd be limited to operations between 6 a.m. and 7 p.m., unless they were providing asphalt for a government job that required work beyond those hours. The reality is, if you allow that, then they will only sign up government jobs that require them to work beyond those hours, and the real operating hours are completely meaningless. So, we think you have to hold them to that, because that's what they say they can do. Lastly, there's a provision in the City ordinances for a noise impact statement. That is under Section 5-504 of the code of ordinances, and we believe that if you intend to allow this at all, they need to do the noise impact statement.

Sternberg: Thank you sir.

Edwards: Thank you.

Sternberg: Number . . . number, number seven.

Sachs: Seems like I've seen a lot of you guys the last few years. I'm Jeannine Sachs. I live at 9148 Lake Drive. My property runs right along Zurich, where it goes down to the harness track. I helped the harness track get into our neighborhood, back when they were first doing it, in '98, I think it was. Now we got this coming up. Oh my gosh, what's wrong with you guys? It's a no-brainer. It's a no-brainer. We put that harness track in with those high, um, high-wire, high-strung—whatever you call 'em—horses. I grew up with horses. My dad had horses. Do you know what you do when you spook a horse? And these were not little light ponies; these were full workhorses. They didn't have John Deere back then. I think I'm probably older than most of you people here. And the idea of putting that har—that asphalt plant going by that thing, just raises my blood pressure. I don't see any reason to put that in there when you've got all that land on the other side of the freeway. What's the matter with you? That money is the least of the worries. These people are bringing these expensive horses there for our entertainment, and then we put on something like this? Come on. I've been trying to sell that property for 11 years and, by golly, if somebody wants to buy it, make me an offer. I'll get out of here in a big hurry. My kids don't want me—they want to stay there; they love it. It's a big house, all done completely. I've talked with Elizabeth many times. In fact, we've had three people interested in that property, but when they find out they've got a 90-foot easement off of 300-foot-wide property, nobody's interested. But, I've got some ideas, and I'm young, and I—I mean I'm not young. I'm not going to be here long, and my kids know what I want, and, by golly, they'll be in my will. I hope I don't have to go that long. But, anyway, that's absolutely not a good idea. They can go across the road. There's no difference; there's a lot of room, nobody around them, roads going both ways. Come on. Get away from that residential property. You've got better ideas than that.

Sternberg: Thank you. Number eight.

Breame: Hi, I'm Denny Breame. I live 14001 Julliard. And I'm against the asphalt plant, as, uh, you know by my signs. But, uh, what I'm concerned about is the aquifer and all the wells, 'cause there isn't sewer and water out here in Columbus. And the contamination, and the trucks, and the drippings, and you're not considering the solvents—how to clean these trucks. And the rakes and the shov—I've been in construction 35 years, and it's a dirty, rotten mess. And I retired last fall from it. So, there's some real problems when it comes to cleaning the equipment at this asphalt plant you guys got to consider with our ground tables and our aquifer, and, you know, with our wells. Um, so that's real scary for our young'uns, myself, my family, my friends, my neighbors, my City. So, that's pretty much where I'm at, is I'm concerned about all the natural oils from all the trucks. It's basically tar or it's gasoline and oil. Um, so I don't want to see this done, because it's actually going to kill people slowly unless we have a regular sewer system, and sewer and water kind of thing. Because we all depend on our own wells. It's going to be a real problem down the road. I mean, you ain't gonna notice the effects right away. And then, of course, the smell. Ah, the air, it's not going to be as clean. I came from the Cities; I've lived out here 22 years. I live in Wildwood Estates. This is kind of the hidden part of Minnesota that no one—everybody gets lost trying to find my house even, 'cause it's off the beaten path. It's a natural—I mean I've even had a bear in my barn, deer, then fawns that are born, and horses all over, and donkeys, and cows. And it's just—to destroy this City this way is just unbelievable that you guys can even consider something like this. But, to make this short and sweet, I just don't want to see this done. I don't want to see you kill everybody in this City over time. I mean, I have a lot of people in the military with Agent Orange, and that one's a slow killer. I was in the military right after 'Nam; I lost a lot of uncles. But this is a slow killer in a lot of ways, with nature, young'uns, ourself, and you all. And we'll just leave it at that.

Sternberg: Thank you, sir.

Breame: Thank you.

Sternberg: Number, number nine.

Worke: Is this good? Can you hear me?

Sternberg: Yeah, it sounds good.

Worke: Um, Mr. Chairman, Commissioners, good evening. My name, my name's Tim Worke. I'm from 525 Park Street, St. Paul, Minnesota, for the record. Mr. Chairman, Commissioners, uh, again, I'm Tim Worke. I'm the Chief Executive Officer of the Associated General Contractors of Minnesota. We're a state-wide construction trade association. We represent the interests of over 400 construction businesses across the state. I'm here this evening representing those interests of the construction industry, and, specifically, in support of the text amendment to the zoning ordinance that would allow permitting and construction of the asphalt plant. I'm also here to encourage you to think more broadly about some of the more, uh, beyond the obvious local, neighborhood and community concerns and think about some of the beneficial aspects that

facilities like this provide that everyone often takes for granted. I offer the following three quick points for your consideration. First of all, construction businesses are good corporate citizens. Construction businesses compete to provide value for taxpayers. And they do this through competitive pricing. Every one of us here, every one of us here wants to drive on the best roads at the lowest possible cost. Decisions like permitting these facilities, while seemingly insignificant, do play a role in that broader economic calculus. Small businesses, like this asphalt plant, also employ many persons who reside in and around your community. These include crew personnel, truck drivers, plant supervisors, and others. These people help support and strengthen your local economy, and they direct tax contributions generated through property taxes and commercial business operations. The employees of the facility will become part of your community fabric, and be connected to the community beyond just their jobs. Construction businesses are the most heavily regulated and safe aspects of the overall broader economy. On this facility, all environmental and livability aspects of the immediate and overall surrounding area have been measured, uh, and are either prohibited, regulated or mitigated by the business itself or through compliance with ordinances affecting their operations. Remember, the persons who are involved in these businesses also live in the community and want to be good corporate citizens. Lastly, Mr. Chair, I want to say that the, uh, the, the consideration of sighting this plant, uh, is not done, uh, without any thought. It provides for optimization for the business itself, for all of the local economies that bring about savings to the taxpayer. Everyone wants to pay lower costs, lower taxes. With that, Mr. Chairman, I'm going to conclude my remarks, ask that you give due consideration to approving the text amendment that would allow, uh, the operation of this facility. Thank you.

Sternberg: Thank you sir. Number, number 10.

Bobick, Barb: Hi, my name is Barb Bobick. I live at 8414 140th Avenue in Columbus. And, um, I'm here to speak about the proposed amendment. It was, isn't the original intent of that zone, and it doesn't go with the Comprehensive Plan. We first learned about the zoning, uh, vote from light industrial to commercial industrial on MPR radio. And that was on July 26th, that's the first time we heard about it. So, of course, we came to the, the, uh, meeting, 'cause we were very concerned. And we were kind of surprised by the small turnout of citizens. So, we decided, uh, a small group of us went door to door on Friday, Saturday and Sunday. What we found out when we went to over a hundred homes, is that the citizens were not even aware of your plan to rezone and build an asphalt plant. So we continued to go and talk to people. We've talked to hundreds of people, and got signed signatures. And the people do not support rezoning to bring an asphalt plant in. And we have over 700 signatures from people. And the vast majority do not want you to rezone. And that's all I've got to say. It's, it's very important to all of us that you listen to us. And I know I can't talk about the reasons, but, believe me, there are plenty of reasons. And you really should have had a town meeting where people could talk to you; where they wouldn't be cut off, and where they couldn't talk about certain issues other than what's on the agenda. That is not a democratic way to run a city. We've all been to all of your meetings, and we've all been corrected – 'You can't talk about that right now.' That may be your procedure, but then you should have had a town meeting where everyone could talk without being stopped. That's the American way.

Sternberg: Number 11. Number 11. Okay. Welcome.

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Bobick, Bill: Hi, my name's Bill Bobick. I live at 8414 140th Avenue NE. And I've been in the commercial construction business for about 20 years, so I guess that makes me pro-business, from what I understand. Um, I also am a, I'm a citizen of Columbus; I just moved here last year. Um, did a lot of research; thought I was making a good decision. But, here's the deal, I, I moved in, I know I have – (interrupted by timer sound)

Sternberg: Oops.

Bobick, Bill: Is my time up?

Sternberg: No, no. I forgot to reset it.

Bobick, Bill: Okay. I know I have, I know I have a commercial industrial area about a mile to the west of me. You know, when I move in, I'm like, 'Okay, fine. That's cool.' Well, then about a year into my coming here, I find out now I'm going to have a commercial industrial business to the east of me, so --and about a mile. So now I'm sandwiched between commercial industrial areas. And I came here for the peace. I came from the Cities. You know, I've lived next to asphalt plants. I've lived next to roofing material company plants—all that stuff. Waldorf Paper—all that junk. You know, and I'm sick of it. I really, you know, I can, I can see having one there, but stick 'em all over there then or, you know, stick 'em somewhere where it's not going to be—now you're not going to have, you're going to have this Cadillac of a bridge going in pretty soon, and you're going to jam it up with dump trucks instead of letting some—letting it breath a minute, and see what kind of developers you get in there. You might get a microprocessor plant. You might get this or that. You might get—there's a lot of stuff that can happen now. But now we're just going to put a book-end on it, call it a deal. This is what's going here, forget the rest of it. You know, there's a lot of other people that have property there too, that would probably like to sell it, you know? That's all I have to say, really. Thanks for listening to me.

Sternberg: Well, thank you. Number 12.

Logren, S.: Does this work? Am I? Everybody can hear me? Well, as Richard Gere said to Julia Roberts in *Pretty Woman*, 'Time seems to be an issue.' So, I brought my, my husband. He's number 13, so, I hope I can have six minutes. Good evening, my name is Shelley Logren and I reside at 14063 Furman Street, located approximately one mile from the corridor property in question. My husband and I raised a family here for over 36 years, and in 2015 made a financial commitment to stay here by investing in a renovation of our home, hoping to remain for another 15 years. I would like to address the issue of the corridor zoning as it pertains to the overall development of Columbus. In changing the definition of light industrial in this area, you will set precedent and discourage future development of businesses that would be better neighbors, would reflect the Columbus town motto, and offer more jobs and commerce to our community. During the past months, I've had an education in local government, and have realized the hard decisions this committee and the Town Board face. I had to come up to speed on my knowledge, and therefore read many of the referenced articles supplied by the Columbus internet site. Imagine my surprise that the town motto, 'Rural Nature. Urban Access', is figured prominently. I was pleased that it reflected exactly how I felt when I moved here. I completely understood that we would not

all want to raise cows and corn on our five-to-ten-acre plots, but I never anticipated that I, or the over 4000 citizens of Columbus, would consider an asphalt company a neighbor with a rural flair. Although we've allowed one area of Columbus to include heavier industrial use along Lake Drive, I'm sure most of our citizens feel that the moniker of light industrial is as far down the land-use classification scale as we would like to travel for the rest of our community. In our Comprehensive Plan for development, the Columbus definition of light industrial allows warehousing, equipment sales and service, wholesale distribution and sales, light manufacturing, greenhouses and landscaping businesses – none of which an asphalt company supplies. I looked to other sources for a definition of light industry, and there were two common themes: first, a light industry has heavy person-to-person contact, reliant on human capital. That means jobs. And, second, that the industry facilitates small consumer goods or services not to be supplied for sale to another industry. Examples would include food and beverage, home and personal care, cosmetics, drugs, clothes, furniture, arts and crafts, electronics, and home appliances. Two industries used as examples of heavy industry in these same references were petrochemical companies and ship building. I know which category we're talking about with an asphalt company. A Council, the Council or this committee should not redefine light industrial to fit the current proposal. I doubt any citizen of Columbus wants heavy industry in their backyard, whether it's called such or is cloaked in the guise of the light industry classification. Furthermore, what light industry, in the true definition of the term, will want to locate or relocate to an area that has set such a precedent? Opportunity to attract light industries that might have potential for more jobs or bring outside dollars to our community, as Running Aces has done, may be lost. What hope do we have for housing in this disputed area, or connection with trails and paths as promised in our Comprehensive Plan? Having attended other Planning Commission meetings, we have observed broken promises by other commercial neighbors, and the remedy from the Planning Commission has been fencing, trees, and berms. These measures, no matter how extreme, will not fix the first view of Columbus from 35 or the noise from 500 trucks a day or the smells from hot asphalt as it's loaded and carried through our town. It's hard to honestly proclaim, 'Rural Nature. Urban Access', with our senses assaulted in such a manner. At the last Council meeting I attended, the Council agreed to waive a requirement to cover the piles of raw material located at the plant, merely because asph--the asphalt company said it would be a deal breaker in their offer. Is this the support that our community needs, and that we are to expect in the future? Our current Comprehensive Plan has much to offer. I want to highlight a few points that are being trampled by this proposition. One: Maintain the rural character of the City. Two: Retain housing options in the northwest and southeast corners of 35. Three: Develop sidewalk and trail connections. And four: Provide development opportunities, including rural and business centers. In addition to our Comprehensive Plan, we have also had zoning ordinances, and, to paraphrase Rule 7A. 543, 'Land use will not change at the character of the same area' --for example, light industrial. 'Use will not be detrimental to the economic welfare of the community', i.e. property values. 'Use will not be detrimental to persons or property or general welfare by reason of excessive production of traffic, noise, smoke, fumes, etc.' I don't even know what to say to that. 'Use will not be disturbing to existing or future neighboring uses.' Merely changing the definition of light industrial does not allow an asphalt company to comply with these, our existing ordinances. Our Comprehensive Plan, our zoning ordinances, and our town motto embody admirable goals. A heavy industrial company masquerading as light industry through our own, their own, definition or through the town Council's definition do not meet these laudable tenets. You, the Planning Commission, have in your power the right and the duty,

according to our Comprehensive Plan, our zoning ordinances, and our short and sweet town motto, “Rural Nature. Urban Access”, to stand firm on your original recommendation to not redefine light industrial just to make a square peg fit into a round hole. Hundreds of us are counting on you. Thank you.

Sternberg: Thank you. Number 14, 14.

Logren, A.: Thirteen?

Sternberg: Thirteen? She used your minutes.

Logren, A.: She does it at home too.

(laughter)

Sternberg: There you go.

Coby, J.: All right. Well, I guess it’s my turn. Is this working now? Is it working? Okay, I’ll get close; we’ll try it. I’m Jim Coby. I live at 6952 Camp Three Road, here in Columbus. I’m here to speak about the, uh, proposed text amendment change. Uh, I don’t believe that it is in, uh, it’s a good thing for us to be doing. But, in the meantime, we’ve had, uh, people speak of the concerns about pollution and those sorts of things. One of the things that has been mentioned a few times, is the subject of jobs. In the Forest Lake Times, I know that it’s on public record that Running Aces has decided to put on hold the proposed hotel they were looking at, awaiting the outcome of this, uh, proposal that’s going to be coming forward. What I would like to say is, I did some just basic checking, and the number of jobs that that plant is proposing I believe will be greatly offset by the hotel, should it go up. In, uh, some of the asphalt areas, there’s, uh, four to five operators. But, if you look at a typical hotel, there is, for every room—I’m sorry, for every four rooms there are approximately one housekeeper. So, that means, if you were to put up a hotel of a hundred rooms, you would have 25 jobs just in housekeepers alone. You put in a restaurant, you put in, uh, maintenance personnel –probably three: one for each shift. You would put in, uh, clerks and desk people, which would be another four to five people. I don’t believe that the number of people that is being proposed that would actually be coming in, will be offset to be greater than a proposed hotel or things like that. The other part of it being, there would be—I doubt very seriously, I think we need to look at the economic impact of other businesses, which may not come in, just because that facility is in the area. So, I believe when Columbus, when I moved out to Columbus--which was in ’84--we were going to see a, uh, more businesses and things like that. I know one of the things that went in, and, uh, Running Aces has been a, uh, an asset to Columbus. When it was coming in, I wasn’t in favor of it. It wasn’t because I was against gambling, but I believed that there was a better use for those, that area, where those two interstates come together. I still believe that. That there’s, we can have more businesses and those sorts of things come into that area than what we would see. Thank you.

Sternberg: Thank you sir. Number 15. Fifteen.

Hanegraaf: Good evening. My name is Ron Hanegraaf. I live at 9222 181st Avenue NE. and I'm here tonight to, uh, um, to uh, advise you that I'm against this asphalt, or changing the language on this ordinance. And my reasons are as follows. I've been a resident of Columbus for 40 years. I bought two homes in this community. This asph—well, this change for the asphalt company will have no connection with me. I live about seven miles away from it. The traffic, the smell or nothing will have nothing to do with me. But I did have to go through an issue with John's Black Dirt and trucks going by. And I know the Council understands that and they resolved that, but, still, it's something that came out of 40 years of kind of lying in the weeds when I talk about the mining going on up there. And it'll be over. I'm here tonight to protect the people in the southern part of our city. And, as a citizen, I believe that I should stick up for them down there, whether it's a business owner or it's a residential owner down there. I'd also like to say that in 1998 I was on the Planning Commission that helped out write this Comprehensive Plan. And we never had a crowd like this. We never had anybody in the last 40 years, that I know of—maybe somebody can correct me on that—had people in here on an issue like this. Now we wrote that plan with the idea of everybody in the crowd could add whatever they wanted or thought what the vision was of this community. And that corridor was set on that idea. Now, all of a sudden--I don't know what happened—but, I think juggling a couple attorneys or something, juggling the wording on this to change the whole thing is not the route to go. And like the following people that talked before me, I agree fully that you're going to ruin a lot of businesses bringing that business in. So I hope you keep that in mind, and I'll be back again, and I'm sure this issue will never go away if that plant comes in. It didn't on John's Black Dirt until it's finally closed up up there. But we still have about 80 days on that. So, that's all I have to say.

Sternberg: Thank you sir. Number 16.

Carver-Quinn: Good evening. My name is Lynn Carver-Quinn, and I live at 7540 152nd Lane NE, in Columbus. Um, I know how you guys feel, because I was on a planning commission for 15 years. I'm here to speak about the proposed text and why you should not accept it. I want to start out by saying Columbus has a light industrial zone by the freeway district, which currently does not allow for heavy industrial business, which is an asphalt plant. We also have a commercial industrial zone along Lake Drive, which would make it closer to me, and, you know what, they could go there, and we wouldn't even have to be here. Not that I would like it, but that's where they belong, is in the heavy commercial industrial zone. By changing the definition of light industrial zone just to accommodate one person, you're creating a precedent. So, anybody that wants to come here, you're doing the definition of spot zoning or popcorn zoning, which is the process of singling out a small parcel of land for use classification totally different from that of the surrounding area for the benefit of the owner of such property and to the detriment of the other owners, and it's not consistent with the Comprehensive Plan. Consider the precedent you're going to set. Other people are going to want to come, you're going to tell them 'no', and they're going to sue the City. And who's going to pay those legal fees? Yes, that is right, the residents here, telling you, 'Vote no.' Unfortunately, this public hearing landed in your lap again. Um, in my mind we shouldn't even be here. This Council needs to listen to the community, and not send it back to you. In my mind—and this may, this is my personal opinion—it's getting shoved down our throats. We're not against jobs or businesses. We all want to see, on the 35, we want to see a coffee shop, a restaurant—someplace we can go and visit and participate. The only thing we have in Columbus

right now is Running Aces. So if we want to go out to eat, and we don't want to go to Running Aces all the time, we have to take our dollars outside of Columbus. Let's bring them here. Let's give people a reason to come here and know what Columbus is. I was going to go over your City ordinance, but somebody already did. So, I'm just going to go to, um, I don't speak unless I have facts, and I think that maybe you guys should go and look—there's an article here from Twin Cities Media Alliance, that this same company had an asphalt spill and did not report it. It's, um--the Metropolitan Council is in the article saying that it was not reported. It's like deer on the road: If I see one, I slow down, because I know there's another. It's the same thing: there's one reported case, and you know if you look farther you're gonna find another one. Why would we want a company that had a spill and didn't report it? Um, just in closing, I ask you to vote no. Listen to the residents; they're the ones that elected the Council. I know you weren't elected. And then I just have one thing to say. I came from North St. Paul, where the mayor's daughter sat on the Council. And there were times that the residents asked them—it's not illegal—but the residents did ask on a morally and ethically, that they have one vote per family. And so I'm kind of, I'm asking you to do that here. Whether it's on the Planning Commission or the Council, you have one vote per family. Thank you.

Sternberg: Thank you. Number 17. Seventeen.

Clearance: Three minutes. My name's Patricia Clearance. I live at 15430 Lake Drive NE. We've been, uh, residents, uh, in Columbus for about two years now. Absolutely love it. It was good to get away from the noise on 35W and come out to the quiet. Um, so I am here to speak about the proposed text amendment, and I'm firmly against adding this language to allow the asphalt plant to this district. Um, much of what I had to say tonight has already been said, so, um, zoning and ordinances were established to protect our community, our resources, and our environment. And by changing the wording in the zoning ordinance to allow a heavy industrial and toxic plant, such as this asphalt plant, into an area zoned for light industrial, you will indeed create an impact contrary to what Columbus has established and has become known for—a community that can be proud of its ruralness, commercial businesses, and entertainment venue, which draws people into Columbus not only from Minnesota, but other states and countries as well. Changing the structure of this ordinance to allow businesses such as the asphalt plant completely contradicts the 2030 Comprehensive Plan, which has been already stated more in detail earlier. Homeownership is also a predominant characteristic in Columbus, and the economic base of Columbus is transitioning from a more traditional rural service center to a regional sales, service and entertainment center. We've become home to a number of businesses that have historically served recreational and service needs, not asphalt --although asphalt is necessary, I cannot deny that. Our property values and our culture, here in Columbus, will surely decrease if that asphalt plant is allowed into our community. Have you seriously, each of you, seriously considered the negative impact that a plant of this nature will have on our environment and our people and our community? This morning on the way to work I drove past the Blaine asphalt plant to check that out. Within minutes my eyes started watering, my make-up was running down my face. I had a headache within a half an hour. It resulted in me calling in to work sick today, because I couldn't go—too sick. I was nauseous. Um, I ask that each of you look deep into your soul and ask yourself if you want this on your conscience for years to come. Are you comfortable with spending time outdoors exposing yourself, your children, your grandchildren, to the toxins in the air that this asphalt plant will produce?

Ultimately, you will be responsible for the harm that is sure to follow. Keep Columbus safe. Keep Columbus rural. Protect our community. Stop the process to, um--Stop this process, is all I can ask.

Sternberg: Thank you. Eighteen. Eighteen? Okay.

Coby, C.: My name is Carolyn Coby. I live at 6952 Camp Three Road NE, in Columbus. I'm here to speak about the proposed text amendment, and, um, a lot of what I want to say has probably been said before, but it, you know, it is not the intent of what the zoning is supposed to be. It's supposed to be light industrial. And to do this for one person, so one person can sell his land, it just doesn't make sense. If you're going to do something, you know, um, it goes against the Comprehensive Plan, which means nobody—I mean, there's not going to be any coffee shops or any other entertainment or restaurants that are gonna want to come in if that asphalt plant is here. Um, it's just against everything. And, um, so, I'm against adding that language to allow the asphalt plant in the light industrial, um, district. You know, health is a big thing. I mean, in my family we have people with asthma and lung cancer. I'm not too thrilled about the idea of having that in the air. And, I guess that's really about it, you know. Thank you for your time.

Sternberg: Well, thank you. Nineteen.

Hanson: Good evening. My name is Mark Hanson. I live at 20280 Enfield Court, Forest Lake. I'm 2.28 miles from the proposed site. My son lives at 18555 Fenway; he's 1.14 miles from the site. Um, I want to start out by saying I don't have a dog in this fight. And, what I mean by that, is, I'm not the owner of Bituminous Roadways, I'm not an employer of Bituminous Roadways, I don't own the property, I'm not selling the land. I am a member of the highway heavy industry and I have been for 30 years. And this industry has provided immense opportunity for me and my family. There's not a better company out there than Bituminous Roadways. I am aware of 'em; they have a stellar reputation. It is a good outfit. When you want to change a Comprehensive Plan to put something in there, that needs to be in. This property's been for sale-- for ten years there's been a sign here. Every one of you could have bought this, and you could have put in all the coffee shops you want. Nobody wants to buy it. We have something here that would be good for the community. It's beneficial to the community. It's gonna save every single person in this room money, and I can prove it to you right now.

(shouts from the audience to prove it)

Hanson: Okay, I'll, I'll prove it to ya. It doesn't matter what consumer product you're buying, it makes zero difference whatsoever if you're buying blacktop, concrete, Levi's jeans, bottled water or milk. The same thing is true: You can buy, you can buy milk at Holiday for \$2.50 a gallon. You buy it at Kwik Trip for \$2.00. You buy it in Virginia, Minnesota for \$2.50. Or you can do what I do, I stop at my cabin, I stop at the Pelican Bay IGA in Orr. (timer rang) That wasn't my three.

Sternberg: It actually was.

Hanson: It was, it's \$5.00 a gallon, because there's one place to buy it. Much like here, there's one place to buy blacktop. I would rather buy \$2.00 milk than \$5.00 milk.

Sternberg: You do gotta wrap it up.

Hanson: That's all I have.

Sternberg: Thank you sir. Number 20. Twenty?

Perlich: Good evening. Can you hear me? My name is John Perlich. My address is 213 Fourth Street, Saint Paul, Minnesota. To the members of the Planning Commission, City of Columbus, Minnesota. Thank you for the opportunity to provide information and opposition to the ordinance change. And thank you for your previous action on the zoning amendment. As I said, my name is John Perlich. I represent the Domestic Policy Caucus, a 501(c)(4) voter educational organization that engages and educates voters on policy issues that impact their community – a zoning change such as this. Um, we became involved with at the behest of local businesses and community members. On behalf of, on behalf of these concerned citizens I'd like to express their opposition to the proposed zoning change under consideration to allow for an asphalt plant in the West Freeway Drive corridor. Members of the Columbus community have been actively engaged with their friends, families, and neighbors as part of a grassroots campaign to inform and educate. To date, 1049 individuals have weighed in opposing the zoning change, 716 of these are Columbus residents. Three-hundred seventy-two Columbus residents have signed a petition, an on-line web petition. One-hundred eighty-two registered Columbus voters have signed and returned a postcard. Two-hundred eighty registered Columbus voters have signed a constituent letter sent to City Hall. Columbus residents are opposed to this ordinance amendment and plant, because of environmental, health, and safety concerns. They also believe that the location of the proposed plant is not in accordance with the Columbus master plan. According to Bob Walls, Walls Brothers' Farm –there's a similar letter in an earlier packet – 'I was on the economic development Committee when the zoning was being developed for the Freeway District. The zoning was specifically developed to keep out a business such as the asphalt plant. The asphalt plant will not bring significant jobs, but will surely create problems with traffic accidents, smell, and air pollution.' This is someone who was involved with zoning. The General Growth Management plan state, 'It is the goal of the City of Columbus to manage future growth in a manner consistent with the protection of public health, safety, and welfare; the preservation of natural features and environmental systems; the protection of the rural character and identity of the City; and the development of new employment opportunities and tax base in the community.' Furthermore, per the Commercial and Industrial Policies section of the Columbus 2030 Comprehensive Plan, 'It is the policy of the City of Columbus to: allow for the intensification of commercial/industrial opportunities in the Lake Drive corridor; and to promote a pedestrian-friendly development standard within the freeway corridor.' I, in conclusion, thank you for my, your time. I would like to submit into the record documentation of the opposition. Thank you.

Sternberg: Thank you. Twenty-one cancelled. So, we're on to 22. Twenty-two?

Unidentified: Cancelled. Cancel 22.

Sternberg: Cancel 22?

Roisum, M.: Donate my time.

Sternberg: Is she 21? 'Cause I've got a note to cancel twenty--

Roisum, M.: No, I'm 22.

Sternberg: Okay. So 22 and 21 have cancelled? Uh, 23 then. Twenty-three.

Otto: Derek Otto, 14975 Furman Street Northeast. I moved to Columbus about 2 ½ years ago, um, about a mile from this site, similar to my neighbors on Julliard. And I'd like to speak just a little bit about, uh, why I would oppose, um, an amendment to this text. Um, it, my, my neighbors throughout Columbus have all referenced some of the issues and concerns, and so I won't reiterate all of those pieces over again for you all. Um, but what I'd like to speak just briefly to is the process. Um, I'm here as a resident, but my career hat is working with a big organization where, um, I work with lots of people. And so I've got 200 team members or so that I'm responsible for, and, um, we serve thousands of people every single week, um, in, in our work. And so, you know, from a leadership perspective I understand, and I get it that the popular decision is not always the right decision. I completely get that. Um, but that's why it's important that we listen, that we understand, that we get all of the facts in order and get all the facts in line. Um, and then decide, based on our logic, based on our data, based on our research, and based on everything that we can get possibly in front of us to make a good decision, uh, what that process is going to look like. If, at that time, the right decision, as we deem it, is still the unpopular decision, um, then we have a responsibility to educate and communicate. And, I'm concerned that we're running out of time for the 'educate and communicate' part. And I recognize that there are a couple of steps left, um, but there are not a lot of opportunities left to get more clear answers. In fact, the best education and the clearest answers that I've gotten from the folks tonight who have shared, have been all in favor—all *not* in favor of an, of any kind of amendment. So, I'm still waiting to hear for something that makes sense, something that makes sense for my family, um, that I'm trying to raise here, um, that would justify this kind of action. And so, one of the comments earlier from, uh, one of the individuals that spoke was that we needed to look bigger picture. He, he said we needed to look bigger picture than the individuals and the neighborhoods issue that we are bringing up. Um, things like water, that I heard one of my neighbors talking about on Julliard Street. There's nothing bigger picture than the individual neighborhood issues within our community. And so, he went on and talked about good roads and cheap concrete, and, and things like that. And I just don't understand how we could possibly move forward with that being the priority over, uh, our individual issues for, for the folks of us who live here. So, I just ask that you be thoughtful about those pieces, and continue to engage in some dialog, and really work hard to help bring all of us along if there's a good reason to continue to proceed with any kind of amendment to this text. Thank you.

Sternberg: Thank you. Twenty-four.

Mindestrom: Good evening.

Sternberg: Good evening.

Mindestrom: My name is Molly Mindestrom, and we live at –But if we get close, we were back there. You can't hear. Oh. All right. Sorry. Molly Mindestrom. We live at 8110 20th Avenue. Um, thank you for the opportunity tonight, uh, to voice our opinion and opposition to the proposed zoning change. We moved to 20th Avenue, which is residential where we are, we're in Lino Lakes, um, four years ago, from the east side of St. Paul, with the hope of raising our daughter in a home where she could have space to run and play, explore nature, and breathe fresh air, grow up in our little piece of the country. Um, we have the same concerns with the heavy traffic, and the pollutants. Obviously our property value—Uh, tonight we're asking the City officials, um, which your job is to protect the welfare in the City, and the residents. Um, is this in the best interest of the Columbus community? Um, we're asking and praying that you do the right thing and vote like your families are living in the impacted area. Thank you.

Sternberg: Thank you. Twenty-five.

Musil: I wish I had a little kid standing here; I'd come across better. Thank you for your service to the community. Um, my name's Doctor Tom Musil. My wife Joan and I live at 13857, 13858 Kendall Street Northeast, in Columbus. We have been residents of Columbus for about four years. We built a new house about four years ago. I'm a retired real estate, in the Department of Finance, professor, and I've taught both graduate and undergraduate courses in real estate development. And have been engaged in teaching land use and research on land use since 1978. I had many professional duties over the years, including being a member of the City of Minneapolis Zoning Board of Adjustment for ten years, and on the City of Minneapolis Zoning Code Revision Taskforce, when that zoning code was rewritten. I currently work—although I'm retired—I currently work in real estate litigation, by conducting research, and providing expert witness testimony in real estate and land use disputes. I would like to share some observations and views with you regarding the matter before the board this evening. Your duties and responsibilities under the Columbus ordinances—and I'm referring specifically to Section 7A.543—are abundantly clear regarding the effect of code changes enabling the construction and operation of the proposed asphalt plant. Uh, the standards that you must use include: decision making that is consistent and in harmony with the Comprehensive Plan and zoning, consistent with the character of the community, and the prohibition of hazards and disturbances to existing and future land uses, and—most importantly—prohibiting 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, etcetera. This is right out of the City ordinances. Well, what do these standards and requirements mean in terms of your actions tonight, and the vision of the future of Columbus? Columbus today is not the Columbus of 30 years ago, where the City leaders would permit just about any land use and development. Columbus has experienced increased residential development. For example, in my area, several homes have been constructed or are currently under construction. These are some nice places, right around Furman. You need to support this development process and not undermine it with code changes allowing an asphalt plant to degrade our City's appeal. The Columbus of today cannot be used as a convenient dumping ground to save Bituminous Roadways' transportation costs, when more suitable locations exist for an asphalt plant. Your actions tonight must consider issues of highest

and best use. Clearly compatible and similar manufacturing uses are most consistent with the Comprehensive Plan. Similarly, the improvements made to the site proposed by an asphalt plant are meager in terms of job creation. They fall short in making any meaningful contribution to the tax base. From a fiscal perspective, the proposed asphalt plant is a joke. Indeed, the negative externalities, and very negative community stigma toward Columbus, created by an asphalt plant, and the underutilization of the property is unacceptable by any standard. Please listen to your neighbors, the residents of Columbus, and kill the proposal for an asphalt plant. Thank you.

Sternberg: Thank you. Twenty-six, 26.

Schaal, E.: Hi, my name is Ellen Schaal. I live at 8061 Crossways Lake Drive. Uh, in June no citizen in my neighborhood had heard about the proposal to change the text in the zoning ordinance. And, um, I was riding my bike around the neighborhood putting notices in people's mailboxes to let people know. And the people that contacted me were shocked that it was even going to be considered. Um, thank you Dean Johnson for explaining that we are, or your Commission is voting on either Option 1 or Option 2. Please consider Option 2, and let the citizens know that we can trust you to make reasonable and good decisions on behalf of us. Thank you.

Sternberg: Thank you. Twenty-seven.

Schaal, T.: I'm Tom Schaal. That was my wife. I live at 8061 Crossways Lake Drive. Um, so I oppose the change to light industrial zoning to allow the plant. I don't think we should have an asphalt plant in the City of Columbus. Um, there's a lot of other businesses that'll be coming with the new bridge. I think the current zoning is good, and we should just stick with it. Um, I think the City Council, if they push this through, is gonna raise a lot of risk for the City of Columbus. 'Cause we'll end up voting in a different Council, we'll kick the plant out, and then there'll be lawsuits and everything. It'll just cost us a ton of money. I just, if, if we do want to have—or the Council wants to push it through, I think they should have a citizen vote to, um, allow it to happen. 'Cause that way the citizens have spoken, and there won't be any changes. So, anyways, I personally oppose it. Thank you very much.

Sternberg: Thank you. Twenty-eight.

Wismer: My name is Roger Wismer. I live at 8260 20th Avenue, avenue. Um, I live 1/8 of a mile from this proposed site—south of it, in Lino Lakes. And, I understand that some of the Council members or Planning Committee members went and visited one of these plants. I don't know how many of you others did it, but I'm sure glad you had an opportunity to visit it. My problem is, I live there. Twenty-four hours a day, 365 days a year I'm gonna have to put up with all these problems that were brought up, and, would any of you want to do that? Live there 24 hours a day, 365 days a year? I really doubt it. So, seriously, give this some thought, because it's going to affect us for the rest of our lives. Thank you.

Sternberg: Thank you sir.

Olson: My name is Tom Olson. I live at 13332 Lyon Street Northeast with my wife Geraline, right across the freeway from triangle, on the east side of 35. Being number 29 I can cut my speech down a little bit. First, BR supporters, this discussion is not about whether or not BR is a good employer; this is about whether or not an ordinance change to allow an asphalt plant in the light industrial zone is right for Columbus and the surrounding communities. My statement is this: Thank you to the Planning Commission for recognizing that the zoning amendment for the triangle location is not in our best interest from your last vote. To the City Council I say, you are accountable to the residents of Columbus, whose best interest you were elected to represent. As such, you work for us, not the other way around. As one of your constituents, one of your bosses, I demand, if you vote to approve the ordinance change, you will provide a full factual accounting of your reasoning, with time for public rebuttal. I request the mayor, as our City leader, cast the first vote, not the last, when the ordinance vote comes up. Over 700 Columbus residents took the time to voice their disapproval of the change. Listen to us; you work for us. You can start by answering: One, how would this ordinance change increase property values and tax base of existing and future development in the Freeway District and surrounding area? Will any residents or businesses leave or rethink current or future expansion? Will other businesses likely to be drawn in with this ordinance-- more commercial industrial, more spot zoning? Is this being done for the needs of one business, at the expense of all others? And, finally, in discussing the 2018 Comprehensive Plan, the City Planner brought up the possibility of converting portions of the Freeway District to fulfill housing requirements. How does this Zoning amendment affect the placement of mixed, high-density housing nearby? How you vote on this one issue will determine how your legacy will be remembered for your time at community service. Do the right thing. You work for us. It's time to say no to the asphalt plant in the Freeway District. If it doesn't fit, you must omit.

Sternberg: Number 30. Thirty.

Herbert: My name is Emery Herbert, and out of everybody that was here tonight, I'm the only person that lives at 14252 West Freeway Drive with my wife for over 42 years. And I'm all for this thing, simply because we were there at the beginning when that was just land; it wasn't even the Freeway District. I've been through the Freeway District. I'm still paying the assessments for that. I still owe 65,000 bucks. My neighbor next door, I was talking to him, he's paying \$32,000 a year in assessments. And people talk about new little shops, moving little shops there. We've had land for sale for 15 years; nobody's gonna build a coffee shop. If you look at the land that we're talking about, it's unaccessible except for one road. And they think Columbus has got that road; that's a County road. Columbus has no control over that road whatsoever. The other side of the coin is, is there talking about multiple housing. Where are they gonna put—I don't think anybody's ever gone out and looked at what the land is. There's no place to put big multiple housing buildings on this land around here in the three square miles. That's what it is, three square miles is the Freeway District. I've lived it. I've been through the whole thing. I'm all for putting something there that other people can come in. I've had my property sold three times that people want to buy it. But because of the C3 zoning that was put in way back when, it didn't conform, so I couldn't sell my property. The other side of the coin is, you're talking about walkways and this and that. Go on, walk around there; you'll get hit by some car, because it's a 55 mile an hour County road with no shoulders, there's no way to walk across the bridge without, in traffic. So, it's, it's not a

conducive area where you can turn it into a family recreation area. And the only thing to do, you can (unintelligible) finally comes in and say, 'Okay.' Look at what we've got there right now. We've got a factory that builds gas trucks for out at the airport. We've got Zieglers who's hauling, up and down, heavy equipment on that road at 55-60 miles an hour, starting at 6 o'clock in the morning. You've got dump trucks hauling for the last month or six weeks, um, Freeway Storage has had dump trucks hauling in there on a constant run. Talk about traffic, I can, when we moved in back in '75, we couldn't hear the freeway. We hear it all night long now. There's no such thing as rush hour traffic or slow down. The other thing is, with the traffic the way that it's going, every Saturday afternoon, and every Sunday morning my wife and I have to (unintelligible) ourselves in order to get out of our house, because there's an average of about five or six hundred cars that go by our house in an hour and a half, two hour period. So, the biggest thing is, is do it, so I can sell my land and, and make some money on it, simply because I'm getting tired. Like I said, I still owe \$65,000 on assessments. And, and the other people that have gone on living there—I know every one of 'em, I've talked to 'em. I, I'm, the only people that have lived on West Freeway Drive longer than me are the Preiners.

Unintelligible from audience.

Herbert: You don't live on West Freeway Drive.

Unintelligible from audience.

Herbert: That's in Lino Lakes. Thank you.

Sternberg: Thank you sir.

Herbert: Pass it, and let's get on with this.

Sternberg: Thirty-one, 31?

Unidentified: How many speakers do you have? How many are left?

Sternberg: Uh, we're getting close to the end here.

Canine: Good evening. Thank you for your time and consideration tonight. My name is Jenny Canine. I live at 7260 167th Avenue Northeast. I am a long-time, basically, lifetime resident of Columbus. I was born and raised here. I lived out of state for nearly ten years. During that time, I actually educated myself and worked in an environmental toxicology lab specific to items around, um, industrial contamination. I worked in a lab at the University of North Dakota, and, the, looking at health impacts of various things. Tonight I would like to address my opposition to the, um, proposed change for the amendment in regards to opening a gate to allow for an asphalt plant. Unfortunately, um, in many regards there will be an impact regardless of what you decide. You guys are the gatekeepers to who, or how to propose, um, how we're going to, or how you're going to advise the Councilmembers of the City to vote. I recently moved back to the area; I bought a property here about a, approximately a year ago, after growing up here. I've seen a lot of changes

over the last 30-some-odd years. Some good. Some bad. There's a reason why I came back. Allowing this change for the proposed revisions will have a significant impact. It will impact myself, and I'm not even near the proposed site. However, as some of the people that maybe sit on the other side of the bench from me thinking, 'Oh, well here's this science gal that's all about the health and various other impacts' that, if this gate is opened and the remaining gates in this process remain or are opened, and this is allowed, there will be significant detrimental impacts. However, I am not opposed to industrial business. I have a sibling that works in heavy industrial commercial business. There is a time and a place for plants of such nature, however, where the current proposed zone is for, or for Bituminous Roadways to create an asphalt plant, I do not feel is necessarily appropriate due to the residential nature of the surrounding area. So I would really strongly urge you to vote for Option 2, against this motion. Thank you for your time.

Sternberg: Thirty-two.

Lund: Hi, I'm Kathleen Lund, and I live at 14155 Julliard Street. And I, too, am pretty much a lifelong resident. I grew up here, moved away for a few years to go to college and get married, and moved back to raise my family here. Um, I, too, want to thank all of you for your service to our community, and all of the Councils that came before you. And I really feel like the Councils that came before you had the best interest of Columbus in mind, to make the five, the five-acre minimum for sale of land, the light industrial. Uh, we bec—you know, we were a township, we became a city to protect that area for businesses, and--but the right kind of businesses for our community.

Sternberg: Thank you. Thirty-three.

Gronquist: Good evening. I am Roberta Gronquist. I am a resident and a property owner at 9252 Lake Drive, uh, for 33 years. My residence is situated on 10.4 acres. My property adjoins the Running Aces parking lot, where the, uh, the metro, Met Transit, where the busses come drop people off, so I'm, so my 10.4 acres is right on top of the park. Okay. That's just to give you guys an idea of where I live. And I recommend—of course, you guys know where I live; these folks over here. Um, I recommend to the Columbus Town Board, uh, that you deny any asphalt operations, because of the potential environmental water and less-than-average atmospheric endangerment. My concern is, is while I'm at Running Aces Harness Park it's gonna be horsemen and the horses being distracted on race day, because of the asphalt fumes and loud noises that will distract the horses. The horses do not have a voice, but I do. I say, I say no asphalt plant for the horses' welfare. I say support our local business, Running Aces Harness Park, and say no to any proposed asphalt facility. Sincerely, Roberta. Thank you.

Sternberg: Thank you. Well, that was it. That was the last person, so I'm gonna close the hearing with the right to reopen if it become necessary.

Hearing closed at 8:54 p.m.

Respectfully Submitted:

Karen Boland, Recording Secretary