

**City of Columbus**  
**Public Hearing – Bituminous Roadways Columbus Preliminary Plat (PC-18-103) and**  
**Bituminous Roadways Columbus Site Plan Review & CUP (PC-18-104)**  
**January 17, 2018**

The January 17, 2018 Public Hearing to receive testimony regarding a request for a preliminary plat “Bituminous Roadways Columbus” combining two lots and creating one new lot; and to consider a request to allow the development and construction of an asphalt production facility with outdoor storage and handling of various construction materials at the property described in the notice in the Light Industrial (LI) district was called to order at 7:03 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; 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; City Staff Jim Windingstad, Lorie Lemieux, and Jessica Hughes; Ken Rohlf, Ron Hanegraaf, Jason Spiegel, Dennis & Marlene Nelson, Chad Eggersgluss, Paula Peterson, Megan Peterson, Emily Peterson, Eric Peterson, Jessie Frattalone, Dennis Mars, Rick Graybill, Margie and Vern Roisum, Tony Frattalone, Rick Parent, Jeff Anderson, Lori Breen, Denny Breen, Keith Anderson, Todd Lee (?), Joanne and Bob Stadnik, Pat Bjorke and Dan LaCoursiere, Barb Bobick, Dan Mike, Aaron and Troy Munson, Clifton and Tammy Meyers, Mark Hanson, Cindy & Myron Angel, Judy and ? Linneroot (?), John and Kim Taylor, Jay Gustafson, Nate Alan (?), Dan Sebesta, Don Santanni, Mel Mettler, Brent Romanowski, Derek Otto, Sherry Cerra, Paula Cammarata, David Wiblishauser, Julie Harper, Tom Scherber, John Menard, Randy Schumacher, Shelly Logren, Janet Hegland, Arlen Logren, William Bobick, Kim Tong, Tom Olson, Gerrie Olson, Dan Burt, Anita Thompson, Lynette Spence, Marlene Nordstrom, Nancy Loecken, Marie Hansen, Sean Skubitz, Sarah Lange, Lynn Carver-Quinn, Norma Heuer, Roger Wismer, Patsy Wismer, Patrick Stevens, Ed Eigner, Jackie Stevens, Jon Rausch, Kent Peterson, Mary Preiner, Pat Preiner, Joe Radach, and Wayne Jacobson.

**Sternberg:** Public Hearing, now we’re going to have a Public Hearing and discussion. We’re actually having two; we’re going to open both hearings at the same time. One is for the Bituminous Roadways Columbus preliminary plat, and the other is for the Bituminous Roadways Columbus site plan review and CUP. And, at this time, I’d like to ask the secretary to read both the formalities, and the, uh, notices as published.

Notices were read at this time.

**Boland:** The Public Hearing Procedure for the Planning Commission for the City of Columbus: 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 required speakers tonight to sign in to testify. A speaker will not be called on for a second time unless addressed by the Commission.

Orderly Administration of Testimony – The Chair may impose a time limit on speakers. 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:** So if everybody, everybody understand there was a sign-in sheet? If you want to speak tonight you were, you had to sign the sheet? And then, we're doing a three-minute time limit. If anybody wants to give their minutes to another speaker, that's fine. So, we'll start the hearing by asking the applicants to please come forward.

**Peterson:** Good evening Mr. Chair, and, uh, members of the Commission. My name is Kent Peterson; I'm the CEO of Bituminous Roadways. Uh, Bituminous Roadways is a construction company that was founded in 1946 and started in south Minneapolis. We have three asphalt plants: one in Minneapolis, one in Shakopee, and one in Inver Grove Heights. We're a family-owned business and employ about 170 people. We perform asphalt production and paving, excavation and grading, and asphalt maintenance and milling. Some of the, the types of projects we, we, uh, construct, include, uh, recreational and athletic surfaces, parking lots and streets, and that's it. So this, this is a map of the Minneapolis/St. Paul area (referring to overhead). It shows the, our plant locations in orange, along with the, uh, Columbus site up in the, towards the upper right there. And this would, this is, uh, shows the Columbus plant site, with the market area showing about a hundred and fif—or 15-mile radius around the plant. Uh, Bituminous Roadways is a, uh, union company, and we pay our employees—including benefits—between 45 and 55 dollars per hour. So it—oops, you missed one—so to serve, serve the Columbus market area, we expect to, to have about 71 people. That includes, uh, plant personnel, uh, construction crews, and truck drivers. And with that I'm going to turn it over to Joe Radach, he's an engineer with Carlson McCain.

**Radach:** Good evening Commissioners. My name is Joe Radach, and I work with Carlson McCain. I'm the design engineer for the project, and I have been working closely with the applicant, Kent Peterson, over the past several months to develop plans for the facility that will adequately serve the needs of Bituminous Roadways, while meeting the rules and regulations of

the various regulatory agencies. We have submitted materials in support of the preliminary plat, conditional use permit, and site plan review applications that are contained in your packet. I would like to bring your attention to some of these materials. Preliminary Plat: As part of the application, the City of Columbus requested that the property be platted. As a result, a preliminary plat of the property, which proposes to plat the property as one lot, was submitted with the application.

**Mursko:** Do you want the . . . will the pointer help?

**Radach:** Yeah, I suppose I could do my own thing. So, currently it's two parcels. Uh, you can see the one smaller parcel here (referring to overhead), and then the larger parcel. We would be proposing to plat that as one continuous lot for the proposed use. Site construction plans: The site construction plans found in the application materials include details on the various site features, including paved areas, plant location, stormwater management areas, etcetera. These plans have been prepared in accordance with the State, City, County, Watershed, and other regulatory agency requirements, and include site construction plans; grading, drainage, and erosion control plans; and a landscaping plan. And there you can see the various plans—that's the site plan; grading, drainage and erosion control plan; and landscape plan. And there's other plans as well, but—Oh, the screening plan: The application materials contain a screening plan showing the proposed screening of the site. Most notably a berm and fence will be placed along West Freeway Drive, which is down along here. There's a fence and berm here, there is eight-foot pine trees along the south property line here, and there's also a fence along the east side of the site there. I'm a little shaky (referring to pointer). Um, wetlands—er, so there you can see a view on Freeway Drive facing south. And you can see the gate to the site, the fence, trees along the fence. And, the next one I think is showing the view from the south. You can see the eight-foot pine trees here, screening from the south. And then there's the building. Wetlands: Uh, a wetland delineation was completed as part of the site planning. Some wetland impacts will occur as a result of the project. The impacted wetlands will be replaced on site. The applicant is currently working with Rice Creek Watershed District and the Army Corps of Engineers for the permitting of these impacts. We have been working with these governmental entities for several months and believe we will have final, uh, approval within the next month. Noise: It is our professional opinion that noise generated from the operation of the facility will not have a noticeable effect at the boundaries of the site. The site is located between two interstate highways, and the background interstate traffic noise levels is at or above predicted noise levels generated from the operation of the facility. Further discussion regarding noise impacts from the truck traffic associated with the facility, can be found in the technical memo prepared by Wenck, and included in this application. Next slide. Uh, this memo concludes that the traffic from the proposed facility is not expected to adversely affect human health, equine health, or the environment. Odor: Odor is discussed in detail in Wenck's letter to the MPCA, dated August 9, 2017. Next slide. This letter, which was submitted with the application, concludes that there is no predicted impact of odor, from the proposed asphalt facility and trucks and its operations, on the public. Air emissions: Air emissions are also discussed in detail, in both the technical memo and the letter to the MPCA prepared by Wenck. The final conclusion of the analysis is that the, since the project, since the projected impacts of the proposed project meet state and federal air standards, there would be no expected adverse impact to humans or horses. Dust

management: Bituminous Roadways has submitted a proposed dust management plan with the application. Both driveways and the areas in and around the facility will be paved to minimize dust and tracking of material onto West Freeway Drive. The gravel drive areas and stockpiles will be watered as needed to prevent fugitive dust from leaving the site. Water will also be used during crushing operations to prevent dusty conditions. The plan addresses dust generated by truck traffic on site, as well as dust generated during crushing operations. Traffic management: The site has been configured to allow for efficient import and export of materials. The traffic management plan submitted with the application shows that the southerly driveway will function as the main entrance to the site. In general, trucks will either head north on Freeway Drive, up to Lake Drive and Interstate 35, which, well, you can understand. Or, uh, south on Freeway Drive down to Main Street and Interstate 35E. Equine health: Running Aces operates a horse facility located approximately two miles north of the site on Freeway Drive. There's been an issue raised by Running Aces as to the impact of the proposed facility on equine health. Both of Wenck's memos address this issue and conclude that the proposed project will not have an adverse effect on equine health. Next slide. In addition, Bituminous Roadways engaged Dr. Bruce Viren, a licensed veterinarian specializing in veterinary services for horses--primarily thoroughbred riding and race horses and sports horses--since 1982, to complete an analysis of this issue. After a thorough review of the record, Dr. Viren prepared an extensive report which was submitted to the Planning Commission on Thursday, and is included as part of your packet. In this report, Dr. Viren concludes that, based upon his 35 years as an equine veterinarian, it is his professional opinion that the air emissions from the proposed asphalt facility—if constructed and operated as outlined in the report—would have no adverse impact upon the horses stabled, trained, and raced at Running Aces racetrack. MPCA and environmental assessment worksheet: In late July of 2017, a citizen's petition requesting an environmental assessment worksheet was submitted to the Environmental Quality Board. Next slide. The MPCA reviewed this petition, and found that, 'There are no potential significant environmental affects reasonably expected to occur from the Bituminous Roadways, Inc. hot-mix asphalt plant project, and that there is insufficient basis to require the preparation of an environmental assessment worksheet.' The petition was denied. Uh, this concludes my presentation. Mr. Peterson's attorney, Ken Rohlf, would now like to address the Commission. Thank you.

**Rohlf:** Good evening Mr. Chairman, members of the Planning Commission, my name is Ken Rohlf, attorney for Bituminous Roadways. As you know, the City's zoning ordinances contain a variety of requirements and specific performance standards applicable to an asphalt production facility. We believe that our proposed application complies with all requirements of the City's zoning ordinances. In addition, we have supplemented the application materials with a property valuation study prepared by KW Commercial, and a letter from Kent Peterson concerning the payments of an annual reimbursement to the City. These documents have also been made part of your packet. So, the task before the Planning Commission tonight is to consider the application to determine what reasonable and practical conditions will become part of the conditional use permit. To that end, last Friday, City staff circulated a report which recommended a lengthy list of conditions for approval of the preliminary plat, site plan, and conditional use permit. Although numerous and somewhat onerous, my client is willing to accept each and every one of the

recommended conditions proposed in that planning report. That said, we'd like to thank the staff, the Planning Commission, the City Council, for all the effort that has been put forth in processing this application. Thank you.

**Sternberg:** Thank you. Any questions for the applicants?

**Watson:** Just one, sir.

**Sternberg:** Go ahead.

**Watson:** Um, in the information that we got tonight, a letter from the City of Lino Lakes: 'We respectfully request consideration to extend the landscaping easterly of the eastern edge of the stormwater management pond.' Whereabouts is that? Can you go back to that map?

**Radach:** Elizabeth, could you go back to the screening plan? And the overview of the colored one would probably be the easiest. Right there. Um, down a couple. Okay, so we're proposing eight-foot pine trees to about—if I can steady my hand here—right in there. And then, here we're proposing a, a fence. So that kind of screens the rest of this. We could continue the pine trees, but we didn't, because there's an existing stand of trees here. So we decided to go with a fence going off the northeast corner of the proposed building all the way to the stormwater management plan.

**Watson:** An easterly edge of the stormwater, so that'd be the top.

**Radach:** Oh, over here? Yeah, so this is a . . .

**Watson:** They specifically call out, um, 'eastern edge of the stormwater management pond'.

**Radach:** So, east of the stormwater management plan would be this area up here.

**Watson:** Oh.

**Radach:** And this is an existing stand of trees that we're proposing to leave in place, and then they're—this is all wetland as you go south of the property. Everything north of this red line that I'm drawing here is wetland.

**Watson:** Mmm-hmmm.

**Radach:** So we didn't feel the need to, to provide additional screening here, because there will never be houses or any use back here, because this is all wetland. I'm not saying we couldn't, but we just didn't think it was necessary.

**Watson:** Okay. Thank you.

**Sternberg:** Any other questions for the applicants? Any other questions? Okay, at this time, if you gentlemen want to take a seat? Thank you.

**Peterson:** All right. Thank you.

**Sternberg:** At this time, we're going to open the hearing to the public. In which I will call on, uh--it'd be number two--Lynn Carver-Quinn. State your name.

**Carver-Quinn:** Good evening. Um, Lynn Carver-Quinn, 7540 152<sup>nd</sup> Lane, North East.

**Steen:** Excuse me, Mr. Chair. Uh, we need a motion to open the, uh, to open the hearing. We need to open the hearing. Sorry.

**Sternberg:** We did open the hearing.

**Steen:** My apologies.

**Sternberg:** To the public.

**Steen:** Okay. Do you--?

**Sternberg:** The hearing is now open to the public.

**Steen:** Okay. All right.

**Sternberg:** Yup.

**Carver-Quinn:** Okay. So, this is our last attempt. You have a recommendation to make tonight. So I just wanted to clear up a few things, um, so that you have additional information. Um, this group of citizens have done more research in detail than I think we really should have had to, but, you know, people can say things and unless you, um, come up with a solution that it wasn't true, you're gonna believe it. So, I'm gonna clear up a few lies that were, led up to this, just because I feel I need to. Um, number one, it was stated that Running Aces was lying to us residents and pushing us to tell us what to do. That is a lie. We meet; they're not involved in our meetings. Um, it was stated at the last Council meeting I was at, that Running Aces does not employ anybody that lives in the City of Columbus, which is a lie, because I live with one of the residents that does work for Running Aces. So, that is not true. So, don't say things to make it look better for yourself. Um, at the last meeting I was at, the Mayor said he was a stupid little mayor of a stupid little city—that's not a lie. We are a quality city with residents looking to improve the quality of life. It's not a stupid little city. What this comes down to is needs versus wants. What does this City need? And what does some of the people want? What we need is to sell the property that the City owns. That should be the first agenda and not just a want—what people want. Citizens signed petitions, and you're appointed, the City officials are elected to care about the residents of this City. Not just

somebody trying to come in here. I was told to, ‘Oh, get on the list to be on the Planning Commission’. Well if there’s a list of people to be on this Planning Commission, that should tell you that you have citizens concerned and wanting to help out. Um, one thing, the truck drivers—maybe not all of them—but I have relatives that are truck drivers, and they’re independent contractors; they are not employees. So, the numbers that we just heard, how many of them are employees versus independent contractors? I was also told by these truck drivers that to say there’s going to be no odor is a lie, and to say that the traffic isn’t going to impact our City is a lie, because it will. Um, one other thing I want to say, is, um,--I’m going to address this, and I was going to last meeting, but I didn’t—but, there are hard decisions, but that’s part of life. Um, you’re, you don’t have an easy decision to make, but, guess what, it’s part of life. But you owe it to the residents to make the right decision. Um, in 2000, I was taking care of my husband who died of cancer, when Councilmember asked where I was when they were dealing with Running Aces coming in. So, you know what, life is hard. This is not hard. This is a choice you made to make decisions based on what’s best for the residents of this City. We’re not against business, but we want the business that we can support and that we can go to. And, I think you should—tonight’s your last night, stop this. This has destroyed a lot of relationships, and it has put a big damper in this City. Thank you.

**(applause)**

**Sternberg:** Thank you. Number three. Number three: Ron.

**Hanegraaf:** Good evening. I was, uh, here on your November 15<sup>th</sup>. My name is Ron Hanegraaf, 9222 181<sup>st</sup> Avenue North East, in Columbus. I’ve been a resident here for 40 years. I was on this Planning Commission back in the ‘90s. And I’ll just start off that I’m opposed to where we are tonight. I had no idea, after I was at the November 15<sup>th</sup>, that this thing has gone this far. I’m opposed to the asphalt plant, uh, being there, even though it won’t even affect me, because I’m probably about ten miles away from it. But, I’d like to save my time for some more facts that are coming up. I have one question, uh, Chairman. Can you ask the question of Mr. Peterson, how many jobs that they have—I think it was 71 on the board up there—how many of those people live in Columbus? Can you ask that question?

**Sternberg:** We can later. We’ll – after we get through the public, one of the Commissioners can ask ‘em.

**Hanegraaf:** Okay. I’d like to save the rest of my time then, whatever I have, for one of my colleagues. Is that okay?

**Sternberg:** I guess to keep it a little more logistical, I’d prefer that either you waive your time and you hand it to somebody else . . . I can’t keep track of two minutes and five seconds on one guy and a minute and ten on another.

**Hanegraaf:** All right, then I'll stay right with what I'm on. I read the McComb Group. I've talked to business people—owners—on everybody on—not everybody—but a number of 'em down Fenway, and, uh, I mean down Freeway, and, uh, I haven't found one yet that's for this. So I don't know where all this push is to get this down there. I also look at, uh, back to the McComb report that was brought up, I don't know, did the City pay for this?

**Sternberg:** I believe that was Running Aces, wasn't it? Running Aces is the harness track, paid for that.

**Hanegraaf:** Who paid for it?

**Sternberg:** Running Aces paid for it.

**Hanegraaf:** Okay. Well, I don't know then if the facts are true or what, but reading through 'em, and seeing what the Holiday station pays for taxes compared to what this is going to cost, it just doesn't seem feasible to, to even invest into this project down there, for what it's gonna cost us as citizens. And, lastly, I'd like to say if you're gonna recommend this to the, to the Council, that you protect us as citizens by putting provisions in here no less than what they have to do in Mendota, Shakopee, and all these other places – or Blaine. Make sure that they have the same conditions that we can have here, to protect us. Thank you.

**Sternberg:** Thank you.

(applause)

**Sternberg:** Number four, Marlene.

**Marlene Nelson:** Four and five are saving our minutes for Janet and Shelly, who will need them.

**Sternberg:** Okay. If they can just bring that up when they come up. Um, number six, Norma.

**Heuer:** Norma Heuer, 8289 20<sup>th</sup> Avenue North, Lino Lakes. I am . . . (sound of timer)

**Sternberg:** Oops.

**Heuer:** . . . done already?

**Sternberg:** Nope. You got extra time.

**Heuer:** Um, I probably am the closest residence to the proposed site of the asphalt plant. Um, I do have some questions. One is: What's your fire plan? The last time a fire went through this, this area, um, there were—we called the fire department. One-hundred and fifty acres burnt and the fire department was unable to respond, because of so many grass fires in the area. So, myself, I

was, uh, 17 at the time, and my two younger brothers, uh, managed the fire. Probably not well, but it did save the man's barn and house. And, since I'm the next house in line, I'd like to know what the fire plan is. Uh, you can't count on the fire department to handle any type of fire. That's, would be an interesting thing. I don't know where that is; I haven't heard it brought up. Uh, is there a fire crew on site to handle it in an emergency? Also mentioned was the grinding noise. Uh, I like to sleep with my windows open. And I do take a nap; I'm in the age group where you're allowed a nap now in the afternoon. Um, and I'm also wondering: What is the decibel level of the grinding material? That should be also stated, and made public. I know anything over 85 decibels is harmful to hearing and you do lose hearing from it. Um, my, uh, last question is about the depreciation of my property. Um, according to the County it's been depreciated significantly in the last six months. And, my understanding is the City of Columbus would be responsible for reimbursing the public for any depreciation to their property because of the construction of the asphalt plant. And counting up around in a mile radius, I believe I counted 305, um, residences. And if mine's, right now, sitting between 50 and 75-thousand dollars depreciation, you multiply that by 300 and some. Um, do we bill the City of Columbus or do we send the asphalt plant the bill?

**(applause)**

**Sternberg:** You have 31, 30 more seconds.

**Heuer:** How many, how many seconds do I have left?

**Sternberg:** Twenty-seven.

**Heuer:** Twenty-seven seconds.

**Sternberg:** Yeah. You did good.

**Heuer:** I would implore you, I would beg you, be a good neighbor. Be a good neighbor. I've lived there for 62 years, my family has. We've always helped each other out. We've been there for each other.

**Sternberg:** Thank you.

**(applause)**

**Sternberg:** Number seven? Number seven.

**Roger Wismer:** I'm donating my time to another person.

**Sternberg:** Okay. Number eight.

**Chad Eggersgluss:** I'd like to donate to somebody who's in opposition to the plant.

**Sternberg:** Number nine.

**Roisum, V.:** My name is Vern Roisum, 14016 Julliard. First time I was up here, the Council was laughing about horses, ‘Oh, is this another horse talk?’ When I said, ‘No, it’s about the people.’ they all shut up and I never heard ‘em talk yet. Because they certainly won’t answer our questions. But, it is apparent that this Council has no concern for the people living in Columbus or the people in the adjoining cities. At one time we made concessions not to allow the asphalt trucks to run during horse racing. Eventually that was all taken out, but there has been no concessions for the people in the City. You have made nothing. You want it here, because apparently the City is in dire straits,--whatever--, uh, to make a few bucks—some of the bribe money from Bituminous. That is bribe; you’re not here yet. Uh, you’re gonna lose more money in the long run. Just the property taxes will decrease; you’re gonna lose that base. You’re gonna have class suits for devaluation of the property. There are 400-and-some houses, 1200 people in that area, and you are gonna allow this to happen? There is no reason, other than for Bituminous to make more money, to be this close in to a residential area. And that’s facts. If this plant should happen, you should be helping the people out in some way, as making sure air and water pollution sensors are installed on the plant at numerous places, and monitored by other agencies. Uh, as far as once it’s up and running, what if Bituminous goes bankrupt? Who is gonna clean it up? New Brighton, they had to clean up their mess; it was over a million dollars to clean it up. What would happen if they stayed working, they got hit by numerous lightning, everything went up in fire? All that, that hazardous material in our water system, are they going to stay and clean it up even if they go over the value of their, of that land? No. They’re gone. Who is gonna clean it up? There should be an escrow or . . . (sound of timer)

**Unidentified:** You got minutes?

**Sternberg:** There’s, yeah, there’s minutes.

**Roisum, V.:** There should be an escrow or bond that’s put up by Bituminous to cover that cost. Uh, the ones I have seen in other locations, it’s what the approximate cost now would be to clean that site up times three and a half. ‘Cause then, you’re sure that it’s gonna cover what’s needed. If it’s not needed in the lifetime of Bituminous, well, it goes back to Bituminous. But, uh, there is one other thing I would like to talk about, and this is a member of the Council. I’ve been, we’ve all been talking to, uh, Anoka County, uh, many times to Metro, uh, the mayors of Lino Lakes, Centerville. But the one time we talked to some people from Anoka County, they asked us about, ‘What’s going on with your mayor?’ And, we knew what was happening, you know. And, they said, ‘Well, we would like to know.’ Okay.

**Steen:** Mr. Chair.

**Sternberg:** Vern, we’ve got to keep it to, keep it to the, uh, Bituminous CUP.

**Roisum, V.:** The Councilmember is for Bituminous.

**Steen:** Mr. Chair, if I may? We want to keep it on the findings, uh, on the applications at hand and the applications at hand.

**Roisum, V.:** We're talking about the asphalt plant, correct? We're talking about anybody's interest in the asphalt plant.

**Sternberg:** If you can keep it to that.

**Roisum, V.:** Well, it's about the Councilmember.

**Sternberg:** That would be personal.

**Unidentified:** I'd like to hear what he has to say.

**Roisum, V.:** It's, it's not personal. If I was gonna go personal, it'd go a lot deeper.

**Sternberg:** It would be, I don't think it would be relevant to the . . .

**Roisum, V.:** It is relevant, because he's using his position for his own financial, personal gain.

**Sternberg:** Well, that . . .

**Roisum, V.:** That is illegal.

**Sternberg:** If you have any kind of proof or anything, I mean, I want to stick to the facts here; we've gotta stay on track. We can't start wandering off on . . .

**Roisum, V.:** Okay. If you want that . . . You know, I've talked to the head assessor. I will get the information from him, because he will not talk to or allow the County Assessor on his property. He won't even set up, uh, a meeting with your local assessor, who is part of the problem also.

**Sternberg:** We do have to stay on, stay on track, Vern.

**Roisum, V.:** Uh, we will substantiate that, because that is already happening. Legally.

**(applause)**

**Sternberg:** Number ten.

**Unidentified:** She donated.

**Sternberg:** Ten donated? Uh, number 11?

**Bobick:** Hi, my name is Barb Bobick. I live at 8414 140<sup>th</sup> Avenue, North East.

**Sternberg:** Hold on one second. I've got number 11 as Margie Roisum.

**Bobick:** Yeah, we switched.

**Sternberg:** Oh, you switched. Okay. Okay.

**Bobick:** And we moved here about a year and a half ago, and, quite frankly, we thought we moved into Mayberry USA. We found the neighbors so welcoming, the kids in the park so active and pleasant, and the environment so beautiful with the deer, the wild turkey, the songbirds. So the news of an asphalt plant was very disturbing. More alarming, was a personal encounter we had with a City Councilman on August 2<sup>nd</sup> of 2017, after a Planning Commission meeting. A group of citizens: myself, my son, my daughter-in-law, were outside discussing the door-to-door canvass . . .

**Sternberg:** Barb, are we, uh, are we sticking with Bituminous Roadways testimony?

**Bobick:** Well, what was said applies to the asphalt plant, if I can finish it.

**Sternberg:** Well, if it pertains to the CUP and the, uh, site review plan . . .

**Bobick:** Well, I'll just go on then. Um, it was a very disturbing comment. Perhaps I'll just have to suck it up, I guess. Um, anyway, we continued our canvassing and despite the objections of a majority of voters in Columbus—over 800—we're here again today with, for a public hearing for a CUP for Bituminous. Our concerns from the beginning have been that the location is not compatible with the Columbus Comprehensive Plan, and that, with 400 homes and 1200 residents within a two-mile radius of the plant, we have significant quality-of-life issues that directly oppose the Columbus ordinance, Section 7A-543, that prohibits activities, processes, materials, equipment, and conditions of operation that are detrimental to any person's property, general welfare, by reason of excessive production of traffic, noise, smoke, fumes, etcetera. The health risks for the residents are also significant. According to the Federal Department of Health and Human Services, The International Agency for Research on Cancer, and the EPA, naphthalene, formaldehyde, benzene, mercury and cadmium are all toxic pollutants emitted by all asphalt plants. And they're too small to be captured by the baghouse pollution filters. As they are considered to be fugitive emissions, they are emitted during loading and hauling by dump trucks when the asphalt in, is in the semi-solid state, when it hasn't hardened yet. So, they're fugitive emissions the full two miles along that Freeway Drive. Benzene is a known cause of leukemia in children. Scientists even know how it changes the D, DNA of children to cause cancer. The fugitive emissions of toxic chemicals cannot accurately be measured. And that's an EPA fact. According to the health organizations, the diesel exhaust from the 500 daily trucks is a known group-one carcinogen, which, to us laymen, means that it causes cancer. My questions to the Planning Commission is, 'Given the facts, will you protect your citizens?' 'Will you agree to put provisions in the CUP that

require either Bituminous or the City to pay for the monitoring of the residents' wells in this two-mile radius, including those in Lino and Hugo, on a yearly basis?' 'Can you provide for an air-quality monitoring system, outside the boundaries of the property, to test for benzene, mercury, formaldehyde, and other toxic chemicals as a condition of this Bituminous CUP?' The EPA has developed a number of fence-line air sensors. According to Inver Grove Heights City Planner Allan Hunting and the Shakopee City Planner Kyle Sobota, the two largest Bituminous plants are in heavy industrial areas. So the CUPs for those cities don't address some of the issues that are concerns for us Columbus citizens. Finally, the EPA has said that the asphalt plant should not be built in close proximity to humans and livestock. Will you do what you can to protect the quality of life and the health of our children and residents? Thank you.

**(applause)**

**Sternberg:** Thank you. Uh, number 12.

**Roisum, M.:** Hi, Margie Roisum. 14016 Julliard Street, North East. And, she's here (referring to Lynn Carver-Quinn) because, um, I tend to lose my voice frequently when I'm talking, so . . . Noting many of the—I'm going to take a different approach here, I'm going to talk about, we always hear about good neighbor Bitumous, Bituminous, so I'm going to talk about good neighbors. Knowing many of the written facts regarding pollution generated by hot tar, why would a good neighbor choose to build an asphalt plant in a populated area? Why would a good neighbor—the Columbus Planning Commission and the Columbus City Council—risk the health of five communities that includes over 400 homes and over 1200 people? That's in a two-mile radius around the building site. So, if you choose to play The Supreme Being, you're endangering an innocent public. Several years ago, a book came out, and it talks about the afterlife and the people we meet there. It included people we knew and people we had never set eyes on, but we still had an effect on them. Remember the guy you maybe handed a quarter to one time? He needed it for his parking meter, 'cause he was out of change. You, do you remember him? Probably not. He remembers you, because that quarter allowed him to see his mother in her last passing moments. He will never forget you. The same will go the other way for people you are choosing to put in danger. The book and our influence on others is eye-opening. If any of you would like a copy, I'd be happy to send you one. Why would a good neighbor choose to build between two freeways that many people use daily to commute to and from work? This congested freeway area is already overloaded, **(Ms. Roisum handed her written statement to Lynn Carver-Quinn to continue. This transcript will continue as Margie Roisum's words)** yet Bituminous will add 500 truck trips each day, so travelers can also enjoy the effect of asphalt fumes on the overloaded road. The freeway traffic will be recipients of the toxic fumes and pollution, as well as the surrounding residents that experience it daily. As long as possible, I will continue to attempt to prevent the construction of this plant, and/or fight to have it removed if it should be built in such a populated area. If you vote to allow 'good neighbor' Bituminous Roadways or any similar businesses into our area, I'd like to know if you truly can go home and look at yourself in the mirror, as you ready for bed tonight, without wondering, 'What the hell have I done?'"

**(applause)**

**Sternberg:** Thank you. Number 13? Thirteen.

**Myron Angel:** I'm donating my time.

**Sternberg:** Okay. Fourteen. Fourteen.

**Hanson:** Hi, My name is Mark Hanson. I live at 2280 Enfield Court, Forest Lake. Um, we hear a lot of people up here talking about the negativity of it, and not the positives. There's a lot of people in support of this here. This creates good-paying jobs, it's gonna be good for the community, it's gonna lower costs, because we're gonna add competition in the marketplace, and Bituminous Roadways is an outstanding company. I'm not employed with them, but I am in the construction industry. And, I hear a lot of people up here talking about the facts of all this pollution. That's like saying me and all my brothers and sisters who work in this highway heavy industry are going to work and intentionally endangering our lives. And that's just nonsense. We have strict standards we have to follow. Everyone, all these job sites, they don't pollute; you can't pollute. We fall under heavier standards than any one of you people who live on a gravel road. They, it's good for the community, and there's a lot of people back here that are in support of it, that are from here, and I'm speaking on their behalf. Thank you.

**Sternberg:** Thank you.

**(applause)**

**Sternberg:** Number 15. Fifteen? Fifteen. Troy Munson. Sixteen. Number 16.

**Cerra:** Good evening. Thank you for taking the time to listen to me. My name is Sherry Cerra. I live at 1975 73<sup>rd</sup> Street, in Centerville. And although, although this proposal is not in my direct backyard, um, I am opposed to it. Um, I work for an environmental testing company that does testing for asphalt plants, so I know, uh, the conditions that they are under, and the regulations that they have to follow. But, today, when I mentioned it to some coworkers—I asked them out of the blue what they thought of an asphalt plant being in their backyard, and they said, 'They're dirty and stinky.' And I am not in direct correlation to where this plant will be located, but I do live off of 20<sup>th</sup> Avenue, where some of the, uh, trucks will be traveling. Um, I am a single parent. I have lived in Centerville for 20 years, and I do not want this plant anywhere close to me. Thank you.

**(applause)**

**Sternberg:** Thank you. Number 17.

**Logren, S.:** Good evening. My name is Shelly Logren, and I live at 14063 Furman Street. Well, here we are again. My last comment to you at the last public hearing, was that we—citizens of

Columbus—were wanting you—the Planning Commission—to recommend following our City ordinances, our Comprehensive Plan, and at least attempt to honor our motto of ‘Rural Nature. Urban Access.’ We were counting on you, and some of you disappointed us. Because we have not had adequate access to the City Council, some of my comments are also designed to be heard by them, with the hopes that those comments will also inspire you in your vote on this subject tonight. In our last meeting, you voted, without discussion, to change the text amendment to our existing ordinance regarding light industry, despite extensive testimony and in conflict with the Comprehensive Plan and ordinances designed to protect the Columbus City citizenry. Specifically mentioned portions of these documents have been covered by other speakers. The new ordinance has been retrofitted to meet Bituminous Roadway’s plans with an agreement to an expansion of a cement plant on the adjoining lot. This text amendment was suggested by the Bituminous lawyer, as a maneuver to avoid amending the Columbus Comprehensive Plan, requiring the Metropolitan Council’s approval of an amended Comprehensive Plan, with an estimated six-month delay. At our last public hearing, an explanation of the McCombs report was cut short due to the three-minute time limit. We have not seen nor heard any response to the report issued by that respected research firm, which outlined many negative effects of an asphalt plant to our city, including: One – desirability as a location for other legitimate light industries. Two – declining property values, and Three – a limited tax base afforded by this type of business. I know. I know that there’s that pesky potential 75 thousand to a hundred thousand dollars, cloaked in benevolence, to be paid annually by Bituminous Roadways on their terms, with the disposal of the funds decided upon by the City. This is a little reminiscent of the text amendment to our ordinance being substituted for the accepted procedure to amend the Comprehensive Plan. It appears to be an indiscriminate fee being collected as a substitute for accepted tax, taxation procedure. I, for one, understand the reasoning for these actions. I do not respect the intent demonstrated in such maneuvers. The precedent set by welcoming Bituminous Roadways as our neighbor will slam the door on so many more businesses it may just be seeing the beginning of opportunities in our northeast corner of the Twin Cities. Doors that are being opened by improved roads and access points. Mr. Frattalone, along with Bituminous Roadways, recognizes this, as does the McCombs report and Running Aces. Mr. Frattalone, along with the Bituminous Roadways, is just the first to throw out the bait to us in hopes of catching a growing opportunity. Bait which has been carefully set by Bituminous Roadways. It is informationally supported by a national organization--The National Asphalt Pavement Association--, and the Minnesota Pavement Association, and lawyers that we could not dream of hiring for our local concerns. These are entities that have faced angry neighborhoods across the nation as well as locally. Promises are overflowing on the CUP in front of you. Many of the early questions were answered by Bituminous Roadway with no proof other than their own testimony. The Council, after an asphalt site visit, proclaimed Bituminous Roadway was a good fit for Columbus and never looked back. At a real denial of the proposal, even stating that we—meaning Columbus—do not want to lose your business. Bituminous Roadways CEO, Kent Peterson claimed that no one complained at the other affected communities about the odors, and yet, before you Bituminous Roadways has stated that there are odors which may need remediation, with no evidence that the remediation will solve the problem to the citizens’ satisfaction. There is a questionable trend in the demands from Bituminous Roadway. When Mr. Peterson first spoke to us, he claimed that the crushing would be two times a year for two weeks, bringing us to a total of

a month of crushing sound, 12 hours a day, six days a week, eight months of warm weather. Now let's fast forward. The ensuing original CUP submitted, stated that the crushing would be two times a year for three to four weeks, bringing us to a possible total of two months of crushing sound. Again fast forward. In our new text amendment, and in the CUP before you, we are now to expect crushing sounds twice a year for five weeks, equaling two and a half months. Bituminous Roadways has also firmed up a nebulous claim to occasionally operate outside of normal agreed-upon hours. These may not be broken promises yet, but they say that this occasionally has morphed into the concrete promise around-the-clock activity for up to 30 days a year. These may not be broken promises yet, but these increasing demands certainly stretch our credulity at their claims of being a good neighbor. We've been assured by Bituminous Roadway that trucks would clean up spills, cover their loads, and maintain sufficient mufflers. But in the CUP it is only required for Bituminous Roadways' own trucks and equipment on-site. Just recently a complaint was issued against, against Zaczkowski Trucking Services at our very own Planning Commission meeting for their inability to control changing habits of independently-owned truckers with regard to noise, hours of operation, and headlight glare. Berms and trees were suggested avenues of resolve. How many hours will be spent by you and future Columbus Planning Commissions mediating the complaints about independent truckers monitored by the deadline-driven, five-person Bituminous Roadways workforce at the site? What remediation can be offered, other than repeated threats to pull the CUP, which will never, in reality, come to fruition? I see a future of ever-increasing and ineffective berms, taller trees, and an unhappy public. The money and time and energy fighting each other has been wasted, except on Mr. Frattalone. He's the only one buying up land where he knows, and McComb knows, and we should know there is a future. Is it going to be the Columbus future stated in our press release that promised that we would analyze the application to ensure that it's consistent with the City's long-term goals? Or will we adopt Mr. Frattalone's goals for our future, where we will tag along for the ride, wherever that might take us? We all know the story of Walt Disney, where he bought up large amounts of land on the sly in Florida, to develop Disney World. Mr. Frattalone is not Walt Disney and we are not getting Disney World. Bituminous Roadways is not the Magic Kingdom, and its silos are not the turrets on Sleeping Beauty's castle. No, we are not asking for Disney World. We are asking for the chance to be creative and proactive and forward-thinking, similar to what the City has accomplished in the welcoming video in our City of Columbus site, in our offer of free help to new businesses. If we choose to have a developer, let's find one who sees the same vision for Columbus as stated in our Comprehensive Plan and our ordinances. Please don't splice in Bituminous Roadways onto our 'Come to Columbus' video. We the people of Columbus have awakened to the needs of our city in the face of a very ill-advised, controversial, and defining decision. There are now citizens who are willing to cooperate with you to carve out the destiny Columbus deserves. No host fee or oblique direction from a developer is worth choking out the opportunity for real growth now, in our tax base, and destroying our unique community character displayed in the I-35 corridor. In conclusion, to the City Council, I speak to you as one of your concerned constituencies. We have proven we have a legitimate, sizable voice, and we are willing to cooperate in developing our City along parameters previously mentioned. We understand Columbus must prepare for the inevitable influx of population and development. We love not being annexed to Forest Lake. Thank you. We recognize and applaud your efforts in attracting a desirable additions to our City and hope we are allowed a chance to explore alternatives

before this pivotal decision. We can retain our rural character and still have an understanding that businesses of like mind will bring prosperity and help support our tax base. Don't let Mr. Frattalone and Bituminous Roadway manipulate us into a hasty decision that will pigeonhole us into a place where we cannot fulfill our destiny as a small but cohesive group of citizens that can have it all if we work together. To the Planning Commission, maybe your vote on the current CUP won't stop the Council's approval, but you can send a message: This is not what Columbus is about. Please do not recommend approval of this CUP. Again, we're counting on you. I would also like to make one more comment. And that is that, um, you discussed something with Barb Bobick a few minutes ago. And I just want to know, you to know that, you know, she wouldn't say it, but I have to say, the, it was in regards to Bituminous Roadways. It was one of our Council members that came to her and said to her, and some of your other people in this community, that we were too late, and that, that, um, we, we had had our chance. And this was on August 2<sup>nd</sup> 2017. Thank you.

**Sternberg:** Thank you.

**(applause)**

**Sternberg:** Number 18. Eighteen.

**Hegland:** You're a tough act to follow Shelly. I'm gonna have to call in some lifelines here to spend my, extend my, uh, time. So I need at least three of you guys.

**Unidentified voices offered time.**

**Hegland:** Okay. I heard it. I don't want to hear that beep in three minutes.

**Sternberg:** I got a few left up here, so, you're good to go.

**Hegland:** All right. My name is Janet Hegland, and I live at 14025 Julliard Street North East, in Columbus. The fifth habit Stephen Covey wrote about in The Seven Habits of Highly Effective People was to seek first to understand, and then be understood. So, like most people, I tend to seek first to be understood, because I want to get my point across. We are all guilty of this to various degrees, and, unless we consciously choose, um, another path, um, . . . So I'm going to frame my testimony with this mindset in trying to understand the Council and the Planning Commission's point of view on this matter, and align or contrast this view with those of the citizens who are understandably weary of this proposal. The two reasons I have heard for motivating, that are motivating the Council towards accepting this proposal to build an asphalt plant on the triangle of land between the two I-35 interstates is to bring much-needed revenue to our city, and to help a private citizen sell their land. I would like to hear the rationalization as to whether it is the City's responsibility to help a private landowner sell their property. I think most of us would consider that a conflict of interest. So, let's talk about the revenue aspect, because at least we can all agree that this would be a good thing. According to the figures provided in the McCombs Report previously—and this was submitted to the Council, and also from his testimony on the 11/15 public

hearing—the net impact of tax revenue to the City, from the combined asphalt/concrete facility is 21,600 dollars. Um, so please note, this is without the concrete facility, which is a phase 2 in the CUP. Without that concrete facility the net revenue is 9814 dollars. Compare this with the City’s tax revenue of the Holiday gas station, which is 16,230 dollars or of Gander Mountain, which is 106,832 dollars. Mr. McCombs noted that in a recently constructed one-hundred-thousand-square-foot light industrial building on 6.75 acres in Blaine, if that were located in Columbus, that would generate for the City 74,000 dollars. It appears that there could be other businesses that would generate the same or more tax revenue than the asphalt plant without the negative impacts on the community. This is acknowledged in Mr. Peterson’s January 10<sup>th</sup> letter to the Council, where he proposes to pay a voluntary estimated 75-thousand to one-hundred-thousand-dollar annual reimbursement to the City. Note that this would only start once the facility reached full production, which is estimated to be, uh, 12/31/19—two years from now. At least that’s the date that was provided in the letter. And the actual amount would be based on tonnage of asphalt produced and concrete crushed annually. So there is a potential that it would be less than what is projected in the letter. But what is more troubling to me is that this is billed as a reimbursement of administrative expenses in connection with issuing, administrating, and enforcing the conditional use permit, and monitoring and inspecting the project. A reimbursement is not revenue, folks. It’s a payback of expenses already incurred, usually at a one-to-one ratio. So I don’t think we should include this as a payment of revenue. Excuse me?

**(unidentified voice)**

**Sternberg:** I got it.

**Hegland:** Oh, great. Um, uh, we shouldn’t include this as a payment as revenue if we presume that the City’s incurring these administrative expenses first. That would be a break-even scenario. The fee is not continuous. The fee, um, it would be suspended once Bituminous Roadways is required to pay any utility project costs until those costs are paid in full, but no time frame is provided. So my questions to better understand the Council or the Planning Commission’s position on revenue generated is, ‘If this is a reimbursement of administrative expenses, what are the actual expenses that are being incurred by the City?’ so that we can better understand what the margin is if there is any. Is it legal to call something a reimbursement if it’s not actually reimbursing incurred expenses? And, from a tax standpoint, which is truly recurring revenue, wouldn’t another type of business—even a gas station--be a better economic choice? In addition to the minimal revenue impact, one has to consider the potential decreasing property values. From the Cushman and Wakefield diagram provided in the CUP, there are 403 households or 1284 people within a two-mile radius of the proposed plant. This circle encompasses three communities: Columbus, Lino Lakes and just the edge of Centerville. So, the impact on, is also on our surrounding communities. The Blue Ridge Environmental Defense League documented a 27-percent decrease in property values loc-, um, located on—sorry, 27-percent decrease in property values on homes located within a mile of an asphalt plant in North Carolina, Pineola –I think that’s how you pronounce it. This is based on a tax, on tax assessor documents from between 1995, when an asphalt plant was small and outputting 150 tons per hour, and 1996, after the asphalt plant had increased capacity to

325 tons an hour. Tax officials in that county confirmed that the plants increased production did prompt the county to reduce the property values. The brochure, um, included in the CUP for the Gen-Cor Ultra Plant states that it's capable of producing between 150 to 800 tons an hour. I'm estimating, based on the projected annual reimbursement, which is based on tons of asphalt produced, that BRI is planning to operate at at least 350 tons an hour. Mr. Peterson also included a letter from Jeff Meehan of KW Commercial and BRI Supplemental Materials addressing the property value question. Mr. Meehan compared property sales located within a one-mile radius from an existing asphalt plant and compared that to sales of comparable properties in a one-to-four-mile distance, um, from the existing plant. While this is interesting data, I have two concerns: First, there is always bias when a reporting body is paid by somebody to do an analysis where a certain outcome would benefit that funder. In my world of medical research, where I work every day, this is why industry-sponsored clinical trials are viewed with far less confidence than government or foundation-sponsored clinical trials where there is no motivation for a particular outcome. The other issue I have is that this is not a before asphalt plant/after asphalt plant comparison, and the control group, which is only located one to four miles from the plant, would still likely see a negative impact to their property values just, just from proximity to the plant. So there would not, so they would not differ greatly from those that were within the one-mile, and that would, um,-- oops, sorry,-- difference, uh, in value for the control groups, and houses within the one-mile would not differ greatly, and would be dependent on how many control-group properties are within the one-to-mi—one-to-two-mile zone versus the three-to-four-mile zone, and none of this detail was provided. So, it's suspect. The loss of property values also impacts our property-tax revenue in the City of Columbus. In using an average home value in Columbus and lo—and the lowest percentage loss figure of 27%, that translates to more than 76,000 dollars per affected household. Now I don't have access to the number of, uh, those 403 households that are in Columbus versus in, in Lino Lakes, but you guys do, so do the math, and determine what the potential is for decreased property taxes collected. So we can probably agree to disagree on the magnitude of the impact on property values, but I think we can all agree that it will not increase anybody's property value, and it will likely only be neutral to those located more than three miles away. So, for the 400-plus residents in the two-mile impact zone, there will be an impact, lightly, likely negative, depending on where you are located in conjunction to the plant, and to the County road with the 500 to 800 daily truck traffic servicing that plant. There are also legal ramifications to the City related to this concern. In August 17, 2011, an attorney named John Lang published a report in Finance & Commerce, uh, titled, "Lost Real Estate Value at Issue in Zoning Cases." In this article he states, 'When rezoning decreases a property's value, owners think they should be compensated.' He cites two Minnesota cases: DeCook v. Rochester, and McShane V. Faribault. As these two cases were upheld in the Minnesota Supreme Court, and when the amended ordinance was designed to specifically benefit a public or governmental enterprise and cause substantial and measurable decline in market values of the property, the court ruled that it constituted a compensable taking and the judgement was entered in favor of the residents, so please keep that in mind. Lastly, I seek to better understand the impact on this plant on our economic development opportunities for Columbus. The McCombs report states, 'Asphalt plants and concrete batch plants are industrial plants with large piles of sand and aggregates: rubble, concrete and asphalt, and crushed concrete in piles up to 50 feet.'--although they know that in the CUP it's 35, in this

application. ‘The image is completely different from that of typical industrial buildings. These large piles will be the signature gateway image to Columbus on I-35E. They will clearly identify Columbus as an industrial area. This image will affect future development in the freeway corridor.’ And he goes on to state, ‘The freeway corridor is in a position to capture a growing portion of light industrial development in the northeast market area. Competitive light industrial land is being absorbed in communities south of Columbus, enhancing the location of light industrial land in Columbus. Columbus is in the path of development.’ And he quotes Mr. Jon Rausch of Cushman and Wakefield. In a public hearing on June 21, 2017, where Mr. Rausch commented on the light industrial development in Columbus, and in quotes, ‘That is why Frank and I bought this property. We believe that the industrial companies are going to be proceeding up 35W and 35E. It’s coming because they’re out of land in Blaine, so this light industrial zoning I think will, will start to get some development.’ Which brings me to Columbus’ Comprehensive Plan, and the detriment this plan will have on that vision. In that Plan we state that the conflicts bet—I’m sorry—in that Plan the conflicts between the approved text amendment and the proposed asphalt plant, um, are as follows: the Plan calls for light indust- industry, industrial uses to be without visibility from I-35. This is a major concern for our, for us citizens. The proposed asphalt plant, regardless of the changes the City made to the light industrial zone definition, is highly visible from I-35. The light industrial district, as defined in the Plan, will now be inconsistent with that in the new zoning language. We’ve looked into at least 15 other municipalities that have asphalt plants. None are in light industrial districts. And this is also stated in the McCombs report. The definition of the light industrial district in the Comp Plan does not include a heavy industrial use, such as an asphalt plant. The Plan policy is to intensify commercial industry along the Lake Drive to maintain the rural character of the City and to be compatible with the adjacent residential properties. This asphalt plant will be right next to residential properties – within 350 feet of some. The owners of the plant rejected the Lake Drive location, because they didn’t want the expense of hooking up to utilities. The zoning ordinance language changed that to allow a phase-in to connection to the utilities in the light industrial zone, to accommodate this business. There are major incompatibilities with the proposed location of the asphalt plant in the I-35 corridor and the existing and future residential properties. Future development of multi-unit housing in this area will cease with this asphalt plant, and the developer for current senior housing and development, currently under construction, adamantly opposes this plan. They would not have chosen that location had they known the plans for the asphalt plant, and this letter is on file with the City. This will work in opposition to the mandate I heard for the new Comp Plan from our City Planner, which is for Columbus to expand its multi-unit housing options as well as for lower-income housing options to accommodate increased population projections. Developers are not going to put residential units next to an asphalt plant. They wouldn’t be able to rent or sell the units. And it made me sad to hear Mr. Sternberg reflect in an earlier meeting that there are no affordable housing in, in, uh, Columbus that our kids could afford, and therefore they won’t--

**Sternberg:** You’re out of lifelines too.

**Hegland:** Pardon?

**Sternberg:** You're out of lifelines, unless somebody else wants to donate.

**Hegland:** I need another lifeline.

**Unidentified:** You've had three, right?

**Hegland:** Yeah.

**Sternberg:** Uh, three, yeah.

**Hegland:** I've only got about two minutes left.

**Sternberg:** Uh, nine—nineteen through 24.

**(unintelligible)**

**Hegland:** Okay.

**Sternberg:** What number? Twenty-four? Okay.

**Hegland:** It made me sad, um, that Mr. Sternberg reflects that there's no affordable housing in Columbus and our kids could aff—that our kids could afford, and there won't be any if the asphalt plant goes in. Finally, we can hardly develop a pedestrian-friendly development standard when the CUP for an asphalt plant estimates 500-800 three-axle dump trucks racing up and down the only road that leads to the freeway. It'll be difficult enough for cars to compete on that road, let alone pedestrians. So this is what I'm asking of you. This is a complex issue that has not been adequately discussed or researched by the Planning Commission or the Council. It has long-range implications for the City from an economic development and quality-of-life standpoint. Don't rush a decision. Do your research. Consider other points of view from non-conflicted parties. Crunch your numbers. Consult with the Met Council. If, after you've done that, if, if the pros still outweigh the cons, then you can bless the CUP with a clear conscience and we can talk about what conditions should be added to provide adequate oversight and protection.

**Sternberg:** Thank you.

**(applause)**

**Sternberg:** Number 19? Nineteen.

**Logren, A.:** Nineteen.

**Sternberg:** Thank you. Welcome.

**Logren, A.:** Mr. Chairman, Commissioners, I'm Arlen Logren. I live at 14063 Furman Street Northeast, in Columbus. I've been a resident here since 1981 -- 36 years and, or more. Um, I know that there has been an appeal filed on the Council's, uh, decision to approve the text amendment to the ordinance. I do not understand that the Council, the Council and the City has complied with the ten-day notice period for a hearing on that appeal. And I'm wondering where we stand and whether this body has any authority to move forward any further on approval of a CUP when there is appeal pending. Uh, the appeal was, uh, dated January 11, 2018 and delivered to the City Clerk on January 12, 2018. Unless that appeal is heard and a decision on that appeal, uh, is rendered, no further action can be made on the CUP that you are asked to decide. Uh, it's in derogation of, uh, the Statute, uh, and 462.357, and it's in, uh, derogation of the appellate process. It denies due process to the appellants and it's arbitrary and capricious. No action on the CUP should proceed at this hearing. Moving ahead would invite legal proceedings—proceedings to interrupt the process until the appeal hearing has taken place and a considered opinion has been rendered on that appeal. Moving ahead to the substance of my remarks—and I'm wondering if the Council or the City has even presented the appeal to the City Attorneys and whether any action is being taken to set up that appeal, that hearing. Um, the asphalt, asphalt plant is wrong for Columbus. The overwhelming majority of the registered voters, uh, in Columbus agree it's wrong. No matter how wonderful a business and necessary that business is to society, it is wrong for Columbus. The area in Columbus where it's planned to go is not the right place. Um, it is not a net moneymaker for Columbus. If you recommend this CUP without substantial safeguards built back into the CUP, uh, any action by the Council approving this on your recommendation can be perceived as an unconstitutional taking, uh, that can ultimately cost the City of Columbus much more than any host fees or other cash inducements made by Bituminous can ever cover. Any action approving the CUP by the City Council, on your recommendation, will be viewed as a regulatory taking. Uh, this is not the way, even temporarily, to address any City cash issues. Uh, please do not, uh, recommend the CUP. Even with strong safeguards it is just not right for Columbus and its rural nature. But, also, the monetary cost of what can be considered a regulatory taking. Thank you for your time. Please do what is right.

**(applause)**

**Sternberg:** Thank you. Number 20? Number twenty. Number twenty. Patrick Stevens.

**Johnson:** They gave that up.

**Krebs:** I think he donated his time. He donated it to the other . . .

**Sternberg:** Twenty?

**Johnson:** Twenty and 24.

**Krebs:** Yeah. Twenty and 24 gave up their time.

**Sternberg:** I have 24, not 20.

**Stevens:** Could I have 30 seconds?

**Sternberg:** I, I haven't used your time on anybody, so knock yourself out.

**Stevens:** Okay. I'm here, uh . . . Thank you. Thank you for saying that, Counsel. I'm actually here, uh, as a Hugo resident. Uh, we moved to Hugo five years ago. Uh, quality of life. We live on two and half acres, and we have deer running through our backyard. We are five miles away as the crow flies, direct line to your proposed plans. And I don't care what you say about the safeguards and what the company wants to tell you, there are enough studies on environmental pollution and the toxic effects of emitting powerful chemicals such as, uh, formaldehyde and benzene into our air. My children run around our back yard. There's been a lot of talk today about being a good neighbor. I'm here to tell you, Columbus, right now, the actions you're taking are anything but a good neighbor. You've got your own citizens to think about and care about. And it's right, they're right: their property values if there is takings of land, when you destroy the economic value of a home to the point it's considered a taking by law, therefore the City of Columbus, there's going to be compensation if they find that. You've got neighbors to think about. Not, in addition, we are adamantly opposed to this. This is not okay in our backyard, we did not move here thinking we're gonna be five miles from a toxic pollution-emitting asphalt plant. Want to let you know, that's our opinion. There's a lot more where we came from guys. We're just getting warmed up. There's a lot of people that have just begun to hear about what you're proposing to do. Thank you for your time.

**Sternberg:** Thank you.

**(applause)**

**Sternberg:** Oh yeah, you . . .

**Krebs:** Could we just get your name on the record?

**Stevens:** Yeah. Patrick Stevens. I'm an attorney and a resident of Hugo, Minnesota. Thank you.

**Krebs:** Thank you.

**(applause)**

**Sternberg:** Twenty-one. Number 21.

**Eigner:** Okay, for the record, my name is Ed Eigner. I live at 21221 Everton Avenue, Forest Lake, Minnesota. So I am not a resident of Columbus. And, in the interest of full disclosure, I am a member of the Forest Lake City Council. I'm a past member of the Planning Commission of Forest

Lake. I am not here to represent the Council or the City in any way. I am here as a taxpayer and a resident of Forest Lake. So, with that on the record, I would like to say that as a past member of a planning commission I understand what your task is and what you are expected to do. Now you do have some guidelines; you have a Compre—Comp Plan that clearly this asphalt plant does not fit. And in all the training—I believe you were trained by the League of Cities—you should use those tools. There are past members on this Planning Committee, yourselves, that had input into that Plan. It's a very good Plan. And it was zoned as light industrial. I agree with the previous statements: This is not light industrial. I will not rehash all the safety things. You've heard this backward, forward, every which way, and that's a matter of personal preference, as you as residents of Columbus. What I am pleading, what I am asking is that what you people do in Columbus will have a huge impact of what this corridor is going to look like, coming to your community and my community. It's also going to impact property values, as has been stated. It's going to impact the environment. I live on Clear Lake. No one's talked about water. No one's talked about lakes. This stuff is in the air; we certainly don't need more pollution. What worried me was when the engineer was up here talking, there was one word that stood out to me. And when he talked about, 'These things can't happen . . .' And the word he used was 'if'. That's a mighty big 'if'. These things can and will happen. And the question is: What do you want your community to look like? You are charged up there as members of the Planning Commission, to represent your community. Those are the tools you need to look at. You need to say, 'What is best for my neighbors, the people that I live with, and the future of this community?' And I would think if you look in the mirror, and you say, 'What am I supposed to do?' When you advise that Council, you need to be perfectly honest with yourselves and not be a personality contest and say, 'What is most popular with the Council?' That's the least of it. What does your community want? What fits your Comp Plan? And those are the tools you should look at; those are the tools you should use when you make your decision. Thank you.

**Sternberg:** Thank you.

**(applause)**

**Sternberg:** Twenty-two?

**Olson:** I have 22 and 23 if I go a little over.

**Sternberg:** Okay.

**Olson:** (unintelligible)

**Sternberg:** I will.

**Olson:** Name is Tom Olson. I live at 13332 Lyon Street, Columbus. I've been here before, and after the last few people I'm surprised we're even continuing. What I want to talk about is the traffic study, the CSAS or AH-54 study. This information I have is from Anoka County Highway

Department; the Spack Consulting from the, one of the CUP Appendix J; McCombs Group; MN-Dot. Traffic volume is not the only consideration. As you can see from the, uh, MN-Dot Vehicle Impact Comparison that I have up there (referring to overhead). Wear and tear and dollars and down-time to maintain a road need to be included. I'm going to give you a little high-level background on how the highway department calculates the cost and design life of a road. They use a tool to calculate an ESAL, the E-S-A-L value. You can see a car equivalent of one. You'd have to have for a three-or-more-axle truck the equivalent would be 163. In other words, one truck down the road's equivalent of 163 cars. I, I talked to Anoka County Highway Department; they gave me some following analysis I asked them to run, and they provided this. For 260 trucks per day--they used single-unit three-and four-axle trucks for their calculations, and this was a few things. And I'll just bat 'em around here. The current design of the 54 is for 800,000 ESALs. If you were to have 260 BR truck-trips, if it had been designed for that, they would have had to design it for 1.2 million ESALS. The road improvement cost to do that would have been approximately 200,000 dollars for just the County Road 54 going north. They didn't give me any cost estimates if they were to do that going south. Right now the road is about seven years old, with current usage of about 35 percent, which, uh, they've used up 280,000 ESALs. And, if they predicted a current--a lifespan of 20 years is what they work with. At its current design of 800K, and using the ESAL values with the, uh, 20—or the additional trucks that are gonna be under that timespan, it's gonna go down from 20 to 15 years. That doesn't mean the useful life of the roadway will go down, but it just means it could, uh, be there or it could have to be repaired a lot earlier—in their case, you know, four years earlier. That's maintenance costs. I've got another one (referred to timer ringing).

**Sternberg:** I know.

**Olson:** And if you remember that a CUPs-backed consulting study the peak road trips is 520, so you can double that. Now, these don't include 13-hour, six to seven, per the ordinance, or the additional hours for weekend traffic for required projects or, if you were to add a future concrete plant, which would add another 244 trips average and 488 trips per day. That would—and the second study they did for me was if they upped that number to 500 per day. There it would cost an additional 100,000 dollars to, and reduce the road life from another two—by another two years, to 14 years. So if they add all these together, you could be seeing a thousand trucks between the asphalt company, and if they put a future concrete batch plant in there, that's another big hit and a lot of dollars to maintain that road; there'd be major things that would have to come from that. In conclusion, the BR traffic count on CSAH-54 may be under the design capacity, but that doesn't tell the entire story. All traffic isn't the same. A car does not require the same road upkeep as a three-or-four-axle truck. The taxpayers will be on the hook for all this City—or all the improvements and upkeep. The road's gonna be under repair more often, and as a single access road to the businesses there, it will have an impact on their customers. It's the wrong location. The Planning Commission should take more time than just tonight to review all of the testimony that you've heard. And fix this audio for the other people; sometimes it doesn't work. Take your time.

**Sternberg:** That's it. Thank you sir.

**(applause)**

**Sternberg:** Well, that's the end of the list, so I'm gonna close the hearing with the right to reopen if it become necessary.

Hearing closed at 8:30 p.m.

Respectfully Submitted:

Karen Boland, Recording Secretary