

City of Columbus
Public Hearing
7162 & 7222 167th AVE NE-John Arnt-IUP, Variance/Excavation
07.17.19

The July 17th, 2019 Public Hearing to consider a request by the applicant, John Arnt, for an excavation, IUP and variance request for an aquaculture fish pond was called to order at 7:20 p.m. by Chair Ron Hanegraaf at the City Hall. Present were Commission members: Kris King, Pam Wolowski, Barb Bobick and Jody Krebs; City Administrator Elizabeth Mursko; Haila Maze; City Planning Technician Ben Gutknecht; and Recording Secretary Rochelle Busch.

Also in attendance were Mayor Jesse Preiner; City Council Members Denny Peterson, Shelly Logren and Janet Hegland; Richard Kowarsch, Vern M. Osterbauer, Rodney Kowarsch and family, Dan Mike, John Young, Erin and Ryan Zwonitzer, Bradley Boudreau, Tom and Carol Mike, Bill Sieben, John Arnt, Mark Huus, Cecelia and Peter Neihart, Phil Hoey and Tom Palmquist.

Hanegraaf: Item number 9 on the agenda, public hearing and discussion 7162 and 7222 167th Ave NE. John Arnt Excavation, IUP, and Variance request for aquaculture fish pond. Rochelle, could you read the public hearing on that? I mean the public notice on that.

Notice was read at this time by the recording secretary.

Hanegraaf: Thank you. Could the applicants come forward? That would be Mr. Arnt and Mr. Kowarsch? Could you state your name and addresses again?

Arnt: John Arnt. 7162 167th Ave NE. Forest Lake.

Hanegraaf: Thank you. You might have to pull that mic up there Richard, a little closer.

Kowarsch: Rich Kowarsch, 7222 167th Ave.

Hanegraaf: Okay, well just as you probably heard the other public hearing, we'd like you to explain what you plan to do. We got all the literature, but the public out here would like to know.

Arnt: Well, there's two existing ponds there right now. And there not deep enough for fish. So, I have the connections through the business that I worked in for 40 years to clean them out and trade the material for the excavation of the ponds. So, that's what we've been working on for the last 2 ½ to 3 years. We've went through the Army Corp of Engineers, the State of Minnesota, the DNR, the Rice creek Water District, Anoka County, and now we're here at Columbus Township.

Hanegraaf: Mr. Kowarsch, do you have anything to say on this?

Kowarsch: Pretty much the same. I've been out there 47 years, so. Ponds have been there since I've been there, so.

Hanegraaf: Okay, so your trying to make 2 ponds into 1 pond?

Arnt: Correct.

Hanegraaf: And one of the ponds on your property Mr. Kowarsch?

Kowarsch: Both of them are partially.

Hanegraaf: Both of the ponds are kind of...

Kowarsch: Partially on mine.

Arnt: On both of our properties.

Hanegraaf: Oh, it's in between.

Kowarsch: Yep.

Hanegraaf: Okay. I guess I, you know, I read through a lot of literature here and I'm sure all of the commissioners here have read through a lot of stuff here. And did you have a starting date on this?

Arnt: Well we have to get the permit first. So, I've been working on her for, like I said, 2 ½ to 3 years and as soon as we get a start, or the permit approved then we can find a place where we need the material.

Hanegraaf: You know, I was reading through this and I couldn't, this is kind of out there in a question, but you got to haul the material off the property?

Arnt: Correct that's what the Army Corp of Engineers and the Rice creek Watershed wants us to do.

Hanegraaf: So, my idea is, how come you just don't haul it over to Mr. Kowarsch place and...

Arnt: Because they don't want us to stock pile and material on site and move it at a later time.

Hanegraaf: Are there any neighbors real close that would want it?

Kowarsch: We boarder each other right next door to each other, the ponds are between us. And in between the ponds there's a part of woods there, that's where they want to make a channel to try and tie them together.

Hanegraaf: Okay, well, what side should I start on? We'll start with you Kris.

King: Thank you for letting us tour your property the other night. You say you started on this 2-3 years ago?

Arnt: Correct.

King: Okay and I do notice on the Minnesota Wetland Conservation Act the notice of decision, that it does talk about you have to haul the dirt off right away, or the sand.

Arnt: What was that? I...

King: That you have to haul the sand off right away?

Arnt: Yes.

King: And that document is dated 1/7/2019, so that was last January. My question is, knowing that the ordinance at that time with the City was with the hauling, why did you not come in for a variance at that time. Because right now, it's your, you have this in place, that you have to haul the sand off, in order to do this. Yet, most of these are based too on, approval of City ordinances and state.

Arnt: Well I originally started this project in 2007, when we were going to haul the material to the horse track. And then we couldn't get the permits through all the government agencies, so we let it go for a while. And then when I had time off of work, I decided to get back at it and try to get it all resolved. So, this has been going on since 2007 originally. And I started back up 2 ½ - 3 years ago.

King: And the ordinance for the mining, is what, since 2016, I believe for hauling on non-arterial roads?

Arnt: Yep.

King: So, I just, I question that. Its like, the cart before the horse. So...

Arnt: Well, I got the original set of paperwork for it if you want to see it.

King: No. I'm just going by what's in front of me. And I just, with the dates, you know, I question why you weren't in earlier applying for the variance to be able to haul.

Arnt: Like I said, at the time I didn't have time. I spent a lot of hours trying to get this through. Going through all the government agencies. I mean it took 2 years alone just going back and forth with the Rice Creek Water District. And the Army Corp of Engineers approved it right away. The DNR approved it right away. The State of Minnesota approved it within 2 weeks. So...

Wolowski: I think what Kris is asking is why did you start with them and not with the City, to find out if the variance, is that what you were asking?

King: Yes, sorry should have made it simpler.

Wolowski: I think that's what she was asking.

Hanegraaf: Are you done Kris?

King: Yeah, for now.

Hanegraaf: Pam?

Wolowski: Well, mine would go more about the hauling. We've had quite concerns when Sherco did their first run on their first phase out on Thurnbeck Farm. They took a ton of sand out of there and so we kind of looked at that ordinance a little bit. But that's a lot of trucks for quite some time. I'm interested to hear what the neighbors will have to say on that.

Hanegraaf: Okay. Jody?

Krebs: A couple questions too. You say you're going to and thank you again for letting us tour also. This is going to be a solely recreational pond?

Arnt: yep.

Krebs: Just for fishing for you, your family, your neighbors.

Arnt: Right.

Krebs: No other entities, like fish sales? Harvesting fish?

Arnt: It would just be from people in our neighborhood.

Krebs: So no commercial fish sales?

Arnt: No.

Krebs: And, you know, you've read the mining ordinance for the hauling restrictions on the arterial roads?

Arnt: Yes, I have.

Krebs: And then, I'll have to come back. I can't find it. I know what I'm looking for, but I can't find it.

Hanegraaf: Okay. Barb?

Bobick: Yeah, my concerns are just the size of the excavation. 16,000 cubic yards.

Arnt: Yeah.

Bobick: And the average dump truck, large one, carries what, 10 cubic yards?

Arnt: On the average, like 12 yards.

Bobick: Yeah, so I'm concerned really for your neighbors, because that's going to be a lot of truck loads. I know you said you were going to have just 3 trucks there but if you figure 25 trucks a day, that's only 250 cubic yards a day. And you have 16,000 cubic yards.

Arnt: I had all the neighbors up and down the street sign they all agreed, they were all fine with it.

Bobick: Did you explain how many truck loads?

Arnt: Yes, I did?

Bobick: Over a thousand trips? Because it doesn't say that in the paper work that we have. You know, that you had them sign, it just says that you said there will be 3 trucks there and I didn't see anything about the 16,000 cubic yards. I know one of your neighbors is very concerned about the noise and the dust and the truck traffic, that's adjacent to both of your properties. And he's also very concerned about his well with the dewatering I guess its what you call it?

Arnt: Yep, dewatering.

Bobick: Yeah, and how do they control that? How do you control where the water comes from when your dewatering?

Arnt: Well they put well points down. I contacted Blake Dewatering, we worked with them for years. They put these sandpoints down, they only go down 20 feet into the ground water. The average well is over 100 and some feet deep in the area. It will not affect their well. So, I've talked to 2 different well companies. And they both agreed, and Blake Dewatering told me the same thing and they said if there is a problem, we just shut the pumps off until we resolve it.

Bobick: But then your neighbor would have to go without water...

Arnt: No, they wouldn't, the water would come back within an hour or a couple hours.

Kowarsch: These ponds are only about 4 driveways west of Potomac they aren't going way down the road, just about 4 driveways down.

Bobick: What about their concerns about the noise and the dust and the truck traffic?

Arnt: Well it's no different than on the blacktop road.

Bobick: Well, except they, that's their neighborhood. Its residential area.

Arnt: Right, like I said, I went, and I had 17 neighbors sign that petition that they all agreed on it. They're all for it.

Bobick: I guess...

Hanegraaf: I just want to clarify something, you said that the U.S. Army Corps of engineers approved it?

Arnt: Yes.

Hanegraaf: I thought they said they had no jurisdiction over it.

Arnt: They approved it and then they wrote a letter that they have no jurisdiction over it.

Hanegraaf: So, I just wonder how you approve something, and you have no jurisdiction over it, that's all. Just for the record. They had nothing to do with it in other words.

Arnt: No, I met with Brian Yagle several times and he was all for it. And when it, he read all the regulations and stuff he wrote a letter that they have no authority, but they approved it.

Hanegraaf: Okay, Jody did you find what you were looking for?

Krebs: Yeah, its in Chapter 9 actually and it just states that the intent of the City to allow excavation and grading and filling that does not result in unnecessary loss of upland. And it also states for residential property, recreational ponds less than 1 acre in area for that stormwater management onsite wetland restoration and replacement. So, this is 2.8 and that your looking at for that upland piece.

Arnt: Correct

Krebs: Yeah, I mean there a little bit restrictive in the residential areas as far as utilizing that...

Arnt: I don't know how residential you call it there 5-acre minimum lots.

Krebs: Yep.

Arnt: So, it's not like we're in a, like the neighbor across from Eric, I think he has 80 acres. The neighbor next to him got 160 acres and then the people on the southside of the road, they have on the average 10-15 acre lots. So, I mean there's 4 houses that we'd go by before we'd be on the blacktop. And I measured it with a wheel meter, its 1050 feet.

King: Hey Elizabeth. With the Corps of Engineers, I did notice they did say they didn't have jurisdiction because there wasn't a discharge? What does that mean?

Mursko: You know, they Army Corps of Engineers has jurisdiction of waters that lead to public waterways. And although they don't have a map, they kind of make a decision based on whatever criteria they have in that office. We're due to have a map out, so it's a little bit more clearer. But in this particular case, I think they made a determination that this particular pond did not lead to a waterway that they had jurisdiction over. And I think that overall looking at the variety of different jurisdictions, I think that when you look at a particular project and when your looking at a project and when the different jurisdictions look at a project, they look at the overall project and what their trying to do. And I think Mr. Arnt presented to those different jurisdictions that this was going to be a recreational pond for aquaculture and in that vein, he was able to get an exemption from the rules because in agriculture there is exemptions. With those exemptions, however, you have to haul out the sand material you can't put the fill on the property. So, you get the exemption if you meet the criteria. If you don't, if you decide to leave it be fill on the property, then you are no longer exempt. So, it depends on how you present your facts and what your project is, as to determine how your going to get your approvals.

Hanegraaf: So, I know you explained that Elizabeth, so if they wouldn't have gone this way, they could have left it, if they'd got approvals from Rice Creek or whatever watershed on that, they could leave the sand on the property.

Mursko: I think that would have been a very long process and I don't know whether he would have been able to get fill permit, because that's what it becomes. It becomes fill. And I don't know exactly what he would have had to do in order to do that. But basically, that's what happens. When we do a development project, the developer comes in and I think you have heard this before, where he comes in and says, I either have enough soil to balance my site, which means, they keep all the soil on the site, and they make their building pads and such. Or they have too much or too little. They have to truck it off or bring it on. Because they can't balance the site and make the storm water ponds. So, the rules are very similar if your doing a straight excavation project. Here Mr. Arnt presented his project as an agriculture pond and that's what he wanted to do. And so that becomes an exception. In the rules there is an exception for agriculture.

Hanegraaf: Okay, thank you. Well, Mr. Arnt and Mr. Kowarsch, you must know that we've passed a new code or whatever in 2017, just recently and it was the previous Council or whatever that did that there was a reason they did it. And pretty hard sometimes to jump over the fence and say, well now that you made this new rule, we're going to adjust it a little. I just want you to understand that it is a difficult decision to make. I mean I don't think any of us have any issues about building a fish pond. Its just the size, is what's the problem here, I think. That's my opinion. If it was a small let's dig it out and 50 trucks are going down the road maybe we could, you know look at it. But right now, I look at it and say this is a mammoth. You know, a thousand trucks going down the road. Its something that we had up farther north up on John's Black Dirt. And that caused a lot of issues. And I just laying the ground work, you must remember that?

Arnt: Yeah.

Hanegraaf: So, it's a tough road to haul up on this, you know on these issues about hauling trucks, but. Does anybody have any other questions? Mr. Arnt? Or Mr. Kowarsch?

King: I do have one other one. I see from the, there was a letter given to us and it was from the City Engineer. And at one time when you were applying for these permits with the City, you kind of applied as a recreational purpose but that in two different places, lets see, to grow market large mouth bass, sunfish and yellow perch in the local area.

Arnt: No. I never wrote that.

King: That's never been talked about? Okay.

Hanegraaf: I think I seen that too.

Krebs: I did see it too.

Hanegraaf: Somebody wrote it.

Arnt: The engineer that I was using, Wayne, might have wrote it. But,

Bobick: I think it was Postler, Dennis Postler.

King: This is from, the packet we have is from the City Engineer, from TKDA. And this was just written in there that unclear really what the project is because at some time it must have been stated that there was this for raising large mouth bass and sunfish. And the secondary purpose would be for recreational fishing.

Arnt: It was for recreational fishing. And I have a guy that was going to stock it for me out of St. Cloud. The original, Steve Pocktell (SP?) was going to do this. He was the one that got me started on the project. He passed away a couple years ago.

King: Elizabeth, do you know where this is coming from?

Mursko: I think this came from Wayne Jacobsen. One of his narratives in the, from the Rice Creek Watersheds permits. Because I don't know where else he would have gotten the language.

Bobick: It was what Ben wrote up. I think Ben included the letter in the, when you sent us the email regarding the ordinances.

Gutknecht: Was it with this packet?

King: It was with the findings and recommendations.

Bobick: Yeah, Findings of fact.

Gutknecht: And that's what were looking for now. I agree with Elizabeth it might have been from Wayne, and that might have been in one of the packets for the excavation. Something like you said in the past, that was said.

King: I'm good.

Hanegraaf: No other questions? John?

Arnt: Yes?

Hanegraaf: Rich? You got anything else you would like to say?

Arnt: Nope.

Hanegraaf: Okay just like I noticed before that the protocol is that you have a seat back in. And we can call you back up later after we open it to the public or if we have any questions.

Arnt: Alright.

Hanegraaf: Alright. Thank you. We're going to open up the public hearing to everybody and anyone that has an interest in this matter can step forward and present testimony as evidence in support of their position. And as I stated before we want you to say your name and your address. Is there anybody who would like to make a statement could you come on up? Thank you.

Neihart: My name is Cile Neihart. I live up on Vassar Street, 18516. I don't know if that matters. Anyway, I can go back over 40 years with this trucking problem. We had Johns Black Dirt. All other people here probably are in the same boat. We fought for years about this sand digging operation in a residential district. I will tell you, its been a up hill climb. I'm not sure how I stayed in Columbus Township because of that. But the boards kept letting it go and letting it go, and it kept growing bigger and bigger and bigger. Until, we had the side dumpers, and you live there too, you know the side dumpers that went by and all the hauling and the ruined roads, especially the gravel roads. Some days they didn't haul at all and other days was like a war going on out there. The noise, the dust, the disruption, the fear for the kids. You talk about the swimming pool issue right before this and the fence, were talking who's going to protect this after if the neighbor kids can come over and fish and all that. Sounds great fish pond, were big fisherman. However, I think that, I'm not sure who Mr. Arnt worked for, maybe he worked at the company were talking about, the Forest Lake Contracting. But we finally got it to a point where the ordinance was finally passed to protect the citizens that live on the residential streets and we even had to wait 4 extra years, because the former Mayor chose that number of years for them to get down, get their sand, do all there bidding, and for every truck there went in, there was stuff in it and the truck went out. So, it was always a full load in, a full load out. So were not just talking hauling out, they were bringing in. it was, its ridiculous. We never really had any success when we complained. I know things got heated many times. There's people no longer on the board because of this, the decisions that were made. They did not listen to really how bad it was down there for us. And it impacted quite a few people. A lot of people. And for anybody that says its not a problem, when your dishes are shaking

in your cupboards. My neighbors couldn't come tonight, and they said make sure you tell them about my dishes, rattling in the cupboards. Its bad and they never minded the speeds. One of my neighbors put up his own sign and tried to slow them down. I threatened to lay myself down in front of a truck one day. That's how bad it can get. So, anybody who thinks this is a simple operation it's not. And its going to go on and on and the weathers going to impact, and the time and the winter comes and their back again. You'd have respite in the winter, is the only time you'd have respite. But when the diggings going on, you'd have no respite. Even when trucks weren't hauling down on my end, I was right down on the end where the pits are, the noise almost never stopped. It was like constant running and "beep beep beep beep" and back and forth. It's a nightmare in a residential neighborhood and I just want to warn everybody that lives in that area, if you think its going to be ok, its not. And I don't know who he's going to be having hauling all this stuff. We started with dump trucks, we ended up with big side dumpers. You know, it grows and grows and grows and you can get rid of it once its grown. Its like a cancer in the neighborhood. And there are some of us that even when a truck comes down the road, the old PTSD strikes again, thinking "oh my God, they're not running". I've even called Elizabeth and said, "oh my God, there's trucks coming down the road" and here it was a septic truck or something. But that's how bad it gets. When you are, I have grandkids that I take care of and I had signs out and things that I got kids here. I've shaken my fists at them. Endless. And the road is ruined. I mean, our road is a wreck from that. And it's, they've had to keep adding and adding and adding. Until now, the driveways, mines up higher, but a lot of driveways are up on a cliff. So, don't tell me it didn't impact a neighborhood. We all know anybody here that's been around at all and should probably be aware of this issue. And I just want to say, don't vote for this to go through. I understand what the guy wants. I'm sorry I object to it, vehemently. We've got the ponds down there. Anybody could go back in there any day and drown, my grandkids anybody else's around the neighborhood. There 35-40 feet deep. The other thing I want to mention, you talked about wells. Our well sputtered every summer. We got through, we didn't have to get a new one. And we tried to say, please, you know, make them pay for it if they drain our water to where we lose it. And other, a few other people that were close by had the same problem. Just that low pressure, sputtering. Its, and the pumps running. Okay, you got to pump the water down in order to get to the sand. So, guess what runs all the time? You want to lay in bed at night and listen to a pump running all the time go for it. Its not a good deal. We were supposed to get inspections on the well that they put in. I never saw anybody down here. And I think we called and asked, and I don't know if we ever found out. I think we said we don't know whose reading it. So, Elizabeth knows what we went through, and she had to listen to it, because she was the key person to call at the time, and still is. So, I just recommend that you don't open that up again because that will leave Forest Lake Contracting open to doing it again. And he still got sand down there. In the last couple years that he had the opportunity to get the sand out, take it over to his business or where ever. He wasn't digging that much the last 2 years, and now he wants to come back and get it. And we know that, we know that. I don't know if he's here, if he'd admit to that, but I'm sure that's the plan. So, he would love to see everybody approve that this ordinance get pushed aside. And I pray to God that nobody takes that ordinance away from us at this point. Because I don't want to go through it again. I don't want to have to sell my property. And I have 10 acres, I got a nice place, peace and quiet. Its quiet this year, so I appreciate that it finally ended. But I don't, this scares the heck out of me to even think it could start up again. That was a hard-won ordinance.

Hanegraaf: Thank you.

Neihart: Okay.

Hanegraaf: Is there anybody else who would like to step forward? We have one gentleman here. State your name and your address. Thank you.

Zwonitzer: Ryan Zwonitzer, 6918 167th Avenue Columbus. John went around to the whole neighborhood. I actually went with him a couple times to meet some of the neighbors and explain to them what his plans were and everything. He did explain the volume that was coming out. He was very clear. He answered all the questions that any neighbor ever asked him. He didn't have, not have an answer to it. So, I think he was very proactive in that way. I guess my question is what do you guys consider residential and non-residential. Because Potomac Street carries hundreds of trucks daily. The only difference between Potomac Street and our street is we're a gravel road, with 30mph speed limit. Potomac is paved with 50.

Hanegraaf: That's a county road.

Krebs: County road.

Zwonitzer: Okay.

Hanegraaf: That's the difference.

Zwonitzer: But that's the same, that's still considered residential area is it not?

Hanegraaf: Right. But it's a county road. Kettle River is a county road. Broadways a county road.

Zwonitzer: I just hear a lot of talk about the excavation in a residential area. So, my question is what with truck traffic that goes down in that residential area, I get that it's a county road versus a city road. But for disturbance of neighbors, there is no difference.

Hanegraaf: You're probably right on that as far as truck noise.

Zwonitzer: I mean there are hundreds of trucks that go down there. (Unintelligible) uses that road, North pine, Forest Lake Contracting.

Hanegraaf: But they're built up. Those roads are built up a lot stronger.

Krebs: And that's an arterial road.

Hanegraaf: Yeah.

Krebs: Your city street is not an arterial road and this ordinance specifically states that if your going to mine, you have to come off directly on to an arterial road.

Zwonitzer: Okay, alright.

Krebs: And that the bottom line to this whole thing. He doesn't come off of an arterial road. Our hands are tied the ordinance states it.

Zwonitzer: And then as far as saying that you're opening up, you know, a larger space and its more dangerous for kids and people in general. I have 10 acres and 7 ½ of it is swap, I fear because of the cattails and the muck that I have in my yard. I have two kids. If that was open water, I would feel much more comfortable about that, than muck, swamp area. So, I don't see that the size of the pond being an issue I guess, just as a neighbor. So, and I think it would be a pretty cool thing to have in the neighborhood. That's all I have.

Hanegraaf: Thank you very much. Is there anybody else who would like to step forward? Okay so if no one is stepping forward. Oh, we have, why don't you wait till you're up here. Alright, now say it.

Mike: You know where I live.

Hanegraaf: I know where you live.

Mike: You know what we went through, why would you open that can of worms again?

Hanegraaf: Hold on a minute. Did you get his name and that?

Busch: Could you repeat it one more time?

Hanegraaf: Yeah, repeat it. She couldn't hear it because of the microphone.

Mike: Richard Mike, 18429 Vassar Street. There's an ordinance out there now. Why would you change it? Why would you even consider changing it? With the mess that we went through for 4 years, and you've all seen it? Why would you even consider changing it or amending it? What's he going to do with the dirt? Sell it?

Hanegraaf: Well, it's going somewhere.

Mike: You know where it's going.

Hanegraaf: Not me.

Mike: You've seen it.

King: I did.

Mike: What was it every 2 years or 3 years one of those trucks would go off the road. Why would you do that? Why would you do that for the citizens of Columbus?

Hanegraaf: Thank you. Is there anybody else that would like to get up? Seeing no one, were going to close the public hearing and open it up for discussion.

Mursko: Mr. Chair, you have to recognize 2 letters that were in your packet as part of the public hearing.

Hanegraaf: Do we have to read them?

Mursko: I don't think Mr. Flowers indicated that he wanted it read, but we can just recognize that Mr. flowers at 16524 Mackenzie Street. He was not able to attend he did draft a letter for the record, so we'll consider that public testimony. Also, we did receive a letter from John Freed. The letter is in agenda packet, in the additions. He did ask that, that letter be read in to the hearing minutes. And so, if Chair wants to read that letter or recognize that letter, certainly we can have that on the record.

Hanegraaf: You want me to read it then?

Chairman Hanegraaf read the attached letters to be recorded into the public hearing minutes.

Hanegraaf: Okay, so we have everything recorded now. Now I will open up for discussion for the Planning Commission.

At this time Chair Hanegraaf closed the Public Hearing. Hearing closed at 7:58 p.m.

Respectfully submitted:

Rochelle Busch, Recording Secretary

William J. Flowers
16524 MacKenzie St. NE
Columbus, MN 55025

11 July 2019

Columbus Planning Commission
c/o Elizabeth Mursko, City of Columbus Administrator
cityadministrator@ci.columbus.mn.us

Dear Commissioners:

I am a neighbor of John Arnt and Richard Kowarsch with my property immediately adjacent to their property, the Kowarsch property to my north and the Arnt property to my west. ***I am against*** their proposed dredging project for the following reasons:

- My concerns over the integrity of my property lines and my concerns over any damage to my property now or in the future as a result of this project. If a permit is granted, the permit should require a survey by an independent, accredited and licensed surveyor, paid for by the named parties applying for this permit, to definitively establish the limit of their property lines, and to adequately delineate and mark those relevant lines to ensure that their proposed project does not encroach on my land, even accidentally. The way it appears now is that if approved, the project workers will be proceeding by some uncertain “by guess, and by gosh” and “whoops, sorry” method, and that is simply unacceptable. Related to this are my concerns over claims of any nature, or any liability I could incur in the case of an accident now or in the future, by allowing or even appearing to allow or approve any encroachment of my property line.
- I am also concerned about the possible damage to my well because of the dewatering involved. This concern is not alleviated by the stated assurances in the proposal that this can't happen. Who pays for my well repair or replacement or for my potential lack of access to my well-water for some indefinite period of time if something should not go as expected? Is this project bonded for concerns such as these?
- Does the proposed grading of the project around the proposed pond increase the elevation of the land in such a manner as to direct future precipitation or possible pond overflow toward my property? I am also concerned that the current elevation of the pond surface might go above the normal variations encountered. Will any permit granted prohibit any obstruction or dam which would elevate the water level? Are the parties applying for the permit to be bound by any permit language to make sure that obstructions or dams be cleared so as to not raise the level of the water in the pond above those that occur naturally during the seasons of the year and at no time to be

higher than the water level in the surrounding wetland at that time? Any of these concerns should also be addressed by the language in any issued permit.

- If the permit is granted and any Oak trees have to be removed or trimmed on the applicants' property will "best practices" be followed with respect to Oak Wilt prevention?
- If the permit is granted will the proposed pond be kept free of dead fish or other products of the proposed "aquaculture," and the resultant smell, by the permit applicants or their assigns?
- I am also concerned by the broad, open-ended nature of the stated purpose of the permit application in the hearing notice. The language, "Recreational/Aquaculture Pond," covers a lot of possible uses. Does it include motorized watercraft and even jet skis? If so, what about the noise, wakes, and edge-erosion that could result? If the permit is granted, the purpose should be stated specifically and not be so open-ended. When I purchased this residential property over forty years ago I did so partly because of the serenity and seclusion, I never expected to have to deal with activities associated with lakes and rivers.
- And the trucking involved in the project is not just a few days or a week or even a few weeks in duration, but up to ninety days with a projected total of up to 1200 "truck-trips" with about 25 trucks per day within the stated hours, six days a week! The large scale of this project with the accompanying noise and disruption for this residential neighborhood is pretty severe and extreme, not to mention the noise associated with the dredging activity. I ask the Commissioners to put yourself in the place of the residents of this neighborhood of Columbus, what would your position be on this noise, this level of disruption through three of the best months of the year to be outside, enjoying the peace and serenity that has always been Columbus. While all the neighbors on 167th might be aware of the proposed fishing pond, I wonder if those same neighbors on 167th are aware of the over 1000+ truck-trips with the accompanying noise and disruption for up to 90 days that will be a necessary part of this proposed project.

Thank you for your consideration.

William J. Flowers



John and Karen Freed



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July 15, 2019

Columbus Planning Commission

Re: Arnt and Kowarsch public hearings for July 17, 2019

Dear Planning Commission members,

We aren't able to attend the hearings for this matter and wish to express our firm support for the project and approval of all three permit applications.

We have lived here since 1980 and commend the applicants as good neighbors and know of no reason that the permits should be denied.

We must say, however, that it is unfortunate that this degree of red tape is necessary for a straightforward project. For the City to require three different permits for removal and movement of the sand for the same project seems like overkill and unnecessary inefficiency. Please consider streamlining the ordinances to simplify the process and increase the application of common sense.

We request that this letter be read during at least one of the hearings and incorporated into the minutes for all three hearings.

Thank you for your consideration of our views.

John Freed

Karen Freed