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**MINUTES OF THE
MARSHALL PLANNING COMMISSION MEETING
MARCH 28, 2019**

MEMBERS PRESENT: Fox, Knieff, Steen, Edblom, Lee and Carstens

MEMBERS ABSENT: Ruud

OTHERS PRESENT: Ilya Gutman, Jason Anderson and Glenn Bayerkohler

1. The meeting was called to order by Chairman Edblom. He asked for the approval of the minutes of the March 13, 2019, regular meeting of the Marshall Planning Commission. Fox MADE A MOTION, SECOND BY Steen, to approve the minutes as written. ALL VOTED IN FAVOR OF THE MOTION.

2. Gutman stated that several apartment complexes in Marshall have recently been purchased by Suite Liv'n Company. They want to add a new apartment building at the back of the 501-517 Village Drive development. There are already 6 buildings there so the options for new building location are limited. Zoning Ordinance requires a rear yard to be 25% of the entire lot depth, which in this case would be about 100 feet. The owner is asking to reduce it to 30 feet. Several apartment buildings located on the property directly south are located within 10 feet from the rear property line, based on a variance approved in 1992. Considering this information, and the fact that adjacent property to the west is zoned A – Agricultural District and used as a cemetery, this request seems reasonable. Staff recommends approval to the City Council of the request by L2A, LLC for a Variance Adjustment Permit for reduction of the required rear yard from 25% of the lot depth, or about 100 feet, to 30 feet. Dr. Affolter, Marshall MN, asked if there is adequate parking. Gutman said the site plan shows the required parking per City Ordinance. Fox MADE A MOTION, SECOND BY Knieff, to close the public hearing ALL VOTED IN FAVOR OF THE MOTION. Fox MADE A MOTION, SECOND BY Knieff to recommend to City Council an approval as recommend by staff. ALL VOTED IN FAVOR OF THE MOTION.

3. Gutman informed that Carr Family LTD Partnership has applied for a Conditional Use Permit to allow a dog treat preparation, packaging, and distribution facility to be placed in the existing building formerly utilized by a grocery store. This building is located in a B-3 General Business District and was occupied by County Fair store until 2014, after which it has been vacant. The current owner wants to sell this building to Chasing Our Tails, a dog treat company that is looking to move from its current location in New Hampshire to Minnesota. According to Steve Trachtenberg, the owner of Chasing Our Tails, about 20% of the building area will be utilized for making dog treats and about 65% of the building area will be used for packaging, storage, and shipping, with the remainder devoted to offices and accessory uses. Mr. Trachtenberg also stated that the traffic will be relatively light, with several trucks coming and going every day. Dog treat processing and distribution is not specifically listed as a permitted use in a B-3 General Business District, according to the Zoning Ordinance. However, “other business uses of the same general character as listed” in Permitted Uses subsection are allowed as conditional uses. The proposed use resembles closely enough the “wholesale business and offices with no outside storage” category, which is a permitted use, to justify consideration for a Conditional Use Permit. Staff suggested approval to the Planning Commission of the request by Carr Family LTD Partnership, Marshall, MN for a Conditional Use Permit for a dog treat preparation, packaging and distribution facility in a B-3 General Business District as a business use similar to the wholesale use with the following

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conditions: 1) That the regulations, standards and requirements as set forth in the City Code and as pertains to the class of district in which such premises are located shall be conformed with. 2) That the City reserves the right to revoke the Conditional Use Permit in the event that any person has breached the conditions contained in this permit provided that the City serve the person with written notice specifying items of any default and allow the applicant a reasonable time in which to repair such default. 3) That the property is maintained to conform to the Zoning Code and not cause or create negative impacts to adjacent existing or future properties. 4) That no offensive odor is ever detectable beyond property lines. 5) That dog treat preparation area does not exceed 25% of the building area. 6) That any building addition or new building intended for requested use shall require a new conditional use permit. 7) That no outside storage is permitted. Steve Trachtenberg, owner of Chasing Our Tails, stated that they are a New England based dog treat company. So why is he here? It started out with a broker who has been in the meat business for 65 years. He is 86 years old and he needed a retirement plan. That retirement plan involved Trachtenberg. In October of 2018, he purchased a USDA meat processing plant in Sanborn, MN. It makes human food there every day and it is still in operation. He realized what a great community it is here; how Minnesota nice is a real thing. He purchased a home in Walnut Grove. He then purchased the Lucan, MN, locker where they do the slaughter. They make use of 95% of the animals. They are going to build up the Lucan locker to make it a USDA facility; currently it is a state facility, so he is going to make that a Federal inspection facility. He already has a Federal Inspection facility in Sanborn. Dog treats are governed by the FDA, not the USDA. He purchased a 25,000 square foot building in Tracy that was going to be the dog treat facility, but it suffered a partial roof collapse this winter. He needs to have his company moved to Minnesota by the end of May. This dog treat company has been in business for 11 years. Everything they make is edible. It is all USDA inspected and is like human food. A customer is Whole Foods, which has been selling his treats for 10 years. In New Hampshire he uses a 25,000 square foot building, of which he occupies half. The other side is occupied by 250 office employees and they don't smell anything, they don't complain. Across the street there are two nursing homes and they do not complain of smell. They bake and dehydrate their products just like a grocery store. There will be less traffic than when it was a grocery store. Trucks come occasionally to bring in frozen USDA inspected product and fresh products come from the slaughter in Lucan. They ship about 1000 boxes a week by UPS Ground, so the truck comes once a day. Pallets ship daily, which may be one to two trucks in the evening. He is the only owner and will bring 25 to 30 full time jobs to Marshall, with a total of 50 jobs to Southwest Minnesota. Edblom asked if the public was aware of the proposed Conditional Use Permit conditions. Gutman said no, they have not seen that. Edblom read all 7 conditions. Dale Howe, 901 S 4th Street, said he moved here in 1971. He said he is here to speak about the request of the Carr Family for a Conditional Use Permit to use the former County Fair property for a manufacturing and distribution business in a B-3 General Business District. Chapter 86 (Sections 86-3 through 86-5) of the City Code explains the purpose and intent of the Zoning Code. It states the chapter was adopted by the City of Marshall to promote the health, safety, property values, etc., and the general welfare of the public thru this code and to achieve the goals of the Marshall Comprehensive Land Use Plan. It goes on to say that every use and change of use shall conform to the Comprehensive Plan. Section 86-46 says a CUP may be issued for "Any uses or purposes for which such permits are required by the provisions of this chapter." Section 86-49 is the Standard for hearing. "When the Planning Commission, or City Council, is reviewing the proposed CUP, besides the special conditions provided for in each district, it shall also evaluate the following when Applicable." It provides 18 points for review. The City of Marshall Comprehensive Plan, Pg. 81, Housing, 2nd Goal includes, "Maintain a high-quality living environment in Marshall's residential

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neighborhoods.” And, the second line under Policies says to support the necessary zoning regulations to help maintain property throughout the City. The Comprehensive Plan, Land Use section, Goals #3 is “Support the orderly growth of residential, commercial, and industrial areas.” And, Policy #6 is “Design and locate industrial and commercial developments to avoid through truck traffic in residential areas.” The Comprehensive Plan, City Form, Key Elements, item #4 is “The commercial areas should be controlled so that they do not negatively impact adjacent residential housing.” The Comprehensive Plan, Land Use Plan (map), (pg. 92), shows the property in a Commercial zone. Findings: The property is in a B-3 General Business District and the proposed use is an I-2 General Industry Permitted Use. There is no provision for a manufacturing and distribution or similar use in the B-3 District list of Permitted Conditional Uses (sec 86-104). The proposed use would require rezoning. The Comprehensive Plan however, shows the property as Commercial. The property is abutting single family residential properties on two sides and within a residential neighborhood. The Comprehensive Plan, Key Elements, item #4, “The commercial areas should be controlled so that they do not negatively impact adjacent residential housing.” An industrial use will negatively impact adjacent residential housing. Trucks will be transporting material and products in and out of the subject property and travel 4th St. and Southview Dr. The Comprehensive Plan, Land Use section, Policy #6 is “Design and locate industrial and commercial developments to avoid through truck traffic in residential areas.” Summary: This request is not a candidate for a Conditional Use Permit. A manufacturing plant and distribution use is not a use listed in the B-3 General Business District as a Conditional Use. This proposed use is an industrial use as defined in the I-Districts of City Code. The proposed use does not comply with the goals and policies of the City of Marshall Comprehensive Plan in that it is abutting single family housing and a residential district and will promote truck traffic through a large residential neighborhood. Offensive odors have caused problems for other industries and residential neighborhoods, and placing conditions regulating odors is almost impossible to enforce as the City has seen in the past. Surely the proposed user will want to expand, and consolidate their operations, as their business succeeds in Marshall. Such expansions will only compound neighborhood concerns and difficulties for the company. Howe encouraged the Economic Development Commission to help their client by encouraging them to locate in the industrial park where they can grow. Howe said that he respectfully requests that the Planning Commission recommend denying the request as it is not a permitted Conditional Use in a B-3 General Business District; it does not comply with the goals and policies of the Marshall Comprehensive Plan, and the effect of the industrial use on the residential neighborhood because of inherent operations and traffic thru the adjacent residential neighborhoods. Patrick Louwagie, 514 Country Club Drive, said his property is across the street from the property that the Conditional Use Permit is proposed for. At first, he was concerned, and he did some research online and there are many articles online that list the problems that do exist with pet food manufacturing. He is not sure if Trachtenberg has the secret how to do it, but it surprises him because clearly the smell exists. Trachtenberg said Mr. Louwagie was confused since pet food is not pet treats. Kibble manufacturing does have the problems with smell. They use rendered meat meals and rendered fats and they do smell but pet treats do not. Louwagie asked what is made at the New Hampshire facility. Trachtenberg said treats; he is just moving the New Hampshire operation to Minnesota. Louwagie said he believes the process is similar and asked if there is a cooking of the product. Trachtenberg said they are dehydrating, not cooking. Louwagie said that Trachtenberg did say his business may have smoke smell and just because Trachtenberg likes the smell that does not mean everyone will. The steam will have a smell. The facility will be right in the area of a school, golf course and residential district. Louwagie likes the idea of a business coming to Southwest Minnesota, but the main

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concern is the location of the facility. At first his concern was for himself but expanded to the concern for the City of Marshall. What will the city do if they make a bad decision now and will have to deal with another problem area with smell in a residential area. That is why the industrial park area in the city was created and why that was made shovel ready for business to go. That was done for a reason and Louwagie would hope the city would adhere to that reason and keep those areas different, so the city continues to be an enjoyable place to live. Randy Fox, 508 Country Club Drive, complained about the process of notifying people and said that, as a concerned citizen, he started talking with people and realized it was sent out within a 350' radius and that is pretty limited. When he called City Officials and EDA, he was told they didn't know it was out in the public. There is a concern that no one outside the 350' knew anything about this. He did his homework and had he not, people probably would not have seen this article in Thursday paper. People are happy to have a company like this come to Marshall. When he looked this company up, it sounds like they smoke bones with marrow in and pigs' ears; how do you mitigate the smell of smoking? Trachtenberg said they do a cold smoking in a closed chamber. Smoke is a particle; you think it is a smell, but it is not, it is a solid particle so what you see is what you get. The way you mitigate it is by smoking with hard wood, not a liquid smoke; they use USDA hard hickory, and light it under a low temp, which creates smoke that is a solid particle in a closed chamber and smoke the bones, the smoke settles onto the product and not out the flue. Trachtenberg said his current building is 8 feet shorter than the one they are proposing to use here in Marshall. You can't smell it at that height there, so you won't smell it here. You won't smell that 25 feet in the air in the low volumes that they produce it. Randy Fox asked if there is smell, then where do we go. There was a similar situation with ADM. They have cut back on emissions. If there is this problem, how is it going to be handled? Looking at the surrounding businesses, we have the golf course, pool, DQ, Legion Field, the gem of Minnesota; do we take the chance to have that foul smell? If this goes through, then are we open to possibly going into Westside school if we allow a pet food manufacturing in a B-3? Randy Fox said Trachtenberg mentioned phase 2. What is that phase going to bring? Once it is in operation, he will have too much invested to relocate so let's shut it down now. This is just not the place for this as one can tell by the attendance here tonight. Randy Fox said he welcomes Trachtenberg's business in town but not in his neighborhood. He asked the Planning Commission to think about this. The City of Marshall is better than this and the citizens of Marshall are so much better than this. Kayla Speidel, 201 George Street, said there has been a lot of talk about the odor, so she won't go there. A major concern she has is that 2 years ago all the sewer lines were redone, and it was a major project, and it was set up for residential, not manufacturing. When the turkey plant was put in, there were issues with sewage. It caused massive amounts of issues. There is a difference from County Fair. They were retail, not manufacturing. No problem coming to Marshall, great idea and it sounds wonderful, but there is an industrial park that is set up for that type of business, not County Fair. Trachtenberg said they test the water and there is nothing in their water. They have grease traps, but they don't have much grease because they don't cook anything. All their chemicals that they use in the plant to clean things come from a company in Minnesota called Eco Lab. It is exactly like County Fair, they use the exact same dishwasher. There are 15 ovens, but there is no waste. Currently they have a cardboard dumpster for recycling. In the garbage that goes in the dumpster are plastic bags because meat comes in plastic. Meat scraps are ground and sold as raw diet currently. In Marshall they will be ground and turned into jerky treats. They have a new piece of equipment coming called a former. He currently operates with an 8 yd dumpster; they just don't throw anything out, that is just not good business. There is business in Marshall with a bigger dumpster. They don't use anything that is not used in a restaurant; they are like a big restaurant. A dumpster is emptied once a week and the cardboard is a

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10 yd and emptied every other week. Nicole Schuler, 618 Kendal Street, said she has a child with her because of the short notice of the meeting; she said she only found out because someone posted a letter on Facebook. Very disappointed in how people are notified. She is the Marshall area PTA treasurer and concerned with the additional traffic around the school. Yes, there used to be County Fair there and yes there was grocery traffic, but it usually was not during drop off and pickup times. She is concerned about large trucks coming in and out of that area; that is the worst school for dropping off and picking up kids. She has seen kids almost get hit and she is extremely concerned about adding additional traffic in that area; even limited is more than we currently have today.

Steven Schuler, 904 Elizabeth Street, said he wants to redirect the question about waste. It was answered regarding solid waste but what about the liquid waste and volume. Trachtenberg said less than 1000 gallons of wastewater per day. He said one puts more down the drain in a house. They don't do high volume water; they don't do clean in place. They don't use chemical sanitation, just hot water sanitation. They don't run it down the drain because it is expensive to keep heating it up to 185 degrees. So, they use recirculating dishwashers that are only dumped twice a day. They are not industrial in the sense people think. They are a French culinary kitchen making dog treats. Bill Gianelli, 300 West James Avenue, asked what was going to be upgraded. Trachtenberg said not the waterlines; they are too big now. The only thing he will be upgrading is gas. Gianelli asked about increased freezer space. Trachtenberg said yes, a 7,000 square foot freezer. Gianelli asked what size County Fair is? Trachtenberg said 33,000 square feet. Gianelli asked what the rest of the building would be used for if in his other building he only used half of 25,000 square feet. Trachtenberg said he is coming here to expand. Gianelli said he wants to know why this is even being considered. He said he understands there are dollars in the family business. He said he has been running a manufacturing business in Marshall for the last 19 years and he is out in the industrial park and there is a spot across from him that Mr. Trachtenberg could build. He understands time pressure which is also why no one knew about this. This is a hurry up deal. This should be in the industrial park; Gianelli doesn't care if he makes cotton balls, he does not want a business there that is going to manufacture anything. He asked about packaging. Trachtenberg said they hand package everything and hand fill, and they are not producing high volume. Gianelli asked about pictures of the facility and process. Trachtenberg said there are no videos or pictures of his operation due to proprietary process, patents and copy rights. Gianelli asked about business hours. Trachtenberg said they work 5 days a week for 10 to 12-hours. He said the town is faced with a building that has sat empty for 5 years. Gianelli said that is not his problem but he does not want manufacturing in his back yard. Mike Bodenheimer, 202 Donita Avenue, said he has a big problem with the City even though he spent 26 years on the City Council. He asked who is going to be drafting up these conditions and who will change them. Is that going to be one person? Anderson said that it is up to the Planning Commission and the City Council to apply any conditions that they wish on the property. He said that doesn't answer his question. He asked who the staff member will be doing this. Anderson said that the Planning and Zoning staff will write conditions with direction from the Planning Commission and the City Council if the Conditional Use Permit is approved. Bodenheimer said there was about as much thought put into these 7 conditions as there is in his cup of coffee. Bodenheimer said he owned a restaurant in Perham, MN, for 20 years and there was a dog manufacturing facility in that town and it stinks, and it is in the industrial district. Bayerkohler said he and Anderson are not members of the Planning Commission and will not be voting. He said that in the memo that was sent by staff this item is being put forward because the proposed use would resemble wholesale business; that was the justification. This company is making the product and that is what manufacturers do. Wholesalers do not make the product, they buy finished product, store it and sell it to retailers. In Marshall we

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have zoning districts and I-2 district is where manufacturing is allowed and that is what this is. What it boils down to is this: is manufacturing the same as wholesales? That is what you need to answer; it is that plain and simple. Ron Labat, 101 Whitney Circle, said this is manufacturing, period. There is a real clear definition of manufacturing in the business dictionary. It simply says the process of converting raw materials components or parts into finished goods that meet customers' expectations and specifications. That is exactly what this gentleman said they do. So, he doesn't think there is any reason to put a manufacturing facility in a residential neighborhood and call it warehousing. Rita Carrera, 103 Marlene Street, is worried about devaluation of the houses around. They pay taxes and did not move into a manufacturing place. County Fair was a retail place and was a blessing for the neighborhood; this will not be, and it will devalue the properties. Mark Lipinski, 502 Country Club Drive, said Gutman and Trachtenberg said no odor and Edblom and the newspaper said no offensive odor. Edblom said he has not said anything, he was just reading the conditions that are in front of him. Anderson said the condition put on the Conditional Use Permit says no offensive odor beyond the property line. Lipinski said that is vague. There will be an increase in truck traffic, maybe not a massive amount; however, the quickest route to Highway 23 is 4th Street and that street is narrow and has bike path on both sides. In the industrial park there are empty buildings out there. Karla Anthony, 105 Gray Place, asked if the district doesn't allow for manufacturing, why would a permit be issued? Judy St. Aubin, 205 West James Avenue, said her occupation was a Federal Safety Inspection Agent and she has worked in several plants. She understands that this processing is not the same as the slaughter plant. But she thinks Trachtenberg has over-glorified the cleanliness of this because she has looked at a lot of plants she inspected top to bottom; where they haul out, where they come in, rodent control and insect control. So yes, it sounds glorious; realistically after a few years it usually doesn't end up being glorious, depending on how much one wants to spend and how much one wants to train employees to take care of both situations. She has been through several plants opening and closing and many cases when people start up and it doesn't go well, and they are done, they are out, and many of the business people are left holding bills unpaid. She has been at Dawson; people know about Dawson starting up; there are many producers there that were not paid for their product. Trachtenberg said he takes serious offense that she is assuming that he would not pay his bills. St. Aubin said to go ahead and take it. She did not mean anyone specifically but was saying this happens a lot. She has been in Worthington and that was already zoned for it and she has been in Dawson. This may not be the case but all she was saying is to be aware this isn't always pleasant. Plus, the truck traffic on 4th Street will increase and it will devalue the properties. And there is frustration about the notification without openness and consideration. If it wasn't for the good concerned citizens, people would not have known about this. Anderson clarified for the board the publication guidelines that were followed; the City sends out notification within 350 feet of the business. Whether that is right or wrong, that is the process in the ordinance and statutes that the City follows. St. Aubin said she understand that but thinks Mr. Trachtenberg should have been fair and had a meeting ahead of time with the neighborhood and discussed this. She understands why he did not want to show pictures, but he could do a fair presentation ahead of time. She understands that there might not be odor issues, but she has real bad asthma and they have not found the cause of it yet. So, if that is in the air it could affect people suffering from asthma and it has nothing to do with odor. She does understand that cleaning in place is entirely different than the other process but there still is a proper wash down. There are problems with traffic, that is a school area and that is residential area which is not zoned for manufacturing. How much money has been spent on the industrial park out there with buildings that are empty? In the future people should not try to push things over in a hurry. Sometimes when things are hurried things don't work

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out and there are lawsuits and business people left holding the bag. FDA is not FSIS, they are different inspecting. We have a beautiful Industrial Park to consider. Anderson repeated that the City follows the policy that is out there. And the fact that people gathered here today and are present for this meeting speaks to the fact that though it isn't perfect, the public notice process did work to an extent. People did what you would expect them to do, they discussed with each other and they showed up tonight, so thank you for coming. Bayerkohler said people should be thankful to the newspaper, they are the eyes and the ears for the community, that is how we find out information. They do a good job attending our meetings, finding out what is happening and then informing the public. Edblom went over the process and said he is going to refer the process to L&O to see if there should be a change. And if a change is recommended, it will go to the City Council for a decision. He said everyone was following the rules and regulations that are in place and have been for many years. If it is time to change, they will look at it. Randy Fox asked if the City has any financial responsibility in this project. Or is it offering tax incentives or any financing to this business, an unauthorized business use in this B-3 zoning district? Are the taxes paying for this? Knieff said that according to the information he has received, absolutely not. Edblom asked Trachtenberg if he is asking for any abated taxes or anything similar. Trachtenberg advised no, he doesn't need financing or tax abatement. Louwagie said this goes back to what Bayerkohler said: this is manufacturing business, this is not a wholesale business; that is the problem. If it were changed from retail to wholesale, that would have made perfect sense for the notification. But to move to manufacturing, he would assume that has a whole different level of notification. He thinks somewhere there was a misunderstanding or an error in City staff thinking this was wholesale instead of manufacturing. Nancy Andres, 113 West Gray Place, wondered when these ordinances came into place because Schwan's ice cream used to be there. Bayerkohler said these ordinances have been in place for a long time; it could have been grandfathered in. He assumed that when staff recommended this to the Planning Commission, it was based on the assumption that this business use resembled or was the same as wholesale and if they are not the same, then the justification for their recommendation does not stand; they are justifying this on the basis that they are the same thing. Dr. Affolter said when he was on the Planning Commission in the 70's, that is when the ice cream plant burned down, there was a temporary Conditional Use Permit. He said he has been here for 61 years. So, if there is an odor, how is it going to be fixed when it is already in place. He doesn't want to change the quality of Marshall. If there is a risk that anything might cause a problem, he would recommend denial. Andres asked about the zoning of Turkey Valley. Gutman said I-2 General Industrial. Fox asked Trachtenberg if he looked at other commercial locations for availability and if this is not approved, is he out of here. Trachtenberg said no, he has not looked at other locations, but this is a public forum and he would be glad to tell in private why it has to be this building. It has to do with bank financing, with a lot of things that have no bearing on this conversation. It has to do with fitness of building, speed of which he can get in it and a whole host of things. Most buying of commercial buildings takes 90 to 100 days and he is trying to do something much quicker. He and Mr. Carr have been able to achieve that. If it doesn't go through, he is out of here. James Carr, 506 Washington Avenue, owner of the building, said Trachtenberg asked him if the building was for sale. He said it was, but it would be a process and that is what this is. It is a process where we hear people's concerns and address those concerns. Traffic will be a lot less than when it was a grocery store. Something will go in that building at some point. It will not be vacant forever. Gianelli said he can put something in there, like a shoe store, he doesn't care, but when it's cutting meat, that must be inspected. Gianelli asked Trachtenberg why he would still be interested after hearing what he has heard. Trachtenberg said because he wants to bring jobs and prosperity to the area. He has nothing to hide, there is nothing

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going on in the facility currently or in this facility that is offensive. It is about creating jobs and growth in the area and that is what he is trying to do: Trying to utilize Minnesota agriculture. He is governed by the FDA, and not inspected. It is not FSIS, he owns multiple facilities that are governed by FSIS, that is a USDA inspector that is in the facility 40 hours a week. They are welcome to come. This concept that he is going to run a different house in Marshall than in Sanborn, which is under FSIS and under constant inspection, is wrong. St. Aubin said it is not that she doesn't want a manufacturing plant in Marshall, it is the location. All the money spent by the City to provide a really good area with all the sewer and water and the streets out there. The City has worked very hard and there are buildings out there that are not occupied so her concern is why should there be a precedent and change something to allow manufacturing and then have people say you did it for one, you can for another. You have worked very hard with the zoning commission to provide locations that are residential and that are very nice, and we love to live there, why make an exception for one person. If you do, you will have to make exceptions for others and there you will sit with your industrial park. Bayerkohler said we need to remind ourselves that if approved, it stays with the land. Gutman confirmed that is correct if all conditions are complied with. Jane Fox, 508 Country Club Drive, said that grinding meat and chicken to make treats is manufacturing. Everyone knows it is manufacturing, one can say it is not, but it is manufacturing. Manufacturing needs to be in the industrial park. County Fair was not manufacturing. She asks on behalf of herself, her husband and everyone here that you all think about that: if this was in your neighborhood across the street from you, how would you feel and take that to heart. Conditional Use Permit will stay, whether he does or not, and that is very disheartening. Larry Doom, 509 Kathryn Avenue, said he probably will be the only one who will say this has a lot of merit. Look at the closing of the ShopKo building where 50 to 55 jobs were lost and this will bring 25 to 30 jobs. He feels Trachtenberg has assured us there will be no odor and there are conditions. The traffic will be less than County Fair and he feels it will do a lot for the economic development of Marshall. Louwagie said it has been determined tonight that this is manufacturing. The website indicates manufacturing, so there is no choice but to deny and run through the proper channels and rezone. Otherwise we are taking a lot on his word that this does not have a smell. The City should consider a company that will verify if there is an odor. If this commission does decide to recommend approval, it needs to make sure we are not putting the City in a situation that we cannot get back out of. Edblom went over the process and said the recommendation goes to City Council for a decision. Louwagie said he would like a condition for a smell study be done. Fox MADE A MOTION, SECOND BY Steen, to close the public hearing ALL VOTED IN FAVOR OF THE MOTION. Knieff said this notice was in the paper at least twice. He said he was a general maintenance supervisor for 5.5 years in Georgetown, Delaware. They process live chickens in one door and frozen out the other door and it smelled better there than it does here. Carstens said Marshall is built on a slew. He works over at the mall at SWWC and that pond they have there is not pleasant smell. He said Trachtenberg has clarified that there would be very little if any smell. He said if they do not meet one of these 7 conditions, the City will pull the permit and they can't operate. He agrees with Carr that there will not be a retail store that will go in there. Steen said she understands that in deciding to issue or not issue in a certain area, there are obvious things that can be detrimental, public health, morals and welfare but also it should not impair the integrity and character of the zoning district. It needs to make sense. And this is not a business that is appropriate for that area; there are appropriate buildings in Marshall that are in the industrial park which is where this business should be. She doesn't think the City should spot approve areas for business. She wants growth in Marshall too, but this business needs to be in the industrial park. Edblom asked about cooking. Trachtenberg said no cooking; low temp dehydration is not cooking.

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Edblom asked how long Trachtenberg had been in business. Trachtenberg said 11 years. Edblom asked if he has ever been written up by the city he is located in. Trachtenberg said no. Edblom asked if Marshall ever contacted his city. Anderson said we did not, but he cannot speak for the EDA. Edblom asked if traffic is restricted on 4th Street. Anderson said it is a State Aid route, it is a 10-ton road. Edblom said manufacturing may not mean the same to everyone. Knieff MADE A MOTION, SECOND BY Fox to recommend to City Council an approval as recommend by staff. Motion passed with 4 Yah 2 Nay Edblom and Steen voted no.

4. A MOTION WAS MADE BY Fox, SECOND BY Lee to adjourn the meeting. ALL VOTED IN FAVOR. Chairman Edblom declared the meeting adjourned.

Respectfully submitted,
Chris DeVos, Recording Secretary