

In The Matter Of:
McLEAN COUNTY ZONING BOARD OF APPEALS

Proceedings
May 03, 2016

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2
3 McLEAN COUNTY ZONING BOARD OF APPEALS
4 MEETING
5
6 Tuesday, May 3, 2016
7 7:00 p.m.
8
9 at
10 Government Center
11 115 East Washington Street
12 Bloomington, Illinois
13
14
15 ZONING BOARD MEMBERS PRESENT:
16 Brian Bangert
17 Chris Carlton
18 Rick Dean
19 Michael Kuritz
20 Sally Rudolph - Chairman
21 Julia Turner
22 Drake Zimmerman
23
24 Court Reporter:
Brenda Zeitler, CSR-RPR
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1 (Mr. Phil Dick and Ms. Hira Aamir
2 sworn/affirmed.)
3 **CHAIRMAN RUDOLPH:** I think everyone has
4 picked up a copy of the procedure. At the time you
5 come up to give testimony, I'd ask you to turn on this
6 mike, which is a little button right there.
7 If you would -- I will be swearing in
8 witnesses. If you would prefer to be affirmed, just
9 let me know at the time I ask you to raise your right
10 hand.
11 Would the Applicants -- we just have one
12 case tonight. Would the Applicants for this case
13 please come forward.
14 **CHAIRMAN RUDOLPH:** Secretary will call the
15 case.
16 **MR. DICK:** This is Case Number SU-15-09,
17 application of Odle Family Management Group, LLC, for
18 a special use to allow a sand and gravel mining
19 operation in the Agricultural District on property
20 which is part of the south half of Section 11 Township
21 21 north range 1 east of the third principal meridian
22 located in Funks Grove Township immediately southeast
23 of the intersection of 1025 East Road and 50 North
24 Road.

1 **CHAIRMAN RUDOLPH:** The McLean County Zoning
2 Board of Appeals will please come to order. The
3 Secretary will call the roll.
4 **MR. DICK:** Jim Finnegan?
5 (No response.)
6 **MR. DICK:** Mark Judd?
7 (No response.)
8 **MR. DICK:** Michael Kuritz?
9 **MR. KURITZ:** Here.
10 **MR. DICK:** Sally Rudolph?
11 **CHAIRMAN RUDOLPH:** Here.
12 **MR. DICK:** Julia Turner?
13 **MS. TURNER:** Here.
14 **MR. DICK:** Greg Zimmerman?
15 **MR. ZIMMERMAN:** Here.
16 **MR. DICK:** Brian Bangert?
17 **MR. BANGERT:** Here.
18 **MR. DICK:** Chris Carlton?
19 **MS. CARLTON:** Here.
20 **MR. DICK:** Rick Dean?
21 **MR. DEAN:** Here.
22 **CHAIRMAN RUDOLPH:** Seven members constitute
23 a quorum. We can conduct business.
24 At this time, I'd like to affirm our staff.

1 Public notice of this hearing was published
2 in the Pantagraph on April 16, 2016, as provided by
3 law. All the other required notifications have been
4 made, and the Applicant has paid the publication
5 costs.
6 As a first exhibit, I'd like to pass the
7 application. That includes a legal description of the
8 property and a plat map, which is very similar to that
9 map there that shows this property as in the
10 agriculture district.
11 If you see the little red area at the bottom
12 of the map up there, that's where this property is
13 located. The village to the right is Heyworth there,
14 and the red highway across there is 136; so we're
15 south of 136 there.
16 The next attachment I'd like to pass is the
17 narrative that the Applicant submitted with this
18 application and a plat map showing where this property
19 is located in Funks Grove Township and a communication
20 from the Soil and Water Conservation District who
21 analyzed the soils on this property. We used the soil
22 types to determine the land evaluation and site
23 assessment for this report. I will pass that.
24 The next exhibit I'd like to pass is a

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1 notice from the Army Corps of Engineers indicating
 2 that they have a public notice for the 404 Permit,
 3 which I will pass.
 4 This is a copy of the construction operation
 5 plans as another Board exhibit, and there's a copy of
 6 these in front of your seat there for your review as
 7 the case is presented. We have a very big copy of
 8 that plan too, if you would like to see it as an
 9 exhibit.
 10 This is a water IEPA Pollution Control
 11 Permit that we received on this property from the
 12 Applicant and a communication that the Applicant has
 13 been in touch with IDNR with regard to endangered
 14 species.
 15 I would like to give you an update. I was
 16 in communication with Jim Kelly of the Army Corps of
 17 Engineers by phone conversation on April 29. He
 18 indicated that the US Army Corps of Engineers is about
 19 ready to issue a Section 404 Provisional Permit, which
 20 they will send to the Applicant and to IEPA.
 21 IEPA needs to issue a Water Quality
 22 Certification before the US Army Corps of Engineers
 23 can issue the final Section 404 Permit. He said that
 24 typically, after the IEPA receives the provisional

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1 permit from the US Army Corps of Engineers, IEPA will
 2 issue the Water Quality Certification. Jim Kelly
 3 indicated that the US Army Corps of Engineers will
 4 probably issue the Section 404 Provisional Permit next
 5 week or the following week. And I will pass that.
 6 As another exhibit, I will just pass -- this
 7 was attached to the application. This is a boundary
 8 survey of the property. And this is a Wetland and
 9 Waters of the United States Mitigation Plan that has
 10 been submitted that is quite a detailed part of the
 11 application for the 404 Permit.
 12 And this is basically a bat study that they
 13 were required to do with respect to the endangered
 14 species response that they received from the Illinois
 15 Department of Natural Resources.
 16 This is an alternative analysis of thinking
 17 of different options of what they would do in terms of
 18 placement of the mining and the wetlands and the
 19 Wetland Study that they completed.
 20 And this is a copy of the Operating Permit
 21 Application with the IDNR.
 22 And this -- I'll pass these big plans, but
 23 this is essentially the same plan as the one in front
 24 of you, if you can't see that one very well.

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1 And then this is a copy of the Road Plan.
 2 Road 1025 E had to be realigned where it connects to
 3 US 136. They found out that it didn't meet safe sight
 4 distance requirements, and that is one reason why this
 5 hearing was delayed from January until now, to get
 6 this completed. The Applicant will study this, and
 7 the County Engineer will be able to speak to this.
 8 But I will pass this as one of our exhibits.
 9 With that, I would like to show you some
 10 site photos of the property. This is an aerial photo.
 11 The two properties in the middle are the part of
 12 McLean County on which this application is being filed
 13 for. You can see the outlined area in red. The area
 14 to the north and west corner there is where the
 15 facility will be located, where they do the sorting
 16 and weighing and having the customers come.
 17 This is a site photo of the property from
 18 the west -- I mean from the east boundary facing west.
 19 This is a drainage way that goes through the center of
 20 the property. In the background, you can see Kickapoo
 21 Creek way over there. That's what you can see.
 22 And this is from the east property line of
 23 McLean County looking to the south.
 24 And this is looking to the north from the

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1 east property line.
 2 And this is along the east property line at
 3 Kickapoo Creek, standing on the bridge.
 4 And this is facing west on the east property
 5 line along Kickapoo Creek.
 6 And this is to the north, standing on the
 7 same bridge on the east property line.
 8 Here we're now at the northwest corner of
 9 the property, and we're facing east. The area to the
 10 right there is where the scale house and the operating
 11 facility will be located.
 12 And this is facing to the west on that same
 13 location.
 14 And this is facing toward the north where
 15 Road 1025 will be improved to come to this location.
 16 In the background, you can see some hog houses toward
 17 the top.
 18 And then this is that same corner of the
 19 property, the northwest corner facing south.
 20 And this is facing southeast toward the
 21 area. You can see the Kickapoo Creek along the tree
 22 line there. And it's this side of it where the
 23 facility will be located where they do the scale house
 24 and the sorting.

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1 This is a photo taken in DeWitt County.
 2 Part of this application is going to be in DeWitt
 3 County. And this is on an area that -- they won't be
 4 really mining here. According to their plan, this
 5 will be an area where they do storage of topsoil.
 6 And this is the east boundary of the
 7 property.
 8 And this is facing south along the east
 9 property line.
 10 And this is facing -- the other one was
 11 facing north. This is facing south -- excuse me.
 12 And this is facing southwest across the
 13 property which will be used for storage of soils.
 14 And this is -- if you look through the
 15 trees, you can see this is from DeWitt County facing
 16 north. And that township road is the edge of the
 17 property. And that is in McLean County.
 18 And this is from the east property line
 19 facing east away from the property. This is the road
 20 that you go to that circles then down to the south to
 21 go to McLean County -- excuse me -- toward the north
 22 to McLean County.
 23 I will read the staff report at this time.
 24 The surrounding zoning is Agricultural

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1 Districts on all sides. The surrounding land use is
 2 crop production on all sides.
 3 With the land evaluation and site
 4 assessment, the soil score was 91.1 out of 100. The
 5 site assessment score was 180 out of 200, leaving it a
 6 total LESA score of 271 out of 300. The LESA report
 7 indicates that a soil score above 230 points means
 8 that the property is of very high value for
 9 agricultural land protection.
 10 The analysis of the seven standards of the
 11 ordinance are as follows:
 12 The proposed special use will not be
 13 detrimental to or endanger the health, safety,
 14 morals, comfort, or welfare of the public. This
 15 standard is met.
 16 The site covers approximately 240 acres of
 17 which 160 acres are in McLean County and 80 acres are
 18 in DeWitt County. The Applicant's engineer indicated
 19 that they will submit an application to DeWitt County
 20 for a sand and gravel mining special use after the
 21 special use process is completed in McLean County.
 22 Farmland and gravel are both limited
 23 resources. The proposed gravel extraction facility is
 24 partially located on good farmland that is relatively

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1 high LESA score. Generally such land should be
 2 preserved for agriculture production; however,
 3 preserving access to and mining gravel resources for
 4 future development is necessary for growth of the
 5 community. If the proposed facility is approved,
 6 since it cannot be returned to crop production,
 7 reclamation of the site for nonagricultural use is
 8 important.
 9 The proposed sand and gravel mining
 10 operation is appropriate for the area provided the
 11 area is properly reclaimed with adequate seeding,
 12 grading with finished slopes above water level that do
 13 not exceed 3 feet horizontal to 1 foot vertical, and
 14 erosion is properly controlled for the life of the
 15 facility.
 16 The Applicant proposes to reclaim the
 17 facility in a continuous manner. The Applicant is
 18 proposing to perform continuous shoreline reclamation
 19 during the duration of dredging operations. This
 20 shoreline reclamation process will allow portions of
 21 the shoreline to be seeded and become established with
 22 vegetation during an ongoing mining operation rather
 23 than at the end of the mining operation.
 24 Off-site drainage will be diverted to

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1 Kickapoo Creek through a temporary diversion channel
 2 so that water within the dredge pond is isolated from
 3 the Kickapoo Creek.
 4 The proposed mining area is located south
 5 and east of Kickapoo Creek. A temporary overburden
 6 stockpile and topsoil stockpile will be created in the
 7 southern portion of the project area.
 8 An aggregate processing plant approximately
 9 12 acres in area will be constructed in the northwest
 10 corner of the project area. The plant will include an
 11 office, scale, client entrance, stockpiles, and
 12 processing areas. Kickapoo Creek is located between
 13 the proposed mine and plant areas. When mining
 14 activities are complete, an approximately 60 acre lake
 15 will be created.
 16 The Applicant developed a Wetland and Waters
 17 of the United States Mitigation Plan for the proposed
 18 sand and gravel mine that will result in the creation
 19 of a 300 foot wide buffer adjacent to Kickapoo Creek.
 20 The Applicant is also proposing in the mitigation plan
 21 to create on-site wetlands to replace wetlands damaged
 22 by the mining operation.
 23 Following final closure of mining
 24 operations, the Applicant will remove all plant

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1 equipment from the site, including the elevated pipes
 2 above Kickapoo Creek and all material storage piles.
 3 The Applicant will complete the shoreline restoration
 4 seeding and will seed the pipe maintenance area with
 5 native grasses.
 6 The Applicant will perform quarterly
 7 inspections from at least one year after closure and
 8 will be required to repair erosion or seeding issues
 9 within the project area. Following final restoration,
 10 the lake will be used for recreational purposes.
 11 The McLean County Regional Planning
 12 Commission, working with staff, has reviewed the
 13 proposal for consistency with local and regional
 14 comprehensive plans and has given the proposal a
 15 project score of 'C,' which means that the application
 16 provides the minimal features to be consistent with
 17 the Comprehensive Plan.
 18 That level C is a passing grade, and it's
 19 not a bad grade. We've never had a development in the
 20 county that got above a C. It's just that, if it's a
 21 D or an F, it's bad. So it is found to be consistent
 22 with the Comprehensive Plan.
 23 The proposed special use will not be
 24 injurious to the use and enjoyment of other property

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1 in the immediate vicinity for purposes already
 2 permitted or substantially diminish property values in
 3 the immediate area. This standard is met.
 4 The surrounding property currently used for
 5 crop production will continue to be desirable for such
 6 use. A gravel mine is located approximately 1,500
 7 feet to the northeast of the property. A farm
 8 dwelling is located approximately 1,200 feet from the
 9 edge of the proposed mine area. The Applicant may
 10 need to apply dust-inhibiting surface treatments to
 11 the gravel surface area where truck traffic circulates
 12 on the site, where trucks are loaded and where
 13 material is sorted and classified.
 14 The Applicant has submitted an application
 15 to the Army Corps of Engineers for a Section 404
 16 Permit that has not yet been issued. The Section 404
 17 Permit refers to Section 404 of the Clean Water Act
 18 and is a joint application to the Illinois Department
 19 of Natural Resources, the Illinois Environmental
 20 Protection Agency, and US Army Corps of Engineers.
 21 The Section 404 Permit addresses impact to
 22 water quality, historical/archeological impacts, and
 23 impacts to endangered species.
 24 The Applicant has obtained Water Pollution

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1 Control Permit for the proposed mine from the Illinois
 2 Environmental Protection Agency. According to this
 3 permit, all storm water runoff from the areas affected
 4 by mining remains within the pit. According to this
 5 permit, there is not to be discharge from this site to
 6 waters of the state (Kickapoo Creek).
 7 An estimated cost of \$366,000 for
 8 reclamation of the property was prepared by the
 9 Applicant's engineer. The Acting County Engineer
 10 reviewed this estimate and recommended that this
 11 should be increased to \$400,000.
 12 The proposed special use will not impede the
 13 orderly development of the surrounding property for
 14 uses permitted in the district. This standard is met.
 15 An existing sand and gravel extraction
 16 facility is located approximately 1,500 feet to the
 17 northeast of the property. The use of the properties
 18 to the east, west, north, and south for crop
 19 production will not be significantly affected by the
 20 proposed facility. Nearby land that is suitable for
 21 crop production will continue to be desirable for such
 22 use.
 23 The Applicant indicates in the application
 24 that the reclamation will be completed within one year

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1 of the conclusion of the active mining activities and
 2 that it is estimated that the facility will operate as
 3 a mine for ten years before closure.
 4 Adequate utilities, access roads, drainage,
 5 and other necessary facilities have been or will be
 6 provided. This standard is met.
 7 The Applicant will upgrade 1025 East Road to
 8 IDOT standards from the subject property at 50 North
 9 Road to US Route 136. The Applicant will need to
 10 provide the Department of Building and Zoning with a
 11 road use agreement with the Funks Grove Township Road
 12 Commissioner that mitigates the negative impact to
 13 township roads by trucks hauling gravel from the
 14 subject property.
 15 Adequate measures have been or will be taken
 16 to provide ingress and egress so designed as to
 17 minimize traffic congestion in the public streets.
 18 This standard is met.
 19 It appears that safe site distance can be
 20 obtained at the proposed entrance to the subject
 21 property. The Applicant will need to obtain an
 22 entrance permit from the Funks Grove Township Road
 23 Commissioner.
 24 The establishment, maintenance, and

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1 operation of the special use will be in conformance
 2 with the intent of the district in which it is
 3 located. And this is met.
 4 The intent the Agriculture District states:
 5 "Conserve and protect open space, wooded areas,
 6 streams, mineral deposits, and other natural resources
 7 from incompatible land uses and provide for their
 8 timely utilization." Gravel is a limited resource in
 9 McLean County. The utilization of the gravel at this
 10 site is appropriate.
 11 The proposed special use in all other
 12 respects conforms to the applicable regulations of the
 13 agricultural district. This standard is met.
 14 The Applicant's site plan, narrative,
 15 Wetland and Waters of the US Mitigation Plan conform
 16 to the applicable regulations of the Agriculture
 17 District and the Use Standard in the County Code for
 18 Mining and Quarrying Operations.
 19 In conclusion, Staff recommends that this
 20 application meets all of the standards set forth in
 21 Article VIII Section 350-56 of the McLean County Code
 22 provided the following stipulations:
 23 **A. The Applicant shall obtain a road use**
 24 **agreement with the Funks Grove Township Road**

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1 **Commissioner that mitigates the negative impact to**
 2 **township roads by trucks hauling gravel from the**
 3 **subject property and shall obtain an entrance permit**
 4 **from the Funks Grove Township Road Commissioner before**
 5 **a permit is issued for the mining operation.**
 6 **B. The Applicant shall upgrade 1025 East**
 7 **Road to IDOT Class III Truck Route Standards from the**
 8 **subject property at 50 North Road to US Route 136**
 9 **approximately 1.5 miles to the north before a permit**
 10 **is issued for the mining operation.**
 11 **C. When necessary or when requested by the**
 12 **Director of Building and Zoning, dust-inhibiting**
 13 **surface treatment shall be applied to the gravel**
 14 **surface area where truck traffic circulates on the**
 15 **site, where trucks are loaded, and where material is**
 16 **sorted and classified.**
 17 **D. The Applicant shall provide a site**
 18 **reclamation irrevocable letter of credit or escrow in**
 19 **the amount of \$400,000 before a permit is issued for**
 20 **the mining operation.**
 21 **E. The 404 Permit from the US Army Corps of**
 22 **Engineers shall be submitted to the Department of**
 23 **Building and Zoning before a permit is issued for the**
 24 **mining operation.**

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1 **F. Reclamation of the site will be**
 2 **accomplished continuously during the mining operation**
 3 **as indicated in the application and will be completed**
 4 **within one year of the conclusion of active mining**
 5 **activities.**
 6 **G. The area shall be properly reclaimed**
 7 **with adequate seeding, grading with finished slopes**
 8 **above water level that do not exceed 3 feet horizontal**
 9 **to 1 foot vertical, and erosion shall be properly**
 10 **controlled for the life of the facility.**
 11 **H. The hours of operation are limited to**
 12 **daytime hours since a residence is located within**
 13 **2,000 feet of the mining operation.**
 14 **I. The Applicant shall comply with all**
 15 **township, county, state, and federal requirements.**
 16 **J. Development shall follow the plans and**
 17 **documents submitted with the application.**
 18 **That concludes our report.**
 19 **CHAIRMAN RUDOLPH:** We'll wait until the
 20 documents have had a chance to get passed around.
 21 Does any member of the Board have any
 22 questions on the staff report or on any of the
 23 documents that are coming around?
 24 I just wanted to clarify for sure. You said

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1 there would be no mining done in DeWitt County. Is
 2 that what you said?
 3 **MR. DICK:** Their plan doesn't show mining in
 4 DeWitt County, but the Applicant can speak to that.
 5 **CHAIRMAN RUDOLPH:** Okay. We'll wait.
 6 **MR. ZIMMERMAN:** Actually, this map says
 7 there will be mining in DeWitt County.
 8 **MR. DICK:** I misspoke. Most of it is in
 9 McLean County.
 10 (Pause while Board members
 11 review documents being passed.)
 12 **MR. ADAMS:** We would like to both be sworn
 13 in here initially before we start.
 14 (Both witnesses sworn.)
 15 **CHAIRMAN RUDOLPH:** State your names and
 16 addresses, please. Pull the mike close to you so that
 17 everybody can hear.
 18 **MR. ODLE:** My name is Don Odle. I'm the
 19 Operating Manager of the Odle Family Management Group.
 20 **CHAIRMAN RUDOLPH:** And your address?
 21 **MR. ODLE:** My address is 712 Dennis Drive,
 22 Mahomet, Illinois.
 23 **MR. ADAMS:** My name is Don Adams. I'm a
 24 Registered Professional Engineer in the state of

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1 Illinois employed by the Farnsworth Group. Our office
 2 address is 2709 McGraw Drive in Bloomington.
 3 **CHAIRMAN RUDOLPH:** You may proceed.
 4 **MR. ADAMS:** Thank you. We're here tonight,
 5 as you're aware, hoping that this Board will make a
 6 positive recommendation to the County Board for
 7 approval of a special use permit for the extraction,
 8 processing, and sale of sand and gravel from a 240-
 9 acre site about 180-plus acres in McLean County
 10 located about 5 miles west of Heyworth in McLean
 11 County and straddles the line into a bit of DeWitt
 12 County.
 13 A couple of things that we're not here for
 14 tonight. Just to clear the air right up front, there
 15 is no asphalt plant proposed here. That is not part
 16 of our presentation. There is no concrete plant
 17 proposed here. That is not part of our presentation.
 18 We do believe as part of the aggregate
 19 business that the recycling of concrete materials and
 20 stone materials is part of that business; so that
 21 could perhaps be included at some future date by the
 22 operator of the pit.
 23 As we go through the information tonight,
 24 hopefully we're going to present the information that

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1 you can make a good solid decision that you feel
 2 comfortable that this project does meet, as the staff
 3 report says, the seven standards we need for a special
 4 use permit.
 5 A little bit about the Applicant. This
 6 project started back in 2006. The Odle family owned
 7 the property, but the Applicant at that time was
 8 proposed to be Prairie Materials. They prepared all
 9 the plans and did bunches of studies and were ready to
 10 come to you for approval. In fact, they may have even
 11 filed forms and information. Never got to public
 12 hearing. The economy fell apart. Their plans
 13 changed, and they walked away.
 14 The Odle family then has picked it up and
 15 decided that they would now like to proceed. The
 16 economy has picked up. They think there is a market
 17 for aggregate materials and would like to go forward.
 18 The family has owned the property for many years and
 19 has been aware that it has gravel deposits on it; so
 20 they were just waiting for the time to be right.
 21 The family has six family members who are
 22 equal partners in the Odle Family Management Group.
 23 With me tonight we have Steve Odle. He is sitting in
 24 the audience. He is one of the members. Mr. Bill

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1 Peithmann, who is the attorney for the group, is here
 2 with us as well. And sitting to my right is Don Odle,
 3 who is the managing partner for the group. Don will
 4 give a brief introduction of himself and the family
 5 and his history in the aggregate business.
 6 **MR. ODLE:** Well, I'm the oldest of the Odle
 7 family; so they sent me over here because they think I
 8 have all the brains. That's not so.
 9 I was in the aggregate business for 40
 10 years. I started in 1963. My family started and did
 11 an operation in Champaign, Illinois, that now is just
 12 off of Duncan road. It's Maynard Lake. We moved
 13 across the interstate when that was finished and, on
 14 Staley Road, did the same thing. There's a golf
 15 course and housing developments on both of those lake
 16 sites.
 17 From there, we moved to Mahomet. We had
 18 two operations at Mahomet, 106 acres right south and
 19 west of town. That property has been reclaimed, and
 20 they are building housing units around that now. We
 21 sold the property to a business associate there in the
 22 area.
 23 I retired at 62. That was back in 2003. So
 24 I don't do a whole lot of anything anymore other than

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1 manage this business for my family. That pretty much
 2 tells you about my association with the gravel
 3 industry.
 4 I worked for Prairie Materials for 25 years
 5 in Peoria, and I run three gravel operations in that
 6 area. I was born and raised on the farm, but I have
 7 got gravel in my blood. That is about all I can tell
 8 you about me.
 9 I have been married for 54 years. Tomorrow
 10 is my anniversary.
 11 **MR. ADAMS:** It's important to note with this
 12 that the Odle Family Management Group is the Applicant
 13 tonight. They own the property, but they will not
 14 operate this facility. They are in negotiations with
 15 firms to operate the pit, and then they will receive
 16 royalties from the mining of the pit.
 17 Obviously we are aware that any conditions
 18 of the special use permit run with the land, and it
 19 doesn't matter who runs the pit. They are still
 20 subject to the same rules and regulations regardless.
 21 But we wanted to make that clear to you up front.
 22 We have kind of an unusual situation. We
 23 have a property owner who is the Applicant, but they
 24 are different from the average property owner because

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1 they do have a significant history in the gravel
 2 mining business. They know what they're doing here.
 3 I will tell you that they've been talking to
 4 two different firms. I guess I'd say the leader in
 5 the club house right now is Scharf Materials. We
 6 haven't got a signed, sealed, delivered deal yet, but
 7 that's to come.
 8 **MR. ODLE:** I'd like to add something to
 9 that, Don. We've done a lot of research on this, and
 10 I've been in the gravel industry. To put that plant
 11 in there, finish the road and put a dredging operation
 12 in, will cost between \$5 and \$8 million dollars. So
 13 it's not a cheap thing to do.
 14 We know that there's 6 to 10 million ton of
 15 aggregate reserves in there because we've drilled it.
 16 Usually when we do that drilling process, they
 17 estimate as close as they can; but it's usually about
 18 50 percent of what is really there. We've been
 19 guaranteed 6. We think it's closer to 12 million ton.
 20 In an average year of sales in that area,
 21 you're going to do about 300 to 350 thousand ton a
 22 year. That means three years per every million ton.
 23 Figure that out in 10 million ton. That's three years
 24 per million ton; so that's 30 years. It's long over

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1 ten years. I don't know how that got in there, but
 2 it's going to be much longer than a ten-year
 3 operation.
 4 **MR. ADAMS:** Phil, could we get the slide up
 5 that shows the picture of the 180 plus or minus acres
 6 in McLean County?
 7 What I'd like to start with is the creeks,
 8 the drainage ways through the property. I'm an
 9 engineer; so I like the drainage. We're going to do
 10 my favorite part first.
 11 We have two significant water ways through
 12 the property. First obviously is the Kickapoo Creek.
 13 It winds its way back and forth across this property.
 14 It's the dominant water course. And that is Kickapoo
 15 winding its way through the property.
 16 In addition to that, there is a farm
 17 drainage ditch that comes across east to west on the
 18 property. It's been improved over the years,
 19 straightened and levied up a little bit to carry more
 20 water and protect the farm ground around it.
 21 We're proposing to do our gravel mining
 22 operation down in the bottom land. We've done a
 23 hydraulic study of the creek. Essentially, everything
 24 down in here is floodplain and flood way.

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1 The basic area we're going to mine is here,
 2 which is basically all of the bottom ground. In a
 3 hundred-year flood event, that bottom ground will have
 4 3 to 6 feet of water over the top of it; so it is
 5 ground that is subject to flooding now. When we get
 6 done, it will be subject to even more flooding because
 7 it will be a great storm water detention basin for
 8 everybody downstream.
 9 What we have to do in order to mine this
 10 zone here is to get this water out of our way. So as
 11 part of our work, we would take this waterway and take
 12 it up and connect it to the Kickapoo that direction so
 13 we get that off-site water out of the way of our
 14 mining operation.
 15 Now, that's going to help us in a small
 16 storm; but in a large storm, this site floods. And if
 17 it floods, it's floods. We just stop operations. We
 18 wait until it goes down, and then we resume. But that
 19 helps us immensely keep the property minable for as
 20 much as is possible.
 21 It's important to also note where our flood
 22 plains aren't. In this area here, we have this corner
 23 up here, which is where we're proposing the processing
 24 equipment that is about 10 feet above the hundred-year

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1 flood stage; so that's high and dry. Then down south
 2 off of your screen, there's the area in DeWitt County
 3 that is above the flood elevation.
 4 So what we propose is we initially start the
 5 process. We'll use that high ground in DeWitt County
 6 to store our overburden material that we take off the
 7 site and then haul it back again as we go for
 8 reclamation purposes.
 9 At no time do we do anything that interferes
 10 with the flow-carrying capacity of the creek. We're
 11 not allowed to. Obviously, as the report indicates,
 12 we're mining on one side of the creek, and we're
 13 processing on the other side of the creek; so somehow
 14 we've got to convey that material back and forth.
 15 When the project initially started back in
 16 '06, we looked at pipelines under the creek. Then it
 17 moved to one over the creek and two under the creek.
 18 Then based upon feedback we got about environmental
 19 concerns, we ended up with all three pipelines going
 20 over the top of the creek and above that hundred-year
 21 flood elevation. So, again, we're not blocking flood
 22 flows of the Kickapoo Creek at any time.
 23 Three pipes go over the top of the creek.
 24 There's a 12-inch or 14-inch pipe that will be the

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1 dredged material. So we have a floating dredge out in
 2 the lake, and it pipes across the creek. Depending
 3 upon the machine that's used, it will be about a 12-
 4 or 14-inch pipe.
 5 Second pipe is a 12-inch water pipe. We
 6 will pull water from the lake we create, bring it
 7 across and use it in the washing and processing of the
 8 material. Then we have a 24-inch pipe, which is a
 9 gravity pipe, going back across that we discharge all
 10 that water that we used back into the lake.
 11 Again, all those pipes are above the flood
 12 elevation. None of them discharge into the Kickapoo
 13 Creek. None of them take any material from the
 14 Kickapoo Creek. That's the key to this project in an
 15 environmental perspective, is that we just leave alone
 16 that sensitive area around the creek.
 17 Starting up the facility. If we were to
 18 receive approvals for the process, the direction we
 19 would go would be to first come in at this zone up in
 20 the northwest corner, level the site, and prepare a
 21 pad ready for our equipment to be put on.
 22 So the question is: Why are we putting it
 23 here if all the gravel is down here? There's two
 24 things we absolutely have to have for the processing

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1 area. It must be outside the floodplain and the flood
 2 way. It is not allowed to have stockpiles or
 3 equipment operating within the floodplain. That
 4 leaves us two choices. We can go to the northwest
 5 corner or the south edge of the property.
 6 The second thing we need is a way to get the
 7 material, once we process it, out of here and to
 8 market. The logical place for us to go is to get to
 9 Route 136 as fast as we can and from there to the
 10 interstates and to the major markets. So it becomes a
 11 very logical choice for our processing plant to be
 12 located up in that northwest corner of the property.
 13 I know, when you look at it initially, it
 14 looks kind of odd. Why would you go to the expense of
 15 piping the material all the way across when we could
 16 put the plant there, but there's reasons for it.
 17 As we prepare that pad up here, one of the
 18 very first things we will do is put a fence across
 19 here. One of the exhibits that you have submitted in
 20 evidence is our Cultural Resources Report, which is
 21 basically the Historic Preservation Study for the
 22 site.
 23 That study indicated that there were four
 24 areas found on the site that had historically

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1 significant artifacts, basically stone chips. Three
 2 of them had just single chips or two chips and were
 3 not considered significant in any way. The fourth
 4 site, which is in the bluff just over the top of the
 5 creek right here, they found 34 stone chips. Somebody
 6 obviously made a stone tool there at some time way
 7 back in past.
 8 The result of that study is the
 9 recommendation that, number one, we either study the
 10 site further to see if there's anything else there or
 11 we leave it alone. And we have decided to just leave
 12 the site alone.
 13 So this couple of acres right here will be
 14 fenced off from our active processing area -- it's the
 15 only place we're going to build a fence on the site --
 16 so we keep any stray people or equipment from
 17 infringing on that property and protect it into
 18 perpetuity.
 19 Once the operator has the pad prepared, they
 20 can then start installing equipment.
 21 Now, we're going to get into roads a little
 22 bit later. But obviously we are very aware that the
 23 roads in this area are not designed to carry large
 24 heavy weights. So when I say we're going to start

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1 installing equipment, that assumes either that our
 2 road is already built or that we're doing this at a
 3 time of the year when there are not load limits on the
 4 local roads and we can deliver the equipment in small
 5 enough pieces so we don't exceed road limits.
 6 So when I talk about what comes first, that
 7 may change a little bit depending on how the operator
 8 wants to do their plan. They may break it up into a
 9 lot of little pieces and bring it in as they are
 10 building the road. They may wait until they get the
 11 base built on the road, 1025 East, all their equipment
 12 in that way, and then surface the road afterward, or
 13 some combination. But regardless, whoever operates
 14 the pit is required by law to follow the law and the
 15 posted limits on all the local roads.
 16 Storm drainage on this processing site: We
 17 capture our water on site. We have a small slurry
 18 pond; so if we get any aggregates or materials
 19 suspended, we have a place for it to settle out before
 20 we take it back across and don't dump it in the creek
 21 but take it across into our pit.
 22 The same thing with the wash water from the
 23 gravel operation. It doesn't go to the creek. It
 24 goes to the slurry pit, settles out, and then return

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1 it back to our gravel pit. That slurry pit then gets
 2 cleaned out periodically as needed and the material
 3 disposed of properly.
 4 As the staff report indicated, we'll have a
 5 small scale house office. We will have a hard surface
 6 road for the trucks to come in and make the loop
 7 around for their scale house. And we'll have a gate
 8 to keep unauthorized vehicles out of the site when
 9 we're not in operation.
 10 A couple of things to note about that is the
 11 gate we've set back far enough off of Road 50 East --
 12 or 50 North so that early in the morning, if the truck
 13 drivers want to queue up to get the first load of the
 14 day, we have room for at least four trucks off the
 15 road so they're not all parked on the township road
 16 waiting for their turn to get in. We set it up that
 17 way so we protect that road.
 18 One thing I will note too on the plans that
 19 you have passed around is that, when you look at
 20 sheets 2 and 3 on the mining plan, I caught just
 21 yesterday one little mistake we made.
 22 We added a little widened area on the
 23 entrance road for an additional truck parking place at
 24 the suggestion of staff. When we did that, we moved

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1 the whole road so it doesn't line up with the new
 2 proposed 1025. Rest assured we'll make our driveway
 3 and that road line up even though it's not shown that
 4 way on the plans.
 5 As they start installing the mechanical
 6 equipment, the guts of the sorting and processing
 7 equipment, they will also be installing the three
 8 pipelines over the top of the creek. Obviously that
 9 construction probably wants to be done in late summer
 10 or fall or perhaps winter, probably not this time of
 11 year because we have to make sure the creek is at
 12 acceptable levels. We do have to get on both banks in
 13 order to construct this; so that may affect timing of
 14 construction.
 15 Then, as I mentioned, we have the
 16 construction of Road 1025 East. We'll talk a whole
 17 bunch more about that a little bit later on. And
 18 again, that idea that the road may be built first, may
 19 be built concurrently -- we're not exactly sure. The
 20 one thing we are sure of is the condition that there
 21 is no material that leaves this property until that
 22 road is completed. That's a condition of the permit
 23 and is obviously something that cannot be violated.
 24 Once we get the plant set up, the operating

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1 part of things, the next step would be to come in and
 2 start excavating a small area so that we can get a
 3 pond that we can install a dredge and start mining
 4 operation.
 5 Borings show us we have 6 to 9 feet of
 6 overburden to be removed. I would anticipate about 5
 7 acres a year, maybe more, maybe less, depending upon
 8 the expected demand that particular year. And in that
 9 first year, that overburden material gets transported
 10 south into DeWitt County and stockpiled temporarily to
 11 be used for reclamation purposes later.
 12 We have to do it that way because we can not
 13 stockpile that material in the floodplain. And it's
 14 not a volume issue. It's a blockage of the flood
 15 flow. Obviously with every cubic yard we take out of
 16 the dirt, we're creating a cubic yard of flood
 17 storage; but that's not enough. We also have to make
 18 sure we don't block the flow-carrying capacity of that
 19 waterway.
 20 Again, as I said, about 5 acres plus or
 21 minus, as we go, and probably about that on an annual
 22 basis. As we have discussed, this is a wet operation.
 23 The material is dredged out. We do not dewater; so
 24 nobody -- and nobody in the neighborhood's wells will

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1 go dry because of this operation. We simply don't
 2 have an impact on the water table. We are basically
 3 kind of a closed system. We take some of the ground
 4 water out for processing and bring it right back.
 5 It's a continuous loop going back and forth.
 6 Plant operation: Again, as Phil has
 7 mentioned in the report, basically daylight hours
 8 Monday through Saturday and probably operate about ten
 9 months out of the year, depending upon weather,
 10 obviously.
 11 We would anticipate an average day, if there
 12 is such a thing, might be about 60 semi loads out of
 13 this plant; so that's 60 trips in and 60 trips out.
 14 On a really, really, busy day, you might get as many
 15 as 150 trucks in and out.
 16 The aggregate material on the site varies
 17 according to the borings anywhere from 20- to 60-foot
 18 thick. So as Don mentioned, we're at a minimum of
 19 about 6 million tons of aggregate material that will
 20 be used in this -- or will come out of this pit to be
 21 used on various construction projects throughout the
 22 McLean County and Central Illinois area. We think
 23 most of the material is probably going to go to
 24 asphalt and concrete use, but other uses as well, as

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1 you can imagine, in the construction business.
 2 And so if you start doing the math of the
 3 amount of material, as Don mentioned here, you're
 4 looking at a pit that's about a 20-year life, maybe as
 5 much as 30 years, if the economy is slower than we
 6 think or the gravel is thicker than we think.
 7 A little bit about the road. Obviously
 8 that's a key point. When you look at those seven
 9 standards that we have to meet, at least two and,
 10 depending how you interpret it, maybe three or four of
 11 those standards depend upon having good road access.
 12 Quite frankly, there isn't good road access
 13 here today. The surrounding township roads are fine
 14 for the uses they have. But with the weight and
 15 numbers of trucks we're going to produce from this
 16 pit, they simply won't stand up to the abuse that we
 17 will give them.
 18 It's not just north in McLean County. It's
 19 even worse as we go down into DeWitt County. The
 20 roads are even narrower, have more turns in them, more
 21 bridges, and even worse access from a gravel
 22 perspective or industrial perspective.
 23 What we propose to do is to reconstruct Road
 24 1025 East, as Phil has put in the report, a mile and a

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1 half of road, a million and a half dollars just to
 2 construct the road to turn it into a 80,000 pound
 3 road, an all-weather all-year road, not subject to
 4 posting of load limits. That gets us out to Route
 5 136, just like the other pits in the area have done.
 6 Then it's easy access from there to the interstate
 7 highways and into the major markets.
 8 Again, road construction is all at the
 9 Applicant's expense. As mentioned previously, that
 10 road has to be in place and I'll say substantially
 11 complete. Maybe we won't have the grass growing
 12 completely yet on the ditches, but it will be
 13 substantially complete before any material is allowed
 14 to leave the pit.
 15 So we've done plans to design this Road 1025
 16 East. It takes about 11.7 acres of right-of-way in
 17 that mile and a half, and about half of that
 18 right-of-way already exists by occupation or
 19 dedication. So we've got just under 6 acres of
 20 right-of-way that we need to purchase from neighboring
 21 property owners.
 22 Now, last fall -- this is kind of the
 23 embarrassing part of the report. Last fall, the
 24 Township Road Commissioner, Mr. Russ Broadfield,

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1 invited us and neighbors together to a Township Board
 2 Meeting to kind of inform the neighbors about what was
 3 being planned in the area.
 4 We talked about the project. We listened to
 5 the comments from the neighbors. One consistent
 6 comment we got from the neighbors was, "Boy, that
 7 intersection at Route 136 isn't going to be very safe
 8 for your trucks as long as it takes them to get up to
 9 speed. That doesn't make sense."
 10 Well, I'm an engineer, and I have faith in
 11 our engineering studies. I knew when Foth Engineers
 12 did the original study on the site, they did a site
 13 distance study; but when they did the study, they used
 14 the GIS aerial contours instead of surveyed contours.
 15 It showed that the site was safe. The study was
 16 accepted by IDOT.
 17 But after the neighbors said, "Boy, that
 18 didn't look safe," I went out to the site. Quite
 19 frankly, I had driven it several times in advance.
 20 And I got out and stood there in the middle of that
 21 intersection and had one of those "oh no" moments.
 22 We immediately sent a survey crew out and
 23 got good hard information on the road and determined
 24 that we needed to slide that intersection to the west.

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1 It's about 215 feet we're sliding it to the west to
 2 get it up to the top. So we have an existing
 3 intersection there that's probably not very safe, and
 4 we're going to improve it and make it better.
 5 The existing road there is basically a
 6 gravel road. It goes down about a mile and dead ends
 7 at the hog confinement facility. It does not go all
 8 the way through to Road 50 North, which is the north
 9 boundary of our property. We will extend it all the
 10 way through.
 11 As we revise those plans for the site
 12 distance, we have six properties that we impact with
 13 right-of-way takes with our road design. Two of them
 14 are what I would consider sensitive properties. It's
 15 the hog confinement facility -- obviously we don't
 16 want to interfere with their operations -- and
 17 probably most important, a single family home.
 18 Our plans required, off the single family
 19 home, that we would take some property in the front of
 20 their yard and remove a significant tree. And on the
 21 hog confinement facility, they have an emergency
 22 generator sitting in front that would have had to have
 23 been relocated at considerable expense.
 24 So while we were revising the plans, we

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1 thought: Let's put a little wiggle in the road and
 2 move the road west away from the single family home
 3 and then back east away from the hog confinement
 4 facility.
 5 The net result is we're acquiring about the
 6 same amount of right-of-way, different amounts from
 7 different property owners, but we're doing what we can
 8 to protect what we consider the two more sensitive
 9 properties. The single family home, we do not require
 10 the purchase of any right-of-way from them. We won't
 11 take any more of their yard than is already there with
 12 road, and the nice big tree that's there remains.
 13 A side benefit of all this for the single
 14 family home is not by design but by accident. The
 15 Post Office doesn't deliver mail to their house. It
 16 delivers it to where the gravel road ends at Route
 17 136. So they currently have to pull off the side of
 18 Route 136 with this 55 miles an hour traffic to pick
 19 up their mail. As part of our plans, IDOT has said to
 20 contact the Post Office and have that mailbox removed
 21 and placed in front of the house.
 22 We tried to contact the Post Office. We
 23 haven't got a return contact, but basically it's just
 24 up to them to determine whether it's on the east side

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1 or the west side of the road and hopefully make that
 2 mail pick-up, that daily mail delivery, a lot safer
 3 for everybody.
 4 The hog confinement facility, again, we
 5 stayed away from them. We don't have to relocate
 6 their generator. We met, in fact, over lunchtime on
 7 Monday this week with the Environmental Director for
 8 the hog facility. We showed him our plans, and we
 9 kind of walked out on the property where the edge of
 10 -- the top bank of the ditch on his side of the
 11 property would be.
 12 He was very satisfied because it doesn't
 13 impact their facility at all. They can still have
 14 plenty of room to maneuver their trucks for loading
 15 and unloading animals and for delivery of feed. So he
 16 basically came to the conclusion that we didn't impact
 17 their property. Again, we are not going to have to
 18 acquire any right-of-way from the hog confinement
 19 facility.
 20 We were hoping to be here in January. We
 21 had a delay because we found an error in the plans.
 22 And while we had an error in the plans, we took
 23 advantage of a little extra time and tried to protect
 24 those two properties that we impact here.

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1 Plans have been submitted as reported to
 2 both IDOT and the County and Township for review.
 3 We've received review comments. We are in the process
 4 of making those changes; and we'll resubmit, we
 5 believe, later this week to all of those agencies.
 6 Again, I keep hammering on this, but just
 7 make sure that you know that we understand no gravel
 8 gets moved from the property until the road is
 9 complete. The road can't be complete until the plans
 10 are approved and the right-of-way is purchased. So
 11 any approval we get for special use from the County
 12 Board is obviously contingent on all of those items
 13 being completed.
 14 The other part of the road construction is
 15 the jurisdictional issue with the road. Who owns it?
 16 Who maintains it? Who takes care of it?
 17 We have been in negotiation with the
 18 Township Road Commissioner to put in place a road
 19 agreement for the construction and maintenance of 1025
 20 East. It's been going on for some time. I will
 21 report that we do not have a final agreement. I
 22 believe we have an agreement in concept, and attorneys
 23 are working out the details. We all know the devil is
 24 in the details, but I believe in concept we have a

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1 framework for an agreement.
 2 Key parts of the agreement are that
 3 obviously the road is improved to the standards the
 4 Township requires. All costs to improve the road
 5 including the costs of right-of-way acquisition are
 6 born by the Odle family.
 7 If we are unsuccessful in acquiring the
 8 right-of-way, the agreement asks that the Township
 9 Road Commissioner requests the County Engineer to use
 10 eminent domain to obtain right-of-way. Hopefully that
 11 does not happen. And if there are costs for
 12 condemnation, obviously those get passed through also
 13 to the Applicant to be borne.
 14 This agreement also touches on maintenance
 15 of the roadway. The Odle family is responsible for
 16 maintenance of the roadway surface for the life of the
 17 mine plus two additional years. The Township accepts
 18 responsibility for plowing the snow and maintaining
 19 the drainage ditches on either side of the roadway.
 20 Now, when I say we think we have an
 21 agreement in principle, the big stumbling block is
 22 that, although we're improving Road 1025 East to
 23 handle our truck traffic, we're not improving all of
 24 the roads around this site in both McLean County and

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1 DeWitt County.
 2 I think that it is illogical and will be
 3 very infrequent for any truck driver to use any other
 4 route than this. But I will not stand here and
 5 guarantee you that 100 percent of the trucks that
 6 leave this facility will use the correctly posted
 7 approved weight limit roads. Some will stray off on
 8 roads, and they will be overloaded.
 9 We had a lot of discussions with the Road
 10 Commissioner about this subject and what do we do
 11 about it. Those truck drivers are not employees of
 12 the Odle family. They are probably not employees of
 13 the operator of the gravel pit. They are subject to
 14 the rules and laws of the State of Illinois, the same
 15 as you and I are. If they go where they're not
 16 supposed to go and they are overloaded, they get fined
 17 just like they are supposed to.
 18 The response back from the Township is:
 19 That's all true, but enforcement of that is very
 20 problematic. We got to catch them. Then there's some
 21 issues about whether the State's Attorney may or may
 22 not be willing to prosecute those cases.
 23 So we went back and forth, and there were
 24 suggestions to kind of streamline the fining process

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1 as has been used successfully in some wind farm
 2 constructions around the area.
 3 What we came up with eventually was a
 4 concept that I believe is the first of its kind in
 5 Central Illinois in that the Applicant, the Odle
 6 Family Management Group, has agreed to pay a royalty
 7 of 1 percent of the gross sales on a monthly basis to
 8 the Township in consideration of wear and additional
 9 maintenance that might occur on surrounding roads.
 10 Again, that's something that's never been
 11 done to my knowledge anywhere else. We're going above
 12 and beyond. I sure hope you remember that when you
 13 consider those seven standards and the welfare of the
 14 neighbors and adequate access and all of those issues.
 15 Russ Broadfield, the Township Road
 16 Commissioner, is here tonight. I am sure he will
 17 testify. I hope I haven't said anything out of turn.
 18 But that, to my knowledge, is the best and latest
 19 information that I have. I tried to get a hold of the
 20 township attorney who is helping us with the
 21 agreement, but he was unavailable and out of town
 22 today; so I don't have any update beyond that.
 23 We have gone back and forth a number of
 24 times. Again, I think, in concept, we have an

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1 agreement. The great big hurdle is this royalty fee,
 2 obviously; and I think we successfully have negotiated
 3 that one, at least in concept.
 4 Permits: We'll discuss a little bit about
 5 the permits. Obviously permits are, again, a
 6 condition of approval of this special use; and there
 7 are a bushel basket pull of permits for this property.
 8 Obviously, it's an ecologically sensitive
 9 area because we have the creek. We'd love to take the
 10 gravel mine and move it as far away from the creek as
 11 possible, but Mother Nature put the gravel where the
 12 creeks are. That's where the glaciers dropped it. We
 13 have to mine gravel where it's at.
 14 Obviously, we have a special use permit here
 15 from McLean County. That's a key local permit for us.
 16 We also have the same special use in DeWitt County.
 17 Originally, it was our plan to take the process
 18 through both at the same time, but DeWitt County has
 19 asked that we delay application to them until the
 20 final action by the McLean County Board. And that's
 21 fine with us.
 22 Obviously, the heavy lifting is being done
 23 in McLean County because most of the processing and
 24 active mining is in McLean County. Our truck traffic

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1 is almost exclusively in McLean County. Processing
 2 area is in McLean County; so it makes sense.
 3 I would guess we have somewhere around 6, 8
 4 acres, maybe up to 10 acres of actual mining in DeWitt
 5 County. Beyond that, we have the temporary stockpiles
 6 that we place in DeWitt County. Those, of course, go
 7 away as we reclaim the site.
 8 We have our Illinois EPA permit for mines.
 9 Any mine in the state of Illinois is required to have
 10 this permit. We have it in hand. A copy, I believe,
 11 has been circulated around and entered into the
 12 record.
 13 Our Cultural Asset Survey is completed.
 14 That's the historic preservation process. We have
 15 talked about that. We do have a site here that may be
 16 significant, and we're just going to fence it off and
 17 not disturb it as part of our overall project.
 18 Phil talked about the three-way permit with
 19 the Corps, EPA, and DNR. That's taken a long time and
 20 a lot of back and forth. The Corps or Engineers takes
 21 it out for public comment. They did receive comments
 22 from the Sierra Club and the Autobahn Society. We
 23 have addressed all of those comments to the
 24 satisfaction of the Corps of Engineers, and it's still

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1 reported we expect to have them authorize us a permit
 2 here in the next few weeks.
 3 Again, it will be conditional because the
 4 EPA also has to issue a 401 Permit, which is a clean
 5 water certification; so it's conditional upon the EPA
 6 granting that permit.
 7 EPA won't grant that permit until after the
 8 404 by the Corps. They're government agencies. I
 9 can't understand why all of that works that way, but
 10 that's the way it goes.
 11 Obviously, again, with the Corps, the 404
 12 Permit, they are essentially concerned with
 13 environmental issues. The Department of Natural
 14 Resources weighs in with the floodplain issues, and we
 15 have that permit from them in hand. Again, that's
 16 been submitted as one of the items in the record.
 17 We've had to do a lot of things as part of
 18 this. We have done a wetland study in the area.
 19 We've delineated that there are 1.36 acres of wetlands
 20 on the site -- excuse me, 1.36 acres of wetlands on
 21 the project. There are 12 different sites. One of
 22 them is on Township Road 1025 East where a waterway
 23 crosses, so technically not within the 240 acres, I
 24 guess.

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1 Wherever possible, we are avoiding those
 2 wetland areas. We just stay away from them. However,
 3 there is 0.62 acres of wetland that we cannot avoid
 4 impacting as well as the shorelines of that
 5 agricultural waterway that runs through the middle of
 6 the property. So we have the plan that you've seen
 7 circulated around to mitigate our impact on the
 8 wetlands.
 9 Corps of Engineers guidelines are, in a
 10 low-level wetland as these are classified, that you
 11 mitigate at 1.5:1; so for every acre you disturb, you
 12 replace it with 1.5 acres. The Corps suggested that
 13 maybe we ought to go to 2 acres for every 1 acre
 14 disturbed, and we have agreed to do that. So we have
 15 set aside about a 1.4 acre area in the corner of our
 16 pit that we will use to reestablish a wetland.
 17 As part of our 404 Permit, there will be
 18 stipulations as to when that has to be established.
 19 The Corps initially said: Well, we want it to start
 20 immediately. When we described to them the mining
 21 operation, they realized that that was not practical.
 22 So we haven't seen the final permit, but it will
 23 probably be in the three- to five-year period that
 24 they will want to see that wetland start to be

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1 established.
 2 As part of the permit, they will require
 3 annual maintenance for five years and reporting for a
 4 five-year period on the wetlands. And they require a
 5 financial guarantee that ensures the maintenance of
 6 those wetlands. That's what we're waiting on on the
 7 404 Permit, is to establish a reasonable cost of what
 8 it takes to inspect and potentially maintain that 1.4
 9 acres of wetlands that we're creating.
 10 Another requirement of our 404 Permit is
 11 that we put a buffer strip along both sides of the
 12 creek. So we have a 150-foot buffer from the top of
 13 the bank on each side of the creek that we don't touch
 14 with the exception of where we take our aerial
 15 pipelines over the top of the creek, where we
 16 temporarily -- or where we relocate the waterway
 17 through the site and connect it to the Kickapoo Creek
 18 a little earlier than it does naturally.
 19 That whole area that's protected is 68
 20 acres. It's 7,100 lineal feet of creek bank. Of that
 21 68 acres, 48 acres of it is forested riparian ground
 22 and not touched as part of our project. We're not
 23 allowed to disturb it.
 24 There's about 20 acres of farmland in that

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1 buffer strip, and that includes area north of the
 2 creek along Road 50 North and also south and west of
 3 the Kickapoo on the far west edge of our property.
 4 Those areas will continue to be farmed through the
 5 life of our mining operation.
 6 Then we have about a half an acre of ground
 7 that gets disturbed with the construction of the
 8 pipeline across the creek, and that gets reseeded with
 9 prairie vegetation as part of our reclamation.
 10 You saw the evidence we've entered in. The
 11 Corps also required a Myotis roost habitat study,
 12 basically a study of Indiana bat roosting areas. What
 13 it looks for is basically habitat that is suitable for
 14 bats to roost in. We have no evidence that we have
 15 bats roosting on this property, but the study does
 16 show that there were seven trees on the site that
 17 would be suitable for bats to roost in.
 18 So we have spotted those on the plans. They
 19 are shown on the plans that you have on the small half
 20 size. It's kind of hard to see them, but we have
 21 worked our way around it with the mining, reduced the
 22 minable area a little bit in order to stay away from
 23 those trees and not disturb them. By regulation, we
 24 don't have to leave them alone. We can take them out,

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1 but only in certain times of the year that are not
 2 roosting times for the Indiana bat.
 3 It is our intention just to leave them there
 4 for as long as they stand up, recognizing we may have
 5 to remove them because what makes them bat habitat is
 6 that they are hollow and rotten on the inside, for the
 7 most part. They may eventually fall down or become a
 8 safety hazard, and then we may have to take them out.
 9 But there are rules and regulations for that, and we
 10 will comply with those.
 11 This natural buffer area and the wetlands
 12 that we are going to create is also protected by deed
 13 restrictions. The Corps will require we put in place
 14 deed restrictions that limit what can and cannot be
 15 done to that protected area. So basically the prime
 16 value environmental property here gets protected into
 17 perpetuity. We're not allowed to develop it. We're
 18 not allowed to cut the trees down. We're not allowed
 19 to level it and farm it, build parking lots on it or
 20 anything of that nature.
 21 We can do simple things like make walking
 22 trails if they are not paved. We are prohibited from
 23 using motorized vehicles; so it can't become a dirt
 24 bike haven here in the County. Essentially what we're

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1 doing is creating a natural refuge for wildlife here
 2 in this area in the long term.
 3 Phil also mentioned in the report our EcoCAT
 4 consultation, and boy that was a fun one. We submit
 5 the three-way permit to DNR, EPA, and the Corps of
 6 Engineers. The EcoCAT goes to the DNR. So you'd
 7 think by the fact that we applied for the three-way
 8 permit, they would understand we are doing a project
 9 here. But the rules are the rules, and you have to
 10 send in an EcoCAT to everybody who issues a permit on
 11 the process, including the DNR.
 12 So we have to get a consultation from the
 13 DNR so that the DNR can consult themselves on
 14 environmental issues. That's all been done, and we've
 15 received a response back from DNR that, yes, this is
 16 an environmentally sensitive area. We have addressed
 17 their concerns; so they have terminated their
 18 consultation. We have nothing more we have to do with
 19 them.
 20 Obviously, we talked about the Funks Grove
 21 Township Road Agreement that is a critical part of
 22 this project that we know we still need to have signed
 23 and sealed before we proceed. We also need a permit
 24 from IDOT for the intersection that we will construct

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1 on the Route 136 right-of-way. Again, we expect that
 2 to be issuable here shortly.
 3 Reclamation of the site: Again, I saved
 4 that for last simply because it's done last, not
 5 because it's the least important.
 6 But as we've mentioned, as we start the
 7 project, the first five or so acres that we prepare,
 8 we're hauling that material away to the south. As we
 9 proceed with the next year and years beyond, we will
 10 take that overburden material, and we'll use it to
 11 reclaim what we have mined previous years. It's a
 12 better way environmentally to reclaim the mine. It's
 13 a more economical way to mine the property because
 14 we're only handling the material once instead of
 15 twice.
 16 As we progress, we'll begin dwindling the
 17 initial stockpile that we hauled to the south and use
 18 that to help with the reclamation as well. A lot of
 19 that will be used to help create the wetland area
 20 because that will require a considerable amount of
 21 material to bring up.
 22 The wetland area we want to get wet and go
 23 dry, you know, be right there at the ground water
 24 elevation, plus or minus. We're going to take out

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1 anywhere from 30 to 60 feet of material here; so it's
 2 going to take a lot of that overburden material to
 3 haul back to create that wetland. So that pile that's
 4 over there on the south edge of the property
 5 disappears, I want to say, early in the life of the
 6 mine process.
 7 We will provide a financial guarantee for
 8 the reclamation of the mine. Again, we're
 9 continuously reclaiming as we go on the process. So a
 10 number of years from now, we may ask for that to be
 11 reduced proportionally to what we've already
 12 reclaimed. When we get to the end, hopefully we have
 13 the last year's bit of mining to reclaim, and then of
 14 course the processing area has to be reclaimed.
 15 We get done mining. We dismantle all the
 16 equipment. The last thing to go, obviously, is the
 17 stockpiles. The scale house stays until we sell off
 18 the stockpile. But in the end, everything goes. The
 19 pipelines come out and are taken away. Our paved
 20 roadway for the trucks to use gets taken away. We
 21 retopsoil the area; so we save enough topsoil for that
 22 as part of our final reclamation, and it gets seeded
 23 as well.
 24 So that takes us from start to finish,

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1 probably more than you ever cared to know about gravel
 2 mines. But this is an industrial activity, and we
 3 recognize it's an industrial activity. Agriculture,
 4 of course, is also an industrial activity; but this is
 5 different. We're changing the status quo. We
 6 recognize that. That's why we have taken such care in
 7 our plans to make sure we have as little of an impact
 8 on the area as we possibly can.
 9 Obviously, because this is a sensitive type
 10 of an issue and it's a different type of an industry,
 11 that's why you have it as a special use process.
 12 That's why you have the seven standards. And all of
 13 that is very appropriate for something like this.
 14 We would be happy to answer any questions
 15 you have. We hope you can make a positive
 16 recommendation to the County Board. And again, we're
 17 here to answer any questions you or any of the
 18 participants here would have.
 19 **CHAIRMAN RUDOLPH:** Thank you. I think this
 20 would be a good time to take a ten-minute break and
 21 reconvene in ten minutes.
 22 (Recess in proceedings.)
 23 **CHAIRMAN RUDOLPH:** Okay. I believe we're at
 24 the point 2B. At this point, the Board will ask

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1 questions of the Applicant. Any questions from
 2 members of the board?
 3 **MR. DEAN:** Mr. Odle, how long have you owned
 4 this property? Have you acquired this in the last few
 5 months or years?
 6 **MR. ODLE:** It's been years. Jack Sellers
 7 owned that property. I don't know if you people know
 8 who he was. He had a gravel pit over there that he
 9 couldn't keep up with. We took that over, operating
 10 the gravel pit he had off of 136, which is where --
 11 Joey Scharf is running that one in there now. We
 12 operated that for several years.
 13 **CHAIRMAN RUDOLPH:** We need you to pull the
 14 mike up.
 15 **MR. ODLE:** We operated the pit that Jack
 16 Sellers had, and we took over the farm. He had a
 17 great indebtedness that he couldn't keep up with. We
 18 took his indebtedness, paid it off, absorbed the farm,
 19 stayed with the gravel pit for a number of years.
 20 They raised the royalties to where we
 21 couldn't stay there. We moved out, and Stark went in
 22 after that. Now, there's been some questionable
 23 operations with that company, but I don't want to go
 24 there. Now Joey Scharf is and operating in that pit

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1 as we know it now, off of 136.
 2 **MR. ADAMS:** This was like in the '60s; so
 3 it's been a long time.
 4 **MR. ODLE:** Yeah. It's been a long time.
 5 **MR. DEAN:** Your family originally acquired
 6 this pit because it had -- this land because it had a
 7 pit on it?
 8 **MR. ODLE:** No. The pit was out on 136,
 9 right at the edge of Heyworth. It's still there now.
 10 It was strictly a farmable area when we acquired the
 11 land.
 12 **MR. DEAN:** So your family has had this land
 13 since the '60s as a farm?
 14 **MR. ODLE:** Yes.
 15 **MR. DEAN:** Thank you.
 16 **CHAIRMAN RUDOLPH:** Excuse me. I was just
 17 going to interrupt. I should have stated earlier that
 18 we will be continuing this hearing at 9:30 for anyone
 19 who is wondering what time they might be getting home.
 20 **MR. ZIMMERMAN:** Royalties. How much is it
 21 for royalties? The roads are going to get a
 22 percentage of the overall revenues. I'm just trying
 23 to figure out what the revenues would be.
 24 **MR. ADAMS:** I don't know that I can tell you

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1 a price on the materials. We just did some very quick
 2 math when we sat down with Mr. Bob Lenz, the attorney
 3 for the Township. We calculated roughly 18 to \$20,000
 4 a year would be the royalties that would go to the
 5 Township each and every year.
 6 Again, that depends on how much volume we
 7 do. Could be more; could be less. But if we hit that
 8 300, 330,000 tons in a year, that's about where we
 9 would be.
 10 **MR. ZIMMERMAN:** So 300,000 tons at 6 bucks a
 11 ton?
 12 **MR. ADAMS:** Well, it depends on the
 13 material. The courser aggregate materials goes for a
 14 higher price. The sand goes for a lesser price. We
 15 just kind of figured an average price, and somewhere
 16 in that neighborhood is where it will be.
 17 **MR. ZIMMERMAN:** Okay.
 18 **MR. BANGERT:** You're estimating the pit, the
 19 mine, to be 30 to 60 feet; is that correct?
 20 **MR. ADAMS:** Yes. That's what the borings
 21 tell us we have in the way of aggregate materials
 22 there.
 23 **MR. BANGERT:** What provisions are going to
 24 be in place for testing wells in the area or anything

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1 near the subject mine? If I saw correctly, the
 2 nearest well is at 50 feet deep; is that correct?
 3 **MR. ADAMS:** I believe that's the case, yes.
 4 We have not put any provisions in for testing of
 5 wells.
 6 Obviously we have a maintenance bond, a
 7 reclamation bond, that could cover that as well, if
 8 you'd like. It has been our experience since years
 9 ago, when gravel extraction went from dewatering the
 10 mines and digging them out to a dredge type system,
 11 that we simply don't have any impact on the wells.
 12 If this Board wishes to make that a
 13 condition that that guarantee covers anybody's well
 14 costs, obviously at 400,000 plus dollars, we have
 15 enough money to replace a well if we need to.
 16 **MR. ODLE:** Can I make a comment on that
 17 also?
 18 The water level of those lakes, once we
 19 start dredging, will be down for a while. But then
 20 the water in those lakes comes up because of all the
 21 surface water from the rain and surrounding areas
 22 coming into those ponds.
 23 We always maintain a higher water table than
 24 we had when we started opening them up. I can point

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1 you to four, five, six areas where we opened them up,
 2 took out the gravel, and the lake level was 3 to 5
 3 feet higher than they were.
 4 **CHAIRMAN RUDOLPH:** I know it's hard to
 5 predict how long it will be mined because it depends
 6 so much on demand. But I believe the question arose
 7 as to where the 10 years come from. It came from one
 8 of the documents that was passed.
 9 **MR. ADAMS:** I apologize for that. That's a
 10 typo by us. It's never been our intention to be in
 11 and out of there in ten years. It would be wonderful
 12 if the economy picked up that much and there was that
 13 much construction in Central Illinois. But 20, 25,
 14 maybe as much as 30 years here.
 15 **MR. DICK:** Your Wetland and Waters of the
 16 State Mitigation Plan says that mining is anticipated
 17 to occur for approximately ten years. Approximately
 18 seven to eight acres will be mined each year. So
 19 that's your document.
 20 **MR. ADAMS:** Okay. That is incorrect. It's
 21 going to be a lot longer than ten years here, clearly.
 22 You can just do the math. When you figure we're going
 23 to create a 70-acre lake and disturb five or six acres
 24 of ground in a year, you know, that takes quite a

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1 while.
 2 **MR. DICK:** Are you going to amend this
 3 permit?
 4 **MR. ADAMS:** Amend the permit?
 5 **MR. DICK:** This is part of your 404 Permit,
 6 I think.
 7 **MR. ADAMS:** If we have to, yes. I don't
 8 know if the 404 Permit will address how long the pit
 9 is here. It will address the time we are responsible
 10 for maintenance of the site and the protection of the
 11 natural areas. I don't think the 404 Permit really
 12 cares how long the mine is here. We will certainly
 13 let the Corps know that.
 14 **AUDIENCE MEMBER:** We will amend. As their
 15 attorney, we will amend.
 16 **MR. ODLE:** I'd like to make another comment
 17 also. We know, from past experience -- and Don, my
 18 cohort here, probably will go on with this.
 19 Most of the time when we go in for an
 20 estimate on tonages, they are estimated, and then it's
 21 cut in half. So if we say we've got 6 million ton in
 22 there, they really think there's 12 million ton. They
 23 do that just to protect their rear end, the people who
 24 went in and did the drilling, pulled the cores and

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1 everything.
 2 That's been pretty well substantiated. I've
 3 been doing this 40 years. I find out that there's a
 4 lot more than what drilling showed when you get in
 5 there working on it.
 6 **MR. BANGERT:** In the second standard, it
 7 says "estimated cost of 400,000 for reclamation."
 8 That figure came from the Acting County Engineer.
 9 That number is based upon a ten-year operation. Does
 10 that affect the math?
 11 **MR. ADAMS:** No, not at all. The number
 12 starts from us in our office. We start figuring out
 13 how many acres we have to do and the various kinds of
 14 seeding and how much grading we have and estimate the
 15 costs. I think our estimate came up about 366 or
 16 \$367,000. The County has asked us to round it up, and
 17 that's fine. We can do that.
 18 But keep in mind, you know, that's assuming
 19 we do all of the reclamation at one time; and it is
 20 our intention to do the reclamation as we go so that
 21 when we get to the end, we don't have to reclaim an
 22 entire 70-acre lake plus the processing area and the
 23 pipe area and that sort of thing. We're going to do
 24 as much as we can as we go.

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1 **MS. TURNER:** I realize that whoever is there
 2 is held to the same standards. You talked about that
 3 before and that you won't be running this particular
 4 site, that maybe Scharf will be running it.
 5 Who will be doing the actual work, the
 6 actual road work? Who will be overseeing that? Will
 7 that be Scharf? Will that be Odles? As the managing
 8 company of this, who does the improvements? Who sets
 9 the site up? Who makes sure from the get-go that
 10 that's going?
 11 **MR. ADAMS:** Okay. I'll answer this. You
 12 correct me if I misspeak. But basically the operator
 13 of the pit will be responsible for all of the
 14 construction on the site.
 15 Now, they're probably not going to build the
 16 road. They will contract it out. Obviously that work
 17 will be inspected as it's built. It has to be
 18 approved and accepted by the Township before things
 19 get finalized out. So there is quality control that
 20 goes there.
 21 But the actual construction of the site, the
 22 leveling of the site and everything else, is done by
 23 the operator.
 24 **MR. DICK:** Will they be responsible for the

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1 continuous reclamation?
 2 **MR. ADAMS:** Yes, they will.
 3 **MR. DICK:** Will they do it in a similar
 4 manner that they have done in the past?
 5 **MR. ADAMS:** It's a condition of this permit.
 6 so they will, or they will have to come in to you
 7 again and ask for a change in their special use, in my
 8 opinion.
 9 **AUDIENCE MEMBER:** If I may --
 10 **CHAIRMAN RUDOLPH:** Let's figure out how
 11 we're going to --
 12 We need to swear you in.
 13 (Witness sworn.)
 14 **CHAIRMAN RUDOLPH:** State your name and
 15 address, please.
 16 **MR. PEITHMANN:** My name is William A.
 17 Peithmann. I'm an attorney from Mahomet. I hadn't
 18 meant to get to this, but the one part that's my
 19 bailiwick is the proposed lease that we may or may not
 20 sign with the operator.
 21 **CHAIRMAN RUDOLPH:** I'm sorry, I didn't get
 22 your name and address.
 23 **MR. PEITHMANN:** My name is William A.
 24 Peithmann. I'm an attorney from Mahomet. My address

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1 is 409 East Main Street, Mahomet.
 2 **MR. DICK:** Could you spell your last name?
 3 **MR. PEITHMANN:** Yes, sir.
 4 P-e-i-t-h-m-a-n-n.
 5 **MR. DICK:** 409 East Main Street?
 6 **MR. PEITHMANN:** I don't know a lot about
 7 engineering, but I have a lot of experience writing
 8 commercial contracts.
 9 We do not have a finalized document. We do
 10 not have a binding agreement with anyone. We have had
 11 extensive discussions with the Scharf family and with
 12 another family that for the moment we don't need to go
 13 into.
 14 My lease is really tight because the Odle
 15 family, who are close personal friends, are assuming
 16 massive obligations as a condition of this special use
 17 permit. Don is 75. He's not going to do it. He
 18 knows the business, but he is not going to do it. We
 19 have to impose 110 percent of these obligations on our
 20 operators. So that's not the same as saying we're
 21 going to oversee it, but it's going to be overseen.
 22 Something I think needs to be said. I
 23 understand there's some question about the
 24 faithfulness of the Scharf promises in the past. The

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1 lease that we're going to have if we end up signing
 2 with the Scharf family will incorporate not only the
 3 obligations of this special use permit, but any other
 4 outstanding obligations in the area, whether it's
 5 McLean County or DeWitt County or what have you.
 6 It's an art form. You can't do everything,
 7 but you can make it just as tight as possible. Did
 8 that answer the question? I'll go sit down.
 9 **CHAIRMAN RUDOLPH:** You can stay here. Any
 10 further questions from members of the Board?
 11 **MR. BANGERT:** There's provisions for dust
 12 control on the roads around the mine and what have
 13 you. Some of the stockpiling I notice is going to be
 14 near the road to the north, north of Kickapoo Creek.
 15 What is going to be stockpiled in those
 16 piles? Would that be sand, gravel, soil?
 17 **MR. ADAMS:** The answer is I don't know. And
 18 I would caution you to not get too attached to the
 19 little drawing of the stockpiles. We indicate those
 20 to show that we will have stockpiles spread around the
 21 site.
 22 Whether they are exactly there or other
 23 locations and whether some are big and some are small
 24 is going to be up to the operator. It will be

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1 aggregate materials. Whether it's sand or course
 2 aggregates or a mixture will be up to the operator.
 3 Insofar as controlling the dust, the first
 4 and best thing we do is this is a wet operation; so
 5 the processing part of this is relatively dust free.
 6 Obviously as the stockpiles sit there on the ground,
 7 they dry out, and there is dust when we transport and
 8 handle the material to take it off the site. But we
 9 just address that on an as-needed basis.
 10 We have the water there; so it's not a big
 11 problem for us to clean our hard-surface roads so that
 12 we don't have a lot of dust coming off it from our
 13 trucks.
 14 That's the best we can say. It's just done
 15 as we need it.
 16 **MR. BANGERT:** One of the things that I've
 17 noticed just -- there are other gravel pits and mines
 18 in the area. Some of the worst dust doesn't always
 19 come from the roads. It comes from the stockpiles.
 20 I'm just merely bringing up discussion as to
 21 what opportunity may exist to mitigate any issues from
 22 the stockpiles as well because the stockpiles aren't
 23 mentioned at all. That could be another source of
 24 some air pollution. The maps we have here don't

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1 really take into account the residences to the north
 2 very well. It's just a question.
 3 **MR. ADAMS:** Yeah. You know, with prevailing
 4 winds from the west, will there be dust from the site?
 5 Certainly. It's an industrial activity we have here.
 6 We can't control all the dust that comes off of this
 7 site just as a farmer doesn't control all the dust
 8 that comes off the field in the spring when they're
 9 there. But as much as is practical, we can control it
 10 by keeping our roadways wet because that's the biggest
 11 source of complaints we typically get with a gravel
 12 pit.
 13 **MS. TURNER:** How many trucks currently are
 14 going in and out of the pit that's just up the road?
 15 In other words, I want to know what percentage of
 16 increase in -- and I know there are other semis. If
 17 you have a big hog farm up there, you've got semis
 18 coming in and out of that, but not crazy like you do
 19 at a gravel pit.
 20 But what percentage increase is this in the
 21 semi traffic for that area?
 22 **MR. ADAMS:** I don't know how I would answer
 23 that. I am not -- I couldn't tell you what the
 24 traffic counts currently are on Route 136. Obviously

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1 it's considerably more than 60 trucks a day that use
 2 that highway; so we're not doubling the traffic load
 3 or anything like that.
 4 In fact, it may end up being no net increase
 5 because we may just take the trucks from one pit and
 6 move them to the next pit so that it's not a big
 7 increase at all.
 8 **MR. ZIMMERMAN:** This may sound like a silly
 9 question. I live on the Kickapoo. How often are
 10 there hundred-year floods? I've been living there
 11 for, like, 30 years; and I've seen several.
 12 **MR. ADAMS:** Very good question. The first
 13 mistake we make is when we call it a hundred-year
 14 flood. It's not a hundred-year flood. It's a flood
 15 that has a 1 percent chance of happening in any year.
 16 So yes, it is very possible to have hundred-year
 17 floods five years in a row.
 18 This property does flood. The township road
 19 bridge just to the east of us this spring has been
 20 under water. Water has gone over the top of the road.
 21 So this area does flood, which of course is what
 22 limits its value on the agricultural side. Sometimes
 23 we lose a crop occasionally.
 24 We deal with that when it's a wet mining

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1 operation and when we have high-and-dry ground that we
 2 can put our processing equipment on.
 3 **MR. ZIMMERMAN:** Would you talk about the
 4 fence some more? Because the stockpiles are going to
 5 be directly to the west of Kickapoo Creek. If the
 6 prevailing wind is there and there are stockpiles of
 7 especially sand and it's not treated wet, a fence
 8 might stop it. How tall is that fence going to be?
 9 **MR. ADAMS:** What we're looking for in a
 10 fence is not to keep dust from blowing across it, but
 11 basically to keep -- be a physical barrier to stop
 12 anybody from going on that property and disturbing it.
 13 If dust blows onto that area that may be a
 14 cultural site or have some resources on it, we don't
 15 care. It doesn't hurt it any. It doesn't disturb it.
 16 So that fence is just -- I'm envisioning a
 17 chain-link type fence, and it's there just to keep
 18 somebody from driving in there.
 19 **MR. ZIMMERMAN:** What percentage of the
 20 aggregate coming out will be gravel, and what percent
 21 -- you've got borings -- is sand?
 22 **MR. ADAMS:** You better answer that one, Don.
 23 **MR. ODLE:** Normally you're really lucky if
 24 you get a deposit that's got 50 percent sand and 50

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1 percent rock. Most gravel pits are more like 60/40.
 2 The aggregate in that area --
 3 **MR. ZIMMERMAN:** 60/40 which? I'm sorry.
 4 **MR. ODLE:** 60 percent sand and 40 percent
 5 course aggregate. The money is in the rock.
 6 **MR. ZIMMERMAN:** Okay.
 7 **MR. ODLE:** Sands goes for 2 bucks a ton, and
 8 rock 8 to 10 bucks.
 9 We have no control over that. It just what
 10 Mother Nature put down there. But that's courser
 11 material out there in that area, and I would estimate
 12 that it's going to be more like 60/40, 60 percent sand
 13 and 40 percent rock. There's a lot of places that's
 14 75 percent sand.
 15 **MR. ZIMMERMAN:** What provisions do you have
 16 for sand? If you are carting a lot of sand up there
 17 and have a wet system and have a big pile of sand with
 18 a westerly prevailing wind, that's going to come,
 19 according to the map, straight down into the Kickapoo
 20 Creek or could potentially be enough sand over the
 21 course of mining of 71 acres to have a significant
 22 amount of dust going over to the creek.
 23 **MR. ODLE:** Quite frankly, we expect to sell
 24 the sand as fast as we make it or thereabouts. We

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1 don't expect to see big stockpiles.
 2 In fact, if we get to a point where we got a
 3 lot of it, why would we make more? We could shut down
 4 or slow down or go to fewer hours. We only put a
 5 certain amount of stockpile out on the ground. It
 6 depends on sales and a lot of different things.
 7 But in the 40 years, I've been in the sand
 8 business and the aggregate business, I've never seen
 9 sand blow that far. It will blow a ways off the pile
 10 and maybe run out a few feet, like 20 feet or so; but
 11 it doesn't go out across the cornfield or nothing like
 12 that, unless it's a blizzard; and we just don't see
 13 that that often.
 14 **MR. ZIMMERMAN:** Would you read the topo map
 15 here, where the -- page 8 is part of it. And it's
 16 actually on several of them. There's going to be the
 17 slurry pond and then the stockpiles and the fence.
 18 There are a bunch of lines there, which I
 19 interpret as being a fairly steep fall down to the
 20 creek on the north end of the property where the
 21 Kickapoo goes from going east/west to going south.
 22 Seems like, if there are going to be
 23 stockpiles there -- it's not very many feet, and it's
 24 pretty straight down -- that there's a potential for

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1 having a lot of sand going in the creek there.
 2 **MR. ODLE:** My understanding for that was
 3 that when they checked that out there for artifacts,
 4 that that hillside back there -- we're exempt from
 5 that. We're not supposed to put anything on that.
 6 There's a huge area back in there.
 7 **MR. ADAMS:** I think he's talking about in
 8 there.
 9 So this would be the east line of the
 10 processing area, is what you're concerned about? Is
 11 that correct?
 12 **MR. ZIMMERMAN:** Yes. East line and the
 13 northeast end of the processing line.
 14 With the prevailing westerly wind, if
 15 there's sand up there, 10, 20, 30 years worth of
 16 westerly prevailing winds might put a significant
 17 amount of sand down toward the Kickapoo Creek.
 18 **MR. ADAMS:** What we have as part of our plan
 19 is -- you will see that there are storm drainage
 20 structures on that side. And if you look all the way
 21 to the northeast corner of the proposed processing
 22 area, you see a lot of lines there that are contour
 23 lines.
 24 Basically, we're putting that inlet down in

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1 a hole so we capture the runoff off the site. And
 2 that gets taken to the slurry pond. So if any sand
 3 runs off, it gets captured into that slurry pond
 4 before it gets discharged back to the creek.
 5 So as long as that sand is not airborne, we
 6 should capture it on site. It should not run over
 7 ground off the site. And as Mr. Odle has said, that's
 8 a lot of weight and volume to go airborne for that
 9 length of time.
 10 **MR. ZIMMERMAN:** So you're saying that along
 11 that north/south -- there would be a north/south line
 12 there. There would be some sort of catchment?
 13 **MR. ADAMS:** A ditch or a slight berm so that
 14 we capture our storm water runoff before it runs down
 15 to the creek. We don't want our water to run directly
 16 to the creek. We want it to go through our slurry
 17 pond to catch any suspended materials that we can and
 18 then take it back across the creek and dump it into
 19 our gravel pit rather than to the creek.
 20 **CHAIRMAN RUDOLPH:** I'm curious about various
 21 companies that you have helping you with this
 22 application and this important document, the Wetland
 23 Waters Mitigation Plan. It's Foth. So how would you
 24 describe that company? Are they consultants?

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1 **MR. ADAMS:** They are almost a mirror image
 2 of Farnsworth Group. Foth Infrastructure is an
 3 engineering firm headquartered in Wisconsin. They had
 4 an office in Champaign. Used to be Daily and
 5 Associates years ago. Foth bought out Daily.
 6 A couple of years ago Foth Infrastructure
 7 had a change in corporate philosophy and decided they
 8 didn't want to serve small municipalities anymore; so
 9 they weren't interested in keeping the operation. So
 10 we acquired their Champaign operation. They do the
 11 same sort of engineering work we do. That's why this
 12 report was done by Foth engineers.
 13 Eva Moretts (phonetic), who is the engineer
 14 who prepared the report, had already been working on
 15 this project from before when it was with Foth; so she
 16 was familiar with the conditions at the site and
 17 constraints of the site. It just made sense to have
 18 her continue on and finish up the reports.
 19 So it's not all done in house, but it's
 20 almost all done in house.
 21 **MR. ODLE:** Let me add a little something
 22 there.
 23 The winds that blows sand off the stockpiles
 24 generally will blow the sand -- it will come down the

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1 edge and kind of come out at the bottom, just like it
 2 would a snow drift.
 3 If you're a good operator and that stuff
 4 gets off that pile, you go out there and pick it up
 5 and replace it back at the pile. We like to see that
 6 it doesn't get off the property.
 7 I'm not saying nothing is going to get off
 8 the property, but it doesn't generally blow that far.
 9 If it would, we'd be losing a lot of money because it
 10 would be on some farmer's field.
 11 **MS. CARLTON:** Did I understand right that
 12 the single-family home, you said you were going to be
 13 taking some of their front yard?
 14 **MR. ADAMS:** In our original road plans, it
 15 did; but as we revised the plans, we just moved the
 16 road over so we do not take any right-of-way from
 17 them. And the nice big tree in their front yard stays
 18 right where it is. We're not touching it.
 19 **MS. CARLTON:** So you're not touching any of
 20 their property?
 21 **MR. ADAMS:** No.
 22 **MS. CARLTON:** Thank you.
 23 (Audience member approaching.)
 24 **CHAIRMAN RUDOLPH:** If you were going to help

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1 one of the witnesses answer a question, why don't you
 2 consult with Mr. Adams.
 3 (Pause in proceedings.)
 4 **CHAIRMAN RUDOLPH:** Any further questions
 5 from members of the Board?
 6 **MS. TURNER:** It's a wet operation. You've
 7 got pipes up in the air. I realize, since it's a wet
 8 operation, you're not going to be doing a lot of
 9 operating when it's really cold out; but you're going
 10 to have water left in those pipes.
 11 How often is this done? Do we need to worry
 12 about freezing? How are they checked come spring time
 13 to make sure they are all sound again before you get
 14 it going full bore since it is above the creek, that
 15 type of thing?
 16 **MR. ADAMS:** Well, given the size of the
 17 pipes, if we have any water that remains in them
 18 through the wintertime, it will be a small amount.
 19 They are pressure pipes; and with no pump running,
 20 there's nothing to keep any water in them.
 21 So obviously, if we have some material in
 22 there and it freezes, we've got a lot of pipe that it
 23 can expand into. I would anticipate the pipes will
 24 also be laid in with a slight gradient in them to

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1 minimize the amount of water.
 2 So far as inspection of the pipes, that's
 3 something that the operator has to take care of.
 4 Obviously it's in their best interests because if the
 5 pipes don't operate, they don't operate. If they
 6 don't operate, they don't make money. So I would
 7 anticipate that they are checked regularly, but how
 8 often, I couldn't really say.
 9 **MS. TURNER:** You say they are pressurized.
 10 So any amount of leaking as far as the pipes go will
 11 keep the operation from running efficiently?
 12 I mean, obviously if you have leakage going,
 13 you're not going to get the pressure that you need. I
 14 guess what I want to know: Is there any acceptable
 15 level as far as an operator goes of leakage to keep it
 16 from being efficient?
 17 **MR. ADAMS:** I would say -- well, first of
 18 all, we've got three pipes. I'll do the easy one
 19 first. The return pipe from the slurry pit is a
 20 gravity pipe. It's not under pressure; so it is less
 21 of a concern.
 22 As we bring wash water in, if there's a leak
 23 in that pipe, that would probably very severely impact
 24 the operation of the plant because we wouldn't get

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1 enough pressure to bring the water across.
 2 So far as the slurry goes, we could have a
 3 leak and still operate; but again, it's kind of that
 4 financial incentive. I spent all that money dragging
 5 that stuff up out of the bottom of the lake. I'm
 6 going to do everything I can to keep every shovel full
 7 of it in my piles instead of getting away from me. So
 8 there's an economic incentive to make sure that that
 9 stays tight.
 10 **MR. ZIMMERMAN:** You've done a lot of work on
 11 the wetlands here and reconstruction or maintaining
 12 them.
 13 What about the flora and fauna of the
 14 Kickapoo Creek? It's my understanding that this part
 15 of the Kickapoo Creek has been put on the Illinois
 16 Natural Areas inventory. What kinds of fish surveys,
 17 mussel surveys, and other flora and fauna surveys do
 18 you plan to do?
 19 **MR. ADAMS:** That was an issue that was
 20 raised by the Sierra Club and Autobahn group. Our
 21 answer is, quite simply, we're not ever discharging
 22 anything in the creek. We're never going to get down
 23 into that creek bottom other than when we make that
 24 initial waterway relocation and at final reclamation

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1 and that's it.
 2 So we are not impacting any of the wildlife,
 3 any of the mussels, any of the fish, or anything of
 4 that nature. And the Corps of Engineers agrees with
 5 that assessment.
 6 **MR. ZIMMERMAN:** So when we have a flood --
 7 when there's a flood in this area, will the creek
 8 water come in and flood the entire area?
 9 **MR. ADAMS:** Yes.
 10 **MR. ZIMMERMAN:** Then it will go back down.
 11 So the water from the pit will mingle and then in some
 12 cases drain away. Is that how it works?
 13 **MR. ADAMS:** Yes. You know, the water level
 14 will drop until we get to the top of the bank of the
 15 creek. Then our water will stay on site until it
 16 leeches out of the ground or evaporates.
 17 So while there's a flood going and water
 18 running over the top of what is now our pit, that is
 19 technically not considered a discharge. It's just
 20 water that's coming in and going back out and
 21 shouldn't be mingling with the aggregates down low at
 22 the bottom of the pit unless somebody puts a big
 23 Mixmaster in there or something to disturb it.
 24 **CHAIRMAN RUDOLPH:** Does staff have any

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1 further questions?
 2 **MR. DICK:** No.
 3 **CHAIRMAN RUDOLPH:** Okay. Let me talk about
 4 again where we are. When we reconvene, we will be
 5 taking questions from any interested parties,
 6 objectors, or supporters -- and only questions at that
 7 point.
 8 If you have a copy of this procedure, this
 9 would be -- we're at 2(D). And you'll see that, later
 10 on, there's a chance to give testimony down the road.
 11 We previously surveyed the Board as to when
 12 we can all get back here. We're going to continue
 13 this hearing in this room at 7:00 on Wednesday, May
 14 11.
 15 We are adjourned.
 16
 17 (Proceedings concluded at 9:27 p.m.)
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1 STATE OF ILLINOIS)
 2 COUNTY OF DeWITT) SS
 3
 4 I, BRENDA ZEITLER, CRR, RPR, and CSR,
 5 License No. 084-004062, in and for the state of
 6 Illinois, do hereby certify that the foregoing meeting
 7 before the McLean County Zoning Board of Appeals was
 8 taken on the 3rd day of May, 2016, and that said
 9 hearing was taken down in stenograph notes, afterwards
 10 reduced to typewriting by me, and is a true and
 11 accurate transcription of the testimony.
 12
 13 I do hereby certify that I am a
 14 disinterested person in this cause of action, that I
 15 am not a relative of any party or any attorney of
 16 record in this cause or an attorney for any party
 17 herein or otherwise interested in the event of this
 18 action, and that I am not in the employ of the
 19 attorneys for either party.
 20
 21 IN WITNESS WHEREOF, I have hereunto set my hand
 22 this 22nd day of May, 2016.
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