

State of Illinois) SS
Belvidere, Illinois)

BELVIDERE CITY COUNCIL
REGULAR MEETING
AGENDA

November 5, 2018

Convened in the Council Chambers, 401 Whitney Blvd, Belvidere IL at 7:00 p.m.
Mayor Chamberlain presiding.

- (1) Roll Call:
- (2) Pledge of Allegiance:
Invocation:
- (3) Public Comment: (Please register with the City Clerk):
- (4) Approval of minutes of the regular meeting of the Belvidere City Council of October 15, 2018; as presented.
- (5) Public Hearing: None.
- (6) Special Messages and Proclamations:
 - (A) Proclamation for National Hunger and Homelessness Awareness Week.
 - (B) Report of Growth Dimensions.
- (7) Approval of Expenditures: None.
- (8) Committee Reports and Minutes of City Officers:
 - (A) Belvidere Police Department Overtime Report October 9, 2018 through October 22, 2018.
 - (B) Belvidere Fire Department Overtime Report of October 10, 2018 through October 23, 2018.
 - (C) Minutes of Planning and Zoning Commission of October 9, 2018.
 - (D) Minutes of Committee of the Whole – Public Safety and Finance and Personnel of October 22, 2018.
- (9) Unfinished Business:
 - (A) Ord. #430H – 2nd Reading: An Ordinance Designating a Landmark to the Local Historic Register Dunton Home – 401 E. Lincoln Avenue.
 - (B) Ord. #431H – 2nd Reading: An Ordinance Authorizing the Sale of a Municipal Parking Lot.

- (C) Ord. #432H – 2nd Reading: An Ordinance Amending Subdivision V of Division 9, Wastewater Treatment of Article V, Sewer and Sewage of Chapter 114, Utilities of the City of Belvidere Municipal Code.

(10) New Business:

Motions forwarded from Committee of the Whole – Public Safety and Finance and Personnel of October 22, 2018.

Public Safety Motions by Chairman Crawford.

- (A) Motion to approve the purchase of Zoll X Series Cardiac Monitors at a cost of \$72,455.56 including trade in.
- (B) Motion to approve the proposal from Ackerson Brothers for the installation of new garage doors at Station #1 in the amount of \$4,741. This building upgrade will be paid for from budgeted line item #01-5-220-6010.

(11) Adjournment:

State of Illinois SS
Belvidere, Illinois

**Belvidere City Council
Regular Session
Minutes**

Date: October 15, 2018

Convened in the Belvidere City Council Chambers, 401 Whitney Blvd, Belvidere Illinois at 7 p.m.

Call to order by Mayor Chamberlain.

- (1) Roll Call: Present: R. Brooks, W. Frank, M. Freeman, T. Porter,
T. Ratcliffe, M. Sanderson, D. Snow and C. Stevens.
Absent: M. Borowicz and G. Crawford.

Other staff members in attendance:

Budget and Finance Director Becky Tobin, Building Director Lesa Morelock,
Public Works Director Brent Anderson, Community Development Planner
Gina DelRose, Fire Chief Hyser, Police Chief Woody, City Attorney Drella and
City Clerk Arco.

- (2) Pledge of Allegiance:
Invocation:

- (3) Public Comment:

- (4) Approval of Minutes:

(A) Approval of minutes of the regular meeting of the Belvidere City Council of
October 1, 2018; as presented.

Motion by Ald. Ratcliffe, 2nd by Ald. Porter to approve the minutes of the regular
meeting of the Belvidere City Council of October 1, 2018. Roll Call Vote: 8/0 in favor.
Ayes: Brooks, Frank, Freeman, Porter, Ratcliffe, Sanderson, Snow and Stevens.
Nays: None. Motion carried.

- (5) Public Hearing: None.

- (6) Special Messages: None.

(7) Approval of Expenditures: General & Special Fund Expenditures: \$1,165,633.82
Water & Sewer Fund Expenditures: \$ 521,267.43

Motion by Ald. Sanderson, 2nd by Ald. Brooks to approve the General & Special Fund Expenditures in the amount of \$1,165,633.82. Roll Call Vote: 8/0 in favor. Ayes: Frank, Freeman, Porter, Ratcliffe, Sanderson, Snow, Stevens and Brooks. Nays: None. Motion carried

Motion by Ald. Snow, 2nd by Ald. Frank to approve the Water & Sewer Fund Expenditures in the amount of \$521,267.43. Roll Call Vote: 8/0 in favor. Ayes: Freeman, Porter, Ratcliffe, Sanderson, Snow, Stevens, Brooks and Frank. Nays: None. Motion carried,

(8) Committee Reports & Minutes of City Officers:

- (A) Belvidere Police Department Overtime Report of September 25, 2018 through October 8, 2018.
- (B) Belvidere Fire Department Overtime Report of September 16, 2018 and September 26, 2018 through October 9, 2018.
- (C) Minutes of City-County Coordinating Committee of September 12, 2018.
- (D) Monthly Report of Building Department Revenues – September 2018.
- (E) Monthly Report of Community Development/Planning Department for September 2018.
- (F) Monthly General Fund Report for September 2018.
- (G) Monthly Water/Sewer Report for September 2018,
- (H) Monthly Treasurer Report for September 2018.
- (I) Report of CD Investments as of September 2018.

Budget and Finance Director Becky Tobin reported on finance items.

Let the record show these reports and minutes were placed on file.

- (J) Minutes of Committee of the Whole – Building, Planning and Zoning and Public Works of October 8, 2018.

Motion by Ald. Sanderson, 2nd by Ald. Porter to approve the minutes of Committee of the Whole – Building, Planning and Zoning and Public Works of October 8, 2018. Roll Call Vote: 8/0 in favor. Ayes: Porter Ratcliffe, Sanderson, Snow, Stevens, Brooks, Frank and Freeman. Nays: None. Motion carried.

(9) Unfinished Business:

- (A) Ord. #429H – 2nd Reading: An Ordinance Creating Education Preferences for Promotion within the City of Belvidere Police Department.

Motion by Ald. Frank, 2nd by Ald. Brooks to pass Ord. #429H – An Ordinance Creating Education Preferences for Promotion within the City of Belvidere Police Department. Roll Call Vote: 8/0 in favor. Ayes: Ratcliffe, Sanderson, Snow, Stevens, Brooks, Frank, Freeman and Porter. Nays: None. Motion carried.

(10) New Business:

- (A) Ord. #430H – 1st Reading: An Ordinance Designating a Landmark to the Local Historic Register Dunton Home – 401 E. Lincoln Avenue.
- (B) Ord. #431H – 1st Reading: An Ordinance Authorizing the Sale of a Municipal Parking Lot.
- (C) Ord. #432H – 1st Reading: An Ordinance Amending Subdivision V of Division 9, Wastewater Treatment of Article V, Sewer and Sewage of Chapter 114, Utilities of the City of Belvidere Municipal Code.

Let the record show Ord. #430H, #431H and #432H were placed on file for first reading.

Motions forwarded from City-County Coordinating Committee of September 12, 2018.

- (A) Motion to approve invoice #296234R from TRC in the amount of \$8,317.07 with a 50/50 split between the City and County. Roll Call Vote: 8/0 in favor. Ayes: Sanderson, Snow, Stevens, Brooks, Frank, Freeman, Porter and Ratcliffe. Nays: None. Motion carried.
- (B) Motion to approve (Nijman Franzetti LLP) invoice #15996 in the amount of \$280; invoice #16055 in the amount of \$560 and invoice #16054 in the amount of \$210 with a 50/50 split between the City and County. Roll Call Vote: 8/0 in favor. Ayes: Snow, Stevens, Brooks, Frank, Freeman, Porter, Ratcliffe and Sanderson. Nays: None. Motion carried.
- (C) Motion to approve (PDC Laboratories) invoice #19330537 in the amount of \$28,144.52 with a 50/50 split between the City and County. Roll Call Vote: 8/0 in favor. Ayes: Stevens, Brooks, Frank, Freeman, Porter, Ratcliffe, Sanderson and Snow. Nays: None. Motion carried.

Motions forwarded from Committee of the Whole – Building, Planning and Zoning and Public Works of October 8, 2018.

- (A) Motion to approve waiving the \$500 application fee for the FFA project of backyard chickens. Roll Call Vote: 8/0 in favor. Ayes: Brooks, Frank, Freeman, Porter, Ratcliffe, Sanderson, Snow and Stevens. Nays: None. Motion carried.

- (B) Motion by Ald. Brooks, 2nd by Ald. Snow to approve waiving the bidding requirement for Cahoy Group. Roll Call Vote: 8/0 in favor. Ayes: Frank, Freeman, Porter, Ratcliffe, Sanderson, Snow, Stevens and Brooks. Nays: None. Motion carried.
- (C) Motion to approve Cahoy Group to complete the repairs to Well #4. This work will be paid for from the Water System Depreciation Account. Motion by Ald. Snow, 2nd by Ald. Ratcliffe to amend to approve the proposal from Cahoy Group to complete the emergency repairs to Well #4 at a total cost of \$93,569. This work will be paid for from the Water Depreciation Fund. Roll Call Vote to amend: 8/0 in favor. Ayes: Freeman, Porter, Ratcliffe, Sanderson, Snow, Stevens, Brooks and Frank. Nays: None. Motion carried. Roll Call Vote as amended: 8/0 in favor. Ayes: Porter, Ratcliffe, Sanderson, Snow, Stevens, Brooks, Frank and Freeman. Nays: None. Motion carried.
- (D) Motion to approve the proposal from Swanson Flo, in the amount of \$15,254 for the replacement of three valve actuators at the WWTP. This work will be paid for from line item #61-5-820-6010. Roll Call Vote: 8/0 in favor. Ayes: Ratcliffe, Sanderson, Snow, Stevens, Brooks, Frank, Freeman and Porter. Nays: None. Motion carried.
- (E) Motion to approve the proposal from CES, in the amount of \$8,750 to complete the design engineering for the Appleton Road Forcemain Extension Project from the VFW to the WWTP. This work will be paid for from sewer line item #61-5-820-6190. Roll Call Vote: 8/0 in favor. Ayes: Sanderson, Snow, Stevens, Brooks, Frank, Freeman, Porter and Ratcliffe. Nays: None. Motion carried.
- (F) Motion to approve the proposal from Arc Design Resources, in an amount not-to-exceed \$35,700 to complete the Logan Avenue right-of-way and topographic survey. This work will be paid for from the proceeds of the local motor fuel tax. Roll Call Vote: 6/2 in favor. Ayes: Snow, Brooks, Frank, Freeman, Porter, Ratcliffe. Nays: Stevens and Sanderson. Motion carried.
- (G) Motion to accept the Bronze Police and Fireman Tribute Sculpture to be donated by Jack and Peggy Wolf via the John T. Wolf Charitable Trust II. Roll Call Vote: 8/0 in favor. Ayes: Stevens, Brooks, Frank, Freeman, Porter, Ratcliffe, Sanderson and Snow. Nays: None. Motion carried.

(11) Adjournment:

Motion by Ald. Sanderson, 2nd by Ald. Porter to adjourn the meeting at 7:27 p.m.
Aye voice vote carried. Motion carried.

_____ Mayor

Attest: _____ City Clerk



Proclamation

WHEREAS, hundreds of individuals in Boone County, many of them children and families, experience homelessness each year; AND

WHEREAS, over six thousand people in Boone County are living in poverty, with many of them having to use the services of a local food pantry or soup kitchen; AND

WHEREAS, the National Coalition for the Homeless and National Student Campaign Against Hunger and Homelessness are sponsoring National Hunger and Homelessness Awareness Week; AND

WHEREAS, the purpose of the awareness campaign is to educate the public about the many reasons people are hungry and homeless including the shortage of affordable housing for very low income residents; and to encourage support for homeless assistance service providers as well as community service opportunities for students and school service organizations; AND

WHEREAS, there are many organizations committed to sheltering, providing supportive services as well as meals and food supplies to the homeless through the efforts of the Rock River Homeless Coalition; and

WHEREAS, the City of Belvidere recognizes that hunger and homelessness continues to be a serious problem for many individuals and families in our community.

NOW THEREFORE I, Michael Chamberlain, as Mayor of Belvidere, do hereby proclaim November 10-18, 2018, to be:

“National Hunger and Homelessness Awareness Week”

in Belvidere, Illinois, and encourage all residents to recognize that many people do not have housing and need support from citizens and private/public nonprofit service entities.

IN WITNESS WHEREOF, I hereunto set my hand and affixed the Seal of the City of Belvidere this 5th day of November, 2018.

Michael Chamberlain, Mayor
City of Belvidere



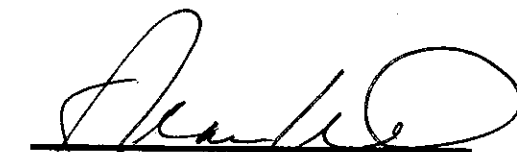
Belvidere Police Department Payroll Report

Dept: 1790

10/23/2018

For Overtime Incurred between 10/9/18 and 10/22/18

Last Name:	Employee ID:	Total Hours:	Total Overtime Pay:
Ball	00739	17	\$946.82
Bell	00813	4.5	\$250.63
Berillo	00941	12	\$545.94
Bird	00793	14.5	\$807.58
Delavan	00848	25.5	\$1,420.22
Derry	00816	19.5	\$1,086.05
Ellingson	00758	9.5	\$529.10
Garcia	00988	9.5	\$399.71
Jones	00772	3	\$167.09
Kaplan	00858	9	\$501.26
King	00868	11	\$582.09
Kirk	00888	12	\$619.20
Korn	00989	7.5	\$315.56
Kozlowski	00846	2.5	\$139.24
McDermott	00942	2	\$90.99
Mears	10050	10.25	\$419.74
Moore	00707	4	\$222.78
Parker, B	00686	11	\$612.65
Polnow	00886	24	\$1,497.24
Schutz	00812	0.5	\$27.85
Smaha	00659	2.5	\$155.96
Washburn	00784	10	\$623.85
Worley	00992	15	\$614.25
Zapf	00934	4	\$181.98
Totals:		240.25	\$12,757.76



Shane Woody
Chief of Police

Belvidere Fire Department

Overtime Report

Date Between {10/10/2018} And {10/23/2018}

Date	Time	Incident	Pay Type	Activity Type	Hours Wkd	Hrs Paid	Pay
00754 Burdick, David J							
10/16/2018	10:00		OT	TRE EMS Training	1.75	2.00	89.16
10/18/2018	07:00		OT	SCU Shift Coverage for	7.00	7.00	312.06
10/22/2018	09:15		OT	PRV2 No Second Grader Left	3.00	3.00	133.74
10/22/2018	12:15		OT	SPE EMS Drug Exchange or	2.00	2.00	89.16
10/22/2018	17:00		OT	SPE EMS Drug Exchange or	1.00	1.00	44.58
10/22/2018	18:00		OT	SPD Special Detail	0.50	1.00	44.58
Staff Member Totals:					15.25	16.00	713.28
00787 Cunningham, Chad L							
10/13/2018	07:00		OT	SCSE Shift Coverage for	24.00	24.00	930.48
10/16/2018	07:30		OT	PRV2 No Second Grader Left	6.00	6.00	232.62
10/17/2018	07:30		OT	PRV2 No Second Grader Left	7.00	7.00	271.39
Staff Member Totals:					37.00	37.00	1434.49
00809 Drall, Dan C							
10/16/2018	07:30		OT	PRV2 No Second Grader Left	6.00	6.00	230.34
10/17/2018	07:30		OT	PRV2 No Second Grader Left	7.00	7.00	268.73
10/19/2018	07:30		OT	PRV2 No Second Grader Left	6.50	6.50	249.53
10/22/2018	07:00		CT	SCF Shift Coverage for	24.00	24.00	921.36
Staff Member Totals:					43.50	43.50	1669.96
00966 Ellwanger, Adam A							
10/17/2018	01:30	18-0002474	OT	GRM General Recall Due to	0.75	2.00	64.42
Staff Member Totals:					0.75	2.00	64.42
00601 Holmes, Gregory A							
10/18/2018	07:00		OT	SCU Shift Coverage for	3.50	3.50	162.82
Staff Member Totals:					3.50	3.50	162.82
00993 Mead, Stephen C.							
10/15/2018	09:00		OT	TREP Initial Paramedic	7.00	7.00	196.98
10/17/2018	09:00		OT	TREP Initial Paramedic	7.00	7.00	196.98
10/17/2018	17:00		OT	TRD Dive/Water Rescue	2.00	2.00	56.28
10/20/2018	07:00		OT	TRTM TEMS Training	5.00	5.00	140.70
10/22/2018	09:00		OT	TREP Initial Paramedic	7.00	7.00	196.98
Staff Member Totals:					28.00	28.00	787.92
00958 Pavlatos, Gregory R							
10/13/2018	07:00		OT	SCF Shift Coverage for	24.00	24.00	765.36
Staff Member Totals:					24.00	24.00	765.36
00631 Scarpetta, Michael A							
10/19/2018	07:00		OT	SCF Shift Coverage for	24.00	24.00	925.92
Staff Member Totals:					24.00	24.00	925.92
00852 Schadle, Shawn W							
10/17/2018	18:30		OT	TROT Training not	2.00	2.00	93.04

Belvidere Fire Department

Overtime Report

Date Between {10/10/2018} And {10/23/2018}

Date	Time	Incident	Pay Type	Activity Type	Hours Wkd	Hrs Paid	Pay
00852 Schadle, Shawn W							
10/19/2018	07:30		OT	PRV2 No Second Grader Left	6.50	6.50	302.38
Staff Member Totals:					8.50	8.50	395.42
00969 Tangye, Travis N							
10/17/2018	17:00		OT	TRD Dive/Water Rescue	3.00	3.00	96.63
10/22/2018	13:45		OT	IN Inspection Bureau	3.25	3.25	104.68
Staff Member Totals:					6.25	6.25	201.31
00882 Thornton, Nicolas J							
10/17/2018	08:30		OT	PRV Fire Education /	5.25	5.25	202.54
Staff Member Totals:					5.25	5.25	202.54
00556 Wilcox, Craig A							
10/10/2018	12:30		OT	INR Reimbursable Plan	4.50	4.50	200.61
Staff Member Totals:					4.50	4.50	200.61
00956 Williams, Glenn							
10/21/2018	07:00		OT	TRO Officer Training	4.00	4.00	127.56
Staff Member Totals:					4.00	4.00	127.56
01002 Winnie, Todd							
10/17/2018	01:30	18-0002474	OT	GRM General Recall Due to	0.75	2.00	56.28
10/22/2018	07:00		OT	SCSE Shift Coverage for	24.00	24.00	675.36
Staff Member Totals:					24.75	26.00	731.64
00629 Zumbragel, Mark J							
10/12/2018	07:30		OT	INS State Required	5.00	5.00	232.10
Staff Member Totals:					5.00	5.00	232.10
All Staff Member Totals:					234.25	237.50	8,615.36

Types: F=Fire, M=EMS/Medical, R=Rescue, O=Other

**CITY OF BELVIDERE
PLANNING AND ZONING COMMISSION**

Minutes

Tuesday, October 9, 2018

City Council Chambers

401 Whitney Boulevard

6:00 pm

ROLL CALL

Members Present:

Alissa Maher, CHM
Daniel Arevalo, VCHM
Robert Cantrell
Andrew Racz
Art Hyland
Paul Engelman

Staff Present:

Gina DelRose, Community Development Planner
Cathy Crawford, Administrative Assistant
Michael Drella, City Attorney

Chairman Alissa Maher called the meeting to order at 6:00 p.m.

MINUTES: It was moved and seconded (Cantrell/Racz) to approve the minutes of September 11, 2018. The motion carried with a 6-0 roll call vote.

PUBLIC COMMENT: None

UNFINISHED BUSINESS: None

NEW BUSINESS:

2018-28; Beverly Materials, LLC (Plote) (SU): Beverly Materials, LLC, 1100 Brandt Drive, Hoffman Estates, IL 60192 on behalf of the owner Chicago Title Land Trust No. 8002350416, 8002350417, 8002350443 and 8002350448, 1100 Brandt Drive, Hoffman Estates, Illinois 60192 is requesting a special use to permit a planned development in the RH, Rural Holding District (pending annexation) at 4654 Townhall Road and 4201 Irene Road, Belvidere. The planned development will allow for the continued operation of a quarry (Plote) and batch plant which are considered special uses in the RH District. Deviations allowing for the reduction of setbacks from 300 feet to 200 feet, 150 feet and 25 feet; a reduction to the required landscaped bufferyard along the west and south property lines and a reduction in the required landscape surface ratio from 90 percent to 82 percent. Belvidere Zoning Ordinance Sections 150.105(A)(1)(B)(2) Extraction Use, 150.105(A)(1)(C)(2) Batch Plant, 150.105(A)(1)(G)(1)(B) Landscape Surface ratio, 150.204(G)(4)(A)(2) Bufferyards, 150.204(G)(4)(A)(3) Setbacks and 150.904 Special Use Review and Approval Procedures.

The public hearing opened at 6:02 p.m.

City Attorney Michael Drella explained the procedure that would be followed for the public hearing.

Gina DelRose stated that 30 certified mailings were sent to property owners within 250 feet of the subject parcels on September 20, 2018. Three were returned as undeliverable and one has not been returned at this time. The case was published in the Boone County Journal on September 21, 2018.

Per Attorney Drella's instructions, the applicants presented their case.

Aaron Szeto, Roxanne Sosnowski, Ryan Trotter, John Lichtey, and Dave Zumbrunn were sworn in.

Aaron Szeto, attorney for the applicants, provided an explanation of the special use and referred to visual aids provided. Mr. Szeto stated that he wished to make it understood that the Plote quarry has been in existence since 1958; that the eventual footprint of the quarry is not being expanded, that the city permits quarry use in this location, and that if annexed, the city would gain regulatory control of the quarry operations. Mr. Szeto added that the city would also gain royalties based on tonnage of products mined at a higher rate than that paid to the county as well as those paid by the William Charles quarry. Mr. Szeto provided a brief timeline of the Plote quarry. Mr. Szeto stated that the Karr Farm and Townhall Estates subdivisions have existed side by side for decades.

Kenneth Shepro, attorney representative for certain interested parties, objected, stating counsel was testifying as to past events regarding the subdivisions of which he does not have first-hand knowledge.

Roxanne Sosnowski said Mr. Szeto was providing a historical timeline only.

Kenneth Shepro stated he was objecting to Mr. Szeto providing testimony about problems that may or may not have existed.

Roxanne Sosnowski stated Mr. Szeto did not make mention of any problems.

Chairperson Maher said the objection was overruled for purposes of establishing the history of the property.

Aaron Szeto concluded his timeline.

Roxanne Sosnowski called on Dave Zumbrunn to provide an operational history of the Plote quarry.

Dave Zumbrunn stated he was general manager of Beverly Materials, LLC. Mr. Zumbrunn stated he has been with the company for 16 years and has had over 30 years' experience in the mining, mine design and mine management.

Ms. Sosnowski asked how many people the quarry employs and to provide the average salary.

Dave Zumbrunn stated 4-6 operating engineers earn \$60.00 an hour and one or two other employees.

Roxanne Sosnowski referred to an overhead slide and asked Mr. Zumbrunn to provide an operational history of the Plote quarry as well as an overview of the Settlement Agreement reached with Boone County.

Dave Zumbrunn provided that history. Mr. Zumbrunn said that at the time the mine was reopened in 2005, Boone County changed the allowable setbacks for mining to 1,000 feet from property lines and disallowed the special use for mining within the agricultural district. Mr. Zumbrunn stated that Plote sued the county and later in the year a settlement agreement was reached. Two years was required to meet regulatory requirements and to secure permits.

Roxanne Sosnowski asked if this meant the Boone County state's attorney declared that Plote would not need to formally apply for a special use for mining and that the settlement agreement reached was sufficient to operate the quarry.

Dave Zumbrunn stated he approached the county to apply for a special use and he was told it was not needed due to the terms laid out in the settlement agreement.

Roxanne Sosnowski asked what happened next.

Dave Zumbrunn said because all parties agreed that the settlement agreement was the required approval, the mine began operations and continued until 2009 or 2010 when residents complained that the berms were not being maintained. Mr. Zumbrunn stated the company provided all studies required to correct the berm issue. Mr. Zumbrunn stated he was once again told by county staff and the State's Attorney that the settlement agreement allowed them to continue operating. Mr. Zumbrunn stated the company wished to be granted longer operating hours in 2013 to provide materials for the tollway renovations, and was told by the new State's Attorney at that time that Plote had no special use to operate; they would need to apply for a special use. The county granted Plote a 15-month renewal to coincide with what would have been the original expiration of the special use permit if applied for in 2010. Plote reapplied with the county in 2014 to be granted the special use permit under which they now operate.

Roxanne Sosnowski clarified that the special use permit now in force expires in 2019.

Dave Zumbrunn said that is correct.

Roxanne Sosnowski asked Mr. Zumbrunn to detail the daily activities at the quarry.

Dave Zumbrunn stated the gate is opened at 6:00 a.m., trucks are loaded, and then there is crushing and screening done for the remainder of the day.

Roxanne Sosnowski asked Mr. Zumbrunn if, in his experience, his operations could have a negative effect on the nearby neighborhoods.

Dave Zumbrunn stated that the mining industry is one of the most heavily regulated industries in the country. Several layers of federal and state government regulate the activities. Mr. Zumbrunn stated that in his opinion there is no way to cause a negative effect on the neighborhood.

Roxanne Sosnowski asked what is done to measure the mine's impact on the surrounding area in order to address allegations of problems.

Dave Zumbrunn stated that many state agencies require monthly, quarterly, and annual reports including reports on the safety, air quality, water quality, seismic activities and other regulated aspects. Mr. Zumbrunn stated he has often directed residents to the various agencies to get copies of any reports in question.

Roxanne Sosnowski asked if Mr. Zumbrunn has personally responded to complaints by neighbors in the nearby subdivisions.

Dave Zumbrunn stated he has, but that Drew Bliss, the Boone County Zoning Enforcement Officer is usually the one contacted as well as the IDNR (Illinois Department of Natural Resources) blasting expert.

Roxanne Sosnowski asked Mr. Zumbrunn to address the "myth" that Plote is planning a massive expansion of their operations.

Dave Zumbrunn stated that the authorized area for blasting operations is approximately 220 acres, less than twenty of which is currently being mined. The remainder of the area includes surface activities.

Roxanne Sosnowski asked Mr. Zumbrunn to address complaints that blasting activities cause damage to area homes.

Dave Zumbrunn stated this is a recurrent complaint; Plote hired a University of Illinois professor who is an expert in the effects of blasting to address the concerns.

The expert concluded that if blasts were within allowable state limits, then damage to homes is more likely the result of weather and other factors than on the possible effects from blasting.

Kenneth Shepro stated that unless the results of that study were submitted into evidence, he would object to testimony on the subject.

Roxanne Sosnowski stated the applicant was not testifying about the contents of the study, but to his experience.

Kenneth Shepro stated the testimony was hearsay.

Roxanne Sosnowski stated she was unaware that hearsay was not allowed.

Kenneth Shepro stated that in this type of "small claims" hearing, hearsay is inadmissible.

Aaron Szeto stated his understanding was that there were more relaxed rules for this type of zoning hearing.

Michael Drella verified that the city's adopted rules of procedure provide that the hearing is conducted in the manner of small claims proceedings.

Roxanne Sosnowski stated the witness can testify to his own knowledge of seismic testing and withdrew the previous statements under objection.

Dave Zumbrunn stated he reviewed several of the complaints and went out to inspect the damage reported. Mr. Zumbrunn stated that in some cases the damage was present previous to the complaint regarding blasting. The blasting operator placed seismographs in several nearby yards and all of them were within allowable limits.

Roxanne Sosnowski asked how close the blasts were to those homes.

Dave Zumbrunn indicated the quarry and the nearest homes on a colored map on display. Mr. Zumbrunn stated that it is required in Illinois that seismographs be in place at the location of the closest residence to the blast site.

Roxanne Sosnowski stated that, according to the staff report, it will take decades to expand the footprint of the existing quarry operations and portions of the property will remain in agricultural production. In Mr. Zumbrunn's opinion, are there negative effects on surrounding crops?

Kenneth Shepro objected to the question unless Mr. Zumbrunn was an agricultural expert.

Roxanne Sosnowski reiterated Mr. Zumbrunn's experience in the industry and stated she wished to ask his opinion based on his knowledge.

Chairperson Maher stated she would allow the question and allow any interested party to rebut if they wished.

Dave Zumbrunn stated he is not a farmer; the company has done work to redirect stormwater to diminish runoff effects. Mr. Zumbrunn stated the company sells agricultural lime.

Roxanne Sosnowski asked if Mr. Zumbrunn had seen a decrease in farming in the immediate area since 2007.

Dave Zumbrunn stated that in 2005, many farmers approached the company in attempts to get the rights to lease the crop production acreage there. The farmer currently leasing the site seems to be content with the arrangement and the company had received only one complaint when an area of land was "stripped" and the farmer informed them he had already seeded that area. Mr. Zumbrunn said the company reimbursed the farmer for the seed.

Roxanne Sosnowski asked if the operations will affect the stormwater runoff.

Dave Zumbrunn said yes; Plote is using the mine site to collect the stormwater and redirect the discharge at the creek bufferzone and this is a benefit to the farmland in the area.

Roxanne Sosnowski asked if Mr. Zumbrunn would say that the quarry presently acts as a benefit to the surrounding farmland.

Dave Zumbrunn said yes; previously the runoff from stormwater hurt the surrounding crops.

Roxanne Sosnowski asked if the quarry is secured and how is that done.

Dave Zumbrunn stated the active area is fenced on three sides and the creek acts as a "moat" on the fourth side. There are surveillance cameras at the two locked gates.

Roxanne Sosnowski asked how often Plote has projects that require extended hours of operation.

Dave Zumbrunn said in the eleven years of operation, one project, the I90 tollway project, was curtailed because the county did not grant extended hours of operation.

Roxanne Sosnowski asked if the quarry is required to have a reclamation bond in place and to explain what that is.

Dave Zumbrunn said yes; such a bond is monies set aside in case the operation was to close down in order for the site to be reclaimed and made safe.

Roxanne Sosnowski asked Ryan Trottier to state his name and his position with the company.

Ryan Trottier, COO of Plote Real Estate Companies, stated he has been with the company for 17 years.

Roxanne Sosnowski asked Mr. Trottier why Plote wished to annex into the city.

Ryan Trottier stated that Plote wished to annex into the city to get a longer term; the five-year renewal term in Boone County is a costly process.

Roxanne Sosnowski asked Mr. Trottier what the special use permit will allow Plote to do.

Ryan Trottier stated the special use permit will allow the continued operation of mining activities under the current footprint as well as a recycling plant, asphalt plant, and concrete plant.

Roxanne Sosnowski asked if the staff report prepared by city staff found that the application met all findings of fact.

Ryan Trottier said yes.

Roxanne Sosnowski clarified that the uses being asked for are not new uses to the area.

Ryan Trottier stated there is a batch plant at the William Charles facility and Plote is asking for a concrete and asphalt batch plant.

Roxanne Sosnowski asked if Mr. Trottier was aware that any future uses not spelled out in the current application would require city rezoning as well as planned development and approval.

Ryan Trottier said yes.

Roxanne Sosnowski asked Mr. Trottier to indicate on the displayed map how far the proposed batch plants will be from neighboring residences.

Ryan Trottier indicated the proposed uses will be approximately one-half mile from either the Karr Farm or Ratcliffe subdivisions.

Roxanne Sosnowski asked John Lichteay to introduce himself.

John Lichteay stated he is a Vice President at the company and has been with the company for two and a half years.

Roxanne Sosnowski verified that Mr. Lichteay has reviewed the staff report, including the thirty proposed conditions.

John Lichteay said yes.

Roxanne Sosnowski asked Mr. Lichteay if his company will have any problems complying with any of the conditions.

John Lichteay said no.

Roxanne Sosnowski asked Mr. Lichteay if any of the recommended conditions are not standard practice.

John Lichteay cited the condition asking that the 911 center be notified prior to blasting as a courtesy in case they receive any complaints of noise. There is also a condition requesting an easement for a sewer trunk line. The remaining conditions are standard.

Roxanne Sosnowski asked Mr. Trottier to describe current daily batch plant activities.

John Lichteay said there is no such use in place at this time; the company sees a need for such a plant in the future. The quarry produces aggregates; it is logical to be able to prepare those aggregates at the source rather than offsite.

Roxanne Sosnowski asked if those future needs may come from tollway developments or private project development.

John Lichteay said this is correct; the Belvidere and Rockford area development climate appears to be increasing. Mr. Lichteay said his company hopes there is an uptick in their business as a result.

Roxanne Sosnowski asked if Plote operates asphalt plants in other communities.

John Lichteay said Plote has asphalt facilities in West Chicago, Franklin Park, Bartlett, and Huntley. Mr. Lichteay said the Huntley facility is in an affluent

community. There is a fully developed residential subdivision north of the Huntley facility as well as a Walmart store adjacent to the facility.

Roxanne Sosnowski asked Mr. Lichteley to describe the activities at the Huntley facility.

John Lichteley said both asphalt and concrete contain aggregates from the mining operation. Asphalt contains oil and concrete contains Portland cement. With asphalt production, it requires heating. Usually these facilities have a stack and a plume due to the heating of aggregates to dry them out. It is a misconception that these facilities are combusting materials. In the Huntley facility, a new system known as "counterflow" was used; this system is a completely enclosed system. Due to the installation of this new system, the facility received an ecological award in 1998 from the National Asphalt Paving Association.

Roxanne Sosnowski asked if there have been any complaints received at the Huntley facility.

John Lichteley said he knows of none.

Roxanne Sosnowski asked if Mr. Lichteley anticipates increased truck traffic on Irene Road if the special use request is granted.

John Lichteley said as the business currently operates, he sees no increased traffic; he does, however, anticipate an estimated 30% increase in truck traffic if the market for Plote's aggregate products increases.

Roxanne Sosnowski asked what benefits Mr. Lichteley sees to the city and its residents if the special use is granted.

John Lichteley said such benefits may include additional support to the families of Plote's employees, support of businesses in the area that provide services to Plote, jurisdictional control of the quarry by the city, and the payment of host fees to the city totaling approximately \$80,000 to \$100,000 annually. There is a portion of the property that could be set aside for a future industrial park, and the granting of an easement to provide a sewer trunk line in the future.

Aaron Szeto provided final remarks.

The chairperson asked if there were questions for the applicants.

Daniel Arevalo asked how Plote protects the groundwater in the area so there is no seepage of contaminants.

Aaron Szeto stated that groundwater monitoring wells measure the groundwater at this time. Mr. Szeto said there has been no contaminants found in those monitoring wells.

Paul Engelman asked how often the monitoring of the wells is done.

Dave Zumbrunn said he believes testing is done quarterly. A sample of each well is taken, the sample is split and the samples are sent to be tested by the Boone County Health Department and Plote's testing laboratory; results are compared.

Paul Engelman asked if there have been any abnormal readings.

Dave Zumbrunn stated the only contaminants found were the products of agriculture, not the results of mining activities.

John Lichte stated their "compliance person" indicates there have been no incidence of constituents in the wells tested that are outside of allowable levels.

Art Hyland asked how long Plote expects supply of their product to last.

Dave Zumbrunn said this is a difficult question, because Plote expects that if their business expands, that will result in expending the supply faster.

Art Hyland asked if Plote plans to go any deeper.

Dave Zumbrunn said the quarry is 85 feet deep at this time. The William Charles facility nearby is at 106 feet deep in their quarry. There is an area where the Plote quarry is deeper at the location of a water pond. It will eventually result in a lake. They anticipate the quarry being approximately 100 to 106 feet deep.

Paul Engelman asked Dave Zumbrunn to describe the state and federal regulating requirements under which Plote must operate.

Dave Zumbrunn said there is regulation by the Mine Safety Agency for the Department of Labor. There is oversight regarding the groundwater levels. The IEPA (Illinois Environmental Protection Agency) regulates air quality and water quality. The Illinois DNR regulates blasting operations, the reclamation plan and other items.

Paul Engelman asked if Plote has been found to be noncompliant by the IDNR.

Dave Zumbrunn stated there was an incident where Plote self-reported that they had an incident where the vibration of a shot exceeded the limit. A fine was paid.

Paul Engelman asked Dave Zumbrunn to describe the planned operational flow relative to mining on the provided maps.

Dave Zumbrunn stated the operation works from west to east. Mr. Zumbrunn referred the commission to the phase map provided in the staff report. Mr. Zumbrunn said future stages will work to the south 660 feet and work westward in a grid.

Paul Engelman asked how long a phase lasts.

Dave Zumbrunn said a phase is approximately 15 to 20 acres and the current phase has taken 11 years.

Daniel Arevalo asked if Plote plans to operate until 10:00 p.m.

Dave Zumbrunn said that annexing into the city would give the facility the right to operate until 10:00 pm like its competitor. But there are no plans to do that at this time.

Paul Engelman asked how many more employees there will be if the request for the asphalt batch plant is approved.

Dave Zumbrunn said they would need to add a minimum of 3 operators at each plant.

Paul Engelman clarified that the number of employees would eventually be 12.

John Lichtey said yes. Mr. Lichtey said the recycling plant that could crush and process either concrete pavement or asphalt pavement (Recycled Asphalt Product, or RAP) as well as asphalt shingles (Recycled Asphalt Shingles, or RAS). The use of asphalt recycling reduces the use of virgin oil and is using two waste products. It is widely accepted by the toll authority. Crushed concrete is also used as the base material for roads.

Paul Engelman asked if any of the facilities are removable.

John Lichtey said yes.

Andy Racz asked how local governments monitor Plote facilities in other communities.

Dave Zumbrunn said all of Plote's facilities in Illinois are under the same state and federal regulations. Each of the regulating agencies, including local ones, visit the Plote quarry regularly.

Paul Engelman asked how many blasts are shot in any given year.

Dave Zumbrunn said in 11 years, Plote has shot a total of 146 blasts. This is approximately 13 times a year.

Paul Engelman asked where Plote products are sent.

Dave Zumbrunn said the locations include Huntley, Hoffman Estates, and West Chicago.

Alissa Maher asked Plote's plans if the special use is denied.

Dave Zumbrunn said the company would prepare to reapply for renewal with the county in 2019.

Paul Engelman asked what advantage the company sees in annexing to the city.

Ryan Trottier said the longer term of 30 years, as opposed to a five-year term in the county, is an advantage.

Paul Engelman asked if CO2 emissions are tested at the Plote facility.

Dave Zumbrunn said CO2 comes from exhaust, which isn't normally a constituent emission of the Plote operation. Mr. Zumbrunn stated CO2 is a factor in the air emissions from Plote's "hot plants", but it is a small fraction. Almost all equipment is electrically powered except for the diesel equipment.

John Lichtey said manufacturer's specifications for an asphalt plant are submitted to the IEPA and that agency grants an air pollution control permit. In that way, emissions are regulated.

Andy Racz referred to Boone County Soil and Water Conservation District regulations.

Aaron Szeto said Plote would comply with all regulatory requirements.

There were no further questions from the commissioners for the applicants.

Michael Drella recommended the procedure for questioning of the applicants by the interested parties.

Kenneth Shepro introduced himself as the attorney representative for Sherry Branson. Mr. Shepro asked Aaron Szeto to clarify the nature of the Plote quarry operations in 1958.

Aaron Szeto stated he did not have that knowledge.

Kenneth Shepro asked if Mr. Szeto knew if there was a period of time during which the quarry ceased operations.

Aaron Szeto said that was his understanding.

Kenneth Shepro clarified that the special use application asks for certain variations from the code.

Aaron Szeto said the application was for a Planned Development and described those variations requested.

Kenneth Shepro asked why setbacks are being changed in the variations.

Aaron Szeto said this is because county requirements differ from those in the City of Belvidere. In answer to Mr. Shepro's question, Mr. Szeto clarified the setback differences.

Kenneth Shepro clarified that city requirements were more restrictive than county requirements with respect to setbacks.

Aaron Szeto said this was a safe assumption.

Kenneth Shepro asked Mr. Szeto to describe the quarrying operations as they existed in 1972.

Aaron Szeto said he only knows there were quarrying operations present.

Kenneth Shepro asked if Mr. Szeto had reviewed the staff report.

Aaron Szeto said yes.

Kenneth Shepro asked if Mr. Szeto knew where the language of the findings of fact in that report came from.

Aaron Szeto stated the report was prepared by city staff.

Kenneth Shepro asked if the findings of fact were submitted by the applicants.

Aaron Szeto said no.

Kenneth Shepro asked Dave Zumbrunn if Plote quarry was operational in 2005.

Dave Zumbrunn said the quarry was idled at that time.

Kenneth Shepro asked if Mr. Zumbrunn knew how long the quarry had been inactive at the time Plote bought it in 2005.

Dave Zumbrunn said he did not know.

Kenneth Shepro asked Mr. Zumbrunn to clarify his statement that the settlement agreement secured benefits for the residents in the vicinity of the quarry.

Dave Zumbrunn stated that his understanding was that the State's Attorney felt that if the county retained control over the settlement agreement, then conditions such as groundwater monitoring, host fees, regulation of operating hours and other regulations could be imposed.

Kenneth Shepro asked Mr. Zumbrunn to describe the current volume of truck traffic at their facility.

Dave Zumbrunn said he did not know, however, the quarry sends out 200,000 tons of product a year. Mr. Zumbrunn said the State's Attorney did suggest traffic be diverted to Irene Road; the Plote family bought two large farms in order to gain access to Irene Road to redirect traffic from Townhall Road and onto Irene Road.

Kenneth Shepro asked if the two farms were bought to gain contiguity to the City of Belvidere.

Dave Zumbrunn said no, it was in order to gain Irene Road access.

Kenneth Shepro asked for clarification of the truck traffic. Mr. Shepro referenced the Plote testimony that the truck traffic may increase up to 30 percent.

Dave Zumbrunn said the Plote traffic may increase, but this may mean a decrease in competitor's traffic.

Kenneth Shepro asked if the Plote application included any truck traffic studies.

Dave Zumbrunn said no; he believed such studies were last completed in the early 2000s.

Kenneth Shepro said studies were completed 13 years ago, at a time when the quarry was not operational.

Dave Zumbrunn said it is common for such studies to be completed prior to operating a quarry.

Kenneth Shepro asked if Mr. Zumbrunn knew the peak truck traffic in and out of the quarry facility.

Dave Zumbrunn said he did not.

Kenneth Shepro asked if Plote kept records of that truck traffic.

Dave Zumbrunn said yes.

Kenneth Shepro clarified that the studies were not requested by or submitted to the city planning department.

Dave Zumbrunn said correct.

Kenneth Shepro asked John Lichtey to verify there is continuous groundwater monitoring done at the site and to describe how often reports of those monitors are done.

Dave Zumbrunn said he testified that monitoring is done continuously and said the reports are done quarterly or semiannually.

Kenneth Shepro asked if it is correct that the reporting period was unilaterally changed by Plote without approval by the county.

Dave Zumbrunn said this was not true.

Kenneth Shepro asked if Mr. Zumbrunn would object if the county staff reported this change.

Dave Zumbrunn said he would object.

Kenneth Shepro asked for clarification that Plote would not be expanding beyond the 220-acre parcel as presented.

Dave Zumbrunn said the size of the current quarry would not be changing; there is an adjustment when moving from one jurisdiction to another.

Kenneth Shepro clarified that annexation to the city would result in less restrictive setbacks.

Aaron Szeto stated the setbacks would remain the same except at the property line between the Plote property and that of the William Charles facility where they are reduced.

Kenneth Shepro asked Mr. Zumbrunn for information of groundwater and seismic testing at the request of neighbors.

Dave Zumbrunn said in 2005, Plote offered to perform preoperational surveys of neighboring homes and wells; some 200 surveys went out to nearby residences offering a free testing of homes and wells. 68 surveys were requested by neighboring residents.

Kenneth Shepro asked if those tests were provided to homeowners.

Dave Zumbrunn stated he has a set of those tests, but cannot answer the question.

Kenneth Shepro asked if water quality tests were completed.

Dave Zumbrunn said quarterly reports are submitted to the Boone County Health Department.

Kenneth Shepro said he assumes those reports do not take into account the proposed uses including the asphalt plant.

Dave Zumbrunn said he did not know how groundwater quality can be affected by an asphalt plant or other Plote quarrying activities but Plote would respond if there was a complaint.

Kenneth Shepro asked if this was the case with seismic or noise complaints as well.

Dave Zumbrunn said yes.

Kenneth Shepro asked if there were any studies done of the impact of the proposed or current activities on property values.

Dave Zumbrunn said this was out of his area of expertise.

Aaron Szeto said those studies have not been done; the Plote quarry was in existence first, as well as the William Charles facility. The subdivisions were fully built out after the quarries began operations.

Kenneth Shepro asked if there was an asphalt plant present in 1972 on the property.

Aaron Szeto said he had no knowledge of when William Charles first operated their asphalt plant.

Kenneth Shepro asked how close adjacent residential properties are to the Plote Huntley facility.

Ryan Trottier said it is approximately 100 to 200 feet from property line to property line.

Kenneth Shepro asked how close Plote's other three facilities are from adjacent homes.

Ryan Trottier said he was unsure.

Kenneth Shepro asked whether Plote would remain open until 10:00 p.m. if the market conditions warranted.

Aaron Szeto stated that this closing time is one of the conditions for approval.

Kenneth Shepro asked if this would be seven days a week.

Aaron Szeto said days of operation would be weekdays and Saturday.

Kenneth Shepro asked if these workdays would be the same for a batch plant as well.

Aaron Szeto clarified the operating hours.

Kenneth Shepro said he had no further questions for the applicants.

Jack Ratcliffe clarified that the William Charles quarry has been open since 1948. The subdivisions were created in 1959 or 1960.

Michael Drella asked if the applicants objected to taking Mr. Ratcliffe's testimony out of order.

The applicants said no.

Jack Ratcliffe was sworn in. Mr. Ratcliffe said there was small scale mining done and then the quarry sat idle. Mr. Ratcliffe stated the Karr Farm Subdivision was built in 1962 and 1963. It was later that the Plote Quarry began operations. Mr. Ratcliffe said that residents would have liked to object to the operation at the time but did not have a chance.

Kenneth Shepro asked Mr. Ratcliffe how long he has lived in the area.

Jack Ratcliffe said his whole life, since 1948.

Kenneth Shepro clarified that the Plote quarry operations in the area were not active for many years.

Jack Ratcliffe said that is correct.

Kenneth Shepro asked if Mr. Ratcliffe has any knowledge of the Plote operation running an asphalt batch plant at any time?

Jack Ratcliffe said no; the William Charles facility, however, has an asphalt plant. Mr. Ratcliffe stated that at times residents believe the smoke and smell are coming from the Plote facility but it is the William Charles facility that creates the smell.

Kenneth Shepro asked if Mr. Ratcliffe would say the same regarding a concrete batch plant.

Jack Ratcliffe said to his knowledge, there has never been a concrete batch plant in the area.

Elizabeth Walter asked the applicants if the concrete plant, asphalt plant, and recycling plants will be located 50 feet from the creek that exists on the property.

John Lichtey said yes.

Elizabeth Walter stated that the creek receives stormwater runoff; Ms. Walter asked if there had been an environmental study done, due to the fact the creek runs into the Kishwaukee River.

John Lichtey said the plant sites are separated from the creek by a berm; such plants do not discharge water. Mr. Lichtey stated only stormwater runoff would be discharged. Mr. Lichtey said there are standards in place for the discharge of stormwater runoff.

Elizabeth Walter asked if Plote has been required to provide reports about stormwater runoff.

Aaron Szeto said there have been none yet.

Michael Drella called for a break in the proceedings at 7:45 p.m.

The public hearing continued at 7:56 p.m.

Alderman Marsha Freeman asked the applicants whether groundwater testing reports had revealed any contaminants in water in the vicinity of the quarry, and, if so, what remedy was provided.

Dave Zumbrunn stated the call for groundwater monitoring came out of the public's concern for their water quality. Mr. Zumbrunn said in his experience there has never been an issue where a mine has contaminated the surrounding groundwater. Mr.

Zumbrunn stated that the preoperational surveys allowed them to see what contaminants already existed. There are times nature itself contains contaminants, as well as the activity of people on their own properties.

Elizabeth Walter asked the applicants if they would be implementing the same award-winning system at the proposed asphalt batch plant.

John Lichtey said yes, the counterflow system would be used.

Aaron Szeto asked Dave Zumbrunn if either the county or the city have indicated that traffic on Irene Road was at capacity.

Dave Zumbrunn said no.

Kenneth Shepro asked Mr. Zumbrunn if it is known what the traffic capacity is on Irene Road.

Dave Zumbrunn said no.

Aaron Szeto stated he wished to enter into the record the provided slideshow, displayed maps, and paper handouts as Exhibit A.

Gina DelRose asked for a copy of the colored map displayed at the front of the room.

Michael Drella stated the interested parties could present evidence.

Kenneth Shepro presented into evidence a binder of materials. Mr. Shepro stated he was representing Sherry Branson, a resident of one of the adjacent subdivisions. Mr. Shepro was sworn in. Mr. Shepro gave an opening statement.

Kenneth Shepro called Bonita Gerdes forward. Mr. Shepro asked Ms. Gerdes where she lives.

Bonita Gerdes stated she lives two miles from the quarry on Stone Quarry Road.

Kenneth Shepro asked Ms. Gerdes to describe the truck traffic she experiences on Graham and Irene Roads.

Bonita Gerdes stated the traffic is heavy all day along this route.

Kenneth Shepro asked Ms. Gerdes what she will do if the traffic on Irene Road increases at the rate estimated in the applicants' testimony.

Bonita Gerdes said she will take another route. Ms. Gerdes stated that she can feel the ground tremble when there is a blast from the quarry.

Kenneth Shepro asked if there was quarrying activity present when Ms. Gerdes moved in in 1997.

Bonita Gerdes said there was some activity present.

Kenneth Shepro asked if there was a batch plant at the Plote quarry at that time.

Bonita Gerdes said there was not.

Roxanne Sosnowski asked Ms. Gerdes if she is aware of any other quarry operating in the area.

Bonita Gerdes said yes.

Roxanne Sosnowski asked if Ms. Gerdes is able to discern whether the heavy traffic is coming from the William Charles facility or the Plote facility.

Bonita Gerdes said it seems in her opinion to be coming from the Plote facility.

Roxanne Sosnowski asked Ms. Gerdes if it is possible to tell from markings on the trucks which quarry they are coming from.

Bonita Gerdes said she cannot see because they go fast and her left eye has impaired vision.

Kenneth Shepro introduced Sherry Branson.

Sherry Branson was sworn in. Ms. Branson presented a binder of materials to the commissioners and staff. Ms. Branson said she lives on Townhall Road directly across the road from Plote. Ms. Branson indicated her home's location relative to the Plote quarry on the displayed map. In answer to Mr. Shepro's question, Ms. Branson detailed the type and location of the neighboring residential subdivisions.

Kenneth Shepro asked Ms. Branson to describe the quarries that are present.

Sherry Branson stated she lived in the neighborhood for 15 years before she knew the Plote quarry was there. Ms. Branson said the neighbors "get along well" with the William Charles facility.

Kenneth Shepro asked Ms. Branson to describe the materials she presented.

Sherry Branson detailed a history of her research regarding groundwater in the area. Ms. Branson said she took reports from the IEPA regarding high possibility of groundwater contamination to the Boone County Health Department. Ms. Branson referred to a letter relating to the Great Lakes Basin Railroad's application to the county which mentions that the area's "high recharge" makes it more susceptible to groundwater contamination. Ms. Branson also presented a portion of a study by the Boone County Water Protection and Preservation Alliance.

Roxanne Sosnowski objected to the evidence presented by Ms. Branson.

Kenneth Shepro said the evidence directly relates to the next information they would discuss.

Attorney Drella asked Mr. Shepro to explain the relevance of the letter Ms. Branson discussed.

Kenneth Shepro said the material was relevant as to the applicants' testimony and gives a historical context.

Roxanne Sosnowski said the applicant's testimony related directly to the property in question; the material presented by Ms. Branson does not.

Kenneth Shepro said the letter discusses the whole area including the subject property.

Roxanne Sosnowski stated it does not discuss the use.

Kenneth Shepro said it also discusses the flow of water across Irene Road.

Chairperson Maher stated the letter was admissible, but not portions relating to the Great Lakes Basin Railroad.

Roxanne Sosnowski asked what portion of the letter relates to Plote.

Attorney Drella reminded Ms. Sosnowski that the Chair had made a ruling on the objection.

Sherry Branson referred to a letter from the Boone County Health Department.

Roxanne Sosnowski repeated her objection.

Attorney Drella asked how the letter came into Ms. Branson's possession.

Sherry Branson said she went to the Boone County Board of Health with her evidence.

Kenneth Shepro said he believes the letter states that more time is required to study the matter further.

Attorney Drella asked Mr. Shepro to show where in the letter it relates to the case at hand. Mr. Drella said the letter appears to say the Board would like more information as the case proceeds forward.

Chair Maher ruled that the letter would be disregarded.

Sherry Branson presented Boone County Soil & Water Conservation District NRI reports 1468 and 1165.

Roxanne Sosnowski objected to the submission of the letters, stating information is missing from the provided portions that would identify the property they relate to.

Sherry Branson provided the letters in their entirety to the commission.

Roxanne Sosnowski said she would withdraw her objection.

Sherry Branson referred to further materials including photos of berms at the Plote and William Charles properties and described them.

Roxanne Sosnowski asked for clarification on when the provided photos were taken.

Sherry Branson continued presentation of materials (see provided binder).

Kenneth Shepro asked Ms. Branson to describe how the proposed special use application would affect the neighbors' concerns regarding the quality of life in the vicinity of the Plote Quarry.

Sherry Branson detailed issues she and certain neighbors were concerned with, including noise produced due to extended hours of operation, air quality, a heavy industrial use in a residential area, location of proposed batch plants, increase in truck traffic, odor, property values and general quality of life.

Kenneth Shepro asked Ms. Branson if she was familiar with the city and county land use plans.

Sherry Branson said yes.

Kenneth Shepro asked Ms. Branson what the Comprehensive Land Use Plan shows relating to the subject property.

Sherry Branson indicated the current Land Use Plan shows the area as a quarry, not as a heavy industrial district. Ms. Branson stated there are multiple references within the plan to the preservation of the county's rural and agricultural character.

Andy Racz referenced changes to the current Comprehensive Land Use Plan.

Sherry Branson stated those changes have not been voted in at this time.

Kenneth Shepko stated this concluded his testimony.

Chair Maher invited questions from the commission.

Paul Engelman asked if it was correct to summarize Mr. Shepko's testimony to state that the residents feel they have priority of interest because the subdivisions were in existence before the applicants began full operations at their facility.

Kenneth Shepro said their argument is that the applicants' assertion that they have priority due to their small scale operation at the time the subdivisions were built is incorrect; an intensification of those uses should not happen.

Paul Engelman asked if a balancing of interests between Plote and the residents, the protection of the aquifer and quality of life issues summarizes their concerns.

Kenneth Shepro said yes, as well as the expected increase in truck traffic. Mr. Shepro stated it was not a request to continue, but is actually a huge expansion of their operations.

Sherry Branson said they are concerned because they have not received any assurance that Plote will comply with the city's conditions when they did not comply with those of the county.

Chair Maher asked what the William Charles quarry does not have.

Sherry Branson said the other quarry does not have a plan for an industrial park.

Chair Maher stated the proposal does not call for an industrial park.

Sherry Branson referred to a site plan provided by the applicants that references an industrial park.

Chair Maher stated an industrial park proposal is not up for debate.

Attorney Drella clarified the applicants' request.

Kenneth Shepro asked that the materials presented be admitted into evidence as well as administrative notice given of the references to the Comprehensive Land Use Plan, Flora Neighborhood Plan, and the Zoning Ordinance.

Sherry Branson added that a complete report previously discussed will be forthcoming.

Bob Cantrell asked if the NRI report previously presented referred to the entire county.

Kenneth Shepro stated the NRI report was specific to the subject property.

Paul Engelman asked who Mr. Shepro is representing.

Sherry Branson said Mr. Shepro is representing the entire neighborhood.

Kenneth Shepro said it was his understanding Ms. Branson is his client; he has worked through Ms. Branson regarding other neighbors.

Roxanne Sosnowski asked for clarification regarding who Mr. Shepro is representing.

Sherry Branson stated that notices were sent to residents of the subdivisions and neighbors who attended a neighborhood meeting regarding the proposed special use were unanimous in asking Ms. Branson to hire Mr. Shepro to represent them.

Roxanne Sosnowski asked if this means every residence in the subdivisions are included as clients.

Kenneth Shepro said he is certain that not every resident in the adjacent subdivisions is his client.

Roxanne Sosnowski asked if Boone County has a process to revoke a special use.

Sherry Branson said yes.

Roxanne Sosnowski asked if revocation would occur following a violation of the conditions for approval of the special use.

Sherry Branson said it was her understanding the county tries to work with the special use holder in order to fix issues before taking further action.

Roxanne Sosnowski asked if there were violations for which a special use revocation process resulted

Sherry Branson said she would need to refer to court records.

Roxanne Sosnowski asked whether Boone County within 2015, 2016 or 2017 has moved to revoke Plote's special use permit for violations of their special use.

Sherry Branson said no, the county worked to enforce the special use conditions.

Roxanne Sosnowski asked if it is correct that there have been no revocation proceedings against Plote.

Sherry Branson said the county has tried to enforce the violations.

Roxanne Sosnowski asked how many times Ms. Branson has personally called Dave Zumbrunn to discuss the alleged violations.

Sherry Branson said the residents were told to take their concerns to the County Zoning Enforcement Department.

Roxanne Sosnowski asked what Ms. Branson meant by a reference to "making (their) lives difficult," in relation to complaining about the William Charles quarry.

Sherry Branson said she meant that she is a person who knows how to research a subject to gain compliance.

Kenneth Shepro asked Ms. Branson how many complaints she had made regarding Plote's operations.

Sherry Branson said there were numerous complaints made by herself and other neighbors.

Kenneth Shepro said with respect to complaints, is it correct that the county has taken Plote to court regarding violations, short of revocation.

Sherry Branson said yes.

Paul Engelman asked if there were other complaints made besides the charge of operating outside of allowed hours.

Sherry Branson said complaints included the hours of operation, the well reports, not using dust-reducing spray bars and other items.

Paul Engelman asked how Ms. Branson solved issues occurring at the William Charles quarry.

Sherry Branson said direct calls to the William Charles quarry resulted in the foreman responding and shutting down operations.

Paul Engelman said that, according to the testimony, this is not the procedure used with Plote.

Sherry Branson said she has found Plote to be unresponsive. All complaints are to be sent to Drew Bliss, the Boone County Zoning Enforcement officer.

Elizabeth Walter gave a detailed statement regarding her objections to violations of conditions by Plote as well as disruptions to the enjoyment of their homes experienced by neighbors.

There were no further questions for the interested parties.

Gina DelRose was sworn in and presented the staff report dated October 4, 2018. Ms. DelRose stated the planning staff recommends approval of the proposed special use subject to the following conditions:

1. The Planned Development shall be developed in substantial conformance with the plans submitted with the application.
2. The Planned Development is granting only the following flexible standards: Extraction Uses (150.105(A)(1)(B)(2)), Batch Plant (150.105(A)(1)(C)(2)), Landscape Surface Ratio from 90% to 82% (150.105(A)(1)(G)(1)(B)), 1.00 bufferyards to no bufferyards (150.204(G)(4)(A)(2)) and setback reductions down to 25 feet (150.204(G)(4)(A)(3)).
3. Fire apparatus access roads shall be provided per IFC 2015 and Appendix D.
4. If (and when) the property is secured, key lock boxes shall be required and located per Belvidere Fire Inspection Bureau.
5. The fire department shall be provided information and plans on future structures.
6. Employees or their designees of the City of Belvidere shall be entitled to inspect the facility at reasonable times to enforce the conditions imposed under the Annexation Agreement and the ordinances of the City.
7. The hours of operation for mining on the Property shall be from 5:00 a.m. to 10:00 p.m., weekdays and Saturdays for a total of two 8 ½ hour work shifts per work day. This operating hours accommodation shall allow for extended or altered hours of operations, if reasonably approved by the City, permitting the Owner(s) to conduct Extraction Operations, Mining Activities and batch plant operations as needed on a temporary basis when reasonably necessary to meet the requirements of specific projects. Examples of projects for which extended hours are reasonable include specified projects for the Illinois Department of

Transportation, the Illinois Toll Highway Authority and other state, federal and local government projects. There shall be comparable time limitations and allowances on the operation of a batch plant pursuant to an identified construction contract.

8. Blasting shall only occur on authorized days of operation, as set forth above, between the hours of 10:30 a.m. and 3:30 p.m. and not on holidays.
9. No Mining Activities or blasting shall be permitted within 150 feet of the Property lines fronting Townhall Road. Mining Activities and blasting are not permitted within 300 feet of the property line abutting PIN 07-09-300-008. Mining Activities and blasting shall not be permitted within 25 feet of the Property line abutting the existing quarry to the West.
10. The Mine Operator shall equip all of its vehicles and equipment with audible back-up or other warning devices which comply with applicable safety regulations of the Mine Safety Health Administration (MSHA) and other agencies. In all cases when the Mine Operator conducts hours of operation before dawn or after dusk, and where permitted by law, the Mine Operator shall require that its equipment and vehicles shall use visual back-up warning devices in lieu of audible back-up warning devices, unless prohibited by regulatory authority.
11. The Mine Operator shall provide the City with an annual schedule showing all permits and bonds applicable to the facility. The Mine Operator shall also provide the City with an annual blasting schedule at the beginning of each construction season and periodic updates as the construction season progresses. The Mine Operator shall use its best efforts to notify the City Clerk and the Boone County 911 Center prior to any blasting.
12. As development of the Property proceeds in a manner making it reasonably feasible, all processing and stockpiling of aggregate material shall be conducted on the floor of the quarry so that the stockpiles are below the site line elevation of the screening berms. Any batch plant shall be located and operated in the area designated on the Site Plan. Owner(s) shall relocate any batch plant to the quarry floor so as to minimize negative impact upon surrounding property when such relocation is feasible.
13. Prior to commencing the special use, the Mine Operator shall, at the Mine Operator's expense, provide, by certified mail to the owner of each residence located within a radius of $\frac{1}{2}$ mile of the Property boundary the offer to perform an existing condition survey, at the Mine Operator's expense, with respect to the existing structural condition of the foundation of each residential structure, the level of radon present in the residence, and the condition of the groundwater well serving that residential structure. The existing conditions surveyed shall be recorded. The Mine Operator shall not conduct an existing condition survey of

any residential structure without the express written permission of the property owner. A copy of each existing condition survey shall be provided to the City's Zoning Enforcement Officer. The Mine Operator shall not be required to perform such survey if previously done for such property.

14. The Mine Operator will conduct a ground water sampling program that samples each monitoring well not less than annually for any effect of the Mining Activities on the suitability of the groundwater for potable water purposes. The Mine Operator will maintain during the operation of the Quarry not less than three (3) nor more than six (6) groundwater monitoring wells. The location of future monitoring wells shall be established with the advice and consent of the Boone County Health Department. To determine any changes in groundwater elevation and quality, the Mine Operator will have the groundwater monitoring wells sampled on a basis recommended by an independent consultant acceptable to the City and agreed to by the City. The independent consultant shall generate stamped, Professional Geologist (PG) or Professional Engineer (PE), reports which shall be sent to and reviewed by the Boone County Health Department. At the Operator's expense and at the discretion of the City, it shall allow samples to be "split" and analyzed at a lab of the City's choosing provided such analytical expense is comparable to the fees already being paid by the Mine Operator for similar analysis.
15. If groundwater elevation fluctuates beyond the range found to be "normal," based upon values established in the baseline study and subsequent reports; and/or analytical results indicate that detections are higher than the maximum contamination level (MCL) as allowed by IEPA for drinking water standards, an investigation shall be conducted by a City approved independent consultant at Mine Operator's expense to determine the cause of the elevation fluctuation and/or maximum contamination level excursion.
16. The Mine Operator shall at no cost to the property owner, repair or replace any well or residential foundation located within one-half (1/2) mile of the Property boundary that has been surveyed pursuant to condition 1.5 above, determined to be sound and in good operating condition and is later damaged or becomes inoperable as a result of the use of explosives as a part of the Mining Activities in the Property. In addition, the Mine Operator shall, at no cost to the property owner, purchase, repair or replace any residential structure that has been surveyed, determined to be sound, and that is later damaged as a result of the use of explosives as a part of the Mining Activities in the Property.
17. The Mine Operator shall repair and/or replace any wells located within one-half mile of the Quarry that an Illinois Licensed Professional Geologist has determined to be damaged or inoperable due to loss of water or contamination as a result of quarry operations on the subject property. In addition, the Mine Operator shall keep in full force and effect a replenishing performance bond (with

good and sufficient surety licensed to do business in Illinois and otherwise subject to the City's reasonable approval) for the repair and/or replacement of any damage upon the property which an Illinois licensed structural engineer has determined to have been caused by Mine Operator's operations and that the Mine Operator has refused to repair or reimburse the cost thereof.

18. The Mine Operator shall require all vehicles hauling aggregate or earth material and all other construction equipment and vehicles to and from the quarry to enter and exit the quarry using Irene Road. The Mine Operator shall require all hauling vehicles under its control to maintain appropriate covers over their aggregate loads to prevent any spillage of a load. The Mine Operator shall use its best efforts to cause hauling vehicles not under its control to cover aggregate loads with tarps.
19. The Mine Operator shall comply with all City ordinances and state regulations governing stormwater management, erosion and sediment control, provided, however, that the Mine Operator may continue to use the stormwater management plan now in effect and as authorized by the Illinois Environmental Protection Agency for those portions of the property currently designated for mineral extraction.
20. The Mine Operator has previously constructed certain earthen berms and fencing along the Northern boundary and the Eastern boundary to a point adjacent to the southern limit of the residential subdivision to the East (the Townhall Estates Subdivision). The City finds the existing berms and fencing to be adequate and Owner(s) agree to maintain said berms and fencing in their current or better condition. At such time as mine operations move south of the east west creek, Owner(s) shall install additional berms, eight (8) feet in height and in conformance with those depicted in Exhibit D of this Agreement. Further, Owner(s) agree to install additional eight (8) foot high berms along the Southern and Western borders of the quarry as mine operations move south of the creek to the same specifications as those required by in Exhibit D. The berms constructed on the Property shall allow for the proper sight stopping distance in accordance with the standards of the Illinois Department of Transportation. Fencing, reasonably acceptable to the City and at a minimum surrounding all actively mined areas, and in conformance with the City's Zoning Code, shall be installed and maintained.
21. The facility shall be operated in compliance with all applicable environmental, blasting and mining laws and other health and safety regulations, including those of the Illinois Environmental Protection Agency, the United States Mine Safety Health Administration, and the Illinois Department of Natural Resources Division of Mines and Minerals. The Mine Operator shall keep records demonstrating compliance and those records shall be made available to the City upon request.

22. The Reclamation Plan for the Property is intended to comply with the applicable regulations of the Illinois Environmental Protection Agency, the Illinois Department of Natural Resources Division of Mines and Minerals and the reasonable requirements of the City. Owner(s) shall implement the Reclamation Plan as set forth in the Plan and upon cessation of the Mining Activities. The Parties may agree, in writing, to deviations from the Reclamation Plan. Further, the Reclamation Plan and work pursuant to the Reclamation Plan shall be modified to comply with relevant Federal and State law in effect at the time of reclamation activities. The Reclamation Plan shall be implemented and maintained by the Mine Operator, the property owner of any part of the Property or their successors and assigns, in compliance with the Reclamation Plan, or as approved by the City upon the Owner(s)' request for revision. It is anticipated that the Property will remain privately owned.
23. In the event the Mine Operator is not required to or fails to obtain a reclamation bond for the Property pursuant to the Surface Mine Land Conservation and Reclamation Act, the Mine Operator shall provide a bond to the City to secure the performance of the Reclamation Plan for the Property. The bond provided to the City shall be in the amount of \$3,000.00 per acre for each acre in the Property on which Mining Activities take place. The amount of the bond shall be adjusted annually to reflect the effect of inflation. The increase shall be based upon the Consumer Price Index (GPI-U). In the event that index is no longer reported, the parties shall agree on a mutually agreeable index. The Mine Operator shall file a copy of any bond guaranteeing performance of the Reclamation Plan with the City Clerk.
24. All equipment and other improvements to the Property which are used for Mining Activities on the Property shall be removed within one year after the cessation of Extraction Operations on the Property, provided, however, that all stockpiled materials shall be removed or re-graded within two years after the cessation of the Extraction Operations. During this period, the Mine Operator shall be entitled to maintain on the Property and use any equipment necessary for the proper loading, delivery and weighing of material to wind up Mining Activities and implement the Reclamation Plan. During this period, the Mine Operator may not store or stockpile any materials that were not actually mined from the quarry.
25. In the event the Batch Plant(s) ceases operations for more than 24 consecutive months after the completion of Extraction Operations or has been relocated for more than 24 consecutive months, the Owner(s) shall remove the Batch Plant(s) within 6 months (i.e. 30 months from cessation of operations or removal from property).
26. No Mining Activities, near the eastern boundary of the property adjacent to the existing residences along the eastern right half of Town Hall Road, shall take place until more than twenty (20) years after the execution of the Settlement

Agreement between Owner(s) and Boone County dated October 14, 2005. Mine Operator's processing, stockpiling, loading and maintenance operations shall be located as depicted on the Operations Plan.

27. To the extent possible, and once such operations are commenced, Extraction Operations shall take place below the elevation of the adjacent, existing grades and shall continue in the sequence depicted in the Mine Plans.
28. The Mine Operator shall follow the approved Operations Plan and no mining or processing shall occur outside of the designated area on the Operations Plan unless consented to in writing by the City.
29. The maintenance area shall comply with the site plan submitted.
30. Owner(s) shall grant and deed to the City of Belvidere an exclusive twenty foot (20') perpetual easement through the property adjacent to either the creek running east/west through the Property or the existing Commonwealth Edison right of way or easement. The City may only use this easement for any utility public purpose, including, but not limited to, sanitary sewer mains. Owner(s) shall not use this easement area for mining, storage or processing and shall not construct any structure thereon.

Chair Maher asked if there were questions for the staff.

Andy Racz asked Ms. DelRose who would be enforcing the conditions for approval.

Gina DelRose said Cara Whetsel, City Code Enforcement Officer, would be responsible for enforcement.

Andy Racz asked for details of the plans referenced in conditions numbered 27, 28 and 29.

Gina DelRose referred Mr. Racz to the attachments to the staff report.

Andy Racz asked if the provided reclamation plan is complete.

Gina DelRose said yes; Ms. DelRose said this was the plan provided by the Settlement Agreement with modifications by the city to allow for a 25-foot access drive to accommodate emergency vehicles.

Andy Racz questioned condition number 21 regarding compliance with record keeping.

Gina DelRose stated it is her understanding the records would not be requested unless there was a complaint made; then enforcement proceedings would commence.

Andy Racz asked what party is responsible for verifying the performance bond

Gina DelRose explained the procedure regarding the update of the performance bond.

Paul Engelman asked for the William Charles quarry's hours of operation.

Gina DelRose said William Charles quarry operates from 5:00 a.m. until 10:00 p.m. The Plote quarry is currently from 6:00 a.m. until 6:00 p.m. If approved, Plote will expand its hours to match that of the William Charles quarry. All local quarries keeping the same hours will make it easier to tell if a quarry is operating outside of allowable hours.

Paul Engelman clarified allowable blasting hours of 10:30 a.m. to 3:30 p.m. excepting holidays. Mr. Engelman asked if blasting could occur on Saturdays.

Gina DelRose said yes.

Paul Engelman asked for clarification of the phrase "best efforts" in condition number 18.

Gina DelRose said the condition is a courtesy to the 911 Center; the William Charles quarry is not required to notify the center. It doesn't impact operations, it is a courtesy in case there are complaints to 911.

Andy Racz, in reference to condition number six, said he feels it is logical to list what persons in the city are responsible for inspecting the facility.

Gina DelRose said the condition was left open-ended in order to accommodate departmental and staff changes that may occur in the future.

Andy Racz asked Mike Drella who is responsible for enforcement by the city.

Attorney Drella stated that the condition is left open-ended to give the city more ability to enforce the terms of the agreement.

Paul Engelman questioned condition number 12.

Gina DelRose said that the city felt the language strengthened the current requirement regarding stockpiling.

Andy Racz spoke to the applicants regarding future adherence to the conditions.

Gina DelRose reminded the commission that the special use is for the land use as proposed. Considerations of the land use is what Ms. DelRose bases her report upon.

Paul Engelman referred to condition number 13 and asked if the radon testing would be to establish a baseline in case issues were to arise.

Gina DelRose said yes.

Paul Engelman asked how one would know if the radon level had exceeded the baseline.

Gina DelRose said if a resident complained of damage, a structural engineer would be consulted to determine if the damage was due to the quarry operations. If the quarry was found to be responsible, then the quarry must pay to resolve the issue.

Paul Engelman asked how it would be enforced.

Gina DelRose said a resident complaint would be forwarded to the city, it would be investigated; Ms. DelRose speculated that further mitigation might become a civil matter if the resident was not satisfied with efforts.

Paul Engelman said "radon" is spelled out but that a "radon mitigation specialist" is not referenced as a form of mitigation.

Gina DelRose said the condition in question could be amended to add the language.

Paul Engelman asked how the staff arrived at the figure of \$3,000 as a bond.

Gina DelRose said the figure matches that of the William Charles quarry and possibly the other quarry as well.

Andy Racz remarked that the Soil & Water Conservation District NRI report reads like a "punchlist" for Plote.

Paul Engelman asked if there has been a transportation study completed for the Irene Road Interchange.

Gina DelRose said she has not seen one.

Paul Engelman said such a study would address traffic capacity as such studies are done with an eye to future development.

Gina DelRose said that Illinois Department of Transportation is aware of traffic flows at that interchange.

Paul Engelman asked about references in the testimony to groundwater contamination from agriculture.

Gina DelRose stated that one of the largest sources of groundwater contamination is agricultural product runoff into creeks. Ms. DelRose explained the way in which water seeps through various surfaces and is thereby purified.

Paul Engelman said he feels the requirement for well testing may prove a benefit to the whole area.

Gina DelRose said the baseline studies of area wells were done for that reason. Ms. DelRose stated some quarries do not offer such testing. Ms. DelRose stated the testing was both a good faith effort by Plote and provides a baseline for monitoring the water table as quarry operations continue.

Paul Engelman said if Plote does annex to the city and is granted the special use, the city is committing to the process for 30 years.

Gina DelRose said the pre-annexation agreement will expire in 30 years and the expiration will trigger the need to renew the special use.

Kenneth Shepro said he did not agree with the previous interpretation

Paul Engelman asked if the city can stipulate that the special use permit be renewed as the quarry enters into each new phase of its operations. In this way, it would minimize the number of years.

Gina DelRose said she would be hesitant to base a renewal on mining activities because it would be difficult to determine. Ms. DelRose said if Mr. Engelman's concerns are the possibility of violations, enforcement can take place and the special use could be revoked if need be. Ms. DelRose added that the city procedures differ from those in the county.

Paul Engelman said economic and environmental conditions may change in the future; Mr. Engelman proposed it as a compromise.

Gina DelRose said for a five years' renewal schedule, there would be a constant reappraisal process going on at all times.

Paul Engelman asked if the staff is aware of any way to mitigate emissions from the concrete/asphalt operations.

Gina DelRose referred to comments made about the elevation of the stockpiles at the quarries, stating there are pros and cons for both methods of stockpiling according to IEPA regulations. Ms. DelRose said nothing in the city ordinances overrides state regulations.

Aaron Szeto asked if Ms. DelRose feels the findings of fact had been met, and would they be read into the record.

Gina DelRose said correct. Ms. DelRose said her summary of the staff report read out 80% of those findings.

Alderman Dan Snow asked if the performance bond of \$3,000 per acre refers to the quarry area or the entire 200+ acres of the subject property.

Gina DelRose said the figure refers only to the area being excavated.

Alderman Snow asked what constitutes "operations."

Gina DelRose said the clocking in of employees and the use of vehicles and equipment related to actual mining.

Alderman Dan Snow asked if trucks hauling constitute operating hours.

Gina DelRose said the loading of trucks should wait until hours of operation.

Alderman Snow asked for clarification of truck equipment allowed on site.

Gina DelRose said typically, the code allows one or two tractor trailers to be stored on site.

Alderman Snow asked how it will be determined which quarry a blast is coming from.

Gina DelRose said there are blasting records and reports from sensors which keep a record of where and when a blast takes place. Ms. DelRose stated she did not feel she has the expertise to testify on the topic further.

Kenneth Shepko referred to the large attachments to the staff report; Mr. Shepro asked if the attachments are to be considered part of the application if the commission recommends approval of the special use.

Gina DelRose said that the attachments are a part of the staff report.

Kenneth Shepro referred to the reference on page 9 of the staff report to a future industrial park. Mr. Shepro asked if approval constitutes approval of the planned industrial park as well.

Gina DelRose said no; nowhere in the required publication of the planning request or the conditions for approval was there any any mention of the area referred to on the referenced page as "Industrial Park". Ms. DelRose said that to limit confusion, the same exhibits were included with both the annexation and special use request staff reports. If Plote wishes to develop an industrial park, they would be required to apply for that at a later date.

Attorney Drella asked if the published legal description included the area Mr. Shepro refers to.

Gina DelRose said she would need to research to answer this question.

Kenneth Shepro referred to mention in the condition number six of the Annexation Agreement; Mr. Shepro asked what the conditions are of that agreement.

Gina DelRose said the annexation agreement conditions are the same ones presented in the staff report with additional conditions included.

Kenneth Shepro clarified that the Annexation Agreement has not been submitted as part of the current hearing.

Gina DelRose said that was correct; the annexation will go before the City Council for consideration.

Kenneth Shepro said it is unclear what conditions will be imposed as part of the Annexation Agreement, if any.

Attorney Drella asked if the condition six to should be corrected to read "special use" rather than "annexation agreement."

Gina DelRose said she could add both terms if desired.

Kenneth Shepro said the language is confusing as it stands. Mr. Shepro suggested that, if the special use is approved, there be an additional provision for baseline surveys of adjacent properties to be redone if it was desired by adjacent property owners.

Gina DelRose said the condition was crafted to allow those neighbors who did not receive a survey previously to have the property surveyed if they desired. The operations are not changing in such a way as to negate the previous surveys.

Kenneth Shepro asked if it is possible that effects of blasting are cumulative, and that baseline surveys taken may not be accurate at a future date.

Gina DelRose said if a neighbor had such a concern, they could approach Plote with that concern and have it inspected.

Kenneth Shepro said he feels it would be a small change to make in the interest of fairness to the neighbors. Mr. Shepro asked if Ms. DelRose prepared the findings of fact in the staff report.

Gina DelRose said she did.

Kenneth Shepro questioned the language used in the findings of fact, saying it differed from the findings as detailed in the Zoning Ordinance.

Gina DelRose stated the staff report findings are crafted in answer to the requirements detailed in the Zoning Ordinance.

Kenneth Shepro repeated his objection to the language used in the findings of fact in the staff report.

Gina DelRose repeated her explanation.

Kenneth Shepro asked if the call for the applicants' "best efforts" is an unenforceable standard.

Gina DelRose stated that the condition does not regulate or restrict Plote's activities, it is in place as a courtesy to the 911 Center in the case that there are complaints following blasting.

Kenneth Shepro said if this was true, why is the condition there at all.

Gina DelRose said that by including it in the conditions for approval it gives the request more "teeth" than a handshake agreement to notify the 911 Center before blasting.

Kenneth Shepro asked if the city has ever tried to enforce a "best efforts" clause.

Gina DelRose said Plote has more conditions placed on its operations than the other quarries operating in the city.

Kenneth Shepro said Ms. DelRose's response did not answer his question. Mr. Shepro asked if it was staff's opinion that, having granted a special use, the special use must also be granted to anyone one else requesting it.

Gina DelRose no.

Kenneth Shepro clarified that a previous granting of a special use does not influence a future decision whether to recommend approval.

Gina DelRose said correct; Ms. DelRose stated her recommendation was based on the facts that the area already has quarries operating presently, the use is not out of character for the area, and it is a currently existing quarry whether it is annexed or not.

Kenneth Shepro asked if it was true that the granting of the special use will increase permitted operations at the subject property.

Gina DelRose said yes.

Kenneth Shepro asked if Ms. DelRose believes that there comes a point where the additional impact of the facility will have a cumulative negative impact on the neighborhood.

Gina DelRose said she did not feel this was the case.

Kenneth Shepro asked if Ms. DelRose determined how much staff time might be involved in enforcing the conditions for approval.

Gina DelRose said that it is staff's responsibility to enforce the zoning code, the maintenance codes and the special conditions.

Kenneth Shepro asked how many persons make up the city code enforcement staff.

Gina DelRose said the staff is made up of one person with additional people added if needed.

Kenneth Shepro asked if the other quarries operating in the city have the kinds of conditions being proposed here.

Gina DelRose stated not all of them do.

Kenneth Shepro said it would add to that responsibility to monitor the proposed special use.

Gina DelRose said it could; for this reason, she requested the last five years of violation complaints from the county so that she could get an idea what that monitoring would involve.

Kenneth Shepro asked why no traffic study was included in the staff report.

Gina DelRose said that when the Irene Road Interchange was built, the Illinois Department of Transportation (IDOT) made itself aware of all conditions present at that location.

Kenneth Shepro asked if Ms. DelRose was aware of the conditions near the subject property at the time the Interchange was built.

Gina DelRose said yes.

Kenneth Shepro asked if Ms. DelRose feels there has been a change in truck traffic since the Interchange was built.

Gina DelRose said she did not wish to speak for IDOT, but building of that magnitude includes future needs as well.

Kenneth Shepro remarked that one can see by driving locally that traffic management at the state level does not meet that level of planning. Mr. Shepro asked if IDOT could have anticipated a batch plant in the area

Gina DelRose said they could have.

Kenneth Shepro asked if Ms. DelRose was guessing.

Gina DelRose said it was her assumption.

Kenneth Shepro asked if Ms. DelRose stated that the bond proposed was based on similar operations.

Gina DelRose said correct.

Kenneth Shepro asked when the bond level was determined for those other operations.

Gina DelRose said it was for a special use in 2004; one of the conditions stated the bond needs to be increased for inflation based on the CPU Index.

Kenneth Shepro asked if that has been done.

Gina DelRose said the standards have not changed greatly since that time.

Kenneth Shepro asked if Ms. DelRose thought that bond level was an appropriate amount on which to base Plote's.

Gina DelRose said she does believe it is appropriate based on conversations with other staff members, namely the Director of Public Works.

Kenneth Shepro said his questioning was complete.

There were no further questions for the staff.

Kenneth Shepro provided closing remarks.

Roxanne Sosnowski provided closing remarks.

The public hearing was closed at 10:54 p.m.

Discussion was held by the commissioners, staff and city attorney.

It was moved and seconded (Racz/Cantrell) to accept the findings of fact as presented in the staff report dated October 4, 2018.

Discussion was held.

It was moved and seconded to amend the findings of fact to include the following language to Finding C:

“Due to the possibility of increased traffic related to the batch plant activities, a traffic study shall be recommended.”

The motion to amend the findings of fact carried with a 6-0 roll call vote.

The motion to accept the findings of fact as amended carried with a 6-0 roll call vote.

It was moved and seconded (Racz/Arevalo) to approve case 2018-28 subject to the 30 conditions as presented by staff.

It was moved and seconded to amend the conditions for approval to include the following condition:

31. Prior to the operation of the batch plant, concrete plant and asphalt plant activities, a traffic study shall be conducted and provided to the city.

The motion to amend the conditions for approval carried with a 6-0 roll call vote.

The motion to approve case 2018-28 subject to the conditions as amended carried with a 6-0 roll call vote.

Gina DelRose said the recommendation would move forward to the City Council for a first reading on November 5, 2018.

OTHER BUSINESS: None

DISCUSSION: None

Staff Report:

Gina DelRose asked commissioners if they would like to change the time of the November 13 meeting to 7:00 p.m. City Council will be meeting on November 13 at 6:00 p.m. due to the Veteran's Day holiday.

There was a consensus to change the November 13, 2018 meeting time to 7:00 p.m. Ms. DelRose said there would be three cases at the next meeting.

ADJOURNMENT:

The meeting adjourned at 11:10 p.m.

Recorded by:

Cathy Crawford
Administrative Assistant

Reviewed by:

Gina DelRose
Community Development Planner

Minutes
Committee of the Whole
Public Safety and Finance and Personnel
October 22, 2018 6:00 p.m.

Call to Order - Mayor Mike Chamberlain:

Aldermen Present: M. Borowicz, W. Frank, M. Freeman,
T. Porter, T. Ratcliffe, M. Sanderson,
D. Snow and C. Stevens.

Alderman Absent: R. Brooks and G. Crawford.

Also in attendance:

Budget and Finance Director Becky Tobin,
Public Works Director Brent Anderson, City Treasurer
Thornton, Community Development Planner Gina DelRose,
Fire Chief Hyser, Police Chief Woody, City Attorney Drella
and City Clerk Arco.

Public Comment:

Mayor Chamberlain reported the Plote Annexations would not
be discussed tonight and would be rescheduled.

Alderman Frank reported that Sister Cities visited Heritage
House in Harvard and would be traveling to Germany next
July.

Public Forum: None.

Reports of Officers, Boards and Special Committees:

1. Public Safety, Unfinished Business: None.

2. Public Safety, New Business:

(A) Cardiac Monitor Presentation by Lt. Burdick.

Motion by Ald. Sanderson, 2nd by Ald. Frank to approve the
purchase of Zoll X Series Cardiac Monitors at a cost of
\$72,455.56 including trade in. Aye voice vote carried.
Motion carried.

(B) Fire Department Garage Door Replacement.

Motion by Ald. Sanderson, 2nd by Ald. Frank to approve the proposal from Ackerson Brothers for the installation of new garage doors at Station #1 in the amount of \$4,741. This building upgrade will be paid for from budgeted line item #01-5-220-6010. Aye voice vote carried. Motion carried.

3. Finance & Personnel, Unfinished Business: None.

4. Finance & Personnel, New Business: None.

5. Other:

(A) Plote Annexations - will be rescheduled.

6. Adjournment:

Motion by Ald. Sanderson, 2nd by Ald. Ratcliffe to adjourn at 6:23 p.m. Aye voice vote carried. Motion carried.

_____ Mayor

Attest: _____ City Clerk