

1 STATE OF ILLINOIS )  
 ) SS.  
2 COUNTY OF BUREAU )

3  
4 In the Matter of the Petition  
5 of  
6 Bartlett Grain Co., L.P.  
7 Concord Township  
8 Bureau County, Illinois  
9 Application No. 24-09-09-1RC

10  
11 Testimony of Witnesses  
12 Produced, Sworn, and  
13 Examined on this 3rd day  
14 of October, A.D., 2024,  
before the Bureau County  
Zoning Board of Appeals

15 PRESENT:

16 Mr. Jim Forristall  
17 Mr. Troy Quest  
18 Mr. Bill Jensen  
19 Mr. Michael Stutzke  
20 Mr. Barry Welbers, Chairman  
21 Ms. Cecelia Nemeth, Secretary  
22 Ms. Kristine Donarski, Zoning Enforcement Officer

23 REPORTED BY:  
24 Julia A. Schwarzbach, RPR  
Certified Shorthand Reporter  
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1 MR. WELBERS: Okay. We can begin.

2 This is a special hearing of the Bureau  
3 County Zoning Board of Appeals. And our members are  
4 Bill Jensen, Michael Stutzke, Jim Forristall, Troy  
5 Quest. I'm Barry Welbers. Cecelia Nemeth. Kristine  
6 Donarski, our Zoning Enforcement Officer.

7 I suspect it's Keith Cain representing the  
8 County Board; but Derek Whited from the County Board  
9 just came in.

10 And this is Julie Schwarzbach, our court  
11 reporter.

12 That's everybody, right?

13 MS. DONARSKI: (Nodding).

14 MR. WELBERS: Okay. And so what we have here is  
15 a -- an application. And it's kind of like you just  
16 witnessed on the other commission; I will be reading a  
17 few things into the record.

18 Our applicant is Bartlett Grain Company, L.P.  
19 It's Parcel No. 14-03-300-001 and 14-03-300-002. The  
20 common location is the south side of 1745 N Avenue east  
21 of Illinois Route 40 and railroad tracks. This is a  
22 request first for rezoning from Agriculture to M-2.  
23 The purpose is to build and operate a grain  
24 transloading facility.

1           And it's also a request for a conditional use  
2 for a grain transloading facility that takes in grain,  
3 stores it until needed, and loads it into conveyances  
4 that take the grain where it is needed.

5           The proposed facility includes a 120-car rail  
6 loop, hoop buildings, grain bins, grain legs, grain  
7 dryer, grain pits, conveyors, office facilities,  
8 scales, and scale house. The present use is farmland.

9           Um -- well, I'll just read it. It's here.

10           This is the letter that was written, I heard  
11 read, but we'll read it again. It's to the Bureau  
12 County Zoning Board of Appeals.

13           To Whom it May Concern: Thank you for  
14 notifying the residents whom this proposed --  
15 proposal would affect. Regrettably, I cannot  
16 physically attend the special public hearing  
17 scheduled for Thursday, October 3rd, at 6 p.m. I  
18 serve our community as the pastor of the Bunker Hill  
19 Church of God in Buda, Illinois; and I will be  
20 conducting the funeral service of a cherished  
21 member, John Hand, on the same date and time. I ask  
22 that this letter serve as a record of my  
23 opposition to this development plan. I am writing  
24 to formally express my opposition to the proposed

1 development of the property held directly across  
2 from my own, identified as Parcel Number -- or  
3 Parcel ID 14-03-300-001 and 14-03-300-002.

4 Having invested significant time and  
5 financial resources in developing my farm/home  
6 property, my intention has always been to enjoy  
7 and enhance the beauty and value of our community.  
8 I am deeply concerned that this proposed development  
9 by Harry McCune and Bartlett Grain Company will have  
10 several negative consequences, including reduction  
11 in residential land value.

12 A commercial grain operation directly  
13 across from the residential properties would likely  
14 diminish the market value of surrounding homes,  
15 including mine, which many of us have invested in  
16 for personal and community betterment.

17 Increase in traffic and safety risk.  
18 Increased heavy traffic from trucks and equipment  
19 would disrupt the quiet area and pose safety  
20 hazard.

21 Environmental light -- Environmental.  
22 Light and noise pollution. Dust, light, noise,  
23 and emissions from the development would negatively  
24 impact the quality of life in our residential and

1 agricultural community.

2 Alteration of the landscape and rural  
3 character. The development would irreversibly  
4 change the scenic rural atmosphere, detracting from  
5 the natural beauty many have worked to preserve.

6 I ask the Zoning Board carefully -- I ask  
7 that the Zoning Board carefully consider the impact  
8 of [*sic*] this development will have on the  
9 community's residents economically in terms of  
10 safety, environment, and overall quality of life.  
11 This proposal may be more suited to other site  
12 locations.

13 Thank you for your time and consideration.  
14 Chantha and Susan Chhim.

15 Did I say that correctly?

16 MS. DONARSKI: Um-hmm.

17 MR. WELBERS: Okay. From the Bureau County Soil  
18 and Water Conservation District. The Board of  
19 Directors sent this report summarizing this page as  
20 pertinent to the zoning request.

21 Cultural resource information. Upon  
22 review of the historic 1875 plat map, we found two  
23 possible historic sites on the building site.

24 Biological resources. Historically, the

1 site was a prime -- was a prairie landscape. We  
2 recommend planting a pollinator or native mix for  
3 the ground cover where possible to improve the  
4 biological resources on the site and [sic] protect  
5 the soil. Our office can provide seed mixes and a  
6 management plan upon request.

7 Wetland and flood plane information. The  
8 site is not within a 100-year flood plane, and there  
9 are no wetlands present on or near the site.  
10 Consultation with the U.S. Army Corps of Engineers  
11 should happen before finalization of work plans  
12 and [sic] the project will be in or near waters of  
13 the United States.

14 Erosion control. The building site is  
15 located on gently to moderate sloping ground. Most  
16 of the soils on the site are at moderate risk of  
17 erosion. Care should be taken to cover bare soil  
18 during construction whenever possible. Grading  
19 should be kept to a minimum.

20 Soils information. Most of the soils on  
21 the site are well-drained and [sic] moderately  
22 well-drained and very limited when it comes to  
23 shallow excavation. Additional building and  
24 engineering considerations may be needed in the

1 locations that are somewhat limited when considering  
2 shallow excavation.

3 Conservation practices. If there are soil  
4 conservation practices that will be damaged by the  
5 activity on the site, those conservation practices  
6 shall be restored to their pre-construction  
7 condition as close as reasonably practicable in  
8 accordance with U.S.D.A. and N.R.C.S. technical  
9 standards.

10 All repair costs should be the  
11 responsibility of the facility owner. This may  
12 include fees, paying back annual payments,  
13 liquidated damages for cancelling the existing work  
14 program contract if there are plans to build on or  
15 permanently remove from practice.

16 Work with individual landowners to  
17 determine if practices were put in using U.S.D.A.  
18 program money.

19 AIMA. Refer to the specifications  
20 outlined in the Agricultural Impact Mitigation  
21 Agreement with the Illinois Department of  
22 Agriculture for the minimum standards applied to all  
23 construction or deconstruction activities.

24 We emphasize that construction activities



1           should not occur when normal farming operations,  
2           such as plowing, disking, planting, or harvesting,  
3           cannot take place due to weather conditions.

4                        If an AIMA is still needed, the  
5           appropriate forms can be found on the Illinois  
6           Department of Agriculture website.

7                        The Illinois National Heritage Database  
8           contains no record of State-listed threatened or  
9           endangered species, Illinois Natural Area Inventory  
10          sites, dedicated Illinois nature preserves, or  
11          registered land and water reserves in the vicinity of  
12          this project location.

13                       The public notice is here.

14                       The Bureau Valley Community Unit School  
15          District No. 340. The District has no objection to the  
16          above application.

17                       Does that cover it all?

18                       MS. DONARSKI: (Nodding head).

19                       MR. WELBERS: Okay. That's what I was to read  
20          into the record.

21                       And your witness, the first witness, will  
22          just basically have to do what you just did.

23                       MR. WEBSTER: Thank you.

24                       MR. WELBERS: It's a whole new hearing.

1 MR. WEBSTER: I understand. I understand.  
2 THE COURT REPORTER: Does he need to be sworn?  
3 MS. DONARSKI: Yes.  
4 THE COURT REPORTER: Sir, I'm going to swear you  
5 in.

6 Sir, I'm going to swear you in.

7 MR. WEBSTER: I was just going to pass this out.

8 THE COURT REPORTER: Okay. I'll wait.

9 (Mr. Webster tendering documents.)

10 (Mr. Webster sworn.)

11 MS. NEMETH: State your name and address for the  
12 record.

13 MR. WEBSTER: My name is Bill Webster. 4841 West  
14 90th -- no, that's my home address. Forty -- I've got  
15 to think about this. 4900 Main Street, Suite 1200,  
16 Kansas City, Missouri, 64112, Bartlett Grain Company.  
17 And I'm the Vice President. Of Projects.

18 MR. WELBERS: Go ahead and start in.

19 MR. WEBSTER: Thank you.

20 BILL WEBSTER,  
21 called as a witness herein, being first duly sworn,  
22 testified as follows:

23 DIRECT TESTIMONY

24 MR. WEBSTER: I'm not sure -- I think many of you

1 were here. So if I -- I'm going to repeat, and I  
2 apologize in advance for -- if anybody needs to take a  
3 break, I'll understand.

4 I'm with Bartlett Grain Company.

5 A little bit about Bartlett Grain. We are  
6 based in Kansas City, Missouri. We've been there since  
7 1907. Historically, we were a hard wheat company,  
8 which did not bring us to Illinois. But we were a  
9 long-time seat-holder on the Kansas City and Chicago  
10 Board of Trade. Our predominant business is flour  
11 milling and handling and the sale of grain,  
12 merchandising of grain.

13 What has changed over the years is the growth  
14 of shuttle rail traffic and, in our case, the North  
15 American Free Trade Agreement. Up until the late '80s,  
16 Mexico was very hard to export grain to. The  
17 company -- the country has doubled. They cannot  
18 produce enough feed grains for their uses. And with  
19 NAFTA, it created opportunities from the U.S. to  
20 Mexico.

21 Bartlett, because of our location, became the  
22 largest shipper on what was the Kansas City Southern  
23 Railroad to Mexico. And the Kansas City Southern  
24 bought one of the two Mexican railroads. So this

1 created opportunities. We built rail shuttle receivers  
2 in Monterrey, Mexico City, San Luis Potosi,  
3 Aguascalientes, many of the key ag regions.

4 And so we have grown over the years to become  
5 the largest rail exporter of feed grains from the U.S.  
6 to Mexico.

7 That led us to Illinois about 11 years ago.  
8 As we sort of transitioned into a heavier mix of corn,  
9 the Kansas City Southern asked us to look at building a  
10 facility on their tracks in Morgan County, Illinois,  
11 which is Jacksonville.

12 We built that facility, which has expanded  
13 over time. Inflation has also helped us. That  
14 facility was about 25 million. Ten years later, a  
15 sister facility of the same dimensions and sizing and  
16 land will be about twice that.

17 But in this case, the Union Pacific Railroad  
18 has the line that goes from -- actually, it's Nelson,  
19 up on I-88, down to Peoria. And that line would allow  
20 them to reach into this particular market.

21 So we've looked at -- we've looked at the  
22 counties on that line all the way down to Peoria and  
23 felt like Bureau County was a likely spot.

24 But as we further looked at the land, as you

1 go south, especially south of I-80, where the -- where  
2 the track is, one of two things happens: Either the  
3 track moves further away from the highway -- I mean,  
4 it -- it's a -- the rail line was built 120-plus years  
5 ago. And so if you're two or three miles off of 40 as  
6 you head further south to Peoria, especially once you  
7 get south of Buda, then it really doesn't work. And  
8 the closer you are to the interstate.

9           And if you go north, you have some of the  
10 same issues. When you go north of Manlius, the line  
11 starts to go east of 40 in ways. So there are really  
12 very few spots on this corridor, this Union Pacific  
13 line, that would facilitate this construction that are  
14 not in a wetland. We found two, but one has pipelines  
15 in it such that it would make it very difficult.

16           And so that led us to this property. And the  
17 letter that was read that said this is a Bartlett and  
18 McCune property -- project, it's not. I mean, this was  
19 totally out of the blue. And they are the property  
20 owner. But this is a Bartlett Grain project.

21           As we build it, as we've said in the prior  
22 meeting, the majority of the ground, something  
23 approaching 70 percent, will remain in agriculture. So  
24 we -- we are hopeful that the current owner will also

1 continue to -- to farm it, but that is the extent of  
2 the project per se. It's not a joint venture. It's a  
3 Bartlett Grain project. So --

4           And as I took notes, I just -- there are just  
5 a couple of thoughts. You know, the person who  
6 objected said that it would result in a reduction in  
7 land values. Our experience where we've built this is  
8 that it has resulted in an increase in land values  
9 because it generally increases the basis of the grain.  
10 And if somebody can get a greater return on their  
11 production, it doesn't tend to drive land values down.

12           Now, if the point is it drives down  
13 residential values, in Jacksonville, Illinois, we have  
14 two subdivisions adjacent; and we're in a -- in an  
15 incorporated municipality. We aren't out in, you know,  
16 the countryside. And it has not had that effect.

17           But I understand why somebody would not want  
18 to have a facility, you know, across the street from  
19 them. We are not across the street. The -- the track  
20 is -- is there, and this will be a loop inside of where  
21 that track is. The facility itself will be facing  
22 1745; and where it faces, there are not residences  
23 immediately across the street. There are farmsteads,  
24 but they're not right on the property facing where this

1 entrance and the grain elevator will be.

2 From 40 -- and we've got pictures in the book  
3 and in a handout that show from 40 at that point in the  
4 property -- we do not -- the view is such you're  
5 basically looking at some trees and then elevated  
6 property. And what the view will be much of the year  
7 is whatever crop is in the field.

8 So it -- I guess the take-away is we really  
9 aren't changing the view materially. It's not an  
10 industrial site. It's a grain elevator on a corner  
11 section that is on a road that is a quarter of a mile  
12 north of where that particular residence is.

13 So we hope that it's -- that it's not as it's  
14 been described; and we do not intend to have dust  
15 issues or light issues. We've never had any complaints  
16 on it. And we've worked very closely with the  
17 municipality where our other Illinois facility is  
18 located.

19 So -- but our -- our primary objective here,  
20 we will be getting a lot of trucks off the road. We  
21 will be -- as we were asked earlier, our hours of  
22 operation -- so we generally assume it's at least 12  
23 hours a day. We are not particularly seasonal, but  
24 during harvest, we'll take more grain at harvest; but

1 we're buying grain year-round. And we intend to be  
2 buying it from farmers that have -- producers that have  
3 on-farm storage. And there is a fair amount of on-farm  
4 storage in this part of Illinois, North Central  
5 Illinois. We also buy it from independents and  
6 commercial operators, cooperatives. And in  
7 Jacksonville it's half. In Morgan County. It's --  
8 half of what we buy are from other grain companies.

9 So it's not -- it tends to leverage that  
10 business. And that's our objective.

11 This is -- as I say, this is an ability to  
12 create an export market. In this neighborhood right  
13 now, export -- there isn't a facility like this in  
14 Bureau County, but export is largely from the river.  
15 And -- that is, we can put a train -- we can load a  
16 train in Central Illinois today, and in eight days that  
17 can be delivered to a customer in Mexico City. And if  
18 you are on the water, you are subject to a different  
19 set of issues. And when it's great, it's great. And  
20 when it's not, it -- it doesn't work. And our  
21 customers want the grain -- they need it year-round.

22 And so that's how we fit. And this is an  
23 opportunity to extend that export reach into not just  
24 Bureau County, but if you draw a 50-mile circle, that's



1 probably where it starts. And that's been our  
2 experience two hours south of here on a different rail  
3 line.

4 The Union Pacific is fully committed to this  
5 project. And -- which has to happen for it to work.

6 We have -- we want to thank the staff, the  
7 County, the Zoning Administrator and staff. Everyone  
8 has been incredibly helpful in getting us the  
9 information and the process that we need.

10 But in terms of -- we go through some of the  
11 metrics in the books, so I won't read it to you, but it  
12 is 25 jobs. It's 50-million-plus, plus whatever the  
13 railroads and other improvements that happen to the  
14 site in the western part of the county. And it's  
15 something that we would propose to commence as quickly  
16 as we can.

17 It is critical that we get -- work with IDOT,  
18 and -- and our engineers -- we work with them all the  
19 time to make sure -- and the County -- that it does  
20 work for Bureau County, as well, to make sure that we  
21 are fully addressing the traffic concerns.

22 In terms -- when you spread this out over --  
23 over 12 hours, you could be looking at 20 vehicles an  
24 hour. If we -- some days less; some days, harvest, it

1 might be a bit more. But it hasn't proven to be an  
2 issue at our other locations.

3           Somebody said there are more people in an  
4 hour that go in and out of the McDonalds than would be  
5 going in and out of our property; and that's true, but  
6 they're really not driving semi trucks. But we are  
7 serious about creating storage opportunity for the  
8 trucks, and we will be able to handle virtually all  
9 trucks on our site as we build this. They're not going  
10 to be out on the road. So we can build a turn lane,  
11 widen the lane, improve that corner, which is -- which  
12 needs to be improved. Not -- not just because of  
13 Bartlett. We would leave it, I think, much safer than  
14 it currently is, just because it's very narrow and kind  
15 of built up on both sides of the property.

16           So that's the project. And that's why --  
17 that's why we're here and looking at Bureau County.  
18 And it's driven by I-80, Illinois 40, and the Union  
19 Pacific Railroad, and the world-class corn production  
20 that exists in this part of the state.

21           MR. WELBERS: In your earlier meeting you talked  
22 about the number of trains. You said one train a week?

23           MR. WEBSTER: Yeah. I believe that would be  
24 right.

1 MR. WELBERS: And you said --

2 MR. WEBSTER: Well, I mean, I don't know that we  
3 would have 50 trains a year, I mean; but it could --  
4 but I would say one train a week. It might not be that  
5 many, but I think we would have to assume that.

6 MR. WELBERS: You also talked about that they  
7 would be coming from the south. I'm not trying to  
8 testify for you.

9 MR. WEBSTER: No. No, that's --

10 MR. WELBERS: I'm just trying to get everything in  
11 the record that you had there before.

12 MR. WEBSTER: We did. And, in fact, I have one  
13 other document.

14 MR. WELBERS: Seldom do we get to listen to the  
15 Planning Commission. They usually meet on a different  
16 night. It's usually not as redundant.

17 MR. WEBSTER: I apologize. I'll give you one of  
18 these, as well.

19 This shows -- this has a couple of maps on  
20 it. And on Page 2 of this handout, called Site Traffic  
21 Considerations, there's a -- a map. And that's U.S. 40  
22 on the left-hand side. And that yellow bar is where we  
23 would build a frontage road to facilitate trucks coming  
24 and getting off of 40. And that's land that we would

1 dedicate to this.

2           If -- if the Department of Transportation or  
3 another government entity desires us to convey the land  
4 to them, we would do so. We're -- but we recognize  
5 that needs to be developed.

6           And there are two arrows on there, two green  
7 arrows. And that shows where the rail would come in.  
8 We would come in from the south and push around the  
9 loop, and then it would be pulled out back down to the  
10 south. So that -- that train is generally not likely  
11 to go over 1745 or up into Manlius. However, the  
12 railroad might have a train that they wanted to push  
13 off of their east-west northern line. And if they did,  
14 they would have to take it south and then push it back  
15 up into the loop from the south. But we anticipate, in  
16 talking with their operations people, that the majority  
17 of this equipment is likely to come from the Peoria  
18 site.

19           MR. WELBERS: Okay. Now, the -- as they do that,  
20 this train enters, there's not much velocity, I  
21 presume. Is that --

22           MR. WEBSTER: No.

23           MR. WELBERS: -- correct?

24           And not much need to sound their horn,

1 either? Is that so?

2 MR. WEBSTER: I've never heard them sound a horn  
3 in Jacksonville. I mean, your office is there. I  
4 don't --

5 MR. WELBERS: They do that at railroad crossings  
6 and intersections except where they're exempted. But  
7 they wouldn't do it here.

8 MR. WEBSTER: Not on the property. No. I mean,  
9 the significance of the rail shuttle loader is that we  
10 have to load a hundred-and-ten-car train in 15 hours.  
11 And --

12 MR. WELBERS: Fifteen hours?

13 MR. WEBSTER: Fifteen hours. And so if you were  
14 to drive by, the movement of the train is imperceptible  
15 because they're pulling the car through, loading it,  
16 pulling another car through, loading it, pulling  
17 another car through.

18 We can generally load those in nine to ten  
19 hours. But I don't think it's going two miles an hour  
20 on the property when it's moving.

21 MR. WELBERS: And then it leaves.

22 MR. WEBSTER: And then it's pulled back out down  
23 the main line; that's correct.

24 MR. WELBERS: On its way to Mexico.

1 MR. WEBSTER: Yes. Exactly.

2 MR. WELBERS: Okay.

3 MS. WEBSTER: And we don't -- these trains come in  
4 empty. We aren't back-hauling anything. We bring them  
5 back empty. We control the equipment generally  
6 year-round. We fill it; it's a straight shot; and it  
7 generally goes to one of our -- we do have other  
8 customers in Mexico, like Sabritas, which is PepsiCo,  
9 and some other customers; but basically it's going to  
10 our shuttle train receivers, which are similar  
11 facilities, with loop tracks, that will receive the  
12 entire train.

13 So it's not being broken up and combined with  
14 other -- other rail shippers. These are 100 percent  
15 corn trains that would come from Bureau County, go to  
16 Mexico, export market, come back empty, and do it  
17 again.

18 MR. WELBERS: (Nodding head).

19 Is there anything else you'd like to say?

20 MR. WEBSTER: I'd be glad to answer any questions.

21 MR. WELBERS: Well, I'm confident there's going to  
22 be some, but it's going to be a little bit different  
23 from the previous one. First, we start with our Zoning  
24 Enforcement Officer; but then anyone here is welcome to

1 ask questions.

2 MR. WEBSTER: Of course. Of course.

3 CROSS-EXAMINATION

4 BY MS. DONARSKI:

5 Q. Bill, have you been working with IDOT on the  
6 entrances and exit and the traffic flow from Route 40?

7 A. Yes. Bartlett and our engineering firm have  
8 had conversations, including meetings on-site, to  
9 assess the traffic issues.

10 And, again, Brian -- I'm -- I won't testify  
11 for Brian Borgman of Hutchison Engineering, but they're  
12 in the process -- they have had discussions and -- and  
13 have met on-site, yes.

14 Q. So all the -- everything having to do with  
15 entrances and exits from Route 40, that's all  
16 controlled by IDOT; but you're working with them. Yes?

17 A. Yeah, as it relates to --

18 Q. Right, as to you.

19 A. -- Illinois 40, yes.

20 Q. Yes. Okay.

21 And what about the Township road, about 1745?  
22 Are you -- will you be working with the Township on  
23 that?

24 A. Oh, yeah, absolutely.

1 Q. Okay. And then a question -- my next  
2 question is: Are you going to be planting any kind of  
3 ground cover? I know Soil and Water had concerns about  
4 the ground cover. What are your plans for that within  
5 the rail loop? Is that going to be where the corn or  
6 the farming is?

7 A. Yeah. Yeah.

8 Q. Inside?

9 A. And I recognize the State soil and water  
10 guidelines on ground cover. Frequently -- I used to  
11 represent one of those State agencies. Frequently,  
12 that is when you are converting something from this  
13 type of use to an industrial use or a manufacturing use  
14 or even a subdivision.

15 Here, 70 percent of this property is going to  
16 remain in the exact same use.

17 Q. Okay.

18 A. And so we will generally plant the corners on  
19 the outsides, the inside of the loop. So that's not  
20 going to change.

21 Q. Okay.

22 A. Absolutely not. But will we put in some --  
23 if we need ground cover or whatever to comply with soil  
24 and water requirements, of course we'll do so.



1 Q. Sure.

2 Now, will you have an erosion control plan  
3 during construction then?

4 A. Yes.

5 Q. Yes. Okay.

6 And you'll have all of your permits from the  
7 State of Illinois, as far as drainage and all of that.

8 A. Yeah. We -- we are -- we have certain types  
9 of construction permits, water permits; and we have  
10 specific air permits. This is not a -- this type of  
11 grain elevator, we have lots of dust controls built  
12 into the facility. It doesn't tend to trigger  
13 thresholds on air permits, but we do have to file with  
14 the State, including the Department of Agriculture.

15 Q. Okay. And do you understand that if you're  
16 going to put restroom facilities, you'll have to get  
17 permits from the Bureau County Health Department for  
18 your restrooms and wells?

19 A. Absolutely.

20 Q. Okay.

21 A. And we did have that -- we had that  
22 conversation. And I'm not sure whether it's septic  
23 tank or you're on a different system. I'm assuming  
24 it's septic there, but I don't know.

1 Q. Okay. And then what are the existing land  
2 uses in the immediate vicinity around this property?  
3 Is it mostly agriculture? Or what -- what kind of land  
4 uses are right there in the area?

5 A. Mostly farming.

6 Q. Okay.

7 A. But there are some commercial agriculture  
8 operations. A hog operation, seed. I know there's  
9 a large Pioneer seed operation. And then a mile and a  
10 half south, on the corner, there was a -- there was a  
11 motel once upon a time and an antiques store. And I'm  
12 not sure what's south of 80.

13 Q. Okay.

14 And then --

15 A. And a campground, I'm told.

16 Q. Okay.

17 A. Two or three miles to the west.

18 Q. And then how close do you think this facility  
19 will be to the nearest home?

20 A. Half a mile?

21 Q. Okay.

22 A. But I'm certainly -- that's from aerials and  
23 just driving around. There may be property owners that  
24 are closer than that.

1 Q. Um-hmm. Okay.

2 And then what would be a time --

3 A. By the facility -- excuse me -- do you mean  
4 the property itself or the actual grain elevators --

5 Q. The actual grain elevators and house and that  
6 sort of thing.

7 A. I -- I believe it's a half a mile, but --  
8 your office provided us with a list of property owners,  
9 but most of those appear to be farms. Farmland.

10 Q. Okay. And what would be the timeframe for  
11 construction of the proposed facility if it's approved?

12 A. Twelve months.

13 Q. Okay.

14 A. Ideally.

15 MS. DONARSKI: Okay. That's all my questions.

16 Thank you.

17 MR. WELBERS: Now, I expect that there are folks  
18 here that -- hold on. No, you're not done.

19 MR. WEBSTER: Okay.

20 MR. WELBERS: Who will want to ask questions,  
21 also. And so this is the time to do that. And we'll  
22 take them one at a time.

23 This is the time to ask the witness questions  
24 pertaining to this development that would help you

1 understand what's going to go on. If you  
2 have testimony, you have an opinion you want to  
3 express, you'll have your time for that, too. But  
4 right now it's -- it's questions of -- of this witness.

5 And so who would like to ask first?

6 MR. MAHNESMITH: (Raising hand).

7 MR. WELBERS: State your name for the court  
8 reporter.

9 MR. MAHNESMITH: Jake Mahnesmith.

10 CROSS-EXAMINATION

11 BY MR. MAHNESMITH:

12 Q. The turn lanes are going to be -- you're  
13 going to put a left and a right on Route 40?

14 A. The -- the drawings that our engineers --  
15 engineering firms have provided us show three -- three  
16 lanes.

17 Q. On Route 40. Not --

18 A. On --

19 Q. -- on 1745. Route 40 is going to be the  
20 problem.

21 A. Well --

22 Q. We've already had one death down the road  
23 down there, so --

24 A. We would create a -- the lane between the --

1 Q. You're going to put a turn lane on your  
2 property?

3 A. The -- coming from the south, on the east  
4 side of 40 --

5 Q. Yeah.

6 A. -- from the west side of the railroad tracks,  
7 we are dedicating land to put a lane in there that  
8 would become a turn lane in the property. So --

9 Q. But that's where you're going to take the  
10 trucks.

11 A. Well, it's the entrance. That's the traffic.  
12 The traffic that we would create --

13 Q. But the trucks would then get back out on  
14 1745.

15 A. That's -- of course they do.

16 Q. They're coming from your property there onto  
17 1745? Or back onto 40 --

18 A. No.

19 Q. -- and then --

20 A. No, they would be coming onto 1745.

21 Q. Okay.

22 MR. WELBERS: Just to clarify, in the future, if a  
23 question is asked of you that you aren't the best  
24 person to answer and that your engineer is better,

1 well, then you would just decline to answer the  
2 question and defer it to when he's here.

3 MR. MAHNE SMITH: My apologies for asking him --

4 MR. WELBERS: And you have to do it all one at a  
5 time. The court reporter can only --

6 MR. WEBSTER: Agreed.

7 MR. WELBERS: Julie can do one conversation at a  
8 time. And Callie's usually -- and she's a real good  
9 sport when things get out of hand. But I don't know;  
10 Julie might not tolerate it. So we have to be careful.

11 So you're good?

12 MR. MAHNE SMITH: Yeah.

13 MR. WELBERS: Next question.

14 Anyone else with questions of this witness?  
15 If not, we'll -- we'll go on.

16 MR. BOLIN: (Raising hand).

17 MR. WELBERS: Yes, sir. State your name for  
18 the --

19 MR. BOLIN: Any name is Roger Bolin. And my  
20 address is 9191 1000 North Avenue, in Buda, which is  
21 south of town.

22 CROSS-EXAMINATION

23 BY MR. BOLIN:

24 Q. Mr. Webster, did I understand you to say

1 you're going to have about three or three and a half  
2 million bushels of storage capacity?

3 A. That's the initial plan, yes.

4 Q. All right. I take it that's going to be in  
5 some steel bins and/or concrete facilities?

6 A. Concrete and steel.

7 Q. And you have a -- in your Jacksonville  
8 facility, you have a coverall or a hoop-style building?

9 A. Well, that was concrete and steel, and we  
10 added one of the vacant buildings about 2016, and then  
11 we added another one about 2019. So it's a  
12 combination. But initially here we would start with  
13 concrete and steel.

14 Q. Do you know what percentage is concrete and  
15 what percentage is steel?

16 A. I don't. I don't. I -- the concrete is the  
17 head house complex and the tunnels and the basement and  
18 all of that. But in terms of actual storage, I'd say  
19 it's 65 to 70 percent steel. I believe those are GSI  
20 bins.

21 Q. And I want to follow up a little bit on what  
22 Mr. Mahnesmith was talking about.

23 Traffic coming from the south, which you  
24 anticipate to be the greater percentage of traffic,

1 will enter at the south end of your property; and that  
2 would be a right-hand turn for those trucks.

3 A. Yes.

4 Q. They'd be turning to the east.

5 A. If they are going from the south, heading  
6 northbound on Illinois 40?

7 Q. Yes, sir.

8 A. Yes.

9 Q. And then they'll go onto your soon-to-be  
10 constructed --

11 A. Right.

12 Q. -- road.

13 And then they will exit onto the Township  
14 road on the north, which you're referring to is 1745.

15 A. On the north side of the subject property.

16 Q. Yes.

17 Okay. Now, that southbound traffic that's  
18 coming from the north, you anticipate they are going to  
19 exit 40 onto the Township road.

20 A. Yes.

21 Q. They won't go down to your entrance at the  
22 south end.

23 A. They could.

24 Q. Okay.



1           A.    It just -- it depends on -- on whether there  
2 is a line or not.  You know, most times we don't  
3 anticipate there would be a line, but they certainly  
4 could if they thought that was easier than making a  
5 left turn.

6           Q.    So those trucks would make -- would then have  
7 a left-hand turn, again turning east, would be on the  
8 Township road again, and then into your facility.

9           A.    Yes.

10          Q.    So you would have trucks entering and exiting  
11 on the north side of the property onto the Township  
12 road.

13          A.    That's correct.

14          Q.    Okay.  So everything exits off -- onto the  
15 Township road.

16          A.    Onto 40.

17          Q.    Well, if --

18          A.    Yeah, on -- by way of 1745.

19          Q.    Right.  Right.

20                Those trucks, presumably, as they exit your  
21 property -- they may turn to the west and get back on  
22 40, or they may go east.  Because you're going to get  
23 traffic from the east on that Township road.

24          A.    It could.

1 Q. Okay. How many trucks a day did you say,  
2 roughly?

3 A. When we start, we're anticipating 225 to 300  
4 a day.

5 Q. And that's -- you're taking trucks in, what,  
6 five, five and a half days a week?

7 A. Generally, except during harvest.

8 Q. So one -- one unit train a week, roughly?

9 A. 440,000 bushels, plus or minus, of corn.

10 Q. Okay. At 52 weeks a year, that's -- that  
11 works out to 23 million bushels a year.

12 A. (Nodding head). That sounds right.

13 Q. And you have three and a half million bushels  
14 stored.

15 A. Jacksonville is 50.

16 Q. Okay. You're moving a lot of grain all the  
17 time then because you can store three and a half  
18 million, but you're moving 23 million a year.

19 A. That's correct.

20 Q. Okay.

21 A. That's the math.

22 Q. Seems to be.

23 A. It only works with the railroad.

24 Q. You mentioned you thought the nearest

1 residence was a half mile away.

2 A. Well, I -- I defer to the local -- I -- mine  
3 is anecdotal. I've driven around. I know there's a  
4 house on the west side of 40. And --

5 Q. Right across from your -- right across from  
6 the projected property.

7 A. From the subject property.

8 Q. Yes, sir.

9 A. Yeah, not the -- yes. Facing the current  
10 track, yeah. And woods.

11 Q. Well, his house is right there along 40.

12 A. On 40, yes.

13 Q. Yes.

14 A. About halfway between 1700 and 1745.

15 Q. Pretty close.

16 A. Yeah.

17 Q. The owner of that house is the author of the  
18 first letter.

19 A. Right.

20 Q. Okay. Have you met with him?

21 A. I have not.

22 MR. BOLIN: All right. Thank you.

23 MR. WELBERS: Do we have any other --  
24 Nope. Just wait.

1                   Any other questions? Anybody else like to --

2                   (Audience members raising hands.)

3           MR. WELBERS: We have a couple more of them.

4           You'll have to -- okay.

5           MR. NODINE: I'm Richard Nodine. I'm probably --

6                   (Court reporter interjecting.)

7           MR. NODINE: I'm going to agree with Mahnesmith.

8           This is not a good deal. It's not going to increase

9           the value of my property.

10                   The biggest --

11           MR. WELBERS: What you need to do here is ask a

12           question of this witness.

13           MR. NODINE: There's going to be traffic north and

14           south, east and west --

15           MS. DONARSKI: He's not asking a question.

16           MR. WELBERS: That's what I just said.

17                   (Mr. Nodine continuing to speak

18                   inaudibly and simultaneously.)

19           MR. WELBERS: Sir -- sir --

20                   (Court reporter interjecting.)

21           MR. WELBERS: This is to ask questions if you need

22           to know something from him. You're welcome to come up

23           at a certain time and state your testimony.

24           MR. NODINE: My biggest concern is the traffic --

1 (Court reporter interjecting and  
2 Mr. Nodine continuing to speak  
3 inaudibly and simultaneously.)

4 THE COURT REPORTER: He's not on the record.

5 MR. WELBERS: I understand. It's not a question,  
6 anyway.

7 MR. BRUMMEL: (Raising hand).

8 MR. WELBERS: Do you have a question?

9 MR. BRUMMEL: I just wondered --

10 MR. WELBERS: State your name, please, for the --

11 MR. BRUMMEL: Oh, okay. Richard Brummel.

12 CROSS-EXAMINATION

13 BY MR. BRUMMEL:

14 Q. I just wondered if you explored the --  
15 because you're saying \$50 million to build this, I just  
16 wondered if you explored buying that [*inaudible*]  
17 facility that's already on a rail. To -- that's  
18 already a facility.

19 A. What rail is it on?

20 Q. It's on this rail, up in Normandy. Is it  
21 not?

22 UNIDENTIFIED AUDIENCE MEMBER: It's on Union  
23 Pacific, yeah.

24 MR. WEBSTER: I don't think it's this particular

1 branch, but --

2 I've looked at -- I've looked at facilities  
3 on the BN up there, most of their shuttle facilities up  
4 there on the Burlington Northern; but, no, we haven't.  
5 We haven't.

6 MR. WELBERS: Any other questions?

7 THE AUDIENCE MEMBERS: (No response).

8 MR. WELBERS: Anyone else with a question of this  
9 witness?

10 THE AUDIENCE MEMBERS: (No response).

11 MR. WELBERS: Does the Board have a question of  
12 this witness?

13 MR. JENSEN: I have a couple.

14 MR. WELBERS: All right, Bill.

15 CROSS-EXAMINATION

16 BY MR. JENSEN:

17 Q. There was talk about possible truck traffic  
18 from the north headed south, turning onto 1745. What's  
19 your -- what's your idea for a turn lane for -- or are  
20 you just going to leave things the way they are?

21 A. I'm going to have to defer that to the  
22 engineer.

23 Q. The frontage road.

24 A. Yes, sir.

1 Q. Right in the middle of that is swamp. What  
2 are you going to do about it?

3 A. Well, again, I'm going to defer to the  
4 engineer. We -- we're not -- I'm not arguing with you.  
5 I'm just saying, I'm -- as we have looked at it, it  
6 doesn't show up on any of the wetland maps, state maps,  
7 or federal maps. But I believe you.

8 Q. It's on Google Maps. You can see it.

9 A. A swamp? Okay. Well, I'll defer to the  
10 engineer because they're the ones doing the design on  
11 that road.

12 Q. It's not very often it's dry.

13 MR. WELBERS: Anything else?

14 CROSS-EXAMINATION

15 BY MR. QUEST:

16 Q. When you have trains coming in, there's  
17 tracks that cross both of the Township roads; is that  
18 correct?

19 A. Yes. That track goes -- yeah, all the way  
20 from 88 to Peoria, it crosses a number of Township  
21 roads, including 1700, if that's the one you're  
22 referring to.

23 Q. Sure.

24 A. Yeah.

1           Q.    When the trains are coming in, is there going  
2 to be any length of time where those roads will be  
3 blocked for folks who may live there? Or in the event  
4 of an emergency -- fire, anything like that -- will  
5 those roads be blocked for any length of time?

6           A.    As I think I mentioned, because of how the  
7 trains are coming in, it's highly unlikely that they'll  
8 be coming from the north. They'll be coming from the  
9 south. So that wouldn't be 1745. It could happen, but  
10 if we're talking about once a week, and it's coming  
11 from the south, I don't think it's implicating 1745.  
12 1700, yeah, it would take whatever amount of time, if  
13 it's once a week, for a train to cross that  
14 intersection.

15                   And I'm sure there are other intersections  
16 all the way south.

17           Q.    I guess my question was: Would it be -- I  
18 mean, if the train is passing through, that's one  
19 thing; but if it's going to be -- you have a -- in that  
20 circle that the train would be on --

21           A.    Oh, yeah. No, the train --

22           Q.    -- the property, the train is not going to be  
23 sitting blocking that road for an hour.

24           A.    When I talked to the railroad, I think the



1 train has pretty good speed limits there. I -- for  
2 some reason, I think it's like 45 miles an hour that  
3 they can go. But when they come on -- they'll push the  
4 whole train onto our property. And it's loaded on our  
5 property. There -- at no time is it being loaded while  
6 any part of the train would be blocking a public road  
7 or public property.

8 Q. All right.

9 A. Matter of fact, that's the requirement, is  
10 they push it in; then we take it over. We have a  
11 switch engine. We have to load it. And then they pull  
12 it out.

13 It's a great question.

14 MR. WELBERS: Anyone else?

15 THE BOARD MEMBERS: (No response).

16 MR. WELBERS: Sir, you can sit down now.

17 MR. WEBSTER: Thank you.

18 (Mr. Webster excused.)

19 (Mr. Borgman approaching and sworn.)

20 MS. NEMETH: State your name and address again for  
21 the record, please.

22 MR. BORGMAN: Brian Borgman, B-o-r-g-m-a-n. With  
23 Hutchison Engineering. 1801 West Lafayette Avenue,  
24 Jacksonville, Illinois, 62650.

1 MR. WELBERS: Go ahead with your testimony, sir.

2 BRIAN BORGMAN,  
3 called as a witness herein, being first duly sworn,  
4 testified as follows:

5 DIRECT TESTIMONY

6 MR. BORGMAN: As it relates to the roadway  
7 improvements, on the Township road on the north, we  
8 would be looking to improve it, with the entire limits  
9 of the property, with new concrete pavement, probably  
10 36-foot wide, probably 10 inches of concrete or 11  
11 inches of concrete, on six inches of rock.

12 The improvements to 40 are still being  
13 investigated and coordinated with IDOT. There was a  
14 question earlier about a turn lane. From the north,  
15 we're looking at a left turn lane off of 40 onto 1745.  
16 From the south, either at -- at 1745 or at the entrance  
17 onto the storage lane, the traffic numbers will dictate  
18 whether or not IDOT criteria says we need to include a  
19 turn lane.

20 For the intersection at 1745 and Route 40,  
21 our preliminary study shows that we'll have a left turn  
22 lane for traffic heading east -- west, turning south,  
23 so that then any right-hand turners, people going  
24 straight across, would not be -- have to wait for a

1 vehicle waiting to turn left back onto 40 southbound.

2 I don't know if Bill mentioned or not, but we  
3 probably are looking at about -- storage of 30-ish  
4 trucks at the facility. At that facility we'll have  
5 three lanes there. With another 25 or 30, potentially  
6 more, depending on the length of the storage, going in  
7 between 40 and the railroad tracks.

8 That's all I have. I'm ready for questions.

9 MR. WELBERS: We'll start with our Zoning  
10 Enforcement Officer.

11 CROSS-EXAMINATION

12 BY MS. DONARSKI:

13 Q. The -- I think someone else -- Bill had  
14 mentioned something about like kind of a swampy area  
15 where you're planning that storage road, that frontage  
16 road. Can you address that?

17 A. I don't have the survey yet. I think I can  
18 see the area he's talking about on the aerial. I don't  
19 have the survey yet to determine exactly what the  
20 elevations look like there.

21 In our initial investigation, it did not show  
22 up as a wetland. So there wouldn't be any  
23 environmental issues with that. We would just have to  
24 look at the soils and the elevations and a way to

1 convey drainage across there to make sure the road we  
2 build for truck storage would be above that and that  
3 we're not trapping any water -- that's not being  
4 trapped now -- but we convey drainage to where it needs  
5 to go.

6           There's a potential that we could help dry  
7 that area out, so to speak, with some of our  
8 improvements. But until we have the survey complete, I  
9 can't speak to the specific nature of the improvements  
10 we'd be looking at in that area.

11           Q. But whatever you would do would meet all the  
12 Illinois drainage law?

13           A. Absolutely.

14           Q. Okay.

15           A. Yes. And since that's adjacent to IDOT  
16 right-of-way, they'd be involved in that and would have  
17 to approve anything we did on that.

18           MS. DONARSKI: Okay. That's all I have. Thank  
19 you.

20           MR. WELBERS: Okay. Who would like to ask the  
21 engineer questions?

22           MR. BRUMMEL: (Raising hand).

23           MR. WELBERS: State your name once again.

24           MR. BRUMMEL: Richard Brummel.

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Why are --

(Court reporter interjecting.)

MR. BRUMMEL: Richard Brummel.

CROSS-EXAMINATION

BY MR. BRUMMEL:

Q. What's the biggest hold-up with 1700? That's a lot-less-traffic road and, I would think, a little bit safer.

A. I think that the layout of the site is better suited to 1745. We haven't really investigated 1700. There is a gas line that runs across the property down there, which would force things kind of a little further north.

Honestly, we didn't look into that too much. This was the -- kind of the conceptual plan that was provided to us by Bartlett.

You know, the proximity of that gas line is probably the biggest hang-up because we don't want to be crossing that gas line with our facilities. That creates lots of problems.

The layout we've got now is actually pushed further north than we would like to, to maximize the amount of tracks to get completely off of the easement that that gas line is on.

1 Q. Gas line. Okay.

2 Um, I guess that's the only question I have  
3 for you.

4 MR. WELBERS: Do you have other questions? Anyone  
5 else with a question of the engineer?

6 MR. WHITED: (Raising hand).

7 MR. WELBERS: Derek?

8 MR. WHITED: Derek Whited. Derek Whited.

9 CROSS-EXAMINATION

10 BY MR. WHITED:

11 Q. I -- I might have missed it. I came in here  
12 a little bit later than everybody else.

13 How many acres is this property on -- or this  
14 project on?

15 A. It's a hundred and fifty-six? Fifty-five?

16 Q. I was just curious.

17 MR. WELBERS: Any others questions for the  
18 engineer?

19 MS. MAHNE SMITH: (Raising hand).

20 MR. WELBERS: State your name.

21 MS. MAHNE SMITH: Madelyn Mahnesmith.

22 CROSS-EXAMINATION

23 BY MS. MAHNE SMITH:

24 Q. What's your light pollution going to look

1 like? How much excess outdoor light will there be,  
2 like year-round?

3 A. That's actually a site question. I don't  
4 mean to defer. We're -- we're in charge of preparing  
5 the site, getting the dirt ready, doing the roadway  
6 improvements.

7 To my knowledge, there's not a lot of light.  
8 It's not an industrial site like you see with factories  
9 or anything like that. There's localized lights at  
10 the -- at the dump facility and where the buildings are  
11 at the north end. There won't be any lights, to my  
12 knowledge, around the track at all.

13 MS. MAHNESMITH: Thank you.

14 MR. WELBERS: Anyone else with questions?

15 THE AUDIENCE MEMBERS: (No response).

16 MR. WELBERS: Does the Board have questions?

17 THE BOARD MEMBERS: (No response).

18 MR. WELBERS: Okay.

19 MR. BORGMAN: Thank you.

20 (Mr. Borgman excused.)

21 MR. WELBERS: Do you have any other witnesses?

22 MR. WEBSTER: No, sir.

23 MR. WELBERS: Okay. So you're -- you have  
24 presented your case.

1                   So let's see what --

2           MS. DONARSKI: Can I ask one question?

3                   Were you going to submit those other two maps

4 as evidence to the -- the big maps? I'm just asking.

5           MR. BORGMAN: These here?

6           MS. DONARSKI: Yes.

7           MR. BORGMAN: Sure. Yeah. Absolutely.

8           MS. DONARSKI: Okay. If we have copies, we can

9 give them to the Board Members.

10          MR. WELBERS: Okay. The applicant has rested.

11 And so now it's time for all these folks who have said

12 they'd like to testify.

13                  Mr. McCune, you said you'd like to testify.

14 Would you like to come forward and do so?

15                               (Mr. McCune sworn.)

16          MS. NEMETH: State your name and address for the

17 record, please.

18          MR. McCUNE: Harry McCune, 7133 2300 North Avenue,

19 Walnut.

20                                       HARRY McCUNE,

21 called as a witness herein, being first duly sworn,

22 testified as follows:

23                                       DIRECT TESTIMONY

24          MR. McCUNE: So every -- I know everyone here is



1 concerned about the safety of the site. And I just  
2 want to bring to light that when I purchased this  
3 property, there was a lot of improvement that needed to  
4 be done to the land there and stuff that hadn't really  
5 been taken care of, things like that. And while I was  
6 doing that, I had several residents that had approached  
7 me and said, "Hey, are you going to take that hill out?  
8 Because I've pulled up there in my car, and a semi came  
9 off of Route 40 and couldn't see my car and nearly hit  
10 me." I said, "Well, that's not really my job as a  
11 farmer, you know, to take that land down and make that  
12 corner better."

13           So after probably six people said this to me,  
14 I felt compelled to go over to IDOT here outside of  
15 Princeton, or whatever you call that facility, and I  
16 approached them about concerned citizens that wanted  
17 that hill leveled off and cleared way to take away that  
18 lack-of-sight issue.

19           Well, that fell on deaf ears. Okay? Nobody  
20 cared. But I've thought, for my own safety -- I  
21 thought, what -- or sanity, whatever. What if someone  
22 I knew got killed and I didn't do my due diligence to  
23 try to bring that to their attention? Which no one  
24 cared. So that was the end of it.

1           And along came Bartlett, which I call this --  
2 and I call it the same for me, as I do for Bureau  
3 County. I call it similar to a strike of lightning.  
4 Because that's about what you're looking at here, the  
5 odds of getting struck by lightning and having these  
6 guys coming here and wanting to build a grain facility.  
7 Because it's going to add 30 jobs. All these types of  
8 things are going to be good.

9           And we know that there's risks. Any time you  
10 go out the door there's risks. You might get hit on  
11 the highway. Whatever. These guys are doing an  
12 excellent job of mitigating that risk down for the  
13 community.

14           And I spoke with the engineers; and I said,  
15 "When you guys get here, please, the first thing you  
16 do, take that lack-of-sight issue out because you're  
17 going to have construction traffic that's going to be  
18 coming in and out of there. You know, more so than  
19 there already is. So take that out first so nobody  
20 gets injured."

21           They assured me that's what they would do.

22           So beyond that, throughout, you know, just  
23 talking to different people in the grain industry, I  
24 happened to coincidentally run into people that know

1 Bartlett Grain. Two of them that I know are farmers in  
2 the Jacksonville area have nothing but good things to  
3 say about Bartlett. Some other people I know in the  
4 commodities business have a lot of good things to say  
5 about Bartlett.

6 So I think these guys are doing a good job.  
7 I think it's a great thing for Bureau County.

8 And as far as the rail goes, I've talked  
9 enough to Bill to know that this guy knows railroads  
10 like the back of his hand. Okay? And you've got a  
11 short line railroad here.

12 That's basically what you have, correct,  
13 Bill?

14 MR. WEBSTER: Ninety-one miles, yes.

15 MR. McCUNE: And you can ask anybody that said, if  
16 they had all the short line railroads in the country  
17 that have been torn out, they'd sure like to have them  
18 back. Correct? And if you don't find a use for this  
19 railroad, that's what you're going to have. It's --  
20 they're going to be torn out -- probably not torn out.  
21 Disbanded, whatever, because it's not being used. We  
22 can all see that. Anybody that lives there knows  
23 there's hardly any traffic on this railroad anymore at  
24 all. So we need to find a way to use it.

1 MR. WELBERS: Is that what you've got to say?  
2 MR. McCUNE: That's what I have to say.  
3 MR. WELBERS: There will be a few questions.  
4 MR. McCUNE: Bring them.  
5 MS. DONARSKI: I have no questions.  
6 MR. WELBERS: Okay. Anyone in the audience that  
7 you would have any questions? Anybody in the audience,  
8 questions of Harry?  
9 THE AUDIENCE MEMBERS: (No response).  
10 MR. WELBERS: Board, any questions?  
11 THE BOARD MEMBERS: (No response).  
12 MR. WELBERS: Thank you, sir. You can step down.  
13 (Mr. McCune excused.)  
14 MR. WELBERS: Okay. Also on the sign-up sheet --  
15 is it Jane or Jake?  
16 MR. MAHNE SMITH: Jake.  
17 MR. WELBERS: Jake.  
18 MR. MAHNE SMITH: Mahnesmith.  
19 MR. WELBERS: Please come forward, sir.  
20 (Mr. Mahnesmith sworn.)  
21 MR. MAHNE SMITH: So I'm about --  
22 MS. NEMETH: Wait a minute.  
23 MR. MAHNE SMITH: Oh, sorry.  
24 MS. NEMETH: State your full name and address,

1 please.

2 MR. MAHNESMITH: Jake Mahnesmith.

3 MS. NEMETH: Spell Mahnesmith.

4 MR. MAHNESMITH: M-a-h-n-e-s-m-i-t-h. 17834  
5 Illinois Highway 40, 61361, Sheffield.

6 MS. NEMETH: Thank you. Go ahead.

7 JAKE MAHNESMITH,  
8 called as a witness herein, being first duly sworn,  
9 testified as follows:

10 DIRECT TESTIMONY

11 MR. MAHNESMITH: So I am half a mile. I am the  
12 only land-locked house on the track. And you said the  
13 cars are going to come from the south. So my concern  
14 is they block me every now and again, anyway, so is it  
15 going to happen more often? That's a problem.

16 And you said not likely would they come from  
17 the north, but there's that possibility.

18 My other problem with this -- you've  
19 addressed the turn lane. The school traffic is the big  
20 concern. And the noise, the consistent noise. I don't  
21 know what your facility is like.

22 My water supply. I don't know what you'll  
23 use for water, if it's going to be in the same vein for  
24 the well. Contaminants.

1           And I agree with Chantha on property values.  
2 I don't think it raises them. I think it hurts them.

3           And as far as my access, being's I'm  
4 land-locked, if a train is blocking 1745 and my  
5 property -- or my -- my access, I have no -- nobody  
6 gets in for emergencies. And the same goes for Rich.  
7 They would have to go down to a thousand. And in the  
8 middle of the winter, an ambulance is going to go  
9 Route 40, not a thousand.

10           So that's about it.

11           MR. WELBERS: Sir, what is your address? I'm  
12 trying to visualize it.

13           MR. MAHNESMITH: 17834.

14           MR. WELBERS: 17 --

15           MS. NEMETH: 834.

16           MR. WELBERS: And what's the rest of it?

17           MR. MAHNESMITH: Illinois Highway 40. Highway 40.

18           You want me to show you on mine?

19           MR. WELBERS: Yes. That helps. A picture  
20 sometimes is worth a lot, so I understand your  
21 land-locked concept.

22           MR. MAHNESMITH: Right here, (indicating).

23           MR. WELBERS: So you actually have to cross the  
24 track, the driveway, to get out of the house.

1 MR. MAHNESMITH: Yes.

2 MR. WELBERS: And how long have you been there?

3 MR. MAHNESMITH: Seven years.

4 And I've got a lot of blood and sweat in that  
5 place. So I feel like the -- the lesser property  
6 values will occur to my house.

7 (Board Members conferring inaudibly  
8 amongst themselves.)

9 MR. MAHNESMITH: And this -- that's how close it  
10 is from my back porch, (indicating).

11 MR. WELBERS: That is --

12 MR. MAHNESMITH: Right there, (indicating).

13 MR. WELBERS: That's where the --

14 (Court reporter interjecting.)

15 MR. WELBERS: He's --

16 MR. MAHNESMITH: I'm just showing a picture.

17 MR. WELBERS: -- showing a picture of the proposed  
18 development in relation to his home.

19 Now, if you had a way to screen-shot that and  
20 send it to our Zoning Officer for the record, it would  
21 help.

22 MS. DONARSKI: Yes. I -- I need that for the  
23 record.

24 MR. MAHNESMITH: I can do that. Okay. You got a

1 number?

2 MS. DONARSKI: Yes. I'll get it to you. Yep.

3 MR. WELBERS: Okay. Is there anyone with  
4 questions of this witness?

5 MR. McCUNE: (Raising hand).

6 MR. WELBERS: Mr. McCune?

7 CROSS-EXAMINATION

8 BY MR. McCUNE:

9 Q. Mr. Mahnesmith, do you own that property?

10 A. No, the bank does.

11 Q. Okay.

12 A. In my name, but, yeah.

13 Q. Okay. Because that rail was there when you  
14 purchased that property, correct?

15 A. Yes.

16 Q. And you were aware that trains may have been  
17 crossing that when you both purchased it?

18 A. Yes.

19 Q. Okay. I just wanted to be clear about that.

20 A. I knew the train's --

21 Q. Nothing's changed.

22 A. -- there.

23 Huh?

24 Q. There were trains there before. These



1 trains more than likely won't go your way, anyway. But  
2 either way, that train -- rail line was there before.

3 A. They were, and they blocked it more before I  
4 bought it.

5 Q. Right. Right. There used to be trains that  
6 came through Manlius that blocked the tracks all the  
7 time that sat there. That won't be the case with these  
8 guys.

9 A. Yeah, but in Manlius you can drive on the  
10 roads. You can get around. You can't get to my house.

11 Q. Right. But, I mean, the railroad was there  
12 before.

13 A. Yes.

14 MR. WELBERS: He's answered that.

15 Any other questions?

16 CROSS-EXAMINATION

17 BY MS. DONARSKI:

18 Q. I would just like -- just in words, can you  
19 tell me, is your home north of --

20 A. North.

21 Q. -- the -- north?

22 And how far north of 1745?

23 A. From my house down the driveway to 1745, .5  
24 miles.

1 Q. About a half a mile?  
2 A. Yes.  
3 MS. DONARSKI: Okay. Thank you.  
4 MR. WELBERS: Any other questions?  
5 THE AUDIENCE MEMBERS: (No response).  
6 MR. WELBERS: Board, any questions?  
7 THE BOARD MEMBERS: (No response).  
8 MR. WELBERS: Thank you, sir.  
9 MR. MAHNESMITH: Thank you.  
10 (Mr. Mahnesmith excused.)  
11 MR. WELBERS: Pat Nordstrom?  
12 MR. NORDSTROM: My traffic concerns have been  
13 addressed multiple times. Thank you.  
14 MR. WELBERS: Okay. You don't need to testify.  
15 Thank you.  
16 Is it Donna Klostermann?  
17 (Ms. Klostermann approaching and sworn.)  
18 MS. NEMETH: State your full name and address,  
19 please, for the record.  
20 MS. KLOSTERMANN: Donna Klostermann, 6158 2100  
21 North Avenue, Sheffield --  
22 MS. NESMETH: Wait. Hold on. 6158 --  
23 MS. KLOSTERMANN: Five eight, 2100 North Avenue,  
24 Sheffield, 61361.

1 MS. NESMETH: Can you spell your last name for me,  
2 Donna.

3 MS. KLOSTERMANN: K-l-o-s-t-e-r-m-a-n-n.

4 MS. NEMETH: Thank you.

5 MR. WELBERS: Go ahead.

6 DONNA KLOSTERMANN,  
7 called as a witness herein, being first duly sworn,  
8 testified as follows:

9 DIRECT TESTIMONY

10 MS. KLOSTERMANN: I have with me letters written  
11 from the Manlius Fire Protection District, which  
12 the proposed site would fall within, and from the  
13 Bureau County Farm Bureau.

14 Could I read?

15 MS. NEMETH: Sure.

16 MS. KLOSTERMANN: Okay.

17 MS. NEMETH: Do you have copies of the letters to  
18 pass out, too?

19 MS. KLOSTERMANN: Yes.

20 MS. NEMETH: Kris needs one, too.

21 MR. WELBERS: Okay.

22 MS. DONARSKI: I'll get it.

23 MS. KLOSTERMANN: From the fire department:

24 Ladies and Gentlemen of the Zoning Board,

1 I am writing this letter as we are not able to be in  
2 person at tonight's meeting. I have to go to the  
3 Homecoming parade.

4 It's also Bureau Valley's.

5 We have been asked to write this letter in  
6 response to the proposed grain site that is trying  
7 to be built around 1745 North Avenue and Illinois  
8 Route 40. From a fire department perspective, we  
9 are in support of this project for multiple  
10 different reasons, although it will bring new  
11 challenges to the table for our department.

12 First and foremost, we rely so much on our  
13 tax revenue to fund nearly everything in our  
14 department. With our small community, this project  
15 will drastically increase the money which we need to  
16 operate on a regular basis. We are in hopes of  
17 transitioning to a part/full-time EMS service in the  
18 coming years since it's been so difficult to get  
19 volunteers. With the countless hours needed to  
20 secure and hold certificates to be an EMT, we have  
21 seen a drastic decrease in the number of volunteers  
22 altogether, but especially on the EMS side.

23 Paying for this coverage is unfortunately  
24 what it will come down to. And the question will

1 always come up: What do you do when you call for  
2 help and no one comes?

3 Secondly, the opportunities this site will  
4 bring has the possibility to keep people local  
5 instead of having to commute further for work.  
6 Having firefighters employed at this location, as  
7 many of them are already involved in some farming  
8 industry, means they will stay close to home and  
9 close-by in case emergencies arise.

10 Lastly, Manlius is an older community,  
11 with most residents being around retirement age.  
12 Opportunities that can potentially bring people here  
13 could re-ignite the community, with additions of  
14 any younger people that also raise the possibility  
15 of getting people involved with the community and  
16 hopefully using the Fire or EMS.

17 We hope that this -- that you take our  
18 thoughts and feelings on this matter into  
19 consideration when deciding the fate of this  
20 project.

21 Thank you for your time. Aaron Roush,  
22 Fire Chief, Manlius Fire Protection District.

23 And then -- then the Farm Bureau.

24 To the Bureau County Zoning Board of

1 Appeals, regarding the special hearing for the  
2 Bartlett Grain facility: The Farm Bureau is  
3 committing -- committed to helping -- to improving  
4 the economic well-being of our members. While we do  
5 not support individual projects, we do support  
6 expanding marketing opportunities for our members.

7 Please find the attached information  
8 about significant economic contribution the  
9 agricultural -- agriculture industry provides to the  
10 County.

11 Sincerely, Jill Frueh, Executive Director  
12 of Bureau County Farm Bureau.

13 And there's more statistics as you go on.  
14 I'm just going to read the highlights of Bureau County.

15 Bureau County Economic Contribution of Ag  
16 to the County:

17 Farmland as a percentage of property tax  
18 base, 41.8 percent.

19 The County is ranked fifth in the state  
20 for corn production.

21 Total ag jobs, 2,934.

22 Added jobs from livestock, 202.

23 Total value added, 209.3 million.

24 Value added from livestock, 27.2 million.

1                   Added household income, 107.4

2                   million.

3                   Added household income from livestock, 5.7

4                   million.

5                   Market value of crops, 321.7 million.

6                   Market value of livestock, 38.3 million.

7                   Total cash receipts from farm markets,

8                   439,648,000.

9                   Source is 2022 Census of Ag, 2019 Illinois  
10                  Economics Study, 2019 Farmland Value.

11                  And then there's more.

12                  Questions?

13                  MR. WELBERS: Well, the -- these two -- Farm  
14                  Bureau and Manlius Fire, they gave you these letters  
15                  and asked you to read them, correct?

16                  MS. KLOSTERMANN: Yes. Yep. Both of them had  
17                  their respective child's Homecoming commitments. So --

18                  MR. WELBERS: So you can't really be  
19                  cross-examinationed [sic] on their reports --

20                  MS. KLOSTERMANN: No.

21                  MR. WELBERS: -- but if you have anything else  
22                  you'd like to say, you could be cross-examined on that.  
23                  Otherwise, you've done your job.

24                  MS. KLOSTERMANN: Okay. I would say that I am in

1 support of this project. I should probably disclose I  
2 am Harry McCune's daughter. That probably does matter.  
3 And this is my own personal.

4 But, you know, as somebody who is involved in  
5 this community, in Manlius and Sheffield, I've been  
6 involved with Thrive on Main; I've been involved  
7 with the -- Cornerstone in purchasing the grocery store  
8 so that it didn't close. We kept that open. That --  
9 you know, all these time -- all this time I volunteer  
10 for these things; and we want more people. We want  
11 more businesses to contribute to the -- you know, to  
12 the economy, to various things like the 4-H, the FFA.  
13 And so we're always wishing for these people to come  
14 in; and now they're here.

15 And I'm asking for my kids, these other kids  
16 involved with these organizations. Think about them,  
17 as well, you know, because it will be good for every --  
18 you know, lots of people in Western Bureau County.

19 MR. WELBERS: Any cross questions?

20 THE AUDIENCE MEMBERS: (No response).

21 MR. WELBERS: You're good. Thank you.

22 (Ms. Klostermann excused.)

23 MR. WELBERS: Okay. Bill Webster?

24 MR. WEBSTER: Yes.



1 MR. WELBERS: You've talked.  
2 Brian, you've talked.  
3 And so -- I can't read the last one. Nevin?  
4 Devin?

5 MR. WIRTH: Nevin Wirth. Nevin Wirth.  
6 (Mr. Wirth sworn.)

7 MS. NEMETH: State your name and address for the  
8 record, please.

9 MR. WIRTH: Nevin Wirth, 702 East Mill --

10 MS. NEMETH: East Mill?

11 MR. WIRTH: -- Road.

12 Mill, M-i-l-l.

13 MS. NEMETH: What town?

14 MR. WIRTH: Sheffield, Illinois.

15 MS. NEMETH: Okay. Thank you.

16 NEVIN WIRTH,  
17 called as a witness herein, being first duly sworn,  
18 testified as follows:

19 DIRECT TESTIMONY

20 MR. WIRTH: I've been around this intersection all  
21 of my life, 1745 North and U.S. Route 40. I'm just  
22 under 32 years as the Highway Road Commissioner of this  
23 very Township.

24 There's concerns. It's unique. The railroad

1 crossing is adjacent to the state highway by only about  
2 a city block. You're not going to bring these trucks  
3 onto my 1745 North. I guarantee. You're going to look  
4 at other alternate plans. We're not going to  
5 jeopardize the local public.

6           You need to have IDOT and yourself work  
7 together to find any solution to your traffic control  
8 plan because we have school districts in the locality;  
9 we have a very busy highway. There's no known traffic  
10 accident history there for as long as I have known,  
11 other than one lady, who was eastbound and ran through  
12 a stop sign that was in place, which was on IDOT's  
13 right-of-way. That's the only known. Key word,  
14 "known."

15           Concord Township is not opposed to this  
16 project. Clearly. They are not opposed to the site  
17 itself being constructed on the 156 acres. But you're  
18 going to have to find a plan for traffic. And we're  
19 not convinced we're going to release that road to you.  
20 Or to the County. And I think we have the right to  
21 stand that ground.

22           There's been a lot to process. This has all  
23 been initiated -- or I've known about it for about  
24 three weeks. There's a lot of public talk. There's a

1 lot of political language being transferred across the  
2 local public.

3 And so it is on record, Concord Township is  
4 not opposed to the grain terminal being erected on this  
5 property. But we are not going to be walked on. I am  
6 standing up for our local current public. We're not  
7 playing tag-ass in a line held up by your trucks for  
8 your business. I can't say it any other way.

9 There could be emergency personnel. We -- we  
10 have a lot of -- many things to consider here. A lot  
11 of people have forgotten about the fact how are you  
12 going to deal with traffic coming from all different  
13 directions trying to approach onto 1745. Yes, there's  
14 been turn lanes spoke of. But have you also looked at  
15 the effects -- what if there's a train doing normal  
16 traffic, already traveling through the lights of the  
17 railroad crossing? How are you going to control the  
18 potential excessive vehicles that are blocked because  
19 it can't get through because of the train? That's a  
20 moving train.

21 Now, there's another issue that has been  
22 brought to our attention tonight. There's a  
23 possibility of trains that are in the process of moving  
24 that could be potentially blocking. Not only possibly

1 1700 North, but also 1745, possibly a neighboring  
2 residence. I know there's limitations on this site. I  
3 know there's two gas pipelines on the south side of the  
4 project. I know that -- that you are limited by that.

5 I ask -- I want to make sure I clearly  
6 state -- that the company of Bartlett, the Illinois  
7 Department of Transportation, and any other concerned  
8 individuals work together with me to -- to find a  
9 solution to make a good entrance and exit for your  
10 projects because -- project because I want to see it  
11 happen.

12 I am taking note of two people that live  
13 close in the proximity of this site. I -- I am here  
14 today to look out for the people of Concord Township.  
15 And I would like to find a solution to make this work.

16 I have additional concerns. We would be  
17 willing to look at any and all plans, but what type of  
18 surface of a roadway -- I've heard tonight, I think  
19 four times, because the same presentations have been  
20 said, that we're thinking of a 36-foot-wide roadway.  
21 To be factual on that, does that mean three lanes? Is  
22 that 12-foot lanes times three? Or is this -- and I  
23 guess -- maybe I can't ask questions of someone. But  
24 I'm just presenting that question.

1           There's a lot to look at here with road --  
2 roadway design and the flow of traffic.

3           It's been brought to my attention -- and I am  
4 fully aware of it -- the existing earth that is near  
5 the above-named intersection of 1745 North and Route 40  
6 has been a limitation for visibility. Most all of that  
7 dirt is under private property and the Illinois  
8 Department of transportation. There is very, very  
9 minimal dirt on Concord Township's right-of-way. And I  
10 am not opposed, so it's clear, of lowering that dirt  
11 because, yes, it would help for visibility on that  
12 intersection. And I agree with Harry. And --

13           But we've tried working together on that, and  
14 I felt like -- that he would have to coordinate with  
15 IDOT, which would be your responsibility in the future.

16           And it's not just the south side of the  
17 intersection, but there could be some consideration for  
18 the north side at another point in time or during this  
19 project.

20           There's some gray areas as to how the turn  
21 lanes are going to be specifically engineered or -- or  
22 reviewed or designed. I can tell there's questions in  
23 some of that yet. And I'm assuming that you might  
24 produce multiple options to the Illinois Department of

1 Transportation. And I strongly suggest it because if  
2 we don't approve it, it's going to hold your operation  
3 up. You -- you got to be open with this.

4           And -- and it's got to not interfere with the  
5 flow of a very busy highway. There's not been one  
6 mention of a local establishment, the Psycho Silo  
7 Saloon. There are -- this traffic by them is at times  
8 very excessive on the state highway. And we're  
9 changing the dynamics a little bit. And we've  
10 definitely got to make sure, in my opinion, that you  
11 don't have traffic backed up to the extent that  
12 they're out onto the state highway. And I definitely  
13 would like to not see that on our public road or  
14 Township road, if we even allow for the -- the entry  
15 and exit to be on that road.

16           I have asked -- and some of the communication  
17 has been just today -- for the company of Bartlett -- I  
18 have talked to Jake Long today. He called yesterday.  
19 I missed his call. And I called him back today and  
20 expressed my concerns of the -- to look at the options  
21 of possibly considering creating the heavy traffic to  
22 have a different crossing across that railroad. I know  
23 there's limitations. I do know that. But it needs to  
24 be communicated. It needs to be looked at. And I'm

1 sure IDOT will be looking at this stuff pretty hard.

2 I've been also told -- we thought of having  
3 the main entrance come off the state highway. Well,  
4 somebody said, well, we don't think IDOT's going to  
5 allow that. But yet the staging road entrance is ex --  
6 exiting -- excuse me. But it is leaving Route 40, and  
7 it is going into the staging road. So -- so they  
8 haven't approved anything. I understand that, as well.

9 So all you have is a proposed plan of  
10 potential traffic flow. There is nothing in concrete.  
11 We're looking at any and all options right now.

12 Some discussion needs to be made about how it  
13 may affect 1745 North, west of the 156 acres. And I  
14 said that wrong. It's east of the 166 -- or 156 acres.  
15 That ex -- excessive traffic could take place between  
16 the Wyanet-Walnut blacktop, which is a County road, and  
17 U.S. Route 40 if we allow it.

18 Who's going to police it in the event that we  
19 do allow these trucks to -- to go to your grain  
20 facility? Or what finances or compensation are going  
21 to be provided to take care of that?

22 I also understand that this is good revenue  
23 for the County. And I do think that the project is  
24 doable. But Concord Township is not going to get

1 walked over so our public can be put in line.

2 And we're looking out for safety. It could  
3 be emergency personnel. And there are many things  
4 we're still investigating. I'm doing the best I can up  
5 here. And we're not trying to kill the deal, you might  
6 say. I just ask for an open relationship to  
7 communicate and look at any and all possibilities.

8 There may have been things I've forgotten;  
9 but I think I've covered enough.

10 MR. WELBERS: Let's see if anyone has any  
11 questions.

12 Anything you'd like?

13 MS. DONARSKI: I have no questions.

14 MR. WELBERS: Any questions?

15 MR. WHITED: I've got one.

16 MR. WELBERS: All right. Go ahead.

17 MR. WHITED: You just mentioned --

18 (Court reporter interjecting.)

19 MR. WHITED: Oh, I'm sorry. Derek Whited.

20 CROSS-EXAMINATION

21 BY MR. WHITED:

22 Q. You mentioned high traffic. What is that  
23 defined as?

24 A. Well, naturally, the site -- the -- the



1 project site would increase --

2 Q. You already said the road has currently got  
3 high traffic. What did -- what did you mean  
4 specifically by that?

5 A. What I meant, that U.S. Route 40 is a busy --  
6 busy state highway. And IDOT will verify that by  
7 traffic count and whatnot, but --

8 Q. Do you know what that is, though, is what I'm  
9 asking.

10 A. Factually, I do not know; but it is of my  
11 opinion. Correct.

12 Q. Okay. I just was curious.

13 A. There is vagueness at this point in time;  
14 that is correct. But it is of my understanding as a  
15 local witness.

16 MR. WELBERS: Okay. I think we're good.

17 MR. WIRTH: Thank you.

18 (Mr. Wirth excused.)

19 MR. WELBERS: Is there anyone else that would like  
20 to testify that's not on my sheet?

21 MR. BRUMMEL: (Raising hand).

22 MR. WELBERS: Come forward, please.

23 (Mr. Brummel sworn.)

24 MS. NEMETH: Please state your name and address

1 for the record.

2 MR. BRUMMEL: Richard Brummel. 12322 1745 North  
3 Avenue, Wyanet, Illinois.

4 MS. NEMETH: Okay.

5 MR. WELBERS: Okay.

6 RICHARD BRUMMEL,  
7 called as a witness herein, being first duly sworn,  
8 testified as follows:

9 DIRECT TESTIMONY

10 MR. BRUMMEL: Did all of you get this? You all  
11 have these?

12 THE BOARD MEMBERS: (Nodding heads).

13 MR. BRUMMEL: I guess my number one concern is  
14 that intersection. And it just feels that this project  
15 is being rushed through quickly, without much talk.  
16 But I'm a little bit baffled and concerned specifically  
17 with the access. They're talking about this access  
18 road right off of 40, and then it will turn onto 1745  
19 and then turn immediately back into the plant.

20 How do you have two roads basically parallel  
21 to each other and people trying to turn onto that at  
22 the same time, coming from the north or coming from  
23 across at the west? They have a half mile of road  
24 frontage there. It seems to me that they're trying to

1 use 1745 because it's a nice level -- of our  
2 pre-existing rail crossing. They don't want to put  
3 their own in because that will take time and more  
4 money. But as far as public safety and keeping that  
5 intersection clean, I don't see why -- there's --  
6 there's a half mile there. And there's plenty of room  
7 in that two-acre strip between the railroad and  
8 Route 40 to have a staging area and turn lane coming  
9 from both ways and go onto the property at another  
10 location, at their own rail crossing. Or, worst  
11 case -- I understand the gas line is there, but 1745 --  
12 or 1700 sees maybe one car a day. 1745 I live on.  
13 It's the only straight road between Route 40 and  
14 Wyanet-Walnut. That thing is already a speedway.  
15 There will be great increased traffic coming from the  
16 east. There's already semis that use it to get to  
17 Patriot's because when you get to the end of the  
18 Wyanet-Walnut on Route 6 there in Wyanet, that's a very  
19 blind and hard corner to make. So anything coming from  
20 the northeast corner of the County is going to come  
21 down the east side of 1745.

22 I farm. In fact, I have a grain site  
23 kitty-corner to this property. The other concern that  
24 I would have is specifically trucks coming in from the

1 north. I know they say they're not going to have that  
2 many, but that's a steep uphill grade. If you get one  
3 or two trucks sitting in that turn lane, you have  
4 trucks stalling out, trying to get going up an uphill  
5 grade, there's congestion on Route 40 there.

6 I think that it should be hard --  
7 hard-explored to use 1700 or any other half-mile road  
8 for them to put their own crossing in. I'm not opposed  
9 to the project per se, but I am very opposed to using  
10 1745 for the main entrance.

11 MR. WELBERS: Any more questions of this witness?

12 THE AUDIENCE MEMBERS: (No response).

13 MR. WELBERS: Okay, sir. Thank you.

14 (Mr. Brummel excused.)

15 MR. WELBERS: Is there anyone else that would like  
16 to testify?

17 MS. LARA: (Raising hand).

18 MR. WELBERS: Come forward, please.

19 (Ms. Lara sworn.)

20 MS. LARA: My name is Ana, A-n-a. Last name is  
21 L-a-r-a. Do you need my address?

22 MS. NEMETH: Yes, please.

23 MS. LARA: 17976 Illinois Highway 40, Sheffield,  
24 Illinois.

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ANA LARA,

called as a witness herein, being first duly sworn,  
testified as follows:

DIRECT TESTIMONY

MS. LARA: What I want to say is that I'm just  
concerned. First of all, I live right on Route 40.  
And I'm very concerned about the traffic. I'm not  
opposed to this project at all. It's just the safety.

I've had -- how can I explain it? For me,  
it's devastating to know when I came home, that  
somebody got killed on Route 40. I have a grave site  
or a make-believe grave site right in front of my  
house, which is very sad to see every day when I come  
home. The one incident took place on Route 40, off of  
1745, where the woman slid through, and a semi came by.

That is a very dangerous intersection. And I  
happen to be one of the ones that kept voicing that  
that hill should have been shaved off.

I just feel that -- my concern is with the  
traffic. Nobody knows how busy it is. I see it. One  
day, I actually timed how many Wal-Mart semis went down  
Route 40. They built a distribution center in  
Sterling. I counted. Every -- every seven minutes  
there was a semi, only that one day. I don't know

1 about the other days. That's a lot of semis. Every  
2 seven minutes there was a Wal-Mart semi going down  
3 Route 40.

4 My concern is that, just like the gentleman  
5 said, there's that little steep hill. If the semi --  
6 I'm not a semi driver. So, you know -- I just feel  
7 that if the semi's going down the hill and it has to  
8 try to pick up speed or whatever, it's going to kind of  
9 slow down the traffic behind that semi to try to turn.  
10 That might be a little bit on the risky side for  
11 someone who's not familiar with the area. That's my  
12 concern.

13 If you're going to post signs far in advance  
14 to warn them that they're building this -- this unit or  
15 complex, unit, whatever you want to call it, that's  
16 great. But signs have to be put out there for the  
17 safety of everyone. That's really important.

18 I mean, I just feel that -- I -- a while  
19 back, I wanted some signs to be put up for them to slow  
20 down for that intersection of 1745 because that is a  
21 dangerous intersection. Nothing has been done.

22 So I am a witness to how much traffic goes  
23 there. And it's getting worse.

24 So that's all I have to say.

1 I'm not against it, Harry. Trust me. I'm  
2 not. I just -- I'm just concerned about the safety of  
3 others, especially the children that are on that bus,  
4 Bureau Valley.

5 So -- thanks. That's it.

6 MR. WELBERS: Any questions of this witness before  
7 she --

8 MS. DONARSKI: I have one.

9 CROSS-EXAMINATION

10 BY MR. DONARSKI:

11 Q. Just for the record, is your home north of  
12 1745?

13 A. Yes. Yes.

14 Q. And how far north of that intersection would  
15 you say?

16 A. Harry?

17 (Laughter.)

18 BY MS. DONARSKI:

19 Q. Your best guess.

20 MR. McCUNE: I think it's a half mile.

21 BY MS. DONARSKI:

22 Q. About a half mile?

23 A. About, yeah. Yeah.

24 Q. Okay. Thank you very much.

1                   Are you close to Mr. Mahnesmith?  
2                   (Multiple people speaking  
3                   simultaneously, and court reporter  
4                   interjecting.)  
5           MS. LARA: He has to cross my property to get to  
6 his house.  
7           MS. DONARSKI: Okay. Thank you.  
8           MS. LARA: So, yes.  
9           MS. DONARSKI: Thank you.  
10          MS. LARA: Thank you.  
11                   Thank you, Harry.  
12                   (Ms. Lara excused.)  
13          MR. WELBERS: Is there anyone else that would like  
14 to testify?  
15          MR. WEBSTER: There were a couple questions posed  
16 to me I would like to answer if you want me to.  
17          MR. WELBERS: I think it would be a good time to  
18 do that. You understand that could open you up for  
19 further examination.  
20          MR. WEBSTER: I get it. I understand.  
21                   (Mr. Webster previously sworn.)  
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BILL WEBSTER,

re-called as a witness herein, having been previously  
duly sworn, testified further as follows:

FURTHER DIRECT TESTIMONY

MR. WEBSTER: You asked about water usage. Very  
little. Drinking water, bathrooms. We're not  
processing grain.

MR. MAHNESMITH: I didn't know what would --

MR. WEBSTER: No, it's a great -- it's a great  
question; and I understand.

I'm used to having to drill 800 feet for  
water out in Western Kansas, so I understand. Water's  
available. But this -- this water usage would be very  
modest.

Second, we appreciate the -- the question on  
noise. Again, that's not our experience with this  
facility. The grain -- you go to grain elevators, and  
the truck -- now, that's kind of the level of the  
noise. The railroad -- the trains are moving very  
slowly, so you don't have a lot of air brakes or those  
sorts of things. But I just wanted to respond to that.

As far as trying to access on 1700,  
our review is that that's very problematic. First of  
all, 1700 is a much more difficult road in its current

1 state. But the real issue is that -- that pipeline,  
2 which is a national pipeline. It has a 20-foot  
3 easement that they control. And so it's not part of  
4 the property that -- that -- it is difficult for us to  
5 penetrate that or build over that. And so that becomes  
6 very problematic.

7 For our purposes, we're seeking, as part of  
8 our due diligence, to make sure we have the proper  
9 zoning. And then when we can get the zoning, the roads  
10 are also, obviously, part of the due diligence. And we  
11 very much take to heart all the comments of Nevin and  
12 others here as to what we have to do to proceed.

13 But this is the spot that we have to work  
14 with if it's -- if it's going to be on this rail or  
15 not.

16 So much appreciated.

17 MR. WELBERS: Any other questions?

18 MR. JENSEN: I have a question.

19 MR. WEBSTER: Yeah.

20 FURTHER CROSS-EXAMINATION

21 BY MR. JENSEN:

22 Q. So there's been some comments about that  
23 intersection right there.

24 A. Right.

1 Q. And Road Commissioner Wirth made the comment  
2 that you may have trouble doing what you want to do.  
3 Are you opposed to building a road right next to it?  
4 That way, your trucks can come up the frontage road,  
5 use your own road, rather than going out and then back  
6 in.

7 A. I'm not the person to talk about how roads  
8 are designed, but we -- we have a finite piece of  
9 property, and we have the U.S. 40 right-of-way. And  
10 then we have the UP right-of-way, which is a hundred  
11 feet. And we've got to work with both of those and  
12 still have room for the loop. And within those  
13 constraints, you know, this is something we leave to  
14 the engineers. And, obviously, we have to work with  
15 the road district and Township district and the State.  
16 So I'm just not the person who can answer that.

17 Q. My guess --

18 A. But it's a very logical question.

19 It's just like saying, why not 1700? And  
20 it's problematic because of the gas lines.

21 MR. GRIPP: (Raising hand).

22 MR. WELBERS: If you have a question, state your  
23 name.

24 MR. GRIPP: Yeah. Chase Gripp.

1 FURTHER CROSS-EXAMINATION

2 BY MR. GRIPP:

3 Q. There was a couple people tonight that were  
4 asking about trains getting stopped on the main line  
5 tracks there. At your facility they are all being  
6 pulled on and off your property, correct?

7 A. That's -- they're pushed in, and all of the  
8 loading, all of the activity, is -- is on our property.

9 Q. So the train and your property where they're  
10 being pushed in and pulled back out, that will not  
11 be bothering any railroad crossings or anything?

12 A. I mean, let's say it's a train a week. Once  
13 a week it's going to come through the intersections  
14 that it goes through, at whatever speed they go  
15 through. They'll have to slow down as they pull onto  
16 the loop, pushing into the property. But all of the  
17 working and loading will happen on the property.

18 Q. So the train should not really ever be  
19 stopped on the main line. It should only be stopped --

20 A. No more than any train that's going through  
21 there does. You know. To that -- I've -- I saw a coal  
22 train when I was there. And I understand that's kind  
23 of rare. But it happens.

24 MR. GRIPP: That's all I have.

1 MS. GRIPP: (Raising hand).

2 MR. WELBERS: State your name, please.

3 MS. GRIPP: Hannah Gripp.

4 FURTHER CROSS-EXAMINATION

5 BY MS. GRIPP:

6 Q. From going off of the trail line -- so if it  
7 comes from the north, your -- I mean, it's going to go  
8 south and then enter the property. So it would never  
9 block the --

10 A. That's -- that's my understanding, that we  
11 are told operationally that the trains will be pushed  
12 in from the south onto our property. And then they'll  
13 put the locomotive at the other end and pull it out to  
14 the south. Yeah. So it -- it would -- that  
15 process would go across 1700, for instance; and then it  
16 would go over the interstate.

17 Q. Yes.

18 A. And then down.

19 MS. STETSON: (Raising hand).

20 MR. WELBERS: Connie Stetson?

21 MS. STETSON: Connie Stetson.

22 (Court reporter interjecting.)

23 MS. STETSON: Connie Stetson.

24

1 FURTHER CROSS-EXAMINATION

2 BY MS. STETSON:

3 Q. You -- you don't have an agreement with  
4 Concord Township as of today.

5 A. No.

6 Q. And I know that Nevin said that he would like  
7 to work directly with you to figure out this road.

8 A. Yes. That's --

9 Q. He doesn't want to sign off on the 1745. And  
10 there was mention that possibly a road to the side of  
11 it could go to this facility.

12 I mean, that's working with the -- the  
13 Township.

14 A. I -- as I --

15 Q. And it's not going to block, you know, 1745  
16 for -- for all these other homes.

17 A. I just can't speak to operationally what the  
18 engineers do with the -- with the County. They have to  
19 have that discussion and dialogue and reach some  
20 agreement to resolve how it would go in. I'm not -- as  
21 I understand it, there was a call today with our chief  
22 engineer and projects person. And so, you know,  
23 those -- those are discussions that have to happen.  
24 But we have to know if we have the zoning to even be

1 able to build this thing. I mean, that's the first  
2 part. And then how the roads go in is something for  
3 engineers and IDOT and the County and the Township in  
4 particular.

5 Q. So can you go forward with -- tonight could  
6 you go forward without the Concord Township?

7 A. Well, we can go forward with the rezoning,  
8 but that's up to the Board.

9 Q. I mean, you would do it without having --

10 MR. WELBERS: Well, I'm not sure he's --

11 MR. WEBSTER: No.

12 MR. WELBERS: I'm not sure he's the man to answer  
13 that question.

14 MR. WEBSTER: No.

15 MS. STETSON: I just want to know if this project  
16 can go forward without permission from --

17 MR. WELBERS: Well, he's a witness; and I'm not  
18 sure that he knows the answer to that. Can he go  
19 forward without the permission from Concord Township?  
20 I would say he could not get it built. That would be  
21 my opinion.

22 MR. WEBSTER: Yeah, I'm not -- I'm not here to --

23 BY MS. STETSON:

24 Q. I just feel that if you want to build,

1 working with him would be the best --

2 A. Of course.

3 Q. And I wanted to make sure --

4 A. Of course.

5 Q. -- that that is in your plan.

6 A. There are a lot of things, a lot of steps,

7 that have to be accomplished for this to happen.

8 Q. I mean, I want it to come. I think it's

9 great. I just want you to work with the -- Concord

10 Township to --

11 A. Well, of course, yes.

12 Q. -- make sure that --

13 A. Otherwise, our commitment would -- on the

14 record, that's our commitment. But the bottom line is

15 we have -- first, we had to identify the land. Then we

16 have to do the title. Now we're doing -- we've done a

17 preliminary survey. And now we're going to do an

18 additional survey. And we've had preliminary

19 engineering done. And we have to do zoning. And these

20 are all steps in the process. But I'm not presuming

21 that we can use any road without a full agreement and

22 understanding of how it would happen. But zoning is

23 one of those due diligence items. Rezoning. And so

24 that's why we're here.



1 Q. Okay. I -- I want it to happen, but I just  
2 want you to cooperate with the -- the Township.

3 A. Absolutely.

4 MR. WIRTH: (Raising hand).

5 MR. WELBERS: We have a question way in the back,  
6 the Commissioner.

7 Stand up again.

8 MR. WIRTH: Nevin Wirth.

9 FURTHER CROSS-EXAMINATION

10 BY MR. WIRTH:

11 Q. Is it true to say that you do not have an  
12 approved plan from IDOT right now, Illinois Department  
13 of Transportation?

14 A. I haven't spoken with IDOT. I have to turn  
15 that over --

16 Q. Where are you at with your procedures here?  
17 Your engineers probably haven't passed your --  
18 your proposed plan to IDOT yet?

19 A. I'm not -- I'm not involved in that part of  
20 it.

21 Q. Okay. So it would be fair to say that you do  
22 not have a plan with -- with IDOT right now. So they  
23 have to view any potential safety issues or design of  
24 your entrances.

1           A.    That is my understanding, that --

2           Q.    And that would be the same with Concord  
3 Township; is that correct?

4           A.    I fully assume that, but I'm not the person  
5 involved in those discussions.  That's Hutchison  
6 Engineering --

7           Q.    That's all I have.

8           A.    -- and Jake Long.

9           MR. WELBERS:  Okay?

10          MR. WIRTH:  Yeah.

11          MS. DONARSKI:  Mr. Chairman, could I make  
12 a suggestion?

13                    There -- there are two parts of this  
14 application.  The first issue is the rezone from the  
15 Agriculture to the M-2.  That's one -- that's one  
16 issue.

17                               (Mr. Webster excused.)

18          MS. DONARSKI:  The second part of that is a  
19 conditional use for the grain transloading facility  
20 that takes the grain.  And, you know, it describes the  
21 project.  One of -- a possible solution, as the Board  
22 knows, that on a conditional use, the Zoning Board of  
23 Appeals can place a stipulation on there.

24                    And I would suggest that a stipulation -- if

1 we were to move forward to address this, that the  
2 stipulation would be that an approved entrance would be  
3 approved by the governing road authority prior to the  
4 issuance of a building permit to construct anything on  
5 this facility so that if it was through IDOT, if it was  
6 through the Township, whoever it was through, it would  
7 be covered by saying that the stipulation that -- would  
8 be that an approved entrance -- or that an entrance be  
9 approved by the governing road authority prior to the  
10 issuance of a building permit. And they would provide  
11 that approved entrance permit to myself to be included  
12 with that building permit.

13 So that's just a suggestion.

14 MR. WELBERS: And again, in both cases, for the  
15 rezone and for the conditional use application, our  
16 primary purpose here, this Board's, was to create a  
17 public hearing so that everyone could speak, and  
18 ultimately we would arrive at a recommendation that  
19 could potentially include that stipulation. It's  
20 ultimately a decision for the County Board in both  
21 cases.

22 And, most certainly, they're not going to  
23 build it if they don't have IDOT on board and if they  
24 don't have that road commissioner on board.

1           But the rezone can still be done, if the  
2 County Board would choose to; or they can again approve  
3 a conditional use. They can do that. Everybody in the  
4 world understands that if they don't have access to the  
5 road, to the highway, the state highway, or Concord  
6 Township if they need that road, they're just not going  
7 to get anything built.

8           MS. DONARSKI: Correct.

9           MR. WELBERS: But these two are part of the issues  
10 here.

11           So I appreciate that suggestion. We're going  
12 to take it into account.

13           Michael, did you inspect this? Did you go  
14 out there?

15           MR. STUTZKE: I did. I did.

16           MR. WELBERS: Share what your thoughts are.

17           MR. STUTZKE: Well, I think that the testimony  
18 we've had this evening pretty much dots the I's and  
19 crosses the T's. I'm ready to move forward, first and  
20 foremost, on the rezoning.

21           So I would move to recommend approval for  
22 rezoning of the property presently zoned as Agriculture  
23 to rezone as M-2, to build and operate a grain  
24 transloading facility.

1 MR. WELBERS: So you've donned a motion on the  
2 rezone. You're recommending that the County Board  
3 approve it.

4 Is there a second on that rezone?

5 MR. JENSEN: I'll second that.

6 MR. WELBERS: Mr. Jensen is the second.

7 So on that regard, Cecelia, please call the  
8 roll.

9 MS. NEMETH: Mr. Jensen?

10 MR. JENSEN: Yes.

11 MS. NEMETH: Mr. Stutzke?

12 MR. STUTZKE: Yes.

13 MS. NEMETH: Mr. Forristall?

14 MR. FORRISTALL: Yes.

15 MS. NEMETH: Mr. Quest?

16 MR. QUEST: Yes.

17 MS. NEMETH: Mr. Welbers?

18 MR. WELBERS: Yes.

19 So the County Board has the public record --  
20 will have the public record, and this Board recommends  
21 that they approve the rezone.

22 Now, do you want to talk about the  
23 conditional use part of it?

24 MR. STUTZKE: Yes. I'd like to move to recommend

1 approval for conditional use for a grain transloading  
2 facility that takes in grain, stores it until needed,  
3 and loads it into conveyances that will take the grain  
4 where it is needed.

5 The proposed facility includes a 120-car rail  
6 loom, hoop buildings, grain bins, grain legs, grain  
7 dryer, grain pits, conveyors, office facilities,  
8 scales, and scale house. With the stipulation: With  
9 approved entrance by governing road authorities prior  
10 to approval through the Bureau County Zoning.

11 MR. WELBERS: Okay. Is there a second for that?

12 MR. JENSEN: I'll second that, also.

13 MR. WELBERS: Mr. Jensen seconds that, as well.

14 Please call roll.

15 MS. NEMETH: Mr. Jensen?

16 MR. JENSEN: Yes.

17 MS. NEMETH: Mr. Stutzke?

18 MR. STUTZKE: Yes.

19 MS. NEMETH: Mr. Forristall?

20 MR. FORRISTALL: Yes.

21 MS. NEMETH: Mr. Quest?

22 MR. QUEST: Yes.

23 MS. NEMETH: Mr. Welbers?

24 MR. WELBERS: Yes.

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So the County Board will --

MS. DONARSKI: October 8th.

MR. WELBERS: October 8th.

MS. DONARSKI: On Tuesday.

MR. WELBERS: Less than a week. Okay.

The County Board will have that on Tuesday,  
and it's ultimately their decision on the case. They  
have the public record. So --

Anything else we need to do?

MS. DONARSKI: I have no other business.

MR. QUEST: I'll make a motion to adjourn.

MR. FORRISTALL: I'll second it.

(Which were all the proceedings held on  
the record in said matter on said date,  
and the hearing was adjourned.)

1 STATE OF ILLINOIS )  
 ) SS.  
2 COUNTY OF LASALLE )  
3

4 I, Julia A. Schwarzbach, RPR, a Certified  
5 Shorthand Reporter in the State of Illinois, County of  
6 LaSalle, do hereby certify that the foregoing  
7 proceedings were held before the Bureau County Zoning  
8 Board of Appeals at the place, date, and time  
9 aforementioned; that I reported in machine shorthand  
10 the proceedings had in this cause; and that I  
11 thereafter caused the foregoing to be transcribed into  
12 text, which I hereby certify to be an accurate  
13 transcription of my shorthand notes of the proceedings  
14 in this cause.

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*Julia A. Schwarzbach*  
\_\_\_\_\_  
Julia A. Schwarzbach, CSR, RPR  
License No. 084-003131

23 Dated this 7th day  
24 of October, 2024.