

December 3, 2018

**MINUTES OF THE REGULAR MEETING AND PUBLIC HEARING  
OF THE LA SALLE CITY COUNCIL  
December 3, 2018**

**A regular meeting with Public Hearing of the La Salle City Council of La Salle, Illinois was held Monday, December 3, 2018 at 6:30 p.m. with Mayor Jeff Grove presiding with proper notice being duly and continuously posted.**

**The meeting was called to order at 6:31 p.m.**

Jeff Grove: A young gentleman named Carl, 7th grader, enjoyed lacrosse, doing something else he enjoyed doing, playing basketball, lost his life. As this community always does when something happens to one of our own, we rally together above everything else that's going on and think of that family and his three younger siblings. They're dealing with that tragedy now with their life tonight. So let's have a moment of silence after our pledge for that, please.

**The Pledge of Allegiance was recited.**

Jeff Grove: Thank you. I thank everybody for coming out. I am going to ask for a roll call please.

**Carrie Brown: ROLL CALL**

Present- Alderman Demes, Bacidore, Ptak, Reynolds, Lavieri, Sellett, Herndon, Schneider

Absent: None

A quorum was present.

Jeff Grove: Alright, let's start off the meeting please with a motion from the council to open up the Public Hearing.

John Lavieri: I move that we open the Public Hearing regarding annexation of Illinois Cement Company property.

Jerry Reynolds: I'll second.

Jeff Grove: Motion of Alderman Lavieri, second by Alderman Reynolds to open the Public Hearing. All in favor?

Council Members: Aye.

Jeff Grove: Against? Motion carried. I want to take the time to welcome everyone to tonight's meeting and hearing for the City Council the City of La Salle. Tonight's proceedings involve various petitions for annexation and for consideration of a related annexation agreement as well as a petition for potential vacation of a part of North 31st Road and for a temporary vacation, relocation of roadway

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and rebuilding of road and related matters in connection with East 3rd Road. The Illinois Cement Company is involved in all the petitions.

Jeff Grove: In regard to four of the petitions, there are other parties involved. We have a map that is very similar, for those of you who weren't at the Planning Commission on Thursday that was used that evening.

Jeff Grove: This one, also among others, has the description in general of where the proposed relocated, East 3rd Road would be. The parties involved in the petitions other than Illinois Cement Company, are JCS Enterprises Incorporated in connection with parcels six and seven, Central Illinois Contracting Corporation regarding parcel eight, Thomas Searls in connection with parcel nine, the Lighthouse Baptist Church of LaSalle in connection with parcel 11, and Tommy McMurtry and Paula McMurtry in connection with parcel 12.

Attorney McPhedran: Now, you need a motion to waive the reading of all the formal notices as well as to include the formal notices as exhibits of the minutes. (**Exhibit 1**)

James Demes: I make that motion as stated, each and every alderman has a copy.

Mark Schneider: Second.

Jeff Grove: Moved by Alderman Demes and seconded by Alderman Schneider to go ahead and waive the actual reading of the individual properties as we all have copies of it and we talked about it, it's on the map. All in favor?

Council Members: Aye.

Jeff Grove: Against?

Attorney McPhedran: Roll call please.

Jeff Grove: Roll call.

**Carrie Brown:** **ROLL CALL:**

Ayes: Aldermen Demes, Bacidore, Ptak, Reynolds, Lavieri, Sellett, Schneider

Nays: None Abstain: Alderman Herndon Absent: None

**Motion Carried 7-0**

Jeff Grove: Just for the record, Alderman Herndon is an employee of Illinois Cement, so he will not be participating in anything that relates to Illinois Cement to avoid any conflict of interest.

Jeff Grove: There have also been detailed public notices in the paper, and tonight's meeting was referenced as a potential date, back when we initially discussed this at the City Council meeting and many from Dimmick were here on November 5th,

2018. It was also discussed at the time of the Planning Commission proceedings and has been the subject of a number of Daily News Tribune articles.

Jeff Grove: Second, I'm going to ask for a motion to waive taking the time up to read all the public notices, but rather have all the public notices related to tonight's meeting marked as a group exhibit and admitted as Exhibit 1 for the purposes of City exhibit and to waive reading of the entirety of the notice. So, can have a motion that we're not going to read the whole-...

Attorney McPhedran: We already took care of this.

Jeff Grove: Okay.

Jeff Grove: Third, I am now going to ask for a motion to have all the evidence that we take as part of the Public Hearing, that we take it together and consider it in regard to all the petitions. Though we will vote on the petitions separately, could I please have that motion? So basically, we're going to have everybody speak on all the parcels during our initial opportunity to speak, and then after we're done talking about all the parcels, then we'll go and vote individually on each parcel. Instead of saying, "Hey, right now we're going to talk about parcel number one, and we'll talk about it. Alright, now I'm going to close that hearing, bring up parcel number two." So, is everybody on board with that? So I need a motion for that?

Mark Schneider: With the understanding that we will be voting individually, I make a motion that we open up discussion to all petitions and parcels all at one time.

John Lavieri: Second.

Jeff Grove: Motion by Alderman Schneider, second by Alderman Lavieri to go ahead and open up the meeting of public comment in regards to all the parcels being considered tonight. And then we will be voting on them individually. Take the roll, please.

**Carrie Brown:**

**ROLL CALL:** Ayes: Aldermen Demes, Bacidore, Ptak, Reynolds, Lavieri, Sellett, Schneider

Nays: None Abstain: Alderman Herndon Absent: None

**Motion Carried 7-0**

Jeff Grove: The next thing that we will do is have the parties speaking on behalf of the petitioners speak and then after that we will have Illinois Cement and Mr. Duncan, Jerry and Wayne speak. Then, we would like you to hold all questions and comments until after their initial presentation. And then, obviously, we will have discussion, questions, whatever we need to do for Illinois Cement and that the City can help answer. I did ask that this is a little bit different from the

Planning Commission meeting on Thursday, so you have a number, right? If you did not get a number, please see Katherine in the lobby.

Jeff Grove: So, the way we are going to do this, instead of everybody just going hodge podge, it will be number one... "Jeff Grove, do you have anything at this point in time?"

Jeff Grove: "No, I don't have anything."

Jeff Grove: "Number two, John Lavieri do you have anything?"

Jeff Grove: "Yes, I'd like to speak."

Jeff Grove: So, basically we are going to go through the numbers. Everybody should have a number. Again, if you choose to speak, please feel free to. If you want to pass at the time, I just want to make sure everybody has a chance to speak. Sometimes when you first come in, you don't know if you want to speak, but as we get going you will have that option. Okay?

Jeff Grove: The people testifying should be sworn in to tell the truth. Additionally, if they are just asking questions, they do not need to be sworn in. Further, anyone who wishes to speak should be allowed to ask questions of the petitioner, the City, or any other person testifying. So, as we always are here, we are trying to be very open, transparent, and any questions we will do the best of our ability to be able to answer for you. Okay? Again, so if you please, if you want to speak, "Hi, I'm Jeff Grove, I'm from LaSalle. My comments I swear are the truth." Go on with your statement. Okay? Try to be as loud as you can. We are going to have somebody going around with the microphone, kind of like Phil Donahue or Jerry Springer. But we'll try to get the volume up so everybody can hear the questions, okay? So bear with us on that, but be as loud as possible if you can, that'd be great. It helps us for recordings, it helps that people know who you are and where you are from and what your concerns are. Okay?

Jeff Grove: Are we ready to start? John or Wayne if you want to start.

Jeff Grove: This is our third meeting, we have met with Dimmick. I want to thank Ryan Linnig and the School Board for hosting it for the residents of Dimmick. We went out to that. We probably had about 55 people there. I think Thursday night at the Planning Commission we had about the same number and I think again tonight, when I saw the number, it's about the same. So, again, I appreciate everyone's efforts.

Jeff Grove: The first two meetings were very respectful, very professional. Some good dialogues, sometimes some challenging dialogue, but that's going to happen in these situations. I just ask you all to remember to make sure we have some control. And I know emotions are high, but it's best if we can try to maintain that respect for each other. Definitely appreciate that. Like I said, it was shown

at the first two meetings, and I have no reason to think that we can't do that tonight. So thank you.

Wayne Emmer: Mr. Mayor, thank you. Council, everyone. My name, in case you don't know, my name is Wayne Emmer. For 20 years I've been President at Illinois Cement Company. Just a quick background on Illinois Cement, I thought it's important we get started with that. We've been in operation as Illinois Cement Company since 1972 and there's been predecessors at that operation that pre-date the 19th century. Limestone is the lifeblood of a cement plant, there's not a cement plant on the planet that isn't supported in some way by a limestone quarry. That's calcium carbonate. It is the lifeblood, and it's very important to us. It's crucial for budgets, it's crucial for capital investments.

Wayne Emmer: And the point I wish to make there, is, it's a very competitive arena. This is a commodity business. We have seen cement plants close. We don't have to look very far, we can see that the cement plant closed across the river in Oglesby. We also see that the cement plant that has closed in Dixon, Illinois.

Wayne Emmer: Now each one of them had their own reasons, but the biggest reason was probably because of lack of competitiveness. So, Illinois Cement, the lifeblood of our operation is limestone. Now, when you have a limestone reserve situation that drops down below a certain threshold, it becomes competitive in another arena. And that is in the corporate world. We have to have limestone reserves in order to have adequate staffing, adequate employment, adequate budgeting, and adequate capital. That's just the reality of today's business.

Wayne Emmer: So, for us, we need and we strive to maintain a certain threshold of limestone reserves. Illinois Cement has been a long time contributor to this community, through employment and through the economic infusion of having an operation that extracts minerals. And we've got to be mindful that everything that we use is either extracted from the earth in some fashion or it is grown on a farm, and that's always the nexus, the points where things meet. But, everything we use has to come from somewhere.

Wayne Emmer: Every single one of us knows how important cement is to the construction of our homes, of our roads. We all know that. Illinois Cement employs over 150 employees. I took a look at that, and we employ 159 employees, to be precise. Thank you, Jerry. 159 employees. Most of them are good union jobs. Good union jobs. And I made reference to, last Thursday, I made reference to an economic impact analysis or study that was done by Northern Illinois University, and there's no greater generator of jobs in a community than a company such as ours that takes a natural resource and begins to make a product from it that then accelerates through the economy.

Wayne Emmer: And I just want us to be mindful of that. I understand the importance of everybody here today. I understand each one of you have concerns. And we hope to mitigate those concerns, we hope to answer those concerns. But these jobs are important.

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Wayne Emmer: Our annual payroll exceeds 13 million dollars. That is just the basic payroll of Illinois Cement. But, then there are service jobs that are related to Illinois Cement: truck drivers, repair people, rental companies, contract services of all kinds and types. And then those people live in our community and then they create more economic generation. And then we have the retail people. We have the medical people. All that is because something is generating that economy locally. So, I hope we can all be mindful of that.

Wayne Emmer: Illinois Cement pays, annually, over \$570,000 in real estate taxes. We also pay a direct annual utility tax on the electrical energy we consume at Illinois Cement that goes directly to the City. From October 1st of last year to October 1st of this year, it was \$251,000.

Wayne Emmer: Now, Illinois Cement likes to think that we're really good stewards of what we do. And I think that's reflected in how Rotary Park has developed. Prairie Park, future Prairie Park, and the wastewater facility in La Salle, are all on former Illinois Cement quarry land that has been reclaimed. All of it.

Wayne Emmer: So, while I'm mindful of the importance to Illinois Cement, I'm also mindful of the importance here to everyone in this room. And I will tell you that we will take it very seriously, with any concerns that come forward, be happy to meet with people. I think someone made a suggestion the other night about having a quarterly meeting; I think that would be good. I would like to do that, because what I've learned is that some of the concerns that were expressed, for whatever reason, nobody's fault, it didn't get as far along the chain as I would hope. So, if there are concerns I want to hear about them.

Wayne Emmer: And, I just want to ensure and assure everybody that we will always do the best that we can to do the best that we can. And, if there are people here with concerns, I want to hear about it. Call the plant, ask to speak to Jerry Crittenden, or myself, and we will address the issues. We will address them as honestly and as fairly as we can. And with that I'm going to turn over the mic.

Unknown: What is your phone number?

Wayne Emmer: My phone number, (815) 224-2112. You can press zero and have me paged. If I'm in the plant, they'll certainly take the message and get it to me as quickly as they can, because I'm not always in the office. But please, give us a call.

Wayne Emmer: And I would like to arrange for anyone who would like to come forward and help us coordinate a quarterly meeting, be happy to do that. Be happy to do that. And I want to thank Ryan Linnig up in Dimmick. I think he kind of started the process. And what I find, and I said this the other day is, good communication solves 90% of our headaches, probably even more.

Wayne Emmer: So with that I'll turn this over to my colleague, our plant manager Jerry Crittenden.

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Jerry Crittenden: And John Duncan's going to go over the land that's involved. (Note: John Duncan referred to a PowerPoint presentation that was projected for those present to view.)

John Duncan: Currently, Illinois Cement owns these properties here that have already been annexed into the City and are currently zoned M2. The properties that are involved tonight is this property, and we refer to it as the McCabe property. This is the Ferguson and Mora houses. This one is already in the City and zoned M2, but does not have a Special Use Permit.

John Duncan: These are the other properties that are owned by Illinois Cement the Travis farm, this is the Travis property here, and the former Wenzel property here. Then, the properties that are under an option, there is the Sears property right here, the church property right here, Pastor Tom McMurtry's house here, the old asphalt plant here, and the Central Illinois Contracting, this is the former Trovero property, this is the Central Illinois Contracting, which is now under JCS Enterprises.

John Duncan: We also have down here, you can't see it on this map, but there is the former Illinois Central Railroad right- of- way here, and right up here there is one. Those are the properties that are under option, and that is a breakdown of what is being sought for annexation and what is being sought for the zoning.

Jerry Crittenden: Good evening, I'm Jerry Crittenden, and I'm the plant manager at Illinois Cement. I've been Plant Manager for about 13 years. I have been with Illinois Cement for almost 2 years in different functions. And I want to reiterate what Wayne had talked about. We've got a strong workforce, a stable workforce, good union jobs. We're very, very fortunate that we have very low turnover at the plant. People join us, we're good enough to hire some people, they join us, and they seem to stay with us for a very long time.

Jerry Crittenden: So, I want to recognize a couple people and so, yeah there was a time when Illinois Cement year when it started in 1974 that, unfortunately, a lot of us get older each year, and so there was a time when there was a certain group of people and that's all we had at the plant. And through time we've got a good blend and mix of ages and experience. So, we have kind of a blend of that here if you guys could stand up. Tony Bejster he's been with us ... he's about the same time as me, just about 20 years. Eric Dude, if you want to raise your hand and Matt Vatland. Those are a little over a year. A little over a year with us?

Matt Vatland: Two.

Jerry Crittenden: Almost two, almost two years. Mike Cioni. He's back there, it's 34, something-

Mike Cioni: Yeah-

Jerry Crittenden: Something, 34 years? So we got a nice blend. We've got a number of employees.

Speaker: My father worked for Illinois Cement.

Jerry Crittenden: Yeah, his father, he's a generational employee. We have several of those. We have numerous employees that have been with us for over 40 years, which is really unusual. So, thank you guys for coming out in support. You are welcome to come up and say something if you want, but I suppose you are just as happy staying back there, right? But I appreciate it. Just wanted to point that out. It's a community that we have.

Jerry Crittenden: Going forward a little bit, we are going to get right to the relocated road which we did at the Dimmick School and kind of explained it. As you can see in this picture a little better, the road relocation here, where it comes out onto our property, East 3rd Road's right here. The east side of our quarry which we are mining is right here.

Jerry Crittenden: And this I kind of the next ten years that we're looking at here where we relocate East 3rd Road, so it gets continuous traffic. I want to point out what we talked about at Dimmick real quick is, somewhere along the line a few years ago, actually in 2015, we did a road study of East 3rd Road and understood, which everybody here probably knows, that the traffic is quite frequent. And, so at that point we knew, once we did the study, we had to do our due diligence when we were looking at everything we were doing in the future to relocate the road. We couldn't shut off traffic and so that's what we've got proposed here. Looked at a lot of different options, and it will go to the west. And, the idea is to be able to mine in this area for the next 10 years so that we can come back and put East 3rd Road back in place, back going north and south.

Jerry Crittenden: And it kind of talks about it here. We are talking about a 10 year period. We had to get a road design, wanted to get a road design, so we understand what we are getting into. We wanted to understand the cost and understand what needed to be done. Brian Brown, the City Engineer has been heavily involved. The City been involved as we got closer and closer, tweaking the design, adding a few things here and there to get it to their desire.

Jerry Crittenden: Illinois Cement would be responsible for the construction. It's going to be IDOT, it's an IDOT regulation, IDOT specs for a 10 year road. It's going to be wider than it is now. It's lucky that the East 3rd road is 10 foot wide in some places. It's going to be a 22 foot wide with a two foot aggregate shoulder. This is the temporary road now. And it's going to maintain the 45 mile an hour speeds. There'll be a couple curves on it but it's going to maintain the 45 mile an hour speed, so it'll be designed with that. And it's a little, you know, 750 foot radius turns in it.

Jerry Crittenden: The surface is going to be asphalt on the temporary road instead of tar and chip that it is now. So, we're talking about relocating .9 mile road of East 3rd and putting into this section, relocated section of 1.4 miles.

Jerry Crittenden: And so I guess the important point at the bottom is, at no time will the traffic be shut down to East 3rd Road, we need to maintain traffic when we do that. So we want to get the traffic relocated before we start moving west.

Jerry Crittenden: Something we haven't talked about a lot is East 3rd Road reconstruction. And there's a lot to ... Some of the things that we've looked at already for that is, is that .9 mile road to be put back in at the end of the 10 year period. Working with the City, 20 year IDOT standard designed road. Obviously, the City's going to have a lot of input on that. It's going to be wider and a superior construction to the existing road, that's not all that hard to do for those of you that travel that road.

Jerry Crittenden: It may have a gradual slope down and gradual slope up as we reclaim it, five to eight degrees. Asphalt construction is currently planned at this point. And, a question that was asked the other day, but likely we will need to extend the existing concrete that's right at the entrance of our quarry now, a little farther to the north so we can meet up with the property on the west side as we're coming out of the quarry with our trucks. To drive over that road we're probably going to have to concrete that section. So that was asked the last time, it was a good question.

Jerry Crittenden: This is hard to see, from there, but this is a very basic rendering of what it might look like. Nothing is real drastic. This is showing the relocated road around here. This is showing East 3rd Road put back, and you can see it sloping down and sloping back up. This is the west side where we would be working, so this ramp is in the mining area that we would be on the west side. This is showing the east side totally reclaimed. Whether that condition gets done completely in the 10 year period.

Jerry Crittenden: It is showing a berm on the west side which likely won't be there. This was just a rendering that was done with some parameters by an engineering firm. So, this is showing berms on both sides. Or I should say this side, the reclaim, the west side I would, but the east side showing a berm that would likely not be there.

John Duncan: Jerry point out that [inaudible 00:25:09] was going to be nowhere near Shaw's Hill.

Jerry Crittenden: Yeah, it's going to be drastically less. It's going to be very gradual slope. This one might be a little bit better to see. Again, this is the east side. This berm will most likely not be there, but you can see the slope, and the slope back up, very gradual road. West side, there'll be some type of berm here while we are working in the pit. It's not really showing coming out onto the road with our

trucks, but it just gives you a rendering what the East 3rd Road might look like when we're done.

Jerry Crittenden: (Referencing slide in the PowerPoint) What we have is Prairie Park, so this is our old La Salle quarry that we donated the land, and there was some land swap and some other stuff that went on during that time, to the City where Prairie Park was established and Rotary Park.

Jerry Crittenden: In our Dimmick quarry, we talked a little bit in the past about trying to farm parts of it and that's something that, optimistic that might be able to do. But when we reclaim it's going to be back to pasture grass and it's going to have some rolling hills. So, it's going to go from one purpose to another. So, it may or may not be farmland, there might be sections you can farm, but it can have different purposes. And this shows what things could look like when you finish a quarry many, many years from now, what it can possibly look like.

Jerry Crittenden: So, we don't have the sound on, but this is a farm field. This wasn't our property. And this property dropped down in elevation anyway, but this is where the lake is of Prairie Park. And we were able to contour the land to be very, very flat on the one side of it. And there's another view where it's the flat section. This is a fairly steep section going around the park. Very beautiful out there, there's an overflow pond out there, there's a well. Little Vermilion is running right here. It's hard to tell because we did this a few weeks ago when the grass, you know, not in the summer time when you can really see the grass growing.

Jerry Crittenden: But yeah, rolling hills, reclaimed to the right slopes. We have a one lane bridge that we had that was our haul road bridge that now accesses the lake area. This was our old quarry road. This has all been reclaimed and planted. The water treatment plant sits on one section of it. Flat section, so another useful purpose for some type of thing to use for that. But again, old haul truck road coming back up the lake. All this has been reclaimed.

Jerry Crittenden: It's different. It's not quite farmland, but it's different. This is the Vermilion that runs through there and that one lane bridge that I was talking about.

Unknown: A little snow.

Jerry Crittenden: A little snow.

Jerry Crittenden: So there's positives to that, I mean there's positives. We need this land, we need it to mine. We need it for the life of the plant. It's important for jobs and it's important for the plant to be able to operate. Without the limestone, as Wayne said, the plant begins to die, and every year is important. So, that's why we're doing it. But if done right, we're going to follow the reclamation plans, we're going to follow the DNR's recommendations for that.

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Jerry Crittenden: It could be a good, purposeful piece of land after we're done. Maybe something different.

Unknown: Recommendations or requirements?

Jerry Crittenden: Right. Yeah, they're not just recommendations, you're right. They're requirements. We got to follow them. We talked in the past about the bonding that has to take place, so we can make sure we do reclaim it and then we can get our bonds released. So there's a whole process in place to do that.

Jerry Crittenden: This is a better picture of summer time. This was actually done right after ... actually before we probably released it to the City, even though we had an agreement in place, we had to wait until all the vegetation grew. We finished all our reclamation. The DNR released it. And during that couple year period, that's when they ... the IDNR stocked the lake. They stocked the lake for two or three years, so that lake was stocked for two or three years, with probably very few people fishing in it. I'm sure a few people have got out there, so. It just kind of shows the viewpoint. This is that flatter area. This is the more steep area with vegetation growing on it.

Jerry Crittenden: This is that road, that haul road that ran out there. This is probably five or six years old because it's probably grown up a little bit more since then. This is looking east, standing kind of on the flatter section, looking east to the other side of the lake.

Jerry Crittenden: So, just trying to get right to the point here, with the benefits to the City. The benefits period is ... what we're talking about in this process is 68.7 acres around Rotary and Prairie Parks. The City would obtain from Illinois Cement to support future growth for both of those parks and some of our reclaimed land. Something we've been talking about with the City, back and forth for a lot of years, with ideas. \$100,000 for a possible future development of Rotary Park. So, some money to help. I know that they were going to ... got some grants, and trying to raise some money, that's part of that. But hopefully we're somewhat invested in Rotary and Prairie Park as well. That's our old land and we'd like to see that grow as well.

Jerry Crittenden: Impact fee per ton of limestone is something that's going to happen starting January 1, 2021. And then there's an escalator to that impact fee for every ton of limestone we bring in, starting January 1, 2022. Other benefits might be a little off into the future, but there's definitely some commercial potential with the property along 251. One of the things I didn't mention is, we talked about in several of the other meetings, is obviously that property as we move towards 251, is valuable for commercial reasons. Valuable to the City. Valuable to Illinois Cement. Valuable to everybody here, is when we reclaim that land, we'll have to

be very mindful of ... do that reclamation where you bring it up to the full height.

Jerry Crittenden: So that property is very viable when we're done. Or our setbacks further back, either one that we'll look at. The maintenance costs on a portion of East Third Road, when we're going to have the relocated road that Illinois Cement will construct, or at least pay for the construction I should say for 10 years. And then another 20 year design on the reconstruction of East Third Road. We should be in good shape for 30 years of that portion of East Third Road. And then certainly, in all honestly, important to Illinois Cement is the viability of Illinois Cement operations. Very crucial to our livelihood. Crucial to the economy we think. We're part of the neighborhood too, but it's our lifeblood. As we keep using the same word, but without limestone the plants not going to be in existence. So every year's important.

Jerry Crittenden: I should've jumped back to this. This is the ... hard to see probably, this is the 68.7 acres that we're talking about. There's Oakwood Cemetery, there's Rotary Park. There's a water treatment facility. So we've got ... we call it one, but there's 1A, B, C, and D sections.

Jerry Crittenden: Okay. So that's all this parcel ... then we have a 50 foot section of three, which I know there's a grant and there's plans to perhaps to have a walking path all the way down to Prairie Park, and that would give the access to be able to get all the way down from Rotary Park. And then the old railroad right- of -way, which Illinois Cement owns, would perhaps give an access for driving, to be able to access Prairie Park, that's at least the thought. So that's the property that we're talking about. Again, in support of things we all started with these areas. And the City has really taken off with. I think that's it for the presentation.

Jeff Grove All right, so I think we're ready to start, unless there is any questions from Council to go over...

Alderman Lavieri: Yeah, I had a couple questions actually.

Jerry Crittenden: Sure.

Alderman Lavieri Ok, Jerry ... since your cement company can get it for cost, why are the ... when you finally replace this 0.9 miles of East Third Road, why isn't it in concrete? Or Wayne, if you want to answer, either one.

Jerry Crittenden: I think that we looked at originally was asphalt, which is an upgrade of what it is there. I mean that's certainly in play in the future. But, we're going to have to concrete part of it to get the part of the property.

Alderman Lavieri: Because we made a conscious effort in Rotary Park to use concrete because of the connection with you and now you're talking about asphalt. So, that's ...

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Jerry Crittenden: We'd certainly like to see it that way as well. It's just to try and point out ... I guess the point was it's going to be better than what it is now.

Alderman Lavieri: Okay. And next. The reclamation regs, those are 1983 ones? From my research. Is that correct?

Jerry Crittenden: Yes, yes.

Alderman Lavieri: Okay. And it's different for aggregate, than for coal mining? In coal mining they have to return it to farmland somehow? How do they do that?

Jerry Crittenden: What we're required is to return it to pasture. So, we plant pasture grass. So slopes can't be greater than 30%, and for whatever reason, if it's above 40 foot, it has to be terraced with the slopes. So, we plant a whole bunch of pasture grass on it, that's what it's reclaimed to.

Alderman Lavieri: But there is a way to return some of it, not all of it, to farmland?

Jerry Crittenden: Currently, we have some flat areas in our Dimmick quarry that we've experimented for a couple of years and then we had to put a halt to in a couple years because it was kind of in the middle of our operations of planting on some areas. So, we definitely believe it can be done for sure, but the rolling hills will be more pasture than anything else.

Alderman Lavieri: This part's personal with me ... I'm 25% owner of Vermilionvue and those berms were supposed to come down at the end of the mining there, but the Department of Mines and Minerals then said they could come down, and I read the original reclamation plan, and those topsoil's were all supposed to be stored in the southwest portion, not the north portion of the quarry. So ...

Jerry Crittenden: Well, I mean I think we originally had that plan and we gave an excellent opportunity for that subdivision to do that and the time was early and we were more than willing to do that, but ...

Alderman Lavieri: Well, you weren't then.

Jerry Crittenden: They weren't. At the time was when we were putting them up, we gave that option.

Alderman Lavieri: I am talking about 13 or 14 years ago.

Jerry Crittenden: Yeah, we did that option to do that. It would have been a beautiful view from there.

Alderman Lavieri: There was an option, because we requested it, but anyway. That's a different complaint. I've heard various people ...

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Jerry Crittenden: (to Wayne Emmer) You want to explain that?

Alderman Lavieri: Yeah. Can you explain it?

Wayne Emmer: Yeah, if I go back to that time. We had, at that time, we had negotiated ... or we had ... negotiations not even the right word. We had a collaborative effort to come up with a final reclamation plan for that portion of the quarry. And, I was directly involved with that and Mayor Arthur Washkowiak was involved with that ... Department of Natural Resources were involved with that. And, we were also talking to the property owners to the north. What we needed to do at that time was ... in order to terrace things properly, we needed to work within the prescribed setback. And by working within that prescribed setback, we needed to have permission of the neighboring property owners. And we thought that we were all finalized with that, and then at the last minute, that kind of fell apart and the DNR said well, it's not an issue, we can leave it in place just the way it is. And, that's the way that developed. That's the way that developed, so.

Alderman Lavieri: Okay. One last thing. I've heard people make various complaints and that they are falling on deaf ears, and I'm not sure they ever got to the right source, so knowing you ... I hope you go above and beyond helping people out with their complaints. Not splitting hairs about how it actually happened or ...

Wayne Emmer: Certainly, John we do. I know that there have been some instances that have been brought up in recent conversations in meetings where things have not gotten forwarded to us. And again, I'm not here to point blame at anybody, but what I would like is to have that chain of communication wide open. And if there are issues, we'll deal with those issues. I've long held, and I've been dealing with City officials now for 20 years here, as has Jerry, and we've always had a good and open communication and when it's something that we need to deal with, we deal with it. It's hard to do when you don't know that something exists. And again, I'm not pointing fingers at anybody. Perhaps the problem is me. But, I know in the future, if there's an issue brought forward, we'll deal with it.

Alderman Lavieri: Yeah, and those quarterly meetings, if they ever happen, will probably go a long ways towards making sure they get to you.

Wayne Emmer: That would be the intent. I worked in a cement plant in Louisville, Kentucky and we had some real serious issues. We started to have some regular meetings and that really resolved a lot of things. It's just human nature, right? You communicate, you get to know one another, you deal with issues. Deal with them with integrity. And that's who we are. And I know there are probably people who are skeptical of that, but it's our intent and our intent to go forward.

Alderman Lavieri: Thank you.

Jeff Grove: Alderman any more questions?

Attorney McPhedran: Attorney Duncan, are you going to outline at least from a legal standpoint what provisions are contained in the annexation and roadway agreement?

Attorney Duncan: Yes, I can do that.

Attorney McPhedran: These are ... the original draft has been on file for some time and if they want a copy (inaudible 00:42:10).

Attorney Duncan: We've been working on, Jim and I, seems like day and night and Saturday and Sunday this weekend on getting the annexation agreement in place and also a roadway relocation replacement and vacation and maintenance agreement for East Third Road. Many of the points that are in here where touched upon by Jerry and like all agreements prepared by attorneys, there's a lot of boiler plate and a lot of stuff, sometimes you wonder why it's in there, but it's there. So I'll just kind of touch on the highlights and skip over the boiler plate.

Attorney Duncan: The annexation agreement does have a provision for the North 31st Road vacation. That's a subject matter here. That would be the East path of the North 31st Road. North 31st Road will still have a tie-in when the temporary East Third Road is there, but then after the new East Third Road is rebuilt, the east half of 31st Road will be gone.

Attorney Duncan: And then there's the provisions for the road relocation, which were covered. All of the provisions for the roadway are subject to City approval and satisfaction. There's the provision for the land donation to further connect Prairie Park to Rotary Park and get access to that. And then the \$100,000, which the City will have available to them, for use for Prairie Park, Rotary Park, or whatever use they want to make of it.

Attorney Duncan: They also have a provision that the City will have input on the reclamation of all the property up in Dimmick. And the rest in that agreement is just legal mumbo jumbo. In the Roadway Relocation, Replacement, Vacation and Maintenance Agreement, again that spells out where that's going to be, and we had the pictures of it. Pictures say a thousand words. There are provisions on the reconstruction and the location of that relocated road. We have provisions for the bidding process. Illinois Cement will have an engineer acceptable to the City, prepare the plan specifications and bid documents. Those will be submitted for bid by the City and, because it's going to be a City road, they will bid that out. Everything will all be in compliance with laws and regulations, including Prevailing Wage provisions.

Attorney Duncan: And then Illinois Cement will reimburse the City for that full cost. The relocated road gets dedicated as a dedicated road in the City and then the existing East Third Road is abandoned temporarily. We have a maintenance agreement. Illinois Cement will pay for all of the maintenance of the relocated road while

it's in use. We also have a ... then after East Third Road is built, again, to IDOT standards with a minimum of a 20 year life in engineering jargon, that means how it's ... what the specifications are and again, after that's built, that gets dedicated and the relocated road gets abandoned.

Attorney Duncan: And then we have the provisions for the impact fee and is the final ... the eight cents?

Attorney McPhedran: I believe so, at this point, this is Public Hearing ...

Attorney Duncan: And we've been back and forth on eight cents and 1.5% annual escalator and that would continue, not only for ... that's going to cover all limestone taken out of not only the property that's the subject matter of the zoning and annexation, but it's also going to be paid on the property that's already being mined and for the property that's already zoned and annexed. So, the City will be getting that impact fee for property that Illinois Cement could mine now without paying anything. And that's to help reimburse the City for impact that it will have eventually after 30 years on East Third Road and also some other roads that are being brought in now, that won't be in use by the cement company.

Attorney Duncan: And the rest of that agreement is boiler plate.

Attorney McPhedran: And the annexation agreement also contemplates ... this calls for the annexation, rezoning and the Special Use?

Attorney Duncan: Right, and all of this is contingent ... the whole thing is contingent upon approval. Which that will be up to the Alderman as they vote, but obviously if the property doesn't annexed, it doesn't get zoned. And if it doesn't get zoned as requested for the use that it's intended, than it won't be annexed. And it's also ... I know that most of the controversy is ... a lot of the controversy, is over the Trovero property and the importance for that Trovero property is that as properties are annexed to the City, they have to be contiguous to the City. So, if the Searls property, the McMurtry property and the Lighthouse Baptist Church property would not be contingent ... or contiguous to the City, unless the Trovero property comes in. So that's important to note.

Attorney Duncan: Did I get it all, Jim?

Attorney McPhedran: Do you want to address that point we discussed before the meeting?

Attorney Duncan: Oh. In reviewing the documents, there was a mistake in the ... slight mistake in McMurtry property, in the legal description, and the Lighthouse Baptist Church property, but when it was published, it was published with the proper PIN numbers and the common addresses were correct. And, I think everybody knows where they are, especially after this being our fourth meeting to discuss them. But, they're properly shown on the maps and it's just that the legal description was in error.

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Attorney Duncan: And Jim and I discussed that and what we proposed to do is go forward with this and if further research shows that error was to the point that it has to be re-addressed then we may be back in here just on those two properties with another hearing, but that's .... Jim and I will sort that out.

Attorney Duncan: Any questions on what I just discussed?

Mayor Grove: Thank you. Attorney McPhedran, are we ready to go forward?

Attorney McPhedran: I think we are ready to go forward, Mayor.

Mayor Grove: I guess Carrie, I'll let you go ahead and kind of take control now. We've got to coordinate with the numbers if you would.

Carrie Brown: Okay, so we will start with number one.

Don Zukowski: How you doing?

Mayor Grove: Would you like to speak sir?

Don Zukowski: Yes I would.

Mayor Grove: Your name please?

Don Zukowski: Don Zukowski. I live out in Dimmick Township and I happened to get number one thanks to an error in the time of the meeting. Number one, sitting here for quite a while. And I kind of have to blame this early arrival on one of my neighbors, who was sent out a notice that the meeting was supposed to be at 5:30 and that we should be there. Here's why we're here.

Don Zukowski: My concern is for, should we say the little guy, the individual land owner, the resident out there. I know there's been a lot of very nice, beautiful talk of the need for Illinois Cement to solidify its future. Well, we as residents also I think have a concern we want to solidify our futures. I have two homes out on six acres on 3179 Road. And I pre-date the mining that's currently happening out there and from the very beginning I thought the blasts were a little bit too intense. So, I would make periodic phone calls to Illinois Cement, to suggest that maybe they rethink their intensity of the blasts. And, the reason I would suggest that is the fact that, like everybody else in blast areas, the pictures on the walls have to be readjusted after the blast.

Don Zukowski: Most recently, and this has happened also previously, I can sit in my home and when the blast goes off, I can hear the creaking of the framing of the house itself. Now, I've been witnessing most of the blasts out there, because I not only live out there, I have an office in my residence. And, so I'm there most of the time. And it seems like most of the blasts occur somewhere around 11:30 to something after noon, something like basically, right? I wondered at time maybe

as to your timing, could it be that maybe you want to set your blasts off when most people are away from their homes, if they wouldn't really know what's going on and they would experience the blast pressure like we do.

Jerry Crittenden: Well generally, by the time you drill the holes the day before, and by the time the licensed blasters get out there, pack the holes and do the blasts and set off a charge and we're running our operation. So, we've got to pull our trucking away from that when we do a certain blast. So, all that takes time and it's generally the time it's ready, by the time we get out in the morning and do that.

Don Zukowski: I was so concerned about the welfare of my buildings and what not, that I had requested from the Department of Mines and Minerals, or something, I don't recall exactly what agency, could they please come out and put a seismograph on my front lawn. Well, they did that and I said wow, now we're going to get to the bottom of this. Well, it was there for six months and to my disappointment, all of the readings came in within the tolerance levels. But yet, my pictures on the wall would shake out of alignment. The house walls would creak when the blasts are set off. And I once extended an invitation, I don't know if you gentleman where there or not, but I called Illinois Cement and I said, just recently, with the last blast, I was sitting in my upstairs area at the computer, and it was one of the older computers that had one of the heavier old TV-like monitors on the desk and the TV monitor actually rocked back and forth, I'm remembering an inch to an inch and a half or so, to the point that I was about to grab it to make sure that it didn't tip over. Now these are the kinds of things that we've experienced. And there within these tolerable levels according to the seismograph. I'm thinking maybe we should adjust the levels of tolerance. Now, who would do that? I, as a citizen can't do that. Can the City of La Salle, in cooperation with you people, do that? Could you set back the level of your blast maybe, also?

Don Zukowski: I mentioned the computer monitor. Several of my windows are not sealing properly now. I took a big carpenter's square today and put it in some of the windows, and some of them are leaning away a little bit away from the quarry area. Now what am I to do about that when they're not keeping the cold air out? You talk about your concern for issues and things, you want to communicate and help out. Well, I would certainly welcome somebody addressing my window issue.

Don Zukowski: Another thing, I had a severe separation or crack in the foundation at one of my homes. It opened up pretty wide to the point that when we had a heavy rain, luckily I was in the basement and could bale out the water so we didn't have a major flood down there to ruin things. As a result of that crack, I had to ... I don't remember what company it is now, but they employed a professional company to come in and seal the thing. It was several hundred dollars to get it sealed.

Don Zukowski: Well, I'm assuming that maybe continued blasting has loosened that seal, because it still leaks a little bit and I've been trying to patch it myself, hoping

that we could solve the problem. Our concrete floor in the same building that had this major crack in it, has some major cracking in the floor itself. Now I don't know how many of you have ever looked at cracks in the concrete floors, but usually there's a crack and maybe they separate a little bit. It's fairly smooth, nothing much happening other than a crack of the concrete moving. In my case, somehow the concrete erupts. Little chips come flipping out of that crack area, which is not the usual thing with just ordinary cracking of floors.

Don Zukowski: So again, I can't be sure. But I'm assuming that the blasts, or blasting, has caused this to cause the concrete to break up. Again, who's going to fix my concrete floor? I had about a page here ... I won't take forever but ... I also, in my basement, where I'm talking about the cracked floor and so forth, have had pictures fall off of ledges in the basement. I can see where maybe up in the upper level, things would move a little more and things wouldn't fall off. But actually, in the basement.

Don Zukowski: Another time I was in the basement, I had a serviceman out looking at my plumbing and Illinois Cement set off a blast, and the repairman yelled at me and said, "What the blank is going on?" He thought maybe there was some major explosion somewhere, or something terrible happening. He was really petrified. I said, "Well, that's the company down the road, blasting."

Don Zukowski: The intensity of blasts again affecting me in this way and me being a quarter of a mile, or a half of a mile or whatever it is from the blast site. I know some people have talked about they want setbacks. Well, I've got a set back of a half of a mile, or a quarter of a mile and it doesn't do heck of a lot of good. So, then maybe, I'm thinking the situation would be maybe set off lesser blasts? Don't make such big ones to blast everything to bits, do it more gradually.

Don Zukowski: Again, I am here to protect the little guy, protect me, protect the neighbors, and to not be a bad neighbor to you people. I know you are making a lot of money on this, and you're talking about you want to take care of people. Well, you ought to take care of people now because you want to get the approval, you want to be a good neighbor. I can understand this. What 15 or 20 years from now what guarantee have I, if I have these problems or similar ones somebody's going to take care of it? Is it just your good word that we're going to be relying on to fix our stuff?

Don Zukowski: I think I've spoken enough here. One of my neighbors asked me if I would please report any problems I had, if indeed I had problems. These are the honest to God truthful problems that I've had and if you had a home, you wouldn't want the foundation cracking, or the floor coming up, or the windows not closing, the pictures rocking on the thing, and the computer about to fall over and all that.

Don Zukowski: So, I thank you for listening to me and again I hope that you can to arrange to have monies available or help when needed for the people out there.

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Mark Schneider: If I could, I just wanted to address and apologize to Mr. Zukowski, Alderman Mark Schneider. I did get your message today, as well as Patti. I want to apologize to Patti Hall. I pride myself in being very responsive to people when they contact me and today unfortunately just did not allow that to happen. I had a professional, and then a personal situation arise that needed my attention. Feel free as this goes on tonight and after tonight, I feel like I'm pretty responsive to people and I hope that you'll find that to be the case in the future.

Don Zukowski: So I heard that a lot of phone numbers weren't being answered, the phones weren't being answered to readily in this instance here. One other thing I may not have mentioned is, excuse me if I didn't remember but, I didn't extend an invitation to you people to come sit in my house and watch my computer rock whenever you're blasting. I got no positive response from that, but yet I can sit out there and report all these things and I thought the best thing would be to have somebody actually witness this, or experience it like I do.

Wayne Emmer: I would just say thank you for those sincere comments to the extent that you're comfortable, we'd certainly can have someone come out to your place and observe the issues that you're talking about, including some cracking of the concrete and we can be present during that blasting. We certainly do intend to take care of issues and each circumstance is kind of unique into itself in certain respects and we like to see what's going on.

Don Zukowski: We need a guarantee of some kind.

Wayne Emmer: I understand, I understand.

Don Zukowski: I can't say that I'm particularly proud to be number 1, but that's just what happens.

Carrie Brown: Okay, number 2, Mrs. Carus.

Mrs. Carus: Thank you, Cynthia Carus. I want to thank the City Council and the Engineering Department of the City, and the Illinois Cement Company for providing these additional documents tonight. It gives much more transparency to what the issues are, and we didn't have that on Thursday night, and the new map is a great enhancement, so striving to show what each side is going to work with as we go forth. I thank you for that very much, for making sure that we all have it tonight.

Carrie Brown: Number 3, Mr. Fred Carus. Fred Carus had no comment. Number 4, Mike Cioni.

Mike Cioni: All I got to say is I understand what you people are talking about and I do sympathize with you but, I have faith in the plant and I think the people at the plant that are running the plant their word is good, and I'll stake my reputation on that, as far as that goes. I think things will be good, I really do. I got a good faith in everybody that works down there and I understand what you people are

talking about here, and I understand your concern but the company is very important to the community, and like Wayne said earlier, we need that rock. People work it and keeps the economy going.

Carrie Brown: Number 4, Mr. Kolowksi.

Carrie Brown: I'm sorry, that's 5. Mr. Kolowski hose not to speak. Number 6, Mary Turchi.

Mary Turchi: You know what, I can do it without. I was a teacher for 38 years, I think you're going to be able to hear me. I'm Mary Turchi, and I'm speaking on behalf of my brother Allen Delphi and I. We are the land owners directly across the road from Parcel number 6, just north of the Hall property, and east of that road. We're a Dimmick family, four generations along with the Diamonds sitting here, four generations, the Bernards are at least four generations. So, I know that this is your livelihoods, I get that, but this is our life. So we're asking for consideration.

Mary Turchi: Well La Salle, I understand. This is a huge economic benefit to you, benefits are probably far more than we'll ever know, and I get it; this is your thing. Illinois Cement also, I understand your livelihood, but our life. Guys, you're very lucky that you have the good jobs that you do and your future does look bright. So did our future, my husband for 25 years in the steel mill. Lots of promises made, I hope all of your promises do come true. We weren't that lucky, so I hope that that does work out and I get all the economic benefit. Truly, I'm not Erin Brockovich here at all.

Mary Turchi: But, what I do want to know is you talk a lot reclamation and what you're going to do for the future to restore but what can you do for us now, as property owners? I managed to, courtesy of a County Board member who spoke at the Dimmick meeting last Tuesday, mentioned about an agreement that was made with Mississippi Sand, and let's see, it's Mr. Bernard Ernat and Mrs. Patricia Ernat. They guaranteed their property values and that's what we're asking, some guarantees. What can you do for us now? The reclamation is fantastic. The parks, beautiful. Haven't been to the lakes yet, plan to do so. I know what it's done for La Salle, for all of you is great.

Mary Turchi: But, this is going in our front yard, and I'm pretty sure you don't want anybody blasting your front yard do you? Mr. Zukowski very eloquently explained what that feels like, and I know the Diamonds can explain it, Bob Bernard can give you a firsthand what that feels like as well as Patti. So, what I'm asking is what can you do for us now? Our Attorney, Doug Schweickert, has some more to add to that and he has a copy of the Mississippi Sand agreement that was given to those property owners out there by the sand plant and I understand there's another one very similar to that with the Wedron plant. Alright? So I'm going to turn it over to Doug.

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Doug Schweickert: Their property is this residence right here, right across the [crosstalk inaudible 01:08:05] and the other property they own, there isn't any single family residence on that and it is right above Parcel 8.

Here is a copy, and I've made a lot of copies if you'll spread these throughout. Could you hand this off to all members that are here, Council and Mayor and others? I made 40 copies, but importantly I'd like the City Council to make sure they get a copy. As you know, there are 29 members on the County Board plus the County Chairman. So, this agreement went through 30 people and is an attachment to the Special Use Permit. That's reasonable and it provides 11 conditions. What we are asking, and I'm only speaking on behalf of the Mary Delphi Estate, no one else. Everyone can speak their own peace on it. We are asking two things, some at least give protection for, if not you, your heirs down the road, and all of us. One, in this agreement, it provides that residences within a certain distance of the property are appraised; this actually provides for a three appraisal process. I don't think that's necessary, I don't think that expense is necessary frankly, but it provides that the land owner gets an appraisal, it provides that in this case, Mississippi Sand get an appraisal if they can't agree to value between the two they take it to a third appraiser, I really don't think that necessary, but it essentially puts an option that the company then could buy their property, giving that appraisal price provides for a 3% escalation annually.

Doug Schweickert: If you have problems that are subsequently caused by this blasting, you know, this isn't the South West, or Florida where property values diminish or increase dramatically, so 3% is fair; sometimes under, sometimes above the inflation rate but that would give you some kind of protection. The good problem you have from a legal standpoint with blasting, is that there's really absolute liability. The bad problem you have, is the cost of doing that is prohibitive to fight a big company. But, this agreement would also give you, besides a two year statute of limitations on some type of tort action, it would give you a contractual remedy which would be a lot longer statute if you had something there. So, that's fair.

Doug Schweickert: One thing I'll say, the only person at Illinois Cement I know here is a guy in the back, Jerry Essl, who's their boss and I've always found Jerry in past dealings to be fair and reasonable. That's fair. This provides for a half-mile, everybody can negotiate for themselves, for our standpoint, an eighth of a mile works for us.

Doug Schweickert: In the second provision that it provides is for a Well Agreement. It's attached to this agreement. Our wells are only 75 and 100 feet deep, so, we would like a Well Agreement. That's fair, and it's reasonable, and that's all they're asking of the City Council and the petitioner; to be fair and reasonable. You can go through this, my only point is if it was good enough for thirty people on the County Board, and the County Board was protecting their residents, we would ask the City Council to likewise protect, not only surrounding residents, a lot of these residents are also taxpayers and own property within the City here itself. Thank you.

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Alderman Schneider: Now, I'll let the Attorney Duncan respond to that. But I just want to make it clear to those who have maybe not been at other hearings that both Attorney Duncan and the gentlemen of Illinois Cement have made it very clear that they're willing to sit down with anybody and iron out these kind of agreements, both the Well Agreement and the Property Value Agreement. They've heard it before so believe that, that's part of our thinking and part of our factoring in.

Doug Schweickert: I spoke to John this afternoon and I spoke to Jim this afternoon, and frankly I was retained at 10:30 this morning so that's where I'm coming from. There was no indication, correct me if I'm wrong, that we would be given any consideration on negotiating this agreement.

Doug Schweickert: And, Jim's point is well taken, that's not part of his deal it would be an agreement with the company and the land owners.

Alderman Schneider: Correct.

Doug Schweickert: But if it's in this agreement and if it's a condition of your Special Use Permit, or a condition in your Annexation agreement then the company will have to comply and I'm saying in our stand point, a 1/8th mile radius, is fine. [I'm only speaking on behalf of the Delphi Estate.

Attorney McPhedran: And, I suggested to Doug to talk with Attorney Duncan first.

Doug Schweickert: And, I did but it fell on deaf ears.

Attorney Duncan: It wasn't deaf ears, I heard you and as I said, we were only a few hours away from coming here and I said, "How can we put something together in that period of time?" Now, let me explain something, a little about that Mississippi Sand deal. It was my understanding of that, and I could be corrected, but there were only four houses involved in that. Here, I don't know how many houses would be involved in that, but Illinois Cement, like Alderman Schneider said and we said at other meetings, we are willing to talk to people.

Attorney Duncan: Everybody's property is different. As many of you may know, we've had discussions with George and Patti Hall, and their property is more unique than some of your situations, so we have to look at each one and address them and they're willing to do that. They're willing to consider those types of agreements where they're appropriate.

Doug Schweickert: John, let me ask you one question. I sent you this email, and you've probably seen it when it was originally in proposal form with the County, for all the work you've done with the County. This is very simple. The appraisal for my client's property with a 1% escalator and a Well Agreement. It's very simple.

Attorney Duncan: Doug, you and I are not going to negotiate agreements here in front of 60 or 70 people.

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Mary Turchi: But are you willing to?

Attorney Duncan: We're willing to talk to people, yes.

Doug Schweickert: Well talk, talk means nothing after the fact.

Attorney Duncan: Doug, I'm not going to say "yes" we're going to do this for everybody in the room.

Doug Schweickert: I didn't say that, I am representing one client.

Attorney Duncan: Alright, we're willing to talk to you. We're not going to sit here and craft out an agreement. That doesn't make sense.

Carrie Brown: We'll move on to number 11, Mr. Washburn.

Mr. Washburn: I am representing Patti and George Hall, I would like if I could pass and talk to them sometime maybe even a little later if that would be okay.

Carrie Brown: Okay. Number 12, Julie Alaimo, probably saying that wrong. Number 12? Okay. Number 13, Arnie Sanchez.

Arnie Sanchez: Hey everyone, thank you for listening. I'm in the corner of the purple on the map, its 3200 East 3rd Road. I actually learned about this whole situation recently. We've been business owners here in the City. My wife and I came from humble backgrounds. We strive to do more, get a better life. So, we had a chance to buy a property in Burgess Subdivision, and we bought a lot. We were going to build but it was too long of a drive so the opportunity came to buy 3200 East 3rd Road.

Arnie Sanchez: We actually timed ourselves driving to Twisty Freeze or another business because it's longer from Burgess Subdivision. People said that we bought the house because we, you know, I just heard some stories about this. "Too bad that he bought the house over there." No, we studied. It took us about a year to decide to buy the house, and we could afford it. We've done it, and we're happy where we're at. I've never thought that this was going to happen and we talked to the people who had it, Mr. Meager and really they sold it because they moved to Alabama.

Arnie Sanchez: The concern that I have is that my kids are having trouble, and I'm never home and the house has big skylights and the trim actually was busted in half, and I said to them, "Are you sure about that? But, you're never here." One o'clock in the afternoon, all the time. We've seen more damage on this but the trouble I have, is when we first bought it we asked the Meagers about Illinois Cement, and he said, "Oh no. They'll never come here, we're good friends with them, we work with them, the pipeline is going to be the draw about half-mile down from me."

Arnie Sanchez: So my biggest fear is the pipeline, and then the road right there, coming out of there, all the dust, the traffic and all that stuff. So, I don't know, I'm upset.

That's why I came here to speak, right? It's just really disappointing, and when somebody talks, saying, "Oh, he moved over there, that's his choice." It wasn't my choice. It was my choice because of the property, we liked it, it was good, you know? It's just upsetting, it really is. The property there is probably gone, I don't know. I don't have any guarantees.

Carrie Brown: Thank you. Number 14, Mr. Searls? Mr. Searls had no comment. 15? No? Number 16?

Patti Hall: Patti Hall.

Patti Hall: I don't know that I need a microphone. If they can't hear me, I'll take it. So, some of these things I talked about at the other meetings but there was no people here, the Council wasn't always present, but, we also work in our property, we checked with Joe Baker at Illinois Cement 28 years ago, when we were talking about building. We were told that there was no cement there. So I've heard some comments saying, "Well, everybody knows you shouldn't have been out there." But, we did our due diligence. We built our forever home, and we did a lot ourselves. George made the mantles out of pieces of wood, we immediately joined the Wildlife Habitat Program, we've planted thousands of plants native to Illinois that support the wildlife, we have poured our heart and soul into that home for years.

Patti Hall: It's not just a house, it's our home. We don't want to leave, we have never wanted to leave, we built wide hallways, so we could navigate our scooters in our old age. So, this coming about just a couple months ago has been a big shock. Some people are understanding, some people say get money and buy a new house. Well, it's not quite that simple, and it's not what we want to do. I am concerned that this is the way that our area is going, so, we simply of course, cannot compete financially with Illinois Cement.

Patti Hall: But, one of the things that has popped into my head is the "Believe in La Salle". We do believe in La Salle. I was born in La Salle, I've only lived in two homes in my life, so I'm a pretty stable person. I'm not interested in jumping around and that's something that, you know, can you put a price value on that? I don't think so. As with Arnie, we have a business in La Salle. Our business has been in La Salle, continually since 1906. We have, I believe, been good area residents, good La Salle businesses. On November 9th, we held a 25th Annual Fall benefit for the Fire Department. We pay all the expenses, and the Fire Department gets all the ticket money, whatever 50/50 raffle, whatever else they bring in.

Patti Hall: So we've done that for 25 years, we also do benefits annually for Rotary Park, Jazz Fest, Peek Into La Salle; every March of Dimes Chef Auction until they quit having them, United Way, as well as other communities, Princeton, Streator, Mendota and Lostant, we've done benefits for all of them because we believe in the sense of community, not just in La Salle, Peru, Oglesby, I mean, it's a big

deal, and it's so beautiful to live around here. Every time someone gets sick, there's a benefit and everyone contributes. So, I think the sense of community is very important, and it is very strong and that includes Dimmick. You know, our residents, I tell my husband, I can't stop in a store in La Salle because I always run into somebody from Dimmick. We spend our money in Dimmick.

Patti Hall: Agriculture has been a big source of income for this area for many, many years. My grandfather was a miner, he mined the coal mine underneath this town. So, I have no opposition to mining, but the fact that we are looking at being forced out of our home because the mines are coming in, and they have more money than us, doesn't quite sit right with me. Part of the reason we're being forced out is because of the minimal setbacks, there is no noise restrictions, it's 24 hours a day and if you ask the people that have recently left their home, not because they wanted to, but because they couldn't live there anymore, the noise is a big part of it.

Patti Hall: I asked Mayor Grove at our Dimmick meeting about restrictions on the noise, so I don't know if anything can come of that, but it's hard to live in your house when you hear that thumping, grinding, and scraping 24 hours a day aside from the blasting. 120 foot setback from your property is minimal, that's legal, but so are a lot of other things that aren't right. I don't think that's right. We do want to stay at our home as do other multi-generational residents. We are the first generation out there, but it just isn't the right thing to do. So, I'm asking the council to look at concessions that can be applied to these permits and to the zoning for perhaps, noise restrictions, setback increases, Dynamite as Don has said, everything shakes, and I think we are about half-mile away.

Patti Hall: Everything rattles, the cups in the cupboard, the windows shake, the ground shakes. We have horses, if they're in their home pasture they have kind of gotten used to it but if you're out riding on them, we never know when that blast is going to happen. It's alarming to them, they startle. I know some of our neighbors have horses. The kids are outside playing, there is a lot of things going on, a lot of talk with the community, good neighbors, but we're seeing minimal. We're seeing absolute minimal. Look at the reclamation at some of the spots, we see the beautiful spots highlighted, but we don't see the minimal. This type of mining is held to a lesser standards than coal mining. Could we increase the standard in general?

Patti Hall: I am assuming closer to Route 80 there'll be another beautiful lake and that is a very nice addition to the community, but I'm assuming by other people it will not be. So, in closing I just want to point out to everyone on the commission, you are determining if we can stay in our homes. You're determining if we can remain a part of this community, and I think we have been a good part, we certainly have done our best, and I think the other residents that live on this parcel should be allowed some little concessions that maybe will enable that to happen. As it is right now, I don't even think that it's possible. We've heard many, many claims of damages. You know, that needs to be addressed and saying, "we'll look at it" doesn't actually mean too much at this point.

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Patti Hall: One other thing I'd like to point out, it's been in the paper, it's been on the radio this morning that we have this huge offer come in and we turned it down and we're greedy. We did the second meeting ... John had called us in to meet with Illinois Cement.

Patti Hall: The second meeting they did say that they were willing to talk about a Well Protection and Property Value protection. That has never gotten beyond that point. Not that we're not both working on it but we have never had one thing proposed. We have never had one piece of paper come through. So, what is being said in the community ... and pretty negatively towards us because we're too greedy to take this incredible offer ... There is no offer.

Patti Hall: So, I think, in closing, I'm saying there's a lot of things to address on the sense of community and everyone that lives in that community. I hope you'll take a look at and I hope that each of you realize that the vote you're making may force us out of this community that we thought we would never leave.

Patti Hall: So, I thank you for your time. I thank you for the meetings and for coming up to Dimmick. That was, I think, very helpful. But there's still a lot for ... to be addressed.

Carrie Brown: Mr. Washburn, did you want to speak?

Mr. Washburn: Yeah. So, I like Doug, I should be fine, I am kind of loud.

Mr. Washburn: I, like Doug, was contacted early this morning with regard ... by George and Patti and they asked if I could come, partially to kind of sift through the some of the legal jargon but fortunately John did a wonderful job of parsing through that for us so we got through a lot of the legal jargon with not too much fanfare as far as that goes.

Mr. Washburn: But I did want to clarify because as Patti mentioned, there has been a lot of talk and not necessarily ink spill but a lot of talk throughout the community about what's been going on and what's been offered and what hasn't and while there has been discussion, there has not, to this point, been any monetary offer made. There has not been any written agreement drawn up and it's not that ... Setting aside are people greedy? What do people want?... look at that map.

Mr. Washburn: The whole property is smack in the middle of that giant C. Now, if Mr. Zukowski who is farther down the road and farther away from that current mine has the issues he has, now imagine the Hall's house is maybe 300-400 feet maximum that top property line of where it says "Hall Property." If they give them a 120 foot set-back, you're 500-600 feet tops, where they can be blasting in the quarry. I don't know under any circumstances that with those set-backs and with no other restrictions, that that house is a livable place at that point. Let alone the people across the street who are going to be facing very similar circumstances.

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Mr. Washburn: We're at a point where the City Council has it within its power when passing and arranging any annexation agreement to impose certain restrictions. Whether those are increased set-backs, whether those are noise protections ... as I was driving down here tonight, lit up across, not too far down the street, "We Believe in LaSalle."

Mr. Washburn: Well, they may not live, technically, in LaSalle but they do business in LaSalle and they contribute to the community and in order to believe in LaSalle, LaSalle needs to show that it believes, not just in the people of La Salle and the betterment of LaSalle, but those residents that may not strictly reside in La Salle are impacted by the decisions made by La Salle.

Mr. Washburn: And all we're looking for is, as Patti put it well, the City Council needs to do what is, in its opinion, best to protect not just the City, but those who are going to be immediately affected by the City. I think that's ... I can't put it any simpler than that. Increased set-backs, maybe some noise restrictions, maybe a limit on the type of blasting or the extent of blasting. All those could be, but I think none of us really have the exact answer as to what's going to be enough given the proximity.

Mayor Grove: Can I just make one comment?

Mayor Grove: Patti and George, I frequent your business a lot. But, I think since you've been here since 1906 and the community has been good to you as well, would you agree?

Patti Hall: I would agree. Yes.

Mayor Grove: Good partnership. I'm sure there's many folks who work at Illinois Cement that go to your store. I can name a few that go to your store, and so I know we've talked about those jobs going away like it is nothing...those are 150 jobs, but it is a trickle-down effect. It affects everybody, not just liquor stores, the grocery stores, the food places there also...mom and pop locations.

Mayor Grove: I mean, everything has a cause and effect. For everything. So, I want to make sure ....

Patti Hall: So, it's okay to just blow up the house? That's what it is.

Mayor Grove: Well again, I guess there would be no "C" around the Hall house if other residents didn't decide by free will to sell their property, right?

Group: [crosstalk 01:32:37]

Mayor Grove: Some residents are setting out their life. Maybe there's a generation to come because of (inaudible).

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Attorney Duncan: If I could just address a couple of points that Nate brought up.

Attorney Duncan: One is you called me earlier than Doug so I had some time to talk to you and we probably spent, what, an hour or so on the phone?

Mr. Washburn: Almost two. Yeah.

Alderman Duncan: Yeah. And as I explained to you, I went through all of the terms that were proposed and explained to you that we couldn't put anything in writing because we don't have the appraised value of the home so putting those other things in writing are meaningless without the financial terms that are important. And, then as far as blasting, there are some changes depending on ... rules and regulations for blasting that Wayne or Jerry will address.

Jerry Crittenden: So, first of all. For the Halls, in particular, is we're probably talking 25, 30 years before we would get up to that point. There's been a lot of changes ... I shouldn't say "changes."

Jerry Crittenden: There's some new technology out there, it's not perfected yet ... Some places are having more success than others at it and that is surface miners, where you don't use any blasting at all. It's kind of like if you've ever seen resurfacing asphalt. You know, where they grind it up and lay it back down. It's kind of similar thing than that.

Jerry Crittenden: And we experimented with one but it wasn't the right one for our application. It wouldn't work real well for us. But there's, just recently new technology coming out, better versions of that. And I'm not, you know, talk is cheap because it won't be here tomorrow, but those kinds of things are on the horizon because there are mines close to cities, there are mines close to communities, even closer than we have here where that stuff comes more into play.

Jerry Crittenden: The blasting itself ... Looking at what are the things ... I'm going to come back and look at a little bit harder and again, you keep saying, "Wait until you see it, you won't believe it." But, look at our patterns that we're drilling and blasting to.

Jerry Crittenden: So, we're using the seismographs. We're using the technology we have. We're using the requirements that we have, but if we go visit some houses as we're talking, maybe there's some things we can do differently there but the thing is, 30 years from now, I imagine there's going to be a whole different type of technology that's on the horizon right now becoming more and more economical and beneficial to use.

Don Zukowski: You're putting out numbers of years that this may happen, it may not ... I remember when Illinois Cement wanted to get the present mine site rezoned so it could mine.

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Don Zukowski: I was told by the Mayor at that time that I should not worry about it, don't worry at all because it'll be 75 years before they get up your way. It sure hasn't been 75 years. But these are all the numbers that they [inaudible 01:35:54].

Jerry Crittenden: I understand the skepticism. I mean, I'm just telling you ...

Attorney Duncan: Don, this only pertains to you, for the most part, but the mine is actually going to be moved away further from your house. It's going to go towards other people but it'll be-

Group: [crosstalk 01:36:10]

Attorney Duncan: It's going to be moving away from the masses. [crosstalk 01:36:17] going to be moving away from all of the houses that are up in that North 3179<sup>th</sup> area.

Don Zukowski: -moving the road and mining that out, it's still going to be in my neighborhood.

Mayor Grove: Okay. We need to go on to the persons who need to speak.

Carrie Brown: Okay, Mr. Hall.

Group: [crosstalk 01:36:36]

George Hall: My name's George Hall. Yes, we do live right there. We purchased this property approximately 27 years ago. Built a house 25 years ago. Again, they're talking about selling land. Illinois Cement had the chance to buy this property 27 years ago. They didn't plan on going north or they would have already owned it, so we wouldn't even be here.

George Hall: We own it now. Our house sits about right here, 200 feet from our border. We built there because the pipeline was coming, but we could insulate ourselves if something did change. Say, subdivisions. We built here for a reason. So, 120 feet from our front porch is right like this, though we have less than about 320 feet from our door. (inaudible) It is what it is. We have never said we are anti-Illinois Cement. Never. Never.

George Hall: The jobs? I know people who work at the plant. I don't want to lose jobs. That's not what I'm talking about. Good neighbor. That's what I'm talking about.

George Hall: There's a little waterfall through our property. You going to get this in downtown LaSalle? Probably not. We talked about good neighbors and I've said it from the beginning. I respect Jerry Crittenden and Wayne Emmer.

George Hall: They do a good job of what they're doing. It's their job. Again, I don't have fancy drones. I got a cat toy.

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George Hall: We call it "Good neighbors." It goes a long way. You recognize this property? We own it. I knew the people who lived here. The grass was cut, it is annexed into the City I believe, and yet it's empty.

George Hall: It's empty. Windows are knocked out of it. If this was across the street, would they incur fines?

Mayor Grove: Yes, they would.

George Hall: Accountability, guys. You say one thing and do another. Here's another. You recognize that one?

Group: Yeah.

George Hall: You recognize this one? Caught on fire. Still sitting here. Still here. That's where our concerns are. What you say-

Mayor Grove: I'll totally take responsibility if it was George and we've actually had conversation that those ought to be addressed and...

George: I know but...

Mayor Grove: Shame on me for not seeing those.

George Hall: I know they'll take care of it. I'm just saying it's concerning as far as like they've been talking about. Say these gentlemen lose their ... go somewhere else and you get somebody else in here. You may not be the mayor in 10 years. Then what's going to happen? You don't know.

George Hall: This is the view from our front door. This is what it's going to look like, with a big berm. They know what it is. I don't even have to show any more of these.

George Hall: Again, don't put words in ... that we're anti-Illinois Cement. That's not ever came out of our mouths. Ever. I know people that work at the plant. I do not want to see them lose their jobs. What I want is a little bit of consideration, as your neighbor. If he was throwing off M80's and you're trying to sleep, I bet you wouldn't be happy. Am I right?

Group: [crosstalk 01:40:09]

George Hall: Oh, I know. Well ... Anyway, I had a bunch of other stuff. We have 2 one hundred year old oak trees through that property long before Illinois Cement came.

Mayor Grove: The oak trees on your property, George?

George: What?

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Mayor Grove: The oak trees on your property?

George Hall: Yes.

George Hall: It's all ... It's mostly timber.

Mayor Grove: Those should be fine, right? They're on your property?

Group: [crosstalk 01:40:33]

Mayor Grove: I'm just saying. They're not going to go anywhere, right?

George Hall: We might go. We've never asked for. We've asked for consideration. Set-backs, concessions. We're willing to talk, again. Things get blown out of proportion, I understand that.

George Hall: My wife said, "We've never had a ... I've never seen a document, a price, whatever we're talking. Never seen one. They talked a lot but it never was read to me, I've never seen one." So, I don't know. And we're willing to talk. That's got me concerned. 20 years from now, 10 years from now, 100 years from now. It doesn't matter. Nope.

Mayor Grove: Mr. Washburn, you have anything in addition?

Mr. Washburn: No, I don't think I can really say it any more eloquently than George and Patti have. The only thing I will echo is, as John said, he and I did speak at some length this afternoon. We did discuss the absence of a written agreement. John expressed his reasoning for the absence of the written agreement being we are missing what would be the most crucial of crucial terms, the actual numbers that issue and we did have a brief discussion about that, but as John so eloquently said to Doug, I personally, like John, am not in the business of negotiating in front of a room full of people so, I'll just leave it at that.

Mary Turchi: At least you got something offered. We were never even approached and we're right across the road. And that's all we're asking, is some consideration. We're just right across the road and nobody ever came to us. Mr. Sanchez?

Mr. Sanchez: No, mam.

Mary Turchi: So as far as any type of agreement in any situation, other than test drilling, we have not been approached in terms of anything else, like property buy-out or anything. The only ones that I know of are the Halls. I don't know, anybody else here?

Doug Schweickert: I'd like to point out one thing. This appraisal agreement ... I gave it to Nate earlier, is one and one half pages. And it doesn't establish the values. Now, you don't need to establish it. If you look at the other agreement, it says, "Within 30

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days after approvals" in this case, the County of LaSalle. Well, we don't care if it's 30 days or it's 60 days or it has to be 90 days.

Doug Schweickert: John's been practicing ... I won't say how long, but it's been over 40 years, and I've seen some of his agreements that run 50, 60 pages. This particular agreement is a page and a half. This isn't ... require any great sophistication. The Well Agreement is two and half pages. So, the totality of the appraisal agreement on the property and the Well Agreement is a total of four pages. This really isn't rocket science, here.

Doug Schweickert: And I just have one question of the petitioner. How many tons per year are processed at the facility now?

Wayne Emmer: There have been times I've been reluctant to share that number just simply because of competitive interpretations that can go backwards from how the competitors look at this. But since we've been talking about impact fees and so forth, we've been averaging about 1.1 million tons per year of limestone. Roughly 1.1 million tons per year.

Attorney McPhedran: I'd also like to clarify something, Doug. You mentioned that you talked to me. I made the inquiry to you. I didn't even, I found out from City Hall that somebody may have retained you. I wanted to find out what ... At that time you indicated what it was and you were sending a copy of a proposal to John Duncan. I asked if you would send it to me so I could forward it on and yes, you did.

Attorney McPhedran: Now, I want to just set the record straight on how it all happened. And I did put forward the document to the council [inaudible 01:45:18. I think as Alderman Schneider said one of the things that they're thinking of, and they can speak for it better than I can because it's them and you know when you represent Peru, we don't vote as City Attorney, we just try to see if the process is fair.

Attorney McPhedran: I relayed it on and they have that considered with everything, I think as Alderman Schneider said that they're willing to talk with you. You said talk means nothing. You walked [crosstalk 01:45:44] for many years. Hopefully, if that's a great concern to your client, you can work it out and or it will be up to the council (inaudible).

Doug Schweickert: Jim, as I said, there aren't even any numbers in this. So you could make your approval conditioned upon entering into a similar agreement.

Attorney McPhedran: Those types of things are up to City Council.

Doug Schweickert: So, [crosstalk 01:46:13] council. But that isn't a big deal and it certainly isn't unreasonable that [inaudible 01:46:13] sentences.

Carrie Brown: Okay. Number 19, Dani.

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Dani Brzozowski: Good evening, everyone. Dani Brzozowski.

Dani Brzozowski: So, we heard a lot from Mr. Emmer and Mr. Crittenden about the viability of Illinois Cement. And I think what all of you are getting at is what of the viability of this community, right?

Dani Brzozowski: So, 150 jobs. It's nothing to sneeze at. That's a lot of jobs for small towns like these. Those jobs are important but suggesting they're the only 150 jobs that are ever going to come our way again is wrong. That's just wrong.

Dani Brzozowski: And those 150 jobs are coming at a higher and higher cost to this community and what we're all saying tonight is that we're no longer willing to pay those costs.

Dani Brzozowski: You talked about being good neighbors but the bullying and manipulation, ignoring the concerns of those very people to whom they're suggesting they're being neighborly, that's not good neighbor behavior. The relationship here is opportunistic. It's parasitic.

Dani Brzozowski: They've come here to extract wealth because we have a resource and they're going to take it and when it's gone, they will leave.

Dani Brzozowski: So, I'd implore the council to take into consideration two things. Number one, the long-term impact this has on our community. And I'm talking not just about the public health issues, which you're all, I assume, relatively familiar with and which many of the people in this room have concerns about. I'm not just talking about the environmental issues or the agricultural issues but I'm also talking about the economic issues because we talked a great deal about nuances of real estate taxes and utility taxes and the benefits that are coming ... Everyone keeps alluding to the benefits that are coming to the City of La Salle, but those are all short-term benefits.

Dani Brzozowski: There are opportunity costs here that I'm not certain anyone is really taking into consideration. Those 150 jobs are preventing us, in essence, from other industry and tourism that we might more easily develop if we weren't so rapidly becoming a mining community instead of anything else.

Dani Brzozowski: And I would also implore you to think really carefully about your responsibilities and your loyalties. Are you more invested in the interests of Illinois Cement or are you more deeply invested in the express wishes of this community?

Dani Brzozowski: I know, too, that there is this sort of quiet, looming threat that no one wants to be particularly up-front about regarding what happens if we all say "No" in this room. If you, City Council members, say, "No, we're not going to do this," then they're just going to go across the street. They're going to ask Peru. But if you all say no, then we'll go fight it in Peru too and then if we have to go to the County Board, we'll go fight it at County Board, too.

Dani Brzozowski: We can all do that together. There has to come a point at which we say, "no more" to the mining companies and this is that point.

Alderman Reynolds: I'd like to make a comment.

Alderman Reynolds: One of the things that's very difficult, from the standpoint of being an Alderman, we all have different interests, different businesses that we're all part of. The 150 some people who work for Illinois Cement, they frequent all the businesses here, also, as we do.

Alderman Reynolds: The thing about it is that when you make a decision, no matter what it is, good or bad, somebody's going to be unhappy and some are going to be happy. Some happier than others. Now, the thing about it is if you weigh it out and say, "Okay, these are the pros and these are the cons," you may find out that there's equal happiness within, even though it may not be a popular decision at this point or a full understanding, I would imagine that if we were able to ask each individual, there would be a different understanding of this whole process.

Alderman Reynolds: So, the thing that we need to do is to take a look at it and look at it from the standpoint of what we got this far with. Pointing the finger at any one company would be like pointing the finger at ourselves because Dani, you're in business also. Some of the people do business with you.

Dani Brzozowski: I know.

Alderman Reynolds: Okay. And that's true about everyone. All of us are interested in our own situation, right? I come from Streator, Illinois many, many years ago and it was all mined and the thing about it was the thing is the houses there sunk into the ground, many of them.

Alderman Reynolds: You couldn't get any help, any support, any money ... you couldn't even get landfill for free. Today, it's more your insurance policies, all the new insurance companies are ... I shouldn't say "new" insurance companies, but the insurance companies are coming out with mine subsidence on your policy. They're probably asking you for more money.

Alderman Reynolds: Now, there has been some mine problems but just a couple or two or three. I live in a house downhill on 4th and Crosat and there was cracks in the foundation. I bought the house "as-is" and the thing about it is, I had to put a lot of money into it. There was no help there either but it wasn't caused by Illinois Cement. It was caused because of where I am. And it's all downhill and when it storms and the water and everything melts, it comes down hill.

Alderman Reynolds: So, the thing is ... I ask each and every one of you, I know that you all have your own personal interests in this thing and rightly so. I think that what we need to do is take a look at the overall picture of what it does. Because I don't think we understand, totally, the impact. I mean, we talk about yes or no. When you stop

to think, those two small words can make a big difference in making the right decision.

Alderman Reynolds: Now, it's not going to be a popular decision for any of us. Not only here but even for yourselves. The only thing I would ask you is if you say you're having problems now, when the mining starts going further north, it's not going to get any less unless the technology changes. There's no guarantee that that'll happen but there's no guarantee that it won't. I think what you're asking your attorneys to do is to step forward and see what they can do. That's up to them.

Alderman Reynolds: John can answer the questions for Illinois Cement in regards to the legal ramifications of this whole thing and I ask you to have patience. Whatever decision we make, because we haven't made the decision yet, bear with us. We know a little more now tonight, even, than we did when he came in here.

Don Zukowski: Is it possible that you could take a little more time to consider your decision?

Alderman Reynolds: That hasn't been brought to the issue at this point so I couldn't tell you at this point. Because it's the decision by the entire City Council.

Alderman Schneider: If I could, I do want to address something in what Alderman Reynolds was saying in that he's referring to this as what we think might be an unpopular decision. And I think we need to make note of the fact that it might be an unpopular decision with the direct residents in Dimmick who are affected, and everyone completely understands that.

Alderman Schneider: That doesn't mean that the other residents in LaSalle don't understand the economic impact and stuff that is involved here. You know, when we're a council that's working at a deficit budget still, after all the work you put in in recent years to diminish that. You're right. This is a big deal, Dani, you're right.

Alderman Schneider: And I would say that in your efforts for online petitions and drawing people to the meeting and stuff and everything, you've sent invitations to hundreds of people and the majority of them did not respond. I made time for you, I made time for The Halls, I made time for most anybody that contacted me.

Alderman Schneider: When people are throwing out terms of "This is a callous decision," "This is short-sighted," "This is corporate greed," "This is ... It's easy to get caught up in all of that, you know?"

Alderman Schneider: I'm going to take you back to Thursday night, and some of you were here and some of you were not. I was not supposed to be here. It's not my commission. I was supposed to be at Springfield getting an award, a free dinner, and a hotel stay. I canceled so that I could be here for you guys. And for people to point at some of us and act as if we are callous, we're paid for, we're bought, things like that ...

Alderman Schneider: I can sit here and tell you that my hair is still brown and that doesn't make it true. So, to characterize some of the people up here is, I think, completely unfair. I think the people up here genuinely care about your concerns. We have talked to John Duncan, who, of course, relayed our concern to Illinois Cement. I take John very much at his word with things that I've dealt with him at.

Alderman Schneider: I have a lot of faith in our City engineer, Brian Brown, to oversee some of these projects as far as the roads and that go and I also have a lot of faith in our attorney. You know, don't know if this is getting determined tonight. Don't know who's voting what but I do feel that that needs to be said, that to say that this is ... we're taking the easy way out, the easy decision. There is not easy decision in this because somebody wins and somebody loses in people's opinions.

Alderman Schneider: So, I just want to make sure we're clear about that. So, I understand all of your passion because it's about that. So, I understand all of your passion, because it's you and your livelihood, your lives you're talking about. And I get that. But it's also Mike Cioni, it's also other people in this room here we're talking about their lives as well. So just understand that we have had to factor it all in. We can't just choose our individual interest. And that's all I'm going to say.

Dani Brzozowski: Can I ask a question? Say your exactly right Mark and that organizing is difficult, and then often you're reaching out to a couple hundred people, and 70 of them are showing up. I'm making an assumption here, but I don't think this is what City Council meetings attendance usually looks like. But I wonder, and maybe Carrie, you and I can't make eye contact right now, there in the back.

Dani Brzozowski: I wonder, can I ask a technical question? We're making a general assumption, I think, Mark just eluded to assuming that, the general the residence of LaSalle outside of different township would be, it sounds like in favor of the expansionist assumption. I wonder what does it take to get a non-binding referendum put on the ballot in April, right? So we got a municipal election coming up. Is there a possibility that we could, learn exactly how people would vote?

Attorney McPhedran: [crosstalk 01:57:09] It would be up to the City Council to put a non-binding referendum on the ballot.

Dani Brzozowski: So, if you're curious, right? That's an option. That's a perfectly plausible, sounds like a reasonable, approach to take, if you're curious about what the general citizen, right?

Attorney McPhedran: You need to talk to them, but sometimes their position is that you know I have to let them speak, is that the public elected them to make the decisions and whether they're good or bad, liked or not, they're going to do the best they can to make decision they feel is very just, but I'll let, talk to the council.

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Dani Brzozowski: Yeah, I can certainly appreciate that position, I'm familiar with how public service works. And, I respect that each and every one of these gentleman has taken, you know, public service very seriously by serving on City Council, but I think this is an opportunity where there is some confusion about what exactly the rest of the City of La Salle's constituents think. This might be an opportunity to ask them directly.

Mayor Grove: I appreciate your service as you are a leader of the La Salle County democrats.

Dani Brzozowski: I am. I'm a chair.

Mayor Grove: So, you know how it is, no pay, but a lot of work. We've been, I've been contacted by a lot of folks, a lot of constituents myself, not thousands, but majority are, you know, at least a sample size of what we're doing, and a lot of people understand obviously the situation of what folks in Dimmick, and also understand the situation we're in.

Mayor Grove: \$13 million dollar payroll, 150 jobs, and a lot of residents, you know, everybody that you talk to, somehow or another, are either a friend or relative or somebody works for Illinois Cement or is contracted out with Illinois Cement. It's a whole economic engine in the area.]. So, again, you know, you can have a non-binding referendum or a non-binding ballot but you know I think, we have a pretty good idea of what folks are thinking right now. And we have to go off of those responses that we had. The phone calls we received on both sides.

Alderman Bacidore: Your honor, I like to share a couple of words please. First of all this young lady I missed her name. She was the head of the democratic party of LaSalle County.

Dani Brzozowski: Yes. Dani Brzozowski.

Alderman Bacidore: Isn't the Democratic Party all about jobs?

Dani Brzozowski: Well this actually has nothing to do with my goal as the chairman of the Democratic Party. This has everything-

Alderman Bacidore: No, but this, wasn't the Democratic Party always with labor?

Dani Brzozowski: Absolutely. And this stance I am taking...

Alderman Bacidore: Okay. That's all, that was one thing. Okay. The second thing is, now I know some of you people out there-

Dani Brzozowski: I'm sorry, you know what, don't dismiss me. For the love of God. Don't dismiss me. I have extraordinarily strong relationships with labor, several of them are in this room.

Alderman Bacidore: You just said it's only 160 jobs.

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Dani Brzozowski: I said it's 150 jobs actually, it's 159.

Alderman Bacidore: Oh. I'm sorry.

Dani Brzozowski: 159. Regardless-

Alderman Bacidore: I was closer with 160.

Dani Brzozowski: Great job. Congratulations.

Alderman Bacidore: Thank you.

Dani Brzozowski: My role as chair of the Democratic Party has nothing to do with the stance that I've taken here.

Alderman Bacidore: Okay.

Dani Brzozowski: It's not easy for me, particularly-

Alderman Bacidore: Well, then I was speaking about the Democratic Party.

Dani Brzozowski: You're not. Allow me to explain, please.

Alderman Bacidore: This isn't about the Democratic Party I should have never brought it up, I'm sorry. Okay, I apologize. Alright, okay go ahead.

Dani Brzozowski: So, it's not easy for me to stand here, in front of [inaudible 02:00:42] and several other people in this room who are union guys, right? These are people who have extraordinary positive relationship, several who I've already talked to about the reason why I'm taking this particular stance. I firmly believe that in the long term, this is a poor decision for everyone, including organized labor.

Alderman Bacidore: I ain't saying no more because then you're going to keep talking. Are you finished?

Dani Brzozowski: Yes. I'm finished.

Alderman Bacidore: Thank you.

Carrie Brown: Number 20.

Alderman Bacidore: Okay. My second thing is and I know that this gentleman has pictures on the wall, cracks, and probably you all have this stuff with your homes. Okay, we're looking at 160 people that have homes. Okay. If we vote no, and they lose their jobs, they're not only going to have pictures rattling, then ain't going to have a home. They'll lose their homes. They have mortgages on their homes. Let me finish. The age group out there, if you're thirty, forty years old, and they close a

plant, where do you go to work? Everybody wants to hire the young guys. They won't have a job. They won't be able to pay their mortgages. I'd sooner have rattling pictures, then no home at all.

Unknown: It sounds like the board is just totally against what anything we have to say, so may as well leave.

Unknown: As a guy whose plant closed September 21<sup>st</sup>, I was employed in two weeks.

Alderman Bacidore: Yeah. At that same pay?

Unknown: Actually at \$9.50 an hour ahead of where I was.

Alderman Bacidore: Well, that's strange because there's a lot of guys lose jobs, and they can't find them when you're 40 years old.

Mayor Grove: Alright, we're going to get back on track.

Unknown: Yeah, we're not here to close the plant. We're here to protect. We're not out to close the plant. No.

Unknown: You sure?

Carrie Brown: Okay. We are on number 20. Christine Martin.

Christine Martin: I definitely don't need no microphone. I got kids. So, if anybody was here the other night, they know I live, where we all live. We are this God forsaken place right here. We have been Illinois Cement's adjacent neighbors for 20 years. 98' okay. They're going to bring this road in right here, and where this curbs right through there that is our driveway to get there. Now down this lane, I have an uncle who lives there and another moveable trailer because our home burned down five years ago. We didn't have enough water in our well to save our home. And I don't believe I got any kind of help from the friendly neighbor to dip into their well. I lost, we lost everything. We lost everything. Okay. And we had to put two mobile homes on that property just to have a bathroom. You know, because we had to call Jaegle and those of you that don't know Jaegle you might want to look up their number. They'll drop, you know, 10 thousand gallons or so, in your well if you need it which we've called more than several times. But, living here, you're the log cabin guy, right?

Don Zukowski: Um-hmm (affirmative).

Christine Martin: I just wanted to make sure I knew exactly where you are. So, he's telling the truth. We have had that, cement pushing up in our garage, because our garage made it. It's all we have there now, in ten acres. In ten acres used to have, a beautiful hill that you could walk down, cross the creek, and the lake around the other side, that's where we live.

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Christine Martin: But now we can't even get down to the river because from the blasting and double blasting, we've lost so much of our hill. We can't even access it. So, when people are out here thinking they are going to lose their property, I feel terrible for the Halls. But, hey, you know what, I'm right here, right here, I'm going to get it right here. I'm going to get it right here with a 20 foot or 22 foot road.

Christine Martin: And the beautiful hills, and the pretty parks and everything. That's going to come in 50 years. Let's be realistic about it. 50 years. Our grandkids are going to use it. Hopefully, seeing some of this, but we were talking the other night about, have they ever put a building or a home on the reclaimed land. You had said Mary, that not that you knew of. Is that correct?

Alderman Schneider: Would the water treatment plant not qualify?

Jerry Crittenden: Right, it would.

Alderman Schneider: Well, the treatment plant is on that and it's insured.

Christine Martin: Okay.

Christine Martin: So, it could possibly, homes could go there, so what I'm thinking, I might be way off track here and I don't really care, but, I don't want a low-income housing next to me. We moved out to the country and there's a reason why I don't know a lot of you people that live out there. I'm your neighbor... I'm your neighbor... I'm your neighbor. We keep to ourselves. We wanted to raise our kids out here without this. (Inaudible), craziness, we want them to learn how to run, and climb trees, and you know. Ride motorcycles, that's what we're into, you know. But, they can't, we can't even let the kids go finishing, on our land. Our land, right now, I mean, it's to the point where we want them to buy it.

Christine Martin: And my mother, my mother-in-law, the lady that was sitting next to the Bastucks the other night, when she said that she had COPD, my mother-in-law died out here from COPD. Coincidence, probably. Probably. But, right there in just two nights, there's two people that died from COPD and we live right next door to them dust storms. So, it is not a little bit of dust. It's a dust storm. Enough to tell the kids they gotta come in because my kids got asthma. You gotta come in. And, you know, what am I supposed to do with this. You know, I'm going to be looking, across the road here. It's going to be either, well right now I'm looking at 150 feet from my garage, is a 10 or 12 foot berm. And it's real pretty. And, now you're telling me, I can't access my hill in the back, because they're blasting has torn it down. I got Bernards on this side and off my road I'm going to be seeing a berm and then nothing but a hole. Nothing but a hole, you know.

Christine Martin: And, I don't understand why we didn't get a phone call. They never came to us. They never came to us and said hey, listen, this what's going on. We made so many phone calls about our well. And I gotta tell yah, if they're going to give you

a well protection, you better get to an attorney because they're going to come back and say well prove it, that it was our blasting that made your well go dry. Our well as gone dry so many damn times it's not even funny. It's not even funny.

Christine Martin: And 20, 25 years ago they dropped the drill companies would come in, they hit a vein, they'd be at 60, 70, maybe 80 feet they would think that they got a good vein, until they come along. The seismograph, will determine how much vibration is in the ground and how much, and they'll do it. They'll set it up and you know, maybe they won't blast that day. Or maybe it will be a half blast. Instead of a double blast, it just knocked the china of the damn cabinet. Okay. I've had destroyed dishes. I've had, cracks, you know, before the house burned down, because our well was dry we had to call six different fire departments. You know, I really hope everybody realizes.

Christine Martin: And I know it's up to you guys to decide where you're going, but these problems are going to affect everybody around this area. I hope that nobody else has, a mouse that chews through some wire and your vent has a little dryer lint in it because our house burned down and there wasn't enough water in our well, you know. So, I pray to God, that all of you make the right decision. I want them to come in and buy ours because I don't know what we are going to do about it.

Christine Martin: We put in a 600, it's actually 730 feet, but that's without the clay and shale and all that and 680 foot through rock. So, I know they can make a couple million dollars off my property. That's pretty much guaranteed. But, what am I going to be? You know? Now what do I tell the kids?, instead of 10 acres you got 6, and I don't want you anywhere near that road because you got all them trucks and you're going to be, don't go across the road, because now we got a hole. So, our 10 acres isn't even accessible on two or three sides either. So, I get where you're coming from.

Unknown: Now, wait a minute Christine, you just said you were willing to sell your property.

Christine Martin: I did, yeah.

Unknown: I don't want them for my neighbor.

Christine Martin: I know you don't, but you know what, it's just kinda like everybody else, you know. What are we going to do? I mean, your family's been there for 100 years. You know, 100 years. We already know what's going on with your craziness up there. Keep it clean folks. But, I'm just saying, you know, a phone call, and I gave them my number the other night when I was walking out. I didn't get a phone call, you know?

Wayne Emmer: I have it right here Christine.

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Christine Martin: We're waiting. I know there's, I just think there's a lot money to be made on our property. And we did call Pipeline, and you could tell them 25 feet up to it and 25 feet below it. You got 680 minus 25 feet worth of rock to mine, so, that's all I got, guys.

Mayor Grove: It's come to the point in the night, have we pulled all our numbers?

Carrie Brown: No.

Mayor Grove: So I think we're a point in the night where we were provided a lot of information so we are going to continue this to Wednesday. Five o'clock Wednesday. Can I get a motion?

Attorney McPhedran: Recess and reconvene. Recess and reconvene at five o'clock Wednesday.

Attorney McPhedran: Folks, folks, slow down. Hold on.

Mayor Grove: Moved by Alderman Ptak and seconded by Alderman Demes to recess and reconvene at 5:00 p.m. on Wednesday, December 5. Hope you folks will come back and continue with the numbers at that point in time. [crosstalk 02:13:34]

Kevin Wenzel: Hello. My name is Kevin Wenzel. I had a couple of questions for Illinois Cement. I guess I'll start with the first one. My first question would be, I'll get into my house first. About ten years I build a house alongside 251 after you guys had spoken with my father and you told him you didn't have any interest in mining next to 251 so you didn't have much interest in his property. So, I went ahead and built a house. When I did that, I had to have it rezoned. And when I did rezone it, I had to, like you guys, I had to publish it and do all this other stuff. I had to send all my neighbors a registered letter. I had to pay for it. I just built a house, I didn't blow anything up in anyone's backyard or anything like that. So, I got to thinking, I said, why do I gotta to send registered letters, I'm just building a house? They're blowing stuff up, they ain't got to send one?

Kevin Wenzel: I never received a registered letter from anybody or any correspondence from Illinois Cement and I haven't talked to anybody that has. So, I got to looking, in the La Salle County Zoning Ordinance, Section 14.12 Public Hearing, paragraph D. I was wondering why you guys didn't send registered letters to all the people that are affected by this?

Unknown: That is county, this is city.

Kevin Wenzel: This is county zoning, isn't it?

Group: [crosstalk 02:14:57]

Kevin Wenzel: This wasn't a county zoning change?

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Unknown: No, this is City Zoning.

Kevin Wenzel Oh, okay. That answers my question.

Attorney Duncan: Let's get something clear now, we never asked the County because the rest of the properties in the City [inaudible 02:15:15] they said no. I sent your dad three letters asking him to give me a call if he had an interest, and he never called.

Heather Wenzel: He hadn't received a letter in two years.

Attorney Duncan: I have copies right here because I knew you were going to say that.

Heather Wenzel: Was it sent certified?

Attorney Duncan: No.

Heather Wenzel: Okay, then how do you guarantee that he received it?

Attorney Duncan: Because it never came back to me.

Heather Wenzel: I checked the mail. We share a mailbox. I check the mail. He has not received a letter in two years.

Attorney Duncan: The letter never came back. But, if you want to (inaudible)...

Kevin Wenzel: Oh, yeah well. After the last meeting you guys talked about being good neighbors and all this that or the other thing. I would think that you would have the common decency, to contact me, tell me about your plans, but you didn't. And another thing I have to point out about being a good neighbor, you talked about several things, about how you're going to keep the dust down, and all the wheel washes and that kind of stuff. I just so happen to, the day after the meeting I drove by there, and you're not going to believe what I seen.

Kevin Wenzel: The day after the meeting, now after everybody got up and said how great they're going to do with wheel washes and water trucks and stuff like that. Got some pictures to show around here. First of all, when somebody shows something to be about a wheel wash, you know, this is what I think of as the industry standard. For a wheel wash, that's what I'm thinking of. I don't know. I don't know if anybody wants to look at that or not.

Kevin Wenzel: I personally, If I was trying get something like this pushed through, I would never would of let one of my trucks get picture of them taken like this the day after I got up here and said, we run wheel washers and water trucks and what not. Anybody want to see a picture of that truck? You think that's been through a wheel wash? Before anybody says anything, it was new, the roads were dry. It was 40 degrees. But, there's just no excuses for that if you're a good neighbor.

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Kevin Wenzel: I'm not even going to get into that. You want to deal with IMSHA stuff?

Heather Wenzel: I'll finish for him. I got onto the IMSHA mine violation that mine data retrieval system. And since 2014, Illinois Cement has nine pages of violations. Currently, they have 17 pending, 15 of those are significant and substantial, is that the word?

Attorney Duncan: [inaudible 02:18:10] Your husband is talking and we can't hear you but he's talking [inaudible 02:18:10].

Heather Wenzel: Okay I'll start again. Since 2014, Illinois Cement has had, is this the total here, Kevin?

Kevin Wenzel: That not 2014, that's 2007.

Heather Wenzel: In 2017, they had 51 violations, currently they have 17 pending, 15 of which are, what is it?

Kevin Wenzel: Severe and substantial.

Heather Wenzel: Severe and substantial or I don't think that's the right wording.

Heather Wenzel: Significant and substantial.

Kevin Wenzel: So, what are you looking for?

Heather Wenzel: So, I mean do you care about your employees I know that, for an above ground mine, IMSHA is regulated to visit twice a year. So, normally what happens is they'll come visit once a year. For the first time, they'll submit, or they'll issue violations and if those violations, or citations, and if those citations are taken care of they are washed away and they would not be on these reports.

Wayne Emmer: That's not true.

Heather Wenzel: That is true.

Jerry Crittenden: Those, if they issue citations, which is quite common in the industry, I've been at plants, other plants, where you get 30 to 40. We typically get 9 to 15 to 17 at a visit. It depends on what it is. Generally, 90 percent of them, if not all of them, are vacated by the time they leave.

Heather Wenzel: If they're listed on this page, they have not been dismissed.

Jerry Crittenden: Can I finish? Can I finish? Okay. Typically, they're vacated before we leave because we take care of them right away if they find something, they can be as small as a clip knot in an air hose, which is important, to a cut in an extension cord. And then, ones that aren't vacated, if it takes some time to do that they

will come back and do that. Pending, is they haven't billed us, because we get fined because that's what IMSHA does with the citations they find, and until they're paid they're pending.

Heather Wenzel: Would you find this inaccurate? I have five copies if anyone would like them. Would you like a copy?

Jerry Crittenden: No, these are public, you know, they put these out there on their website. Yeah. And it's quite common.

Heather Wenzel: I know, and I was explaining how it works-

Jerry Crittenden: I would love to have zero. I have never, ever, ever, been on a mine site that got zero, anywhere close to zero. But, that's are goal.

Heather Wenzel: When they were there, I believe in February of this year.

Jerry Crittenden: They were just there now.

Heather Wenzel: I know that's why you still have pending violations or citations. Yup. So when they were there the first time you were issued, I believe, seven or eight violations and they came back approximately a month later and you were issued no violations. They came back I believe in September and you were issued another seven or eight violations, and they followed up I believe in October, and you were issued another 17 violations.

Jerry Crittenden: I believe we only had two-

Heather Wenzel: It's on the paper that I gave you.

Jerry Crittenden: Well, we only had two inspections this year. So I don't know if that's coming back and look and sometimes they'll come back and look at paperwork.

Heather Wenzel: Well according to their website, if the citation is vacated it does not show up here. That's you know, so, I guess I'll contact IMSHA and have them update their website.

Jerry Crittenden: You do that, it would be extremely, I would love to hear what they say about us. I would love to, based on what they tell us.

Mayor Grove We thank you for coming out. We will continue this on at five o'clock on Wednesday. [crosstalk 02:22:01]

Attorney McPhedran: We need a roll call.

Alderman Lavieri: Do we need a roll call and a motion? [crosstalk 02:22:05]

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Carrie Brown: Alderman Ptak and Demes made the motion, but we need a roll call.

Moved by Alderman Ptak and seconded by Alderman Demes to recess and reconvene the Public Hearing and City Council meeting to 5:00 p.m. on Wednesday, December 5, 2018.

**ROLL CALL:**

Ayes: Aldermen Demes, Bacidore, Ptak, Reynolds, Lavieri, Sellett, Schneider

Nays: None Abstain: Alderman Herndon Absent: None

**Motion Carried 7-0**

**Recessed at 8:53 p.m.**



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Carrie Brown, City Clerk