 1   BEFORE THE DU PAGE COUNTY

                 ZONING BOARD OF APPEALS

 2

 3   Conditional Use Amendment to a   ) Z23-000020

     Previously approved zoning relief.) Timber Hill

 4

                    May 11, 2023

 5   6:00 p.m.

 6   PROCEEDINGS HAD and testimony taken

 7   before the DU PAGE COUNTY ZONING BOARD OF APPEALS,

 8   taken at the DuPage County Administration

 9   Building, 421 North County Farm Road, Wheaton,

10   Illinois, before LINDA M. CIOSEK, C.S.R. a Notary

11   Public qualified and commissioned for the State of

12   Illinois.

13   BOARD MEMBERS PRESENT:

14   MR. ROBERT KARTHOLL, Chairman, via phone.

15   MR. BARRY KETTER, Acting Chairman.

16   MR. DENNIS MORAN, Commissioner.

17   MS. JANICE ANDERSON, Commissioner.

18   MR. CARL SCHULTZ, Commissioner.

19   MR. ZAIN RAHMAN, Commissioner.

20   MR. JACK MURPHY, Commissioner.

21   ALSO PRESENT:

22   MS. JESSICA INFELISE, Planning & Zoning.

23   MR. PAUL HOSS, Planning & Zoning.

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Page 2

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Page 3

1   ACTING CHAIRMAN KETTER: It's 6:00. I'm
2 going to start the meeting. One of our members is
3 tied up in traffic, when she gets here she can
4 just add in, and the Chairman had something come
5 up and he's in the meeting by phone.
6   I'll call the zoning case of 23
7 --00020. it's been heard before. The newest one
8 was published in the Daily Herald on April 25th,
9 2023 for a public hearing tonight. It's a
10 conditional use to a previously approved zoning
11 relief to allow for a conditional use to construct
12 a warehouse building.
13   Let me make a couple comments
14 before we begin, directed mainly towards the
15 applicant, but if the members of public are here,
16 listen in. There were concerns brought up by the
17 Village of Carol Stream and the Highway
18 Commissioner for Wayne Township. Carol Stream did
19 get back to us -- and I'll note Janice was here
20 and I had to start because I have an appointment
21 to make.
22   (Commissioner Anderson
23   arrives.)
24   ACTING CHAIRMAN KETTER: Carol Stream

Page 4

1 stated at the end of their letter saying that they
2 would be willing to sit down with you and the
3 county officials and our zoning staff that knows
4 what it's doing, to work through and hopefully
5 eliminate problems. If that is done, then there's
6 no concerns by them to go forward and we have a
7 pretty smooth hearing. Some of their concerns are
8 going to impact the traffic study and it may bring
9 up questions to your expert, which then would
10 require them to be able to come in and
11 cross-examine them.
12   The purpose of this meeting,
13 really, when you come in front of the Zoning Board
14 is we are the forum where you make the record for
15 your case. We then just give a recommendation to
16 the Development Committee, the Development
17 Committee makes a recommendation to the Board as a
18 whole, County Board. So, that it's not like you
19 have to be in any special order, check the boxes.
20 The meeting, if you so choose, if you have that
21 meeting there, it eliminates all -- any contests
22 or problems, some objection and if they're for it
23 could change what type of quorum you need for the
24 County Board.

Page 5

1   And for the people that are
2 here, if they choose that, you still, I guess,
3 would have the option to speak. But, if you speak
4 on a plan that's not presented, you get one bite
5 at the apple, your concerns may be invalid by the
6 time we get there.
7   But, having said that, it's at
8 the pleasure of the applicant. What is your
9 pleasure tonight?
10   MR. HARMON: We would like to move forward
11 with presenting the development tonight.
12   ACTING CHAIRMAN KETTER: All right. Having
13 heard what I said, too, not having Carol Stream
14 and that weigh in, that's your --
15   MR. HARMON: Correct.
16   ACTING CHAIRMAN KETTER: You can do what
17 you want, there could be litigation you're looking
18 at. And the meeting is only going to 7:30, so
19 okay. And you had prior zoning relief and now you
20 want to change it to accommodate this; correct?
21   MR. BATTISTONI: Correct.
22   ACTING CHAIRMAN KETTER: All right. Then
23 the comments so far then to read into the record,
24 you have 14.39 acres, you're on well and septic.

2 (Pages 2 - 5)

Page 6
1 Outside comments: DUDOT says no objections
2 because they have no jurisdictions over this
3 matter. The Health Department has no comments.
4 No objections by Stormwater at this time subject
5 to as it proceeds. Public Works, no jurisdiction.
6 The Village of Carol Stream has put in a letter,
7 which I told you what they have requested. No
8 comments from the Village of West Chicago, Village
9 of Winfield or Wayne Township. The Highway
10 Township Commissioner weighed in with a letter,
11 I'm assuming you have those and read both of
12 those. The Carol Stream Fire Protection District
13 has no objections at this time but will need
14 additional information moving forward. No
15 comments from the school district, and the forest
16 preserve has reviewed it and provided in this
17 notice do not have any comments. The only thing I
18 see from that why the fire department didn't weigh
19 in, when I looked at your plan, I couldn't see how
20 fire trucks would get around in there. And if I
21 read -- when I read the traffic study, that was
22 not in there either. So those would be my
23 concerns as we start. It's still up to you if you
24 want to make sure this is in a nice package and

Page 7
1 not go ahead tonight, we'll do it. Otherwise I'll
2 turn it over to you and you can start.
3   Why don't we do one thing since
4 you're proceeding. Everybody you plan to have
5 testify tonight, let's swear them in.
6   THE COURT REPORTER: Would you raise your
7 right hands, please.
8   (Whereupon, the oath was duly
9   administered by the Notary.)
10   THE COURT REPORTER: Do we have somebody on
11 Zoom?
12   ACTING CHAIRMAN KETTER: I'll note that,
13 yes, the traffic study -- has affirmed that he's
14 sworn in.
15   Okay, and I will just make one
16 admonishment now. If, in fact, we get to the 7:30
17 and we can't finish, then we'll just continue it.
18 All right, go ahead.
19   MR. HARMON: Thank you, Chairman. As you
20 alluded to, the request tonight is for a
21 conditional use.
22   THE COURT REPORTER: Excuse me, can you
23 state your name and spell your last name, please.
24   MR. HARMON: Connor Harmon, C-o-n-n-o-r

Page 8
1 H-a-r-m-o-n, I'm with Timber Hill Group, we're the
2 property owner. As you alluded to, we are here
3 tonight for a conditional use amendment request at
4 the subject property also known as 27W364 North
5 Avenue --
6   ACTING CHAIRMAN KETTER: All right, I don't
7 mean to interrupt you, but in the way of
8 housekeeping, do you plan to adopt the prior
9 record of what it is?
10   MR. HARMON: Yes.
11   ACTING CHAIRMAN KETTER: All right. And do
12 you have -- have are you tendered a copy of what
13 we were provided, the site plan, the --
14   ACTING CHAIRMAN KETTER.
15   MR. HOSS: Yes.
16   ACTING CHAIRMAN KETTER: Okay. Can you
17 mark them with numbers? We have the survey, the
18 site plan.
19   MR. HARMON: Yeah. So, that's the
20 presentation I'm going to run through is the blue
21 sheet.
22   ACTING CHAIRMAN KETTER: We're not to your
23 presentation yet. I'm assuming your presentation
24 will be longer than last time, no offense. So

Page 9
1 let's start, you have the survey that's 1?
2   MR. HARMON: Correct.
3   ACTING CHAIRMAN KETTER: You have the site
4 plan, that's 2?
5   MR. HARMON: Yes.
6   ACTING CHAIRMAN KETTER: Is this 3, you're
7 going to call it a combined exhibit?
8   MR. HARMON: Yes.
9   ACTING CHAIRMAN KETTER: All right, is
10 there anything else you hope to -- you wish to
11 enter into evidence tonight?
12   MR. HARMON: All of those plans you have
13 right there we'd like to.
14   ACTING CHAIRMAN KETTER: When you say
15 plans, would this be the total of 3?
16   MR. HARMON: That would be its own exhibit,
17 and then what you have in your right hand is the
18 survey, site plan, landscape plan, photometric
19 plan, rendering.
20   ACTING CHAIRMAN KETTER: So, once again,
21 the title is 1, the site plan is 2, and then since
22 you didn't break this apart, somewhere in Exhibit
23 3 will be your -- what is that, your -- what else
24 is in there other than the survey and the site

3 (Pages 6 - 9)

1 plan?

2   MR. HARMON: The landscape plan, the
3 photometric plan, there's an architectural
4 rendering and then there's an exhibit as well that
5 kind of shows setbacks. That's also a site plan.

6   ACTING CHAIRMAN KETTER: Exhibit 3 is as he
7 just said, and Exhibit 4 will be the --

8   MR. HARMON: That's our presentation that
9 has the same plans in it.

10   ACTING CHAIRMAN KETTER: All right, their
11 presentation. All right, go ahead.

12   (Whereupon, the documents were
13   marked Petitioner's Exhibits
14   1, 2, 3 and 4 for
15   identification.)

16   MR. HARMON: Just as a brief introduction,
17 I work for Timber Hill Group, we're the property
18 owner of the property. I have a couple colleagues
19 with me as well. We also have the tenant
20 Mainfreight in the audience, as well as
21 ARCO/Murray, our general contractor. We have a
22 representative from Cage Engineering who is our
23 civil engineer, and finally KLOA who is on Zoom.

24   If you flip to the second page

1 of Exhibit 4, that's the slide we want to run
2 through just to articulate the property. From a
3 contextual standpoint, the site is at the corner
4 of Morton Road and North Avenue. The adjacent
5 land uses to the site are a church to the west, an
6 industrial warehouse diagonal to the site. South
7 of North Avenue we have a restaurant and several
8 auto and truck sales facilities, and additional
9 industrial to the south. To the east is an office
10 building, and then to the north and kind of east
11 is single-family residential.

12   As far as arterials and
13 highways, County Farm Road is to the east. We
14 have Route 59 to the west, there's also Gary
15 Avenue, and then eventually running east you will
16 run into 355.

17   If you flip to the next page,
18 you have the plat of survey. To get a little more
19 site specific, this site is approximately 15.8
20 acres, there's two buildings existing on the site,
21 both of which total just over 4,000 square feet.
22 I ran through the adjacent land uses already, but
23 to the south North Avenue's under the IDOT
24 jurisdiction, and to the west is Morton Road which

1 is under Wayne Township.

2   If you flip to the next page,
3 before I get into our site, I'd like to kind of
4 get into the site history a little bit and what
5 was previously approved. So the property today
6 consists of a gravel truck parking lot, two legal
7 non-conforming buildings, has been owned and
8 operated by Trine Construction for over 30 years.
9 The Property was previously a salvage and/or
10 junkyard prior to Trine, and in 2021 the property
11 owner at the time came forward with a request to
12 rezone the property from R-2 and B-2 to O-R, A
13 conditional use for a planned development and a
14 variation to establish relief for the existing
15 buildings on-site. This was extended by the
16 County in April of last year for 18 months.

17   And just as a quick note as
18 existing today, the site does not have any
19 stormwater infrastructure installed.

20   Flip to the next page, 5, our
21 site plan, which hasn't changed since the January
22 meeting. It features a 47,100 square-foot
23 building footprint, roughly 37,100 square feet of
24 that features a terminal, and a 10,000-square foot

1 building footprint will be office. The office is
2 two stories, so there's 20,000 square feet total.
3 In addition we have 81 dock positions, we propose
4 one drive-in door, 92 automobile parking stalls,
5 44 tractor parking stalls, and 86 trailer parking
6 stalls.

7   From a setback perspective, we
8 meet all required building and parking lot
9 setbacks by code. We maintain a 60-foot setback
10 to all the single-family residential to the north
11 and east. We exceed the 20-foot setback to the
12 east. We significantly exceed the required
13 40-foot setback to the south along North Avenue,
14 and we maintain the 40-foot setback to the west
15 along Morton Road.

16   Flip to the next page, it's the
17 same site plan, but I want to address the design
18 changes from what was previously approved to what
19 we have brought forward today.

20   ACTING CHAIRMAN KETTER: When you do that,
21 since we adopted the prior transcript, I don't
22 remember exactly -- I don't have it in front of me
23 -- would you then note each time how you're
24 changing it from your prior presentation?

Page 14

1 MR. HARMON: So, our site plan and
2 everything we brought forward is the same as
3 January, I'm just noting the design changes from
4 the previous applicant's approval from the
5 conditional use in 2021. So nothing changed from
6 January.
7   ACTING CHAIRMAN KETTER: From the January
8 meeting?
9   MR. HARMON: Right.
10   ACTING CHAIRMAN KETTER: All right. You
11 can go ahead. We don't need to highlight what
12 you've already talked about, but go ahead if
13 that's your presentation.
14   MR. HARMON: So the previously-approved
15 conditional use on the property featured a 50-foot
16 parking lot setback and a 3.29 building setback to
17 the south along North Avenue. What we propose is
18 a hundred -- I'm sorry, is 153-foot setback from
19 the office and a 265-foot setback from the
20 terminal. It's a significant difference in terms
21 of setback from North Avenue.
22   Related to the rear setback,
23 the existing approved setback is 100 feet directly
24 to the north and then 60 feet to the north and

Page 15

1 east but abutting all that residential, which I
2 think is a transitional setback. What we have
3 proposed directly to the north is 108 feet, so
4 it's an foot-increase in setback, and we also
5 propose a 72.4 foot setback along the residential
6 to the north and east. As I explained previously,
7 the building will meet all required setbacks by
8 code.
9   The existing approval from 2021
10 consists of 238 parking stalls, and our proposal
11 consists of 222 parking stalls, 92 of which are
12 automobile, which has a much less intensive use
13 than a typical truck stall. Eighty-six of those
14 are also trailer stalls, and many of those will be
15 more storage. They aren't long enough to house a
16 trailer and a tractor. So, overall, our intensity
17 of parking is much lower compared to what was
18 previously approved. Again, the proposal is not
19 requesting any variations, we're also proposing to
20 install an opaque fence instead of the existing
21 chain link that's onsite.
22   Finally, the previous
23 development which was approved has a 67.3 percent
24 approximate lot coverage, percentage of pavement.

Page 16

1 What we're proposing is 57.6 percent, which is a
2 significant decrease in surface area, and it will
3 obviously have stormwater infrastructure as part
4 of that.
5   And then also page 3 of that
6 other supplement I had kind of illustrates that in
7 a visual perspective, just kind of shows the
8 setback differences.
9   If you flip to the next page,
10 this is a landscape plan. We propose to establish
11 a 60-foot forested natural buffer along the entire
12 northern and eastern property lines. Overall, we
13 as the petitioner and Mainfreight want to create a
14 good relationship with all neighbors involved. We
15 intend to follow best practices and follow all
16 building codes and zoning ordinances.
17   As also previously mentioned,
18 we propose to install a six-foot opaque fence to
19 be erected along the entire northern and eastern
20 property line. It's hard to see, but along Morton
21 Road we propose a little grading. There's a 2
22 and-a-half berm with 100 percent proposed opacity
23 landscaping along Morton Road.
24   ACTING CHAIRMAN KETTER: Quick question.

Page 17

1 Not to throw you off, but your exhibit says you
2 are going to put the fence along the entire
3 northern and eastern. I didn't hear you say
4 eastern, did I miss that?
5   MR. HARMON: If I missed it, I mean
6 northern and eastern.
7   ACTING CHAIRMAN KETTER: Okay.
8   MR. HARMON: And then, finally, Mainfreight
9 as a tenant is interested in several sustainable
10 design elements. So they're interested in
11 installing solar panels, gray water collections,
12 xeriscape, rainwater harvesting, and any other
13 features that kind of promote a net decrease in
14 carbon consumption on the property.
15   And then if you flip to the
16 next page, it's a photometric plan. So very
17 briefly, all exterior lighting will meet code.
18 There will be no light that will spill over into
19 adjacent properties. The foot-candle
20 measurements, which are impossible to see, but are
21 all 0.0 at all the property lines, and parking lot
22 average will be 2.29 foot-candles. There's also,
23 when you measure light, glare is not associated
24 and does not read on a light meter, so it may

5 (Pages 14 - 17)

1 measure 0.0, but there still may be glare into
2 adjacent properties. If that is the case, we
3 propose to install shields along the light
4 fixtures in case there is any glare, if there are
5 any complaints or anything of that nature.
6 　　　　Flip to the next page, our
7 stormwater design. So everything that we propose
8 is designed in accordance with the county-wide
9 Stormwater Management Ordinances. Our site sits
10 lower in elevation than the properties to the
11 north and west. Flows overall will be bypassed
12 through the site, and therefore won't be blocking
13 any drainage. Discharge from the southern
14 detention area will naturally flow to the North
15 Avenue crossover due to the topography of the
16 site. And, finally, these cross-culverts have
17 already been designed to accept this flow, and it
18 will be a controlled release. So, overall, there
19 is -- again, there is no stormwater infrastructure
20 on-site, we're proposing to improve the existing
21 property.
22 　　　　Flip to the next page. We
23 provided a couple renderings of what the building
24 will look like.

1 ACTING CHAIRMAN KETTER: You know, we don't
2 really need those because it may not mirror that,
3 and it's -- you just have to build within the
4 code.
5 MR. HARMON: Okay.
6 ACTING CHAIRMAN KETTER: The only reason I
7 say that, too often everybody gets focused on
8 these photos and it doesn't match that and then
9 they complain. So as long as if you were to
10 proceed, you would build it pursuant to code.
11 MR. HARMON: Got it. We can skip this one.
12 If you go to the next page, it's the operations
13 plan. The proposed hours of operations are 7:00
14 a.m. to 5:00 p.m. Monday through Friday. The
15 proposed number of employees to be housed on this
16 property are 50 to 60. The site would see
17 approximately 60 Mainfreight owner/operator truck
18 drivers per week. This is because Mainfreight
19 doesn't employ those truck drivers, they are
20 independent operators and they would most likely
21 go to the site multiple times a week.
22 　　　　From a peak movement standpoint,
23 auto: Automobiles are at a 7:00 to 9:00 a.m. peak
24 morning travel and a 4:00 p.m. to 6:00 p.m.

1 evening travel.
2 　　　　From a truck perspective, we're
3 expecting 14 in and outs per day, and this would
4 mainly occur in the morning 7:00 a.m. to 9:00 a.m,
5 and they would return throughout the day.
6 ACTING CHAIRMAN KETTER: Wouldn't it,
7 though -- and maybe it's in the traffic study, I
8 apologize, if you have 14 out, you have more
9 coming back, or you're saying 14 trucks to go out
10 and come back?
11 MR. HARMON: It won't be the exact same
12 amount of truck because there'll be some stored
13 on-site for, you know, a day or two or more, but
14 it will be 14 in, 14 out each day.
15 　　　　Finally, trucks will utilize
16 both access points, will not idle, and there will
17 be no refrigerated trailers or on-site fueling.
18 　　　　Flip to the next page we
19 prepared a traffic study conducted by KLOA. And,
20 overall, the study found that capacity analysis
21 generally has sufficient reserve capacity to
22 accommodate the traffic to be generated by the
23 proposed facility.
24 　　　　There will be a full movement

1 access on Morton Road to accommodate truck turning
2 maneuvers, and the supplemental right-in only
3 access will increase access flexibility and
4 minimize the truck activity on the north side of
5 the site.
6 　　　　The study also found that
7 proposed access system will be adequate in
8 accommodating traffic estimated to be generated by
9 the facility and will ensure efficient and
10 flexible access will be provided.
11 　　　　And, finally, we have not
12 officially submitted to IDOT or Wayne Township;
13 however, preliminary conversations indicate
14 requirements that we will make to the off-site
15 infrastructure will be satisfactory.
16 　　　　It's also the petitioner's and
17 the tenant's request that we signalize the
18 intersection, but from our understanding, IDOT
19 will not approve that signal just based on the
20 trip generated from our development.
21 ACTING CHAIRMAN KETTER: All right, with
22 the Wayne Township, you mentioned that it appears
23 that that will be satisfactory, but he did send
24 comments in about a level asphalt or something on

6 (Pages 18 - 21)

1 there. Have you addressed those?
2   MR. HARMON: Yeah, we'll fully repave that
3 Morton Road area that's adjacent to the site, and
4 I think it was an 8-inch pavement.
5   ACTING CHAIRMAN KETTER: And does Morton
6 Road allow for -- is there enough room for that --
7 the 50-foot long tapered right lane on Morton Road
8 leading to the southern access?
9   MR. HARMON: That's our intention is to
10 install that.
11   ACTING CHAIRMAN KETTER: To try to get
12 through so we don't have to come back, their
13 certain is that based on the turn lane off of
14 North Avenue, that there wouldn't be enough room
15 to put that 50-foot tapered access. Has that been
16 addressed at all?
17   MR. HARMON: It hasn't yet, but we're in
18 communication with Wayne Township to ger that
19 addressed.
20   ACTING CHAIRMAN KETTER: Okay. Have you
21 seen this letter?
22   MR. HARMON: Yes.
23   ACTING CHAIRMAN KETTER: Okay. Maybe you
24 just want to then either -- and I know you have

1 the proposed plan, or do you want to go through
2 your proposed plan and then address that with your
3 traffic study? First of all, if you just tell
4 them all these and if they're in there, we don't
5 have to do anything. If they're not, I don't know
6 how you want to do it, if he wants to amend it or
7 his testimony, then we'll go from there.
8   MR. HARMON: Okay. If you flip to the next
9 page. So the conditional use standards, I pulled
10 these from the Zoning Ordinance, but I wanted to
11 just go through each one to establish how we
12 demonstrate compatibility in how we meet these
13 standards.
14   ACTING CHAIRMAN KETTER: That's a first.
15 We usually get they read them or just say we meet
16 them all, yes. All right, go ahead.
17   MR. HARMON: So overall we feel that we
18 demonstrated that the conditional use is in
19 harmony with the purpose and intent of the Zoning
20 Ordinance, that it is in like character with the
21 surrounding land uses and represents a
22 high-quality industrial development and improves
23 the North Avenue corridor, while providing a use
24 that is less intensive what currently exists

1 on-site, and of what was previously approved.
2   So, I'll go through each one.
3   ACTING CHAIRMAN KETTER: What was
4 previously approved was just parking of all semis.
5   MR. HARMON: Right. So, overall, the
6 conditional use will not impair an adequate supply
7 of light and air to adjacent property. We feel
8 the development demonstrates that all setbacks for
9 the O-R Office Research District will be met, and
10 this development will remove previously existing
11 non-conforming setbacks currently on-site related
12 to the two structures which encroach into the
13 front yard setback.
14   The second one: The
15 conditional use will not increase the hazard from
16 fire or other dangers to said property. The
17 development will be built pursuant to all current
18 building and fire codes.
19   The conditional use will not
20 diminish the value of land and buildings in the
21 vicinity of the proposed conditional use. The
22 development demonstrates that it will not diminish
23 neighboring land values, rather it will improve
24 stormwater infrastructure in and around the site.

1 We will improve Morton Road, and we will restrict
2 truck movements from going northbound on Morton
3 Road. The neighboring property value will not be
4 affected as a result of this development; in fact,
5 in terms of tax revenue, the existing --
6   ACTING CHAIRMAN KETTER: Tax revenue is,
7 just so there's no complaint, that's not for our
8 issue.
9   MR. HARMON: Okay.
10   ACTING CHAIRMAN KETTER: For zoning.
11   MR. HARMON: I will --
12   ACTING CHAIRMAN KETTER: You might want to
13 -- as they're sitting here and they're shaking, to
14 avoid maybe continuing, tell me how for the record
15 how it doesn't decrease their property values.
16   MR. HARMON: Based on the conditional use
17 that was already approved, that could move forward
18 today, what we have before you is something that
19 is less intense with more setbacks, with less
20 truck movement, something that isn't going to
21 impact adjacent neighbors as much.
22   ACTING CHAIRMAN KETTER: And just a quick
23 thing, because I had a concern with those, one of
24 the ways you're being able to make that setback on

7 (Pages 22 - 25)

1 North Avenue is because you're taking down those
2 two buildings that were just kind of grandfathered
3 in; correct?
4   MR. HARMON: Correct. But also in terms of
5 truck movements and flow of the site, we also
6 pushed the building back a little more.
7   ACTING CHAIRMAN KETTER: Okay. The only
8 question I have is, is this a Monday through
9 Friday or Saturday? I forgot what that said.
10   MR. HARMON: So typical hours are Monday
11 through Friday, but on the occasional weekend or
12 after hours there will be trucks arriving
13 throughout the day. And this is common with any
14 kind of industrial development.
15   ACTING CHAIRMAN KETTER: I was just --
16 hopefully they're not having some complaints or
17 conversation, there's a church right there on
18 Sunday they have a massive amount of people and
19 they have to hire the County to direct traffic.
20 Do you anticipate, or could you put a condition of
21 nothing on Sunday, or during the hours of their
22 service?
23   MR. HARMON: I don't anticipate any truck
24 traffic during that time, but I don't think we

1 use will not increase the potential for flood
2 damages to adjacent property. As existing as I
3 said multiple times, there is no stormwater
4 infrastructure on-site, and it was not a
5 requirement as part of the already-approved CU.
6 The development demonstrates that a stormwater
7 detention system and other stormwater will be
8 installed as per county building codes. Overall,
9 the development will be a net positive to the
10 property and surrounding properties related to
11 stormwater management.
12   Number six, the conditional use
13 will not incur additional public expense for fire
14 protection, rescue or relief. We, the petitioner,
15 state that we will pursue and obtain the proper
16 permits from DuPage County, IDOT, Wayne Township
17 any other relevant entities; therefore, the
18 project will be built pursuant to the current
19 building codes.
20   Finally, the conditional use
21 will not otherwise impair the public health,
22 safety, comfort, morals, or general welfare of the
23 inhabitants of DuPage County, nor will it
24 otherwise create a nuisance. We feel the

1 would be amenable to a condition, but our
2 Mainfreight rep can also speak on that.
3   ACTING CHAIRMAN KETTER: Okay.
4   MR. HARMON: Number four, the conditional
5 use will not unduly increase traffic congestion in
6 the public streets and highways. The development
7 demonstrates a reduction of truck movements and
8 overall truck quantities on-site as to what was
9 previously approved. Traffic congestion will not
10 increase compared to what was previously approved
11 on-site. In fact, the traffic study from the
12 previous approval indicated there are 443 daily
13 truck and automobile trips a day. Our traffic
14 study shows that there will be 80 daily trucks,
15 daily truck and automobile trips a day; 20 trucks,
16 60 automobiles. Further, the existing operation
17 without the rezoning conditional use or
18 improvements made on the property registers 293
19 trips a day, and that's today, totalling more than
20 200 trips what our proposal will generate.
21 Therefore, our development will significantly
22 improve traffic flow and congestion as it exists
23 today.
24   Number five, the conditional

1 development demonstrates the improvements to the
2 subject property will be an added benefit to the
3 area, will create approximately 60 high-paying
4 jobs, and will be built and upgraded to all code
5 requirements.
6   With that, that concludes my
7 presentation and I'm happy to answer any
8 questions.
9   ACTING CHAIRMAN KETTER: Why don't you go
10 through your witnesses and then we can see if we
11 have questions and then see where we're at with
12 the time and then what -- they're here to make
13 comments.
14   MR. HARMON: Okay.
15   ACTING CHAIRMAN KETTER: What are your
16 witnesses planning to testify to, the first one?
17 Here's what I normally -- it's possible you can
18 say what their presentations are and they can just
19 stand up and say they agree with you, or they say
20 where you were wrong, or I guess they can just do
21 their presentation. What's the presentation,
22 that's what I'm still trying to find out.
23   MR. THAETE: My name is Fred Thaete,
24 T-h-a-e-t-e, I'm with Cage Engineering, civil

8 (Pages 26 - 29)

1 consultant on the job. I would be responsible or
2 am responsible for stormwater management, site
3 layout, fire apparatus movement throughout the
4 property, and I don't have any further testimony
5 to give. I concur with everything that's been in
6 the presentation, and I'm really here as support
7 in the event that anybody has questions that may
8 have been generated pertaining to those items;
9 stormwater, site circulation, fire apparatus.
10   ACTING CHAIRMAN KETTER: I've found that
11 our stormwater requirements in DuPage County are
12 very strict and they make you adhere.
13   MR. THAETE: Yep.
14   ACTING CHAIRMAN KETTER: The only thing
15 that I see, and maybe you can address it, Carol
16 Stream weighed in, the fire department, they
17 didn't have any questions at this point, but as it
18 went along I note on the -- where you laid out the
19 building and how it's going to go, I don't see, or
20 maybe we can address, can fire trucks get in
21 there and adequately -- most of them show us a
22 traffic pattern and the in-and-out, and they make
23 sure the big equipment can maneuver in there.
24   MR. THAETE: Yeah, I would agree that that

1 would be typical for like a smaller, tighter
2 parking lot. This facility is designed for WB-65,
3 and even WB-67 trucks, and what those are are the
4 large interstate haulers, the large cab and the
5 53-foot trailers that articulate at the rear
6 wheels. So this site has been designed such so
7 that those can get in and out. That's a
8 requirement of the tenant. Fire trucks have zero
9 issues making those maneuvers. We can and will do
10 that demonstration with the fire department to
11 prove that out to them. They may have other
12 issues associated with fire flows, things like
13 that that we will have to address with them as
14 well, but I am -- you know, I can testify at this
15 point in time we have done the analysis for the
16 larger trucks and I am certain that a fire truck
17 has zero issues getting through. Not only the
18 truck areas, but also the north/south boundary of
19 the car parking lot, the way that the parking lots
20 are required dimensionally to be, fire trucks have
21 no issues working their way through that parking
22 lot as well.
23   ACTING CHAIRMAN KETTER: Okay, that answers
24 that. Thank you.

1   MR. DE FILY: My name is James DeFily, I am
2 with Mainfreight.
3   ACTING CHAIRMAN KETTER: Spell it for the
4 court reporter, please.
5   MR. DE FILY: Oh, sorry, last name is
6 spelled D-e-f-i-l-y. I'm with Mainfreight, the
7 tenant at the site, and I agree with everything
8 that has been presented.
9   ACTING CHAIRMAN KETTER: Thank you. Who's
10 next?
11   MR. CHRISTEL: Good evening, my name is
12 David Christel, C-h-r-i-s-t-e-l. I'm with Argo
13 Murray, we're the design build general contractor
14 for this, and I concur with everything in the
15 presentation. I would be happy to answer any
16 questions.
17   ACTING CHAIRMAN KETTER: Thank you. I just
18 thought of one thing. If the Board has any
19 questions for each one, I should stop right there.
20 On what you've heard so far, did anybody have a
21 question?
22   (No response.)
23   ACTING CHAIRMAN KETTER: Sorry. Bob?
24 He doesn't, I guess.

1   CHAIRMAN KARTHOLL: No, I don't have any
2 questions at this point, Barry. I am -- I just
3 don't have all of the exhibits with me as you do,
4 so I don't know if the interior circulation is
5 clearly indicated on an exhibit, but before this
6 is finally resolved I -- you know, it usually is,
7 and I think it should be.
8   ACTING CHAIRMAN KETTER: All right, did you
9 hear the testimony of the expert that it does meet
10 that? We can get one, but his study -- I don't
11 know, do you have any exhibit that says that?
12   CHAIRMAN KARTHOLL: Yeah, I heard the
13 conclusions, but I don't see --
14   ACTING CHAIRMAN KETTER: That's what I'm
15 trying to find out.
16   CHAIRMAN KARTHOLL: I mean, typically we
17 have more than a conclusion, we have some sort of
18 a circulation plan.
19   MR. THAETE: Yeah, I don't necessarily have
20 an exhibit here today. We've done the analysis in
21 the office. We normally have that as part of our
22 final engineering plans that get our permit for
23 construction. Not only does the fire department
24 always want to see their specific apparatus

1 through there, but typically Building and Zoning
2 Department here at DuPage County also wants to see
3 that, as well as car vehicles going through the
4 facility, and the facility is adequate for the
5 proposed use of the trucks.
6   ACTING CHAIRMAN KETTER: Okay, but normally
7 I know what the chairman is talking about, we have
8 an actual exhibit that shows the pattern that
9 shows that the fire trucks and the semis do it.
10 Could we get that submitted to us?
11   MR. THAETE: Yes, absolutely.
12   ACTING CHAIRMAN KETTER: Per your findings,
13 we'll just make it an addendum.
14   MR. THAETE: Yeah, I just need to have
15 access to my computer to print one out for you.
16   ACTING CHAIRMAN KETTER: Thank you.
17   MR. HARMON: There is a truck turning
18 movement diagram at the last page of not the
19 presentation, but the other stapled. It shows
20 access movements.
21   MR. THAETE: And that exhibit's primarily
22 going to demonstrate just adequate access in and
23 out of the site, not through the site, so we can
24 continue to amend that to show full circulation

1 through the entire site.
2   ACTING CHAIRMAN KETTER: Okay, if you
3 would. Thank you.
4   CHAIRMAN KARTHOLL: Thank you.
5   MR. HARMON: Yeah, I think that concludes
6 our testimony.
7   ACTING CHAIRMAN KETTER: Do you want to do
8 me a favor? Do you have the copy of the letter
9 from Carol Stream?
10   MR. HARMON: I don't have a hard copy.
11   ACTING CHAIRMAN KETTER: Here you go. For
12 purposes of the record, when KLOA comes on, would
13 you address these -- he probably doesn't have a
14 copy with him, does he?
15   MR. HARMON: I don't believe so.
16   ACTING CHAIRMAN KETTER: I'm doing what I
17 hate when everybody else runs to me, I'm not
18 talking into the microphone. If you could go
19 through the concerns. We addressed already the
20 increase of blacktop that you're going to do with
21 the highway and you can inform him, and that you
22 could you go -- you have the other presentation,
23 if he has more of your traffic study or something,
24 and then just I think there's three questions, if

1 you could go through those with him.
2   MR. HARMON: Sure.
3   CHAIRMAN KARTHOLL: I have a -- Mr. Ketter,
4 I have a point of order on that. I don't
5 understand the value of going through the
6 concerns. The petitioner was invited to meet with
7 Carol Stream and resolve the concerns, so if we
8 just talk about those concerns now, what value is
9 that? It seems to me the meeting should occur,
10 resolution of the issues should be resolved
11 definitively one way or the other, and that should
12 be used to supplement the record. But, I mean,
13 you're leading the meeting, so do as you see fit.
14   ACTING CHAIRMAN KETTER: All right. Here's
15 my only concern: There's nobody here from Carol
16 Stream, so I'm trying to give them more than they
17 probably should be accorded. They have these
18 objections, they didn't show up for tonight, I
19 would like to at least get some testimony in the
20 record as to their stance on these concerns by the
21 traffic study, and then let Carol Stream take
22 whatever action they want after that.
23   CHAIRMAN KARTHOLL: That's fine.
24   ACTING CHAIRMAN KETTER: I was informed one

1 of the problems here is between the state and the
2 township?
3   MR. HARMON: Yeah. So just to add a little
4 color on all of this --
5   ACTING CHAIRMAN KETTER: Well, okay, here's
6 my concern: Okay, add your color then, then we'll
7 see, maybe that will clear up.
8   MR. HARMON: So we met with Carol Stream
9 yesterday and we addressed the concerns they had.
10 They gave us a couple supplemental site plans
11 which showed an access onto North Avenue, which we
12 were amenable to, but it really all depends on
13 whether or not IDOT requires it, which we don't
14 think that -- we're skeptical that the access we
15 have shown here that's right off of North Avenue,
16 the southern access will get approved by IDOT. In
17 the event it doesn't, we may pursue that southern
18 access onto North Avenue, the one that Carol
19 Stream is recommending.
20   ACTING CHAIRMAN KETTER: Okay. And you
21 know what, thank you, I guess I gave Carol Stream
22 a courtesy that they did not afford us that you
23 had met. Thank you.
24   MR. HARMON: We met with Dan Bastian -- Don

10 (Pages 34 - 37)

1 Bastian and Robert Mueller.

2 ACTING CHAIRMAN KETTER: That's who

3 authored this letter. Okay.

4 COMMISSIONER ANDERSON: You should have

5 told us that at the beginning. It would have been

6 helpful.

7 MR. HARMON: Yeah, apologies.

8 ACTING CHAIRMAN KETTER: All right. Do you

9 -- the final thing is do you have anything else

10 that you want to add or your traffic expert wants

11 to add?

12 MR. HARMON: Brendan, do you have -- do you

13 want to address anything in the presentation?

14 MR. MAY: Hi, everybody. First, thanks for

15 accommodating me with Zoom this evening. I am

16 Brendan May with KLOA, and we prepared the traffic

17 impact study. I think my report is very well

18 summarized in the presentation, and I agree with

19 everything that was presented this evening.

20 ACTING CHAIRMAN KETTER: Okay, thank you.

21 Before we go further, is there

22 any questions from the Board?

23 (No response.)

24 ACTING CHAIRMAN KETTER: At this point you

1 probably have a final statement. There are people

2 here, does anybody here feel the need to or want

3 to say something for or against this petition?

4 How many do we have? One?

5 UNIDENTIFIED SPEAKER: Does that include

6 questions?

7 ACTING CHAIRMAN KETTER: Yes. Okay, it

8 appears three people. Do you want to stand and

9 raise your right hand, we'll swear you in, and

10 then we can proceed in the order you guys are most

11 comfortable with.

12 (Whereupon, the oath was duly

13 administered by the Notary.)

14 ACTING CHAIRMAN KETTER: All right, before

15 we begin, let me just explain one thing: We put

16 -- depending on where you live, if you're right by

17 the site, we give a little extra time. We usually

18 like to limit it to three minutes. When you get

19 up, would you tell us your name, spell the last

20 name, where you live in proximity to the proposal

21 tonight, and then if you could -- so we always

22 know, and maybe it's because we're dumb, if you

23 could each, as you get up, if it's not questions,

24 tell us right up front I agree or disagree, and

1 then tell us why or whichever answer.

2 Having said that, who wants to

3 go first? There's three of you. Go to the

4 microphone, tell us where you live in proximity,

5 if you agree or disagree and why. Or if you just

6 have questions, just ask your questions.

7 MS. PEDUZZI: My name is Ann Peduzzi.

8 THE COURT REPORTER: Can you spell your

9 last name?

10 MS. PEDUZZI: P-e-d-u-z-z-i, I live on

11 Morton Road three doors down from the property.

12 We just have some concerns, and this is not only

13 myself, but other neighbors in our neighborhood.

14 And I got some of these from -- I'm one of the

15 reps for Wayne Township Association Homeowners,

16 and so here's some of my things. And I'm sorry if

17 they're going to be kind of out of order because

18 he said things that brought up.

19 ACTING CHAIRMAN KETTER: Bob, are you

20 hearing this or not?

21 CHAIRMAN KARTHOLL: Yes, I can hear it.

22 ACTING CHAIRMAN KETTER: Pull it down just

23 a hair.

24 MS. PEDUZZI: First of all, I brought some

1 pictures that I'll leave with you guys. The first

2 one is --

3 ACTING CHAIRMAN KETTER: Did you take

4 these?

5 MS. PEDUZZI: Yes. Not allowed?

6 ACTING CHAIRMAN KETTER: How recent are

7 they?

8 MR. PEDUZZI: These are May 3rd. I have

9 them labeled. This is April.

10 ACTING CHAIRMAN KETTER: We'll take those

11 as -- are you for, against, neutral? What is your

12 position?

13 MS. PEDUZZI: I'm going to say neutral.

14 ACTING CHAIRMAN KETTER: We'll take it as

15 Neutral Exhibit 1.

16 (Whereupon, Neutral Peduzzi

17 Exhibit 1 was marked for

18 identification.)

19 MS. PEDUZZI: So the first one is just one

20 of the 18-wheelers pulling in. They take up the

21 whole street when -- they have to pull into the

22 left lane so the traffic coming southbound has to

23 stop and wait because their entrance is very not

24 wide. And the other one --

11 (Pages 38 - 41)

1   ACTING CHAIRMAN KETTER: And you're
2 introducing that for the purposes of it's a safety
3 issue?
4   THE WITNESS: We don't think the street is
5 accommodatable to these large 18-wheelers. It's
6 going to, you know, affect the traffic going down
7 north and south on Morton Road when they're trying
8 to get in because they take up the whole three
9 lanes. There's a northbound lane, a southbound
10 lane, and a center lane at that point.
11   And the other one, there's five
12 pictures, this was after a moderate rain and
13 they're all pictures of standing water. And now
14 you're going to put asphalt down. Right now with
15 the gravel I would think that the ground is more
16 absorbent. Now you're putting asphalt down, where
17 is the water going to go?
18   ACTING CHAIRMAN KETTER: I think that was
19 part of their plans with the berms and that, and
20 stormwater will address that. The code requires
21 them not to expel water off, so that -- like I
22 say, I feel confident with our water and
23 stormwater that that would be addressed. If not,
24 then you have a future, I guess a future

1 complaint.
2   MS. PEDUZZI: Okay. Another traffic thing
3 that we have is we would like, and you did address
4 this, we would like right-turn only into the
5 property and left-turn only out so that they're
6 not going -- once they pass their property, we're
7 all residential.
8   ACTING CHAIRMAN KETTER: You know, in all
9 due respect, I think we addressed that in this
10 case and other cases. They'll put the signs up,
11 they'll control it, but that's as much as -- we
12 can make that a condition and if it's a condition
13 they post it. This is a little bit better because
14 they actually control everybody that's on the
15 property. So that we will make -- if it passes
16 that -- I don't want to decide this ahead of time
17 -- and i think that's how your thing is marked
18 now; correct?
19   UNIDENTIFIED SPEAKER: Yes.
20   ACTING CHAIRMAN KETTER: And was the
21 traffic study based on no right out?
22   MR. MAY: Correct. We even indicated that
23 we wanted all trucks to turn left towards North
24 Avenue.

1   ACTING CHAIRMAN KETTER: Okay.
2   MS. PEDUZZI: Then one more traffic
3 concern, and I was going to try to take pictures,
4 and I couldn't. When the big 18-wheelers pull out
5 of there and go to North Avenue, they have to wait
6 for the westbound traffic to clear, so then they
7 cross to the median, and now they're blocking all
8 three lanes of the westbound traffic while they
9 wait for the eastbound traffic to clear so they
10 can make the left turn to go east. It's a big
11 concern. I know that no light can go in there
12 because the church wanted one, the church was
13 going to pay for it, and the state, IDOT, whatever
14 you call it, declined them. So I knew that that
15 light that you'd like, the state has already
16 disapproved.
17   The other thing was the water
18 --
19   ACTING CHAIRMAN KETTER: While you're going
20 to make for your -- the traffic study and he's the
21 expert on it, based on her question about those
22 turns, do you have a comment?
23   MR. MAY: Just that North Avenue has that
24 extra large median that can accommodate a

1 two-stage left turn for trucks when they're
2 waiting.
3   MS. PEDUZZI: No.
4   MR. MAY: I don't have the photos or
5 observations of trucks blocking the lanes during
6 the peak hours, but it's something we could
7 certainly look into more closely.
8   MS. PEDUZZI: I mean, we've seen the trucks
9 block all three westbound lanes while they're
10 waiting for the eastbound. I mean, if you'd like
11 pictures, I can bring it for the next meeting.
12   ACTING CHAIRMAN KETTER: No, you've seen
13 it. They can summarize them. The thing I was
14 trying to get as much as we can in the record
15 tonight.
16   MS. PEDUZZI: And then he mentioned 14
17 trucks a day, and then he said 200. Which is it?
18   ACTING CHAIRMAN KETTER: In all due
19 respect, and they can answer that, I think it has
20 the capacity for 200 trucks on the property, but
21 they anticipate 14 out, 14 in, and the odd ones
22 that come up from somewhere else coming in. Is
23 that correct?
24   MR. HARMON: 200 is what's existing today.

12 (Pages 42 - 45)

1 What we propose is 14 in and out a day.
2   MS. PEDUZZI: So you're saying there's 200
3 trucks on the property, but only 14 will go in and
4 out?
5   MR. HARMON: So, the use today, that's what
6 is the 293 number actually. What we're proposing
7 is to completely demo the existing use, and our
8 new use would then have the 14 a day.
9   MS. PEDUZZI: You'd still have --
10   ACTING CHAIRMAN KETTER: Just for the
11 record, and you can go back and forth, would you
12 state for the record your name again just so we
13 know who gave those comments.
14   MR. HARMON: Connor Harmon, Timber Hill.
15   ACTING CHAIRMAN KETTER: Okay.
16   MS. PEDUZZI: Okay. So it's my
17 understanding that there will be 200 trucks or
18 trailers on the property, but only 14 going in and
19 out, and the hours of operation are going to be
20 Monday through Friday for the most part, and then
21 will that ever change?
22   MR. HARMON: The hours of operation --
23 sorry.
24   ACTING CHAIRMAN KETTER: Just to clarify

1 the one point, you have up to 200 trucks. Do you
2 plan to have on-site on a regular basis 200
3 trucks?
4   MR. HARMON: No. There's 44 tractor spaces
5 and 86 trailer spaces, so a lot of times -- James
6 can speak to this, but a lot of times that will
7 just be holding inventory and storage. Those
8 won't be trips generated. And the previous
9 approval from 2021 had 238 approved.
10   ACTING CHAIRMAN KETTER: You know what, let
11 me clarify, maybe I'm wrong, Paul, this is a new
12 request, so you can't ducktail the old request
13 into the new one; correct?
14   MR. HOSS: That's correct. The old request
15 which was entitled by the County Board, that will
16 entirely go away in place of this new proposal.
17   ACTING CHAIRMAN KETTER: Are you finished?
18   MS. PEDUZZI: I have a few more questions.
19   ACTING CHAIRMAN KETTER: I think -- are you
20 going to answer one of her questions?
21   MR. DE FILY: I was going to address the
22 daily operation.
23   ACTING CHAIRMAN KETTER: Do that.
24   MR. DE FILY: Again, James DeFily with

1 Mainfreight. So as part of our daily operation,
2 part of the 14 in and outs, those are our daily
3 pick-up and delivery trucks, so those will be the
4 ones that are constantly moving. Part of the site
5 design for the proposed tractor stall parking and
6 then the trailer parking, part of that will be to
7 eliminate the trucks that will have a need -- at
8 some sites you might have seen before where trucks
9 idle either overnight or in the afternoon waiting
10 to find a bay. What that site plan does is that
11 will allow it to park there. As a matter of
12 efficiency, they would either be unload or loaded,
13 parked in those 14 are the ones that are part of
14 our daily operation, the ones that technically
15 come and go.
16   MS. PEDUZZI: Will they be idling?
17   ACTING CHAIRMAN KETTER: What was your --
18 repeat her question.
19   MR. DE FILY: Sure. It was with regard to
20 truck idling, they won't be idling.
21   ACTING CHAIRMAN KETTER: That was in the
22 presentation.
23   MR. DE FILY: Part of what we do as -- part
24 of our culture at Mainfreight is we really try and

1 take the best care of our drivers, so what we
2 really try and do is really eliminate a lot of
3 that with our site development. One, give them a
4 place to park. After they've come from driving
5 from California or the far east coast, they have a
6 place to park their vehicle as soon as they get
7 on-site. Part of what's in part of the class A
8 office space that's going to be on-site there is
9 hotel rooms, so there is not a need for them to
10 actually park or sleep in their trucks and leave
11 them running to have the heat on, things like
12 that, they have a place to --
13   COMMISSIONER ANDERSON: I have a question.
14 There's going to be rooms for people overnight?
15   MR. DE FILY: I'm sorry?
16   COMMISSIONER ANDERSON: You said in the
17 building there'S going to be rooms for people
18 overnight?
19   ACTING CHAIRMAN KETTER: I'm going to
20 repeat it. I didn't give you the microphone, I'm
21 sorry. It jumped out at me that was not in the
22 presentation. My understanding, and I agree with
23 Janice, the purpose of a warehouse, and that's
24 what you plan to build, is to store and distribute

13 (Pages 46 - 49)

1 goods.

2   MR. DE FILY: Correct.

3   ACTING CHAIRMAN KETTER: I don't see, and

4 maybe you can bring it my attention or clear the

5 record up, for motels and overnight guests where

6 that is? In the conditional use, and maybe you or

7 somebody else, you're on a septic system and if

8 you're going to have a big motel and that, I think

9 we're going to have real problems.

10   MR. DE FILY: No, no. I probably

11 overstated and misspoke on that, it's just a place

12 for them to come and step out of their truck while

13 their truck is being serviced so that they're not

14 sitting in their cab while it's cold out in the

15 middle of the winter and have their heat running

16 or their truck or anything.

17   COMMISSIONER ANDERSON: How long do they

18 stay? We've had issues with other developments

19 where people come in overnight, they're walking to

20 a restaurant establishment, I mean I'm a big

21 supporter of our hotels here in DuPage County, we

22 have associations for that, so I don't want the

23 neighbors or someone intoxicated walking down the

24 street because they're going to leave the next day

1 and walking into people's homes because we don't

2 know who these people are either, or where they're

3 from.

4   MR. DE FILY: Sure, absolutely.

5   ACTING CHAIRMAN KETTER: Based on what

6 Janice said and that, then you have no problems

7 with us changing the record there will be no motel

8 rooms and there might be a little rest area that

9 --

10   COMMISSIONER ANDERSON: So it's like a

11 waiting area?

12   ACTING CHAIRMAN KETTER: A waiting area

13 with some soft drinks or something, but they're

14 not going to wait for, like, two days and lay in

15 there; is that correct?

16   MR. DE FILY: No.

17   COMMISSIONER ANDERSON: No beds?

18   MR. DE FILY: No beds.

19   MR. BATTISTONI: Ryan Battistoni,

20 B-a-t-t-i-s-t-o-n-i, with Timber Hill Group.

21 We've designed and are building other facilities

22 across the country, and I think what James was

23 referencing was given their culture, they try to

24 have amenities on-site for their drivers, which a

1 lot of terminals do not have which does result in

2 people walking down the streets having to go.

3 They provide what they refer to as driver break

4 rooms so that while the truck is being serviced --

5 loaded, not serviced, that's a bad term as well,

6 but loaded and unloaded, the driver can go be in

7 an area secluded from the office staff where they

8 can make phone calls, do things like that. It's

9 dedicated for drivers, it's not for -- it's not

10 open to the public, it's not anybody coming in

11 over the road, it's Mainfreight drivers coming in

12 so that they don't run trucks idle while they're

13 operational.

14   COMMISSIONER ANDERSON: Thank you.

15   ACTING CHAIRMAN KETTER: Let's have our

16 staff carefully, carefully work with the

17 petitioner to create a condition to this effect.

18   ACTING CHAIRMAN KETTER: That's what I was

19 already thinking we were going to start here, too.

20 All right. Ma'am?

21   MS. PEDUZZI: Okay. And he did address the

22 lights. One question, will they go out before

23 let's say 9:00 or 10:00 p.m. as the church dims

24 their lights at around 9:00 or 10:00 a.m. [sic],

1 so that I would hope it's to save money and

2 electricity, but so it doesn't affect the whole

3 neighborhood. You know, the church is large and

4 they have lots of lights, but they dim them about

5 9:00 once their activities are over, so we're

6 hoping that they would do the same.

7   ACTING CHAIRMAN KETTER: Correct me if I'm

8 wrong, your presentation was these would be put in

9 and controlled so that the light would stay on the

10 property?

11   MR. BATTISTONI: Correct.

12   ACTING CHAIRMAN KETTER: And just for her

13 question, do you have hours of operation on the

14 lights?

15   MR. BATTISTONI: From a security

16 standpoint, because they do have equipment staying

17 there, the lights do stay on; however, in the

18 photometric we identified zero foot-candles, which

19 is the metric for measuring your light at the

20 property line and then shielding, so there is no

21 reflectivity happening.

22   MS. PEDUZZI: So they're down and in?

23   ACTING CHAIRMAN KETTER: Just a quick thing

24 on that from what staff has told me.

14 (Pages 50 - 53)

1 MR. BATTISTONI: Fully cut off.

2 ACTING CHAIRMAN KETTER: They will be

3 working with our staff on the Dark Light

4 Initiative.

5 MR. HOSS: Dark Sky.

6 ACTING CHAIRMAN KETTER: Dark Sky, and it

7 would be my impression and my thinking that if you

8 don't agree to it, we'll probably just make that a

9 condition. So as you're talking to staff, think

10 that in mind and probably save us the time and

11 trouble of making it a condition.

12 MS. PEDUZZI: This might be my last one,

13 but the septic field, where does that tie into the

14 building? I mean, we're all on well and septic,

15 so the septic field is like real close to our

16 homes. Your septic field is all the way on the

17 north end, so how does that all tie in? Is that

18 regulated?

19 ACTING CHAIRMAN KETTER: Yeah. Stormwater

20 will regulate it and if they think it needs to be

21 bigger, smaller, or that will be done.

22 MR. PEDUZZI: Okay. All right, thank you.

23 ACTING CHAIRMAN KETTER: Would you give the

24 pictures you had there.

1 Who's next? There's two of

2 you.

3 MR. PEDUZZI: My name is Phillip Peduzzi,

4 P-e-d-u-z-z-i, I live four houses north of this

5 property on Morton Road. My concern is --

6 ACTING CHAIRMAN KETTER: Do you agree,

7 disagree, or are you neutral?

8 MR. PEDUZZI: I'm neutral. My concern is

9 in our area three ponds, plus the pond detention

10 pond from the church that comes across Morton Road

11 just north of the entrance to that property now.

12 It drains in there and it goes into a storm

13 structure that drains diagonally all the way

14 across to like where the water softener place is,

15 and that is only a 12-inch pipe. Where is all

16 this water going with all that pavement going down

17 in this area?

18 ACTING CHAIRMAN KETTER: Is that your only

19 question, or do you have --

20 MR. PEDUZZI: That's my only question.

21 MR. THAETE: Again, Fred Thaete, Cage

22 Engineering. So as a part of the countywide

23 Stormwater Ordinance we are required by law to

24 accept any water that comes at us. So all that

1 water, even the emergency overflows from those

2 adjacent ponds in the church, when those fill up

3 they overflow at this property. We're going to be

4 required to either pipe some of the lower flows,

5 similar to what they're doing now, but 12 inches

6 isn't going to cut it, it's going to be a much

7 larger pipe. When that pipe capacity is exceeded,

8 we're going to need to provide an overflow route.

9 So the route is going to end up being south along

10 Morton Road and then back through the night. In

11 an ideal world, we wouldn't have this water go

12 into our detention basis, we would have the

13 off-site water bypass the ground, and then any

14 water or runoff that's generated on our property

15 needs to go through a detention basin, and then

16 it's a restricted release rate. So we end up

17 putting in a small diameter restricted that slows

18 the water down so that every time it rains, we get

19 a heavy rain, the water in the detention basin

20 fills up and then releases slowly over time.

21 And what that does is that the high flow of water

22 through small drainage swales creates the flooding

23 issues, and what detention basins do is slow that

24 water down so you don't end up with the higher

1 flood rates.

2 MR. PEDUZZI: But that pipe that goes

3 diagonally across --

4 ACTING CHAIRMAN KETTER: Sir, you're going

5 to have to go to the microphone.

6 MR. PEDUZZI: That goes diagonally across

7 here, is that going to be enlarged?

8 MR. THAETE: That pipe is going to be

9 completely removed and a new larger diameter storm

10 sewer pipe is put in.

11 MR. PEDUZZI: What size?

12 MR. THAETE: We haven't gone through the

13 sizing calculations yet, but that's part of the

14 County code, like we can't cut corners, we can't

15 -- the Building Department is going to hold us to

16 their code to the T, so we're going to need to

17 turn around and figure out exactly what size

18 that's going to be, how that commingles with the

19 water that's generated on-site and gets into our

20 detention basim and goes around the property.

21 We're not going to be allowed to create any

22 nuisance on the upstream of the property. So

23 anything that happens there right now, that Morton

24 Road floods or there's water sitting in the

1 roadside ditches, those conditions are all going
2 to be improved with new infrastructure that gets
3 put in.
4   MR. PEDUZZI: One more question.
5   ACTING CHAIRMAN KETTER: Wait, can I just
6 do one thing? I think it's going to clear up one
7 thing. Right now there is no detention, water
8 detention on the property?
9   MR. THAETE: That is accurate.
10   ACTING CHAIRMAN KETTER: You plan to add
11 it?
12   MR. THAETE: Correct.
13   ACTING CHAIRMAN KETTER: And you cannot
14 send water off your property to another property?
15   MR. THAETE: We can only send water to
16 another property that currently has water flowing
17 to it. What we have to do is --
18   ACTING CHAIRMAN KETTER: You can't increase
19 any -- I didn't say it all the way.
20   MR. THAETE: Accurate.
21   ACTING CHAIRMAN KETTER: You can't increase
22 what's going on now.
23   MR. THAETE: Correct. We have
24 requirements, we either have to match the lesser

1 of what's going there now, or the allowable
2 release rate by code. You do the analysis for
3 both, and you meet the lesser of the two.
4   MR. PEDUZZI: One more question. Are there
5 any storm sewers in this -- where all this
6 pavement is?
7   MR. THAETE: Yes, there will be storm
8 drains on the pavement to collect water and take
9 that storm sewer or that collected water directly
10 to the detention basin.
11   MR. PEDUZZI: Can it handle all that water?
12   MR. THAETE: Yes, that's what it's designed
13 to do. The size of this detention basin is sized
14 so that it slows the release of the water down to
15 the allowable release rate during the design
16 storm, which in DuPage County is the 100-year
17 24-hour storm.
18   ACTING CHAIRMAN KETTER: And that 100-year
19 seems to be every five years now.
20   MR. THAETE: Which is why they've recently
21 upped the rainfall depths.
22   MR. PEDUZZI: Because there's three ponds
23 north of this area, plus the church detention
24 pond, all dump into that 12-inch pipe that goes

1 here, and I don't know exactly where, but it dumps
2 out.
3   MR. THAETE: Yeah, there's culverts
4 underneath.
5   MR. PEDUZZI: And I've seen that back up
6 -- I've seen it back up to three ponds.
7   MR. THAETE: I'm not going to disagree with
8 you, that pipe at 12 inches is probably
9 substantially undersized.
10   MR. PEDUZZI: It is.
11   ACTING CHAIRMAN KETTER: And you'll change
12 it?
13   MR. THAETE: Yes.
14   ACTING CHAIRMAN KETTER: And you'll meet
15 the code of the county?
16   MR. THAETE: Correct.
17   MR. PEDUZZI: No more questions.
18   COMMISSIONER ANDERSON: It was a long one
19 question.
20   MR. LENZ: Good evening, Robert Lenz,
21 L-e-n-z. I own the property at 27W250 North
22 Avenue. I am directly east of the proposed
23 property. And to answer your question, I'm going
24 to hold back on whether I'm for or against based

1 on the answer to my question.
2   ACTING CHAIRMAN KETTER: How many questions
3 do you have? I was going to say if we're going to
4 have three or four, just ask all four.
5   MR. LENZ: I have one question, but before
6 I ask my question I want to thank you for
7 outlining what is there -- not what's there now,
8 but what's allowable there now and what you are
9 proposing. It sounds to me like it's a drastic
10 improvement for the community, a drastic reduction
11 of traffic and chaos. I will say that since they
12 have cleared that land, I witnessed multiple times
13 a day tractors blocking the westbound lanes, all
14 three lanes, while waiting to turn eastbound on
15 North Avenue. It is a concern of theirs, legit.
16 It's a concern, it's a safety concern for
17 everybody involved, so I will attest to the fact
18 that that happens multiple times a day. My
19 question is, I must have missed it, but did you
20 say that this is going to be all asphalt, or is it
21 going to continue as gravel? This is my question.
22   ACTING CHAIRMAN KETTER: Okay. Who's going
23 to answer that?
24   MR. BATTISTONI: Ryan Battistoni with

16 (Pages 58 - 61)

1 Timber Hill. There will be no gravel on the site
2 anymore, it will be 100 percent improved to
3 commercial standards.
4   MR. LENZ: Okay. To answer your question,
5 I'm for it.
6   ACTING CHAIRMAN KETTER: Okay.
7   MR. LENZ: My concern was the gravel and
8 the dust all day long. They eliminated all of the
9 screening that blocks the dust from coming at us
10 by clearing the land. So, if there's no gravel,
11 there's hopefully no dust. Thank you for your
12 time, everybody.
13   MS. PEDUZZI: Can I ask one more question?
14   ACTING CHAIRMAN KETTER: Is it one of these
15 one question that's 20 minutes?
16   MS. PEDUZZI: No, it's just one question.
17   ACTING CHAIRMAN KETTER: All right, what is
18 your question?
19   MS. PEDUZZI: The question is they're
20 already preparing to pour the asphalt. They
21 cleared the land.
22   ACTING CHAIRMAN KETTER: You know what,
23 since you're actually putting, we got to put it on
24 the record. I thought it was like a brief and I

1 would repeat it, but I'm going to lose it.
2   MS. PEDUZZI: Okay, all right.
3   ACTING CHAIRMAN KETTER: Reintroduce
4 yourself to the court reporter.
5   MS. PEDUZZI: I apologize. Ann Peduzzi
6 again. My question is, from the looks of things
7 it's already proved. You guys have cleared the
8 land, you've -- yesterday you put down, and I
9 don't know what it's for, you put down plastic
10 orange stuff around the perimeter, and then in the
11 afternoon, I guess, because it all happened
12 yesterday, you put up the black, like, fencing
13 plastic around. So, shouldn't you wait until
14 you're approved to do that? What if you don't get
15 approved?
16   MR. BATTISTONI: Thank you for asking that.
17 Ryan Battistoni again. That work was not done by
18 us.
19   ACTING CHAIRMAN KETTER: And I will ask
20 staff, but I don't think that violates the prior
21 conditional use and it actually is probably more
22 for your benefit with the dust and everything
23 else. Paul, is that correct?
24   MR. HOSS: That's correct. One of the

1 important things is that there was a previous use
2 on this property that was grandfathered the. The
3 previous zoning relief took that grandfathering in
4 and made it legal. As we discussed earlier, that
5 if this use is ultimately approved and entitled by
6 the County Board, the previous use and the
7 previous zoning relief will expire, it will be no
8 more. Having said that, the previous user of the
9 property obtained an excavation/fill permit to
10 clear some of the vegetation on the property.
11 There is wetland on the property and we have
12 determined through a building permit for
13 excavation fill and site inspections that the
14 previous owner cleared according to a building
15 permit, did not touch any of the wetland on the
16 property, and the orange fencing that you see up
17 on the property now was put in by the previous
18 owner per code and per the approved permit to
19 identify where the boundaries of the wetland were.
20   In addition, the black silt
21 fencing that was put up was put up relative to the
22 clearing that was done on-site, nothing to do with
23 any proposed excavation by the previous owner or
24 -- when I say excavation, excavation for the

1 project by the previous owner or by the new owner.
2 It was all relative to the clearing of the
3 vegetation and also marking the wetland buffer and
4 the wetlands on the property.
5   ACTING CHAIRMAN KETTER: Okay, all right.
6 That concludes other than is there any questions
7 from the Board?
8   CHAIRMAN KARTHOLL: Barry, one thing. It
9 seems to me this is a much better use than the
10 prior use. I still have open questions about
11 whether we have the final plan before us, how the
12 IDOT issues are going to be resolved, what the
13 resolution of the Carol Stream issues will be, and
14 if this is set for a recommendation, all of those
15 things are going to have to be resolved before I
16 would be inclined to vote one way or the other at
17 a recommendation hearing. So the petitioner needs
18 to be given some time. And if there are
19 significant changes to what's been proposed
20 tonight that result from some compromise with IDOT
21 or approvals by IDOT or arrangements with Carol
22 Stream, we're going to have to have another public
23 hearing.
24   ACTING CHAIRMAN KETTER: That's true.

1 Here's how I would view it: Carol Stream didn't
2 show up. They had conversations and didn't fill
3 us in. They are going to provide us with the
4 documentation of the fire movement and give us a
5 flow. I think the next recommendation is June
6 what, June 1st. That's a period of time. If we
7 don't have that, then we would just continue it.
8 If it's -- he led me to believe this is in his
9 computer, the calculations and the way to show it.
10 We should have it in a day or two.
11   The Carol Stream issues,
12 they're talking to Carol Stream, but Carol Stream
13 hasn't talked us and let us know. Their issues
14 are what their issues are, they're in the record.
15 If they weren't answered, then we can address it.
16 If they're answered and Carol Stream didn't like
17 the answers, then it's on them. Everybody had
18 notice of the meeting, we're here, we're ready to
19 proceed.
20   Is there anything else I missed
21 of yours?
22   CHAIRMAN KARTHOLL: Of mine?
23   ACTING CHAIRMAN KETTER: Yes.
24   CHAIRMAN KARTHOLL: My only point is do we

1 have the final site plan in front of us, or will
2 there be material changes from IDOT approvals or
3 resolutions of the meeting that may have occurred
4 yesterday with Carol Stream? Because if there are
5 material changes to a site plan, there's a new
6 public hearing. If not, we can permit the
7 resolutions to take their course and we'll vote.
8 So I wonder if June 1st isn't a little too early.
9   ACTING CHAIRMAN KETTER: We can check that.
10 I just talked to Paul, it appears that the
11 conversations that are necessary are between the
12 applicant, IDOT, and our staff. Carol Stream put
13 some stuff in, and that's where it's at. I
14 thought their presentation and the traffic report
15 said as it is it would work and they're trying to
16 make it better. Am I misspeaking?
17   MR. HARMON: No.
18   ACTING CHAIRMAN KETTER: Do you agree with
19 that, the traffic study?
20   Then the only thing, Bob, we
21 can get that in and Carol Stream would be nice to
22 update us, but as we go along, would you update
23 staff if things change? And then you can get in
24 the traffic movement study you have in, what, a

1 day or two?
2   MR. THAETE: Yep.
3   ACTING CHAIRMAN KETTER: Can you show that
4 the trucks will actually work?
5   MR. THAETE: Yep.
6   ACTING CHAIRMAN KETTER: Is it possible for
7 you to present it to the fire department and have
8 them sign off?
9   MR. THAETE: Yeah. I don't know that I can
10 do that in a day or two.
11   ACTING CHAIRMAN KETTER: Before June 1st?
12   MR. THAETE: Yes.
13   ACTING CHAIRMAN KETTER: You have to
14 present that to them anyways.
15   MR. THAETE: Correct.
16   ACTING CHAIRMAN KETTER: And if it didn't
17 work, they would stop building; is that correct,
18 Paul?
19   MR. HOSS: Just to be clear, before the
20 county can issue a building permit, we would have
21 to have sign off from the Fire Protection
22 District. So they would not even get a building
23 permit to do any work on the property without
24 that.

1   ACTING CHAIRMAN KETTER: All right.
2 Anything else you would want, Bob?
3   CHAIRMAN KARTHOLL: No. I understand.
4   ACTING CHAIRMAN KETTER: Okay. Do you have
5 A final closing statement or if everything's been
6 covered to your satisfaction? Yes or no.
7   MR. HARMON: Yep.
8   ACTING CHAIRMAN KETTER: Then we will close
9 this, it's set for June 1st. If information or
10 documentation comes in before that that needs to
11 have a new hearing, we will set it on that date,
12 otherwise we'll proceed to the hearing.
13   We set out the exhibits we had
14 that you weren't privy to behind you so you can
15 take those to go home. If, in fact, you see
16 something in there that caused you to have
17 something within the next -- what are we, two
18 weeks from the next -- within the next week if you
19 give us written comments we'll put them in and
20 then we can look at those. If it raises to the
21 level that the Board feels that we need to have
22 another hearing to address them, we will,
23 otherwise we'll just proceed to the recommendation
24 hearing.

18 (Pages 66 - 69)

Page 70

1   And you guys have the same
2 thing. If you have something you want to submit
3 -- one thing you have to submit is the flow and
4 that. If there's anything else, then do it, but
5 we can put a one-week limit on that.
6   MS. PEDUZZI: So they are going to address
7 the trucks blocking the traffic, is that going to
8 be --
9   ACTING CHAIRMAN KETTER: You brought it up,
10 it's a factor for us to consider. The traffic
11 experts said that they had taken that into
12 account. If they feel the need to address it,
13 they will. And the question was are they going to
14 address the tractor trailer turning off Morton
15 onto North Avenue. And I'm assuming you're saying
16 coming out there and going east, because going out
17 west they go right.
18   MS. PEDUZZI: That's not a problem. The
19 next meeting, is that a public meeting?
20   ACTING CHAIRMAN KETTER: It's open, there's
21 no -- we discussed it, there's no comments or
22 extra evidence. If we get to the recommendation
23 meeting on the 1st, there will be nothing else
24 that can be submitted. Or if you get leave to

Page 71

1 submit it, the chairman will be back by then, if
2 he gives you leave, then I'm assuming -- if he
3 gives you the leave it submit it, there will have
4 to be another hearing because people will be
5 reviewing it. It's June 1st, 5:30 in this
6 meeting.
7   Before we close, does any
8 member of the Board have any questions that you
9 need answered before the next meeting?
10   (No response.)
11   ACTING CHAIRMAN KETTER: Bob, other than
12 what we've covered?
13   COMMISSIONER ANDERSON: He's gone.
14   ACTING CHAIRMAN KETTER: I think we
15 covered. Have you heard something that I missed
16 from the chairman, please answer those.
17   Then based on that, we're a
18 little bit early from the time I set on it. We
19 will adjourn the one-week limit to get your
20 comments in, we'll do it. And then definitely if
21 it's possible to get us the fire plan and maybe
22 how they can drive around, and anything else you
23 decide to -- questions as you think tonight that
24 you want to respond to in writing, go ahead and do

Page 72

1 it.
2   Anything else, Paul, that we
3 have from staff?
4   MR. HOSS: No.
5   ACTING CHAIRMAN KETTER: Then this meeting
6 will be adjourned. Thank you.
7   (Which were all the proceedings
8   had and testimony taken in the
9   above-entitled cause.)
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Page 73

1 STATE OF ILLINOIS   )
) SS.
2 COUNTY OF DU PAGE   )
3   I, LINDA M. CIOSEK, C.S.R. No.
4 084-2892, duly qualified and commissioned for the
5 State of Illinois, County of DuPage, do hereby
6 certify that at the request of the DU PAGE COUNTY
7 ZONING BOARD OF APPEALS, subject to the usual
8 terms and conditions of Veritext, reported in
9 shorthand the proceedings had and testimony taken
10 at the public hearing of the above-entitled cause,
11 and that the foregoing transcript is a true,
12 correct and complete report of the testimony so
13 taken at the time and place hereinabove set forth.
14
15
16   *Linda M. Ciosek*
17
18   CERTIFIED SHORTHAND REPORTER
19
20 My Commission Expires:
21 July 26, 2026.
22
23
24

19 (Pages 70 - 73)

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& 1:22,23

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0.0 17:21 18:1
00020 3:7
084-2892 73:4

1

1 2:3,4 9:1,21
  10:14 41:15,17
10 2:3
10,000 12:24
100 14:23
  16:22 59:16,18
  62:2
108 15:3
10:00 52:23,24
11 1:4
12 55:15 56:5
  59:24 60:8
14 20:3,8,9,14
  20:14 45:16,21
  45:21 46:1,3,8
  46:18 48:2,13
14.39 5:24
15.8 11:19
153 14:18
18 12:16 41:20
  42:5 44:4
1st 66:6 67:8
  68:11 69:9
  70:23 71:5

2

2 9:4,21 10:14
  12:12,12 16:21
2.29 17:22
20 13:11 27:15
  62:15
20,000 13:2
200 27:20
  45:17,20,24
  46:2,17 47:1,2
2021 12:10
  14:5 15:9 47:9
2023 1:4 3:9
2026 73:21
222 15:11
23 3:6
238 15:10 47:9
24 59:17
25th 3:8
26 73:21
265 14:19
27w250 60:21
27w364 8:4
28180 73:17
293 27:18 46:6

3

3 9:6,15,23
  10:6,14 16:5
3.29 14:16
30 12:8
355 11:16
37,100 12:23
3rd 41:8

4

4 2:3 10:7,14
  11:1
4,000 11:21
40 13:13,14
41 2:4
421 1:9
44 13:5 47:4
443 27:12
47,100 12:22
4:00 19:24

5

5 12:20
50 14:15 19:16
  22:7,15
53 31:5
57.6 16:1
59 11:14
5:00 19:14
5:30 71:5

6

60 13:9 14:24
  16:11 19:16,17
  27:16 29:3
65 31:2
67 31:3
67.3 15:23
6:00 1:5 3:1
  19:24

7

72.4 15:5

8

8 22:4
80 27:14
81 13:3
86 13:5 47:5

9

92 13:4 15:11
9:00 19:23 20:4
  52:23,24 53:5

a

a.m 20:4
a.m. 19:14,23
  20:4 52:24
able 4:10 25:24
above 72:9
  73:10
absolutely
  34:11 51:4
absorbent
  42:16
abutting 15:1
accept 18:17
  55:24
access 20:16
  21:1,3,3,7,10
  22:8,15 34:15
  34:20,22 37:11
  37:14,16,18
accommodat...
  42:5
accommodate
  5:20 20:22
  21:1 44:24

accommodati... 21:8 38:15
accordance 18:8
accorded 36:17
account 70:12
accurate 58:9 58:20
acres 5:24 11:20
acting 1:15 3:1 3:24 5:12,16 5:22 7:12 8:6 8:11,14,16,22 9:3,6,9,14,20 10:6,10 13:20 14:7,10 16:24 17:7 19:1,6 20:6 21:21 22:5,11,20,23 23:14 24:3 25:6,10,12,22 26:7,15 27:3 29:9,15 30:10 30:14 31:23 32:3,9,17,23 33:8,14 34:6 34:12,16 35:2 35:7,11,16 36:14,24 37:5 37:20 38:2,8 38:20,24 39:7 39:14 40:19,22 41:3,6,10,14 42:1,18 43:8

43:20 44:1,19 45:12,18 46:10 46:15,24 47:10 47:17,19,23 48:17,21 49:19 50:3 51:5,12 52:15,18 53:7 53:12,23 54:2 54:6,19,23 55:6,18 57:4 58:5,10,13,18 58:21 59:18 60:11,14 61:2 61:22 62:6,14 62:17,22 63:3 63:19 65:5,24 66:23 67:9,18 68:3,6,11,13,16 69:1,4,8 70:9 70:20 71:11,14 72:5
action 36:22
activities 53:5
activity 21:4
actual 34:8
actually 43:14 46:6 49:10 62:23 63:21 68:4
add 3:4 37:3,6 38:10,11 58:10
added 29:2
addendum 34:13

addition 13:3 64:20
additional 6:14 11:8 28:13
address 13:17 23:2 30:15,20 31:13 35:13 38:13 42:20 43:3 47:21 52:21 66:15 69:22 70:6,12 70:14
addressed 22:1 22:16,19 35:19 37:9 42:23 43:9
adequate 21:7 24:6 34:4,22
adequately 30:21
adhere 30:12
adjacent 11:4 11:22 17:19 18:2 22:3 24:7 25:21 28:2 56:2
adjourn 71:19
adjourned 72:6
administered 7:9 39:13
administration 1:8
admonishment 7:16

adopt 8:8
adopted 13:21
affect 42:6 53:2
affected 25:4
affirmed 7:13
afford 37:22
afternoon 48:9 63:11
agree 29:19 30:24 32:7 38:18 39:24 40:5 49:22 54:8 55:6 67:18
ahead 7:1,18 10:11 14:11,12 23:16 43:16 71:24
air 24:7
allow 3:11 22:6 48:11
allowable 59:1 59:15 61:8
allowed 41:5 57:21
alluded 7:20 8:2
amenable 27:1 37:12
amend 23:6 34:24
amendment 1:3 8:3
amenities 51:24

amount 20:12
26:18
analysis 20:20
31:15 33:20
59:2
anderson 1:17
3:22 38:4
49:13,16 50:17
51:10,17 52:14
60:18 71:13
ann 40:7 63:5
answer 29:7
32:15 40:1
45:19 47:20
60:23 61:1,23
62:4 71:16
answered
66:15,16 71:9
answers 31:23
66:17
anticipate
26:20,23 45:21
anybody 30:7
32:20 39:2
52:10
anymore 62:2
anyways 68:14
apart 9:22
apologies 38:7
apologize 20:8
63:5
apparatus 30:3
30:9 33:24
appeals 1:1,7
73:7

appears 21:22
39:8 67:10
apple 5:5
applicant 3:15
5:8 67:12
applicant's
14:4
appointment
3:20
approval 14:4
15:9 27:12
47:9
approvals
65:21 67:2
approve 21:19
approved 1:3
3:10 12:5
13:18 14:14,23
15:18,23 24:1
24:4 25:17
27:9,10 28:5
37:16 47:9
63:14,15 64:5
64:18
approximate
15:24
approximately
11:19 19:17
29:3
april 3:8 12:16
41:9
architectural
10:3
arco 10:21

area 16:2 18:14
22:3 29:3 51:8
51:11,12 52:7
55:9,17 59:23
areas 31:18
argo 32:12
arrangements
65:21
arrives 3:23
arriving 26:12
arterials 11:12
articulate 11:2
31:5
asking 63:16
asphalt 21:24
42:14,16 61:20
62:20
associated
17:23 31:12
association
40:15
associations
50:22
assuming 6:11
8:23 70:15
71:2
attention 50:4
attest 61:17
audience 10:20
authored 38:3
auto 11:8 19:23
automobile
13:4 15:12
27:13,15

automobiles
19:23 27:16
avenue 8:5 11:4
11:7,15 13:13
14:17,21 18:15
22:14 23:23
26:1 37:11,15
37:18 43:24
44:5,23 60:22
61:15 70:15
avenue's 11:23
average 17:22
avoid 25:14

b

b 2:1 12:12
51:20
back 3:19 20:9
20:10 22:12
26:6 46:11
56:10 60:5,6
60:24 71:1
bad 52:5
barry 1:15 33:2
65:8
based 21:19
22:13 25:16
43:21 44:21
51:5 60:24
71:17
basim 57:20
basin 56:15,19
59:10,13
basins 56:23
basis 47:2
56:12

bastian 37:24 38:1	**board** 1:1,7,13 4:13,17,18,24 32:18 38:22 47:15 64:6 65:7 69:21 71:8 73:7	28:8,19 30:19 34:1 49:17 51:21 54:14 57:15 64:12,14 68:17,20,22	**carl** 1:18
battistoni 5:21 51:19,19 53:11 53:15 54:1 61:24,24 63:16 63:17			**carol** 3:17,18 3:24 5:13 6:6 6:12 30:15 35:9 36:7,15 36:21 37:8,18 37:21 65:13,21 66:1,11,12,12 66:16 67:4,12 67:21
bay 48:10	**bob** 32:23 40:19 67:20 69:2 71:11	**buildings** 11:20 12:7,15 24:20 26:2	
beds 51:17,18		**built** 24:17 28:18 29:4	**case** 3:6 4:15 18:2,4 43:10
beginning 38:5	**boundaries** 64:19	**bypass** 56:13	**cases** 43:10
believe 35:15 66:8	**boundary** 31:18	**bypassed** 18:11	**cause** 72:9 73:10
benefit 29:2 63:22	**boxes** 4:19	**c**	
berm 16:22	**break** 9:22 52:3	**c** 7:24 32:12	**caused** 69:16
berms 42:19	**brendan** 38:12 38:16	**c.s.r.** 1:10 73:3	**center** 42:10
best 16:15 49:1		**cab** 31:4 50:14	**certain** 22:13 31:16
better 43:13 65:9 67:16	**brief** 10:16 62:24	**cage** 10:22 29:24 55:21	**certainly** 45:7
big 30:23 44:4 44:10 50:8,20	**briefly** 17:17	**calculations** 57:13 66:9	**certified** 73:18
bigger 54:21	**bring** 4:8 45:11 50:4	**california** 49:5	**certify** 73:6
bit 12:4 43:13 71:18	**brought** 3:16 13:19 14:2 40:18,24 70:9	**call** 3:6 9:7 44:14	**chain** 15:21
bite 5:4		**calls** 52:8	**chairman** 1:14 1:15 3:1,4,24 5:12,16,22 7:12,19 8:6,11 8:14,16,22 9:3 9:6,9,14,20 10:6,10 13:20 14:7,10 16:24 17:7 19:1,6 20:6 21:21 22:5,11,20,23 23:14 24:3
black 63:12 64:20	**buffer** 16:11 65:3	**candle** 17:19	
blacktop 35:20	**build** 19:3,10 32:13 49:24	**candles** 17:22 53:18	
block 45:9		**capacity** 20:20 20:21 45:20 56:7	
blocking 18:12 44:7 45:5 61:13 70:7	**building** 1:9 3:12 11:10 12:23 13:1,8 14:16 15:7 16:16 18:23 24:18 26:6	**car** 31:19 34:3	
blocks 62:9		**carbon** 17:14	
blue 8:20		**care** 49:1	
		carefully 52:16 52:16	

25:6,10,12,22
26:7,15 27:3
29:9,15 30:10
30:14 31:23
32:3,9,17,23
33:1,8,12,14,16
34:6,7,12,16
35:2,4,7,11,16
36:3,14,23,24
37:5,20 38:2,8
38:20,24 39:7
39:14 40:19,21
40:22 41:3,6
41:10,14 42:1
42:18 43:8,20
44:1,19 45:12
45:18 46:10,15
46:24 47:10,17
47:19,23 48:17
48:21 49:19
50:3 51:5,12
52:15,18 53:7
53:12,23 54:2
54:6,19,23
55:6,18 57:4
58:5,10,13,18
58:21 59:18
60:11,14 61:2
61:22 62:6,14
62:17,22 63:3
63:19 65:5,8
65:24 66:22,23
66:24 67:9,18
68:3,6,11,13,16
69:1,3,4,8 70:9

70:20 71:1,11
71:14,16 72:5
change 4:23
5:20 46:21
60:11 67:23
changed 12:21
14:5
changes 13:18
14:3 65:19
67:2,5
changing 13:24
51:7
chaos 61:11
character
23:20
check 4:19 67:9
chicago 6:8
choose 4:20 5:2
christel 32:11
32:12
church 11:5
26:17 44:12,12
52:23 53:3
55:10 56:2
59:23
ciosek 1:10
73:3
circulation
30:9 33:4,18
34:24
civil 10:23
29:24
clarify 46:24
47:11

class 49:7
clear 37:7 44:6
44:9 50:4 58:6
64:10 68:19
cleared 61:12
62:21 63:7
64:14
clearing 62:10
64:22 65:2
clearly 33:5
close 54:15
69:8 71:7
closely 45:7
closing 69:5
coast 49:5
code 13:9 15:8
17:17 19:4,10
29:4 42:20
57:14,16 59:2
60:15 64:18
codes 16:16
24:18 28:8,19
cold 50:14
colleagues
10:18
collect 59:8
collected 59:9
collections
17:11
color 37:4,6
combined 9:7
come 3:4 4:10
4:13 20:10
22:12 45:22
48:15 49:4

50:12,19
comes 35:12
55:10,24 69:10
comfort 28:22
comfortable
39:11
coming 20:9
41:22 45:22
52:10,11 62:9
70:16
comment 44:22
comments 3:13
5:23 6:1,3,8,15
6:17 21:24
29:13 46:13
69:19 70:21
71:20
commercial
62:3
commingles
57:18
commission
73:20
commissioned
1:11 73:4
commissioner
1:16,17,18,19
1:20 3:18,22
6:10 38:4
49:13,16 50:17
51:10,17 52:14
60:18 71:13
committee 4:16
4:17

common 26:13
communication 22:18
community 61:10
compared 15:17 27:10
compatibility 23:12
complain 19:9
complaint 25:7 43:1
complaints 18:5 26:16
complete 73:12
completely 46:7 57:9
compromise 65:20
computer 34:15 66:9
concern 25:23 36:15 37:6 44:3,11 55:5,8 61:15,16,16 62:7
concerns 3:16 4:6,7 5:5 6:23 35:19 36:6,7,8 36:20 37:9 40:12
concludes 29:6 35:5 65:6
conclusion 33:17

conclusions 33:13
concur 30:5 32:14
condition 26:20 27:1 43:12,12 52:17 54:9,11
conditional 1:3 3:10,11 7:21 8:3 12:13 14:5 14:15 23:9,18 24:6,15,19,21 25:16 27:4,17 27:24 28:12,20 50:6 63:21
conditions 58:1 73:8
conducted 20:19
confident 42:22
conforming 12:7 24:11
congestion 27:5 27:9,22
connor 7:24 46:14
consider 70:10
consists 12:6 15:10,11
constantly 48:4
construct 3:11
construction 12:8 33:23
consultant 30:1

consumption 17:14
contests 4:21
contextual 11:3
continue 7:17 34:24 61:21 66:7
continuing 25:14
contractor 10:21 32:13
control 43:11 43:14
controlled 18:18 53:9
conversation 26:17
conversations 21:13 66:2 67:11
copy 8:12 35:8 35:10,14
corner 11:3
corners 57:14
correct 5:15,20 5:21 9:2 26:3,4 43:18,22 45:23 47:13,14 50:2 51:15 53:7,11 58:12,23 60:16 63:23,24 68:15 68:17 73:12
corridor 23:23
country 51:22

county 1:1,7,8 1:9 4:3,18,24 11:13 12:16 18:8 26:19 28:8,16,23 30:11 34:2 47:15 50:21 57:14 59:16 60:15 64:6 68:20 73:2,5,6
countywide 55:22
couple 3:13 10:18 18:23 37:10
course 67:7
court 7:6,10,22 32:4 40:8 63:4
courtesy 37:22
coverage 15:24
covered 69:6 71:12,15
create 16:13 28:24 29:3 52:17 57:21
creates 56:22
cross 4:11 18:16 44:7
crossover 18:15
cu 28:5
culture 48:24 51:23
culverts 18:16 60:3

current 24:17
  28:18
currently 23:24
  24:11 58:16
cut 54:1 56:6
  57:14

d

d 32:6 40:10
  55:4
daily 3:8 27:12
  27:14,15 47:22
  48:1,2,14
damages 28:2
dan 37:24
dangers 24:16
dark 54:3,5,6
date 69:11
david 32:12
day 20:3,5,13
  20:14 26:13
  27:13,15,19
  45:17 46:1,8
  50:24 61:13,18
  62:8 66:10
  68:1,10
days 51:14
de 32:1,5 47:21
  47:24 48:19,23
  49:15 50:2,10
  51:4,16,18
decide 43:16
  71:23
declined 44:14
decrease 16:2
  17:13 25:15

dedicated 52:9
defily 32:1
  47:24
definitely 71:20
definitively
  36:11
delivery 48:3
demo 46:7
demonstrate
  23:12 34:22
demonstrated
  23:18
demonstrates
  24:8,22 27:7
  28:6 29:1
demonstration
  31:10
dennis 1:16
department 6:3
  6:18 30:16
  31:10 33:23
  34:2 57:15
  68:7
depending
  39:16
depends 37:12
depths 59:21
design 13:17
  14:3 17:10
  18:7 32:13
  48:5 59:15
designed 18:8
  18:17 31:2,6
  51:21 59:12

detention 18:14
  28:7 55:9
  56:12,15,19,23
  57:20 58:7,8
  59:10,13,23
determined
  64:12
development
  4:16,16 5:11
  12:13 15:23
  21:20 23:22
  24:8,10,17,22
  25:4 26:14
  27:6,21 28:6,9
  29:1 49:3
developments
  50:18
diagonal 11:6
diagonally
  55:13 57:3,6
diagram 34:18
diameter 56:17
  57:9
difference
  14:20
differences
  16:8
dim 53:4
dimensionally
  31:20
diminish 24:20
  24:22
dims 52:23
direct 26:19

directed 3:14
directly 14:23
  15:3 59:9
  60:22
disagree 39:24
  40:5 55:7 60:7
disapproved
  44:16
discharge
  18:13
discussed 64:4
  70:21
distribute
  49:24
district 6:12,15
  24:9 68:22
ditches 58:1
dock 13:3
documentation
  66:4 69:10
documents
  10:12
doing 4:4 35:16
  56:5
don 37:24
door 13:4
doors 40:11
drainage 18:13
  56:22
drains 55:12,13
  59:8
drastic 61:9,10
drinks 51:13
drive 13:4
  71:22

driver 52:3,6
drivers 19:18
  19:19 49:1
  51:24 52:9,11
driving 49:4
du 1:1,7 73:2,6
ducktail 47:12
dudot 6:1
due 18:15 43:9
  45:18
duly 7:8 39:12
  73:4
dumb 39:22
dump 59:24
dumps 60:1
dupage 1:8
  28:16,23 30:11
  34:2 50:21
  59:16 73:5
dust 62:8,9,11
  63:22

e

e 2:1 29:24,24
  32:6,12 40:10
  55:4 60:21
earlier 64:4
early 67:8
  71:18
east 11:9,10,13
  11:15 13:11,12
  15:1,6 44:10
  49:5 60:22
  70:16
eastbound 44:9
  45:10 61:14

eastern 16:12
  16:19 17:3,4,6
effect 52:17
efficiency
  48:12
efficient 21:9
eighty 15:13
either 6:22
  22:24 48:9,12
  51:2 56:4
  58:24
electricity 53:2
elements 17:10
elevation 18:10
eliminate 4:5
  48:7 49:2
eliminated 62:8
eliminates 4:21
emergency
  56:1
employ 19:19
employees
  19:15
encroach 24:12
engineer 10:23
engineering
  10:22 29:24
  33:22 55:22
enlarged 57:7
ensure 21:9
enter 9:11
entire 16:11,19
  17:2 35:1
entirely 47:16

entities 28:17
entitled 47:15
  64:5 72:9
  73:10
entrance 41:23
  55:11
equipment
  30:23 53:16
erected 16:19
establish 12:14
  16:10 23:11
establishment
  50:20
estimated 21:8
evening 20:1
  32:11 38:15,19
  60:20
event 30:7
  37:17
eventually
  11:15
everybody 7:4
  19:7 35:17
  38:14 43:14
  61:17 62:12
  66:17
everything's
  69:5
evidence 9:11
  70:22
exact 20:11
exactly 13:22
  57:17 60:1
examine 4:11

excavation
  64:9,13,23,24
  64:24
exceed 13:11
  13:12
exceeded 56:7
excuse 7:22
exhibit 2:3,4
  9:7,16,22 10:4
  10:6,7 11:1
  17:1 33:5,11
  33:20 34:8
  41:15,17
exhibit's 34:21
exhibits 10:13
  33:3 69:13
existing 11:20
  12:14,18 14:23
  15:9,20 18:20
  24:10 25:5
  27:16 28:2
  45:24 46:7
exists 23:24
  27:22
expecting 20:3
expel 42:21
expense 28:13
expert 4:9 33:9
  38:10 44:21
experts 70:11
expire 64:7
expires 73:20
explain 39:15
explained 15:6

extended 12:15
exterior 17:17
extra 39:17
  44:24 70:22

f

f 32:6
facilities 11:8
  51:21
facility 20:23
  21:9 31:2 34:4
  34:4
fact 7:16 25:4
  27:11 61:17
  69:15
factor 70:10
family 11:11
  13:10
far 5:23 11:12
  32:20 49:5
farm 1:9 11:13
favor 35:8
featured 14:15
features 12:22
  12:24 17:13
feel 23:17 24:7
  28:24 39:2
  42:22 70:12
feels 69:21
feet 11:21
  12:23 13:2
  14:23,24 15:3
fence 15:20
  16:18 17:2
fencing 63:12
  64:16,21

field 54:13,15
  54:16
figure 57:17
fill 56:2 64:9,13
  66:2
fills 56:20
fily 32:1,5
  47:21,24 48:19
  48:23 49:15
  50:2,10 51:4
  51:16,18
final 33:22 38:9
  39:1 65:11
  67:1 69:5
finally 10:23
  15:22 17:8
  18:16 20:15
  21:11 28:20
  33:6
find 29:22
  33:15 48:10
findings 34:12
fine 36:23
finish 7:17
finished 47:17
fire 6:12,18,20
  24:16,18 28:13
  30:3,9,16,20
  31:8,10,12,16
  31:20 33:23
  34:9 66:4 68:7
  68:21 71:21
first 23:3,14
  29:16 38:14
  40:3,24 41:1

  41:19
fit 36:13
five 27:24
  42:11 59:19
fixtures 18:4
flexibility 21:3
flexible 21:10
flip 10:24 11:17
  12:2,20 13:16
  16:9 17:15
  18:6,22 20:18
  23:8
flood 28:1 57:1
flooding 56:22
floods 57:24
flow 18:14,17
  26:5 27:22
  56:21 66:5
  70:3
flowing 58:16
flows 18:11
  31:12 56:4
focused 19:7
follow 16:15,15
foot 12:22,24
  13:9,11,13,14
  14:15,18,19
  15:4,5 16:11
  16:18 17:19,22
  22:7,15 31:5
  53:18
footprint 12:23
  13:1
foregoing
  73:11

forest 6:15
forested 16:11
forgot 26:9
forth 46:11
  73:13
forum 4:14
forward 4:6
  5:10 6:14
  12:11 13:19
  14:2 25:17
found 20:20
  21:6 30:10
four 27:4 55:4
  61:4,4
fred 29:23
  55:21
friday 19:14
  26:9,11 46:20
front 4:13
  13:22 24:13
  39:24 67:1
fueling 20:17
full 20:24 34:24
fully 22:2 54:1
further 27:16
  30:4 38:21
future 42:24,24

g

gary 11:14
general 10:21
  28:22 32:13
generally 20:21
generate 27:20
generated
  20:22 21:8,20

30:8 47:8
56:14 57:19
ger 22:18
getting 31:17
give 4:15 30:5
36:16 39:17
49:3,20 54:23
66:4 69:19
given 51:23
65:18
gives 71:2,3
glare 17:23
18:1,4
go 4:6 7:1,18
10:11 14:11,12
19:12,21 20:9
23:1,7,11,16
24:2 29:9
30:19 35:11,18
35:22 36:1
38:21 40:3,3
42:17 44:5,10
44:11 46:3,11
47:16 48:15
52:2,6,22
56:11,15 57:5
67:22 69:15
70:17 71:24
goes 55:12 57:2
57:6,20 59:24
going 3:2 4:8
5:18 8:20 9:7
17:2 25:2,20
30:19 34:3,22
35:20 36:5

40:17 41:13
42:6,6,14,17
43:6 44:3,13
44:19 46:18,19
47:20,21 49:8
49:14,17,19
50:8,9,24
51:14 52:19
55:16,16 56:3
56:6,6,8,9 57:4
57:7,8,15,16,18
57:21 58:1,6
58:22 59:1
60:7,23 61:3,3
61:20,21,22
63:1 65:12,15
65:22 66:3
70:6,7,13,16,16
good 16:14
32:11 60:20
goods 50:1
grading 16:21
grandfathered
26:2 64:2
grandfathering
64:3
gravel 12:6
42:15 61:21
62:1,7,10
gray 17:11
ground 42:15
56:13
group 8:1
10:17 51:20

guess 5:2 29:20
32:24 37:21
42:24 63:11
guests 50:5
guys 39:10 41:1
63:7 70:1

h

h 2:1 8:1 29:24
32:12
hair 40:23
half 16:22
hand 9:17 39:9
handle 59:11
hands 7:7
happened
63:11
happening
53:21
happens 57:23
61:18
happy 29:7
32:15
hard 16:20
35:10
harmon 5:10
5:15 7:19,24
7:24 8:10,19
9:2,5,8,12,16
10:2,8,16 14:1
14:9,14 17:5,8
19:5,11 20:11
22:2,9,17,22
23:8,17 24:5
25:9,11,16
26:4,10,23

27:4 29:14
34:17 35:5,10
35:15 36:2
37:3,8,24 38:7
38:12 45:24
46:5,14,14,22
47:4 67:17
69:7
harmony 23:19
harvesting
17:12
hate 35:17
haulers 31:4
hazard 24:15
health 6:3
28:21
hear 17:3 33:9
40:21
heard 3:7 5:13
32:20 33:12
71:15
hearing 3:9 4:7
40:20 65:17,23
67:6 69:11,12
69:22,24 71:4
73:10
heat 49:11
50:15
heavy 56:19
helpful 38:6
herald 3:8
hereinabove
73:13
hi 38:14

high 23:22 29:3 56:21
higher 56:24
highlight 14:11
highway 3:17 6:9 35:21
highways 11:13 27:6
hill 1:3 8:1 10:17 46:14 51:20 62:1
hire 26:19
history 12:4
hold 57:15 60:24
holding 47:7
home 69:15
homeowners 40:15
homes 51:1 54:16
hope 9:10 53:1
hopefully 4:4 26:16 62:11
hoping 53:6
hoss 1:23 8:15 47:14 54:5 63:24 68:19 72:4
hotel 49:9
hotels 50:21
hour 59:17
hours 19:13 26:10,12,21 45:6 46:19,22

53:13
house 15:15
housed 19:15
housekeeping 8:8
houses 55:4
hundred 14:18

i

ideal 56:11
identification 10:15 41:18
identified 53:18
identify 64:19
idle 20:16 48:9 52:12
idling 48:16,20 48:20
idot 11:23 21:12,18 28:16 37:13,16 44:13 65:12,20,21 67:2,12
illinois 1:10,12 73:1,5
illustrates 16:6
impact 4:8 25:21 38:17
impair 24:6 28:21
important 64:1
impossible 17:20
impression 54:7

improve 18:20 24:23 25:1 27:22
improved 58:2 62:2
improvement 61:10
improvements 27:18 29:1
improves 23:22
inch 22:4 55:15 59:24
inches 56:5 60:8
inclined 65:16
include 39:5
increase 15:4 21:3 24:15 27:5,10 28:1 35:20 58:18,21
incur 28:13
independent 19:20
indicate 21:13
indicated 27:12 33:5 43:22
industrial 11:6 11:9 23:22 26:14
infelise 1:22
inform 35:21
information 6:14 69:9
informed 36:24

infrastructure 12:19 16:3 18:19 21:15 24:24 28:4 58:2
inhabitants 28:23
initiative 54:4
inspections 64:13
install 15:20 16:18 18:3 22:10
installed 12:19 28:8
installing 17:11
intend 16:15
intense 25:19
intensity 15:16
intensive 15:12 23:24
intent 23:19
intention 22:9
interested 17:9 17:10
interior 33:4
interrupt 8:7
intersection 21:18
interstate 31:4
intoxicated 50:23
introducing 42:2

introduction 10:16
invalid 5:5
inventory 47:7
invited 36:6
involved 16:14 61:17
issue 25:8 42:3 68:20
issues 31:9,12 31:17,21 36:10 50:18 56:23 65:12,13 66:11 66:13,14
items 30:8

j

jack 1:20
james 32:1 47:5 47:24 51:22
janice 1:17 3:19 49:23 51:6
january 12:21 14:3,6,7
jessica 1:22
job 30:1
jobs 29:4
july 73:21
jumped 49:21
june 66:5,6 67:8 68:11 69:9 71:5
junkyard 12:10
jurisdiction 6:5 11:24

jurisdictions 6:2

k

kartholl 1:14 33:1,12,16 35:4 36:3,23 40:21 65:8 66:22,24 69:3
ketter 1:15 3:1 3:24 5:12,16 5:22 7:12 8:6 8:11,14,16,22 9:3,6,9,14,20 10:6,10 13:20 14:7,10 16:24 17:7 19:1,6 20:6 21:21 22:5,11,20,23 23:14 24:3 25:6,10,12,22 26:7,15 27:3 29:9,15 30:10 30:14 31:23 32:3,9,17,23 33:8,14 34:6 34:12,16 35:2 35:7,11,16 36:3,14,24 37:5,20 38:2,8 38:20,24 39:7 39:14 40:19,22 41:3,6,10,14 42:1,18 43:8 43:20 44:1,19 45:12,18 46:10

46:15,24 47:10 47:17,19,23 48:17,21 49:19 50:3 51:5,12 52:15,18 53:7 53:12,23 54:2 54:6,19,23 55:6,18 57:4 58:5,10,13,18 58:21 59:18 60:11,14 61:2 61:22 62:6,14 62:17,22 63:3 63:19 65:5,24 66:23 67:9,18 68:3,6,11,13,16 69:1,4,8 70:9 70:20 71:11,14 72:5
kind 10:5 11:10 12:3 16:6,7 17:13 26:2,14 40:17
kloa 10:23 20:19 35:12 38:16
knew 44:14
know 19:1 20:13 22:24 23:5 31:14 33:4,6,11 34:7 37:21 39:22 42:6 43:8 44:11 46:13 47:10 51:2

53:3 60:1 62:22 63:9 66:13 68:9
known 8:4
knows 4:3

l

l 32:6,12 60:21
labeled 41:9
laid 30:18
land 11:5,22 23:21 24:20,23 61:12 62:10,21 63:8
landscape 9:18 10:2 16:10
landscaping 16:23
lane 22:7,13 41:22 42:9,10 42:10
lanes 42:9 44:8 45:5,9 61:13 61:14
large 31:4,4 42:5 44:24 53:3
larger 31:16 56:7 57:9
law 55:23
lay 51:14
layout 30:3
leading 22:8 36:13
leave 41:1 49:10 50:24

70:24 71:2,3
led 66:8
left 41:22 43:5
43:23 44:10
45:1
legal 12:6 64:4
legit 61:15
lenz 60:20,20
61:5 62:4,7
lesser 58:24
59:3
letter 4:1 6:6
6:10 22:21
35:8 38:3
level 21:24
69:21
light 17:18,23
17:24 18:3
24:7 44:11,15
53:9,19 54:3
lighting 17:17
lights 52:22,24
53:4,14,17
likely 19:20
limit 39:18 70:5
71:19
linda 1:10 73:3
line 16:20
53:20
lines 16:12
17:21
link 15:21
listen 3:16
litigation 5:17

little 11:18 12:4
16:21 26:6
37:3 39:17
43:13 51:8
67:8 71:18
live 39:16,20
40:4,10 55:4
loaded 48:12
52:5,6
long 15:15 19:9
22:7 50:17
60:18 62:8
longer 8:24
look 18:24 45:7
69:20
looked 6:19
looking 5:17
looks 63:6
lose 63:1
lot 12:6 13:8
14:16 15:24
17:21 31:2,19
31:22 47:5,6
49:2 52:1
lots 31:19 53:4
lower 15:17
18:10 56:4

m

m 1:10 8:1 73:3
ma'am 52:20
made 27:18
64:4
mainfreight
10:20 16:13
17:8 19:17,18

27:2 32:2,6
48:1,24 52:11
maintain 13:9
13:14
make 3:13,21
4:14 6:24 7:15
21:14 25:24
29:12 30:12,22
34:13 43:12,15
44:10,20 52:8
54:8 67:16
makes 4:17
making 31:9
54:11
management
18:9 28:11
30:2
maneuver
30:23
maneuvers
21:2 31:9
mark 8:17
marked 10:13
41:17 43:17
marking 65:3
massive 26:18
match 19:8
58:24
material 67:2,5
matter 6:3
48:11
mean 8:7 17:5
33:16 36:12
45:8,10 50:20
54:14

measure 17:23
18:1
measurements
17:20
measuring
53:19
median 44:7,24
meet 13:8 15:7
17:17 23:12,15
33:9 36:6 59:3
60:14
meeting 3:2,5
4:12,20,21
5:18 12:22
14:8 36:9,13
45:11 66:18
67:3 70:19,19
70:23 71:6,9
72:5
member 71:8
members 1:13
3:2,15
mentioned
16:17 21:22
45:16
met 24:9 37:8
37:23,24
meter 17:24
metric 53:19
microphone
35:18 40:4
49:20 57:5
middle 50:15
mind 54:10

mine 66:22	67:24	**needs** 54:20	55:4,11 59:23
minimize 21:4	**movements**	56:15 65:17	60:21 61:15
minutes 39:18	25:2 26:5 27:7	69:10	70:15
62:15	34:20	**neighborhood**	**northbound**
mirror 19:2	**moving** 6:14	40:13 53:3	25:2 42:9
missed 17:5	48:4	**neighboring**	**northern** 16:12
61:19 66:20	**mr.thaete**	24:23 25:3	16:19 17:3,6
71:15	55:21	**neighbors**	**nos** 2:3
misspeaking	**mueller** 38:1	16:14 25:21	**notary** 1:10 7:9
67:16	**multiple** 19:21	40:13 50:23	39:13
misspoke 50:11	28:3 61:12,18	**net** 17:13 28:9	**note** 3:19 7:12
moderate 42:12	**murphy** 1:20	**neutral** 2:4	12:17 13:23
monday 19:14	**murray** 10:21	41:11,13,15,16	30:18
26:8,10 46:20	32:13	55:7,8	**notice** 6:17
money 53:1		**new** 46:8 47:11	66:18
months 12:16	**n**	47:13,16 57:9	**noting** 14:3
morals 28:22	**n** 7:24,24 8:1	58:2 65:1 67:5	**nuisance** 28:24
moran 1:16	51:20 60:21	69:11	57:22
morning 19:24	**name** 7:23,23	**newest** 3:7	**number** 19:15
20:4	29:23 32:1,5	**nice** 6:24 67:21	27:4,24 28:12
morton 11:4,24	32:11 39:19,20	**night** 56:10	46:6
13:15 16:20,23	40:7,9 46:12	**non** 12:7 24:11	**numbers** 8:17
21:1 22:3,5,7	55:3	**normally** 29:17	**o**
25:1,2 40:11	**natural** 16:11	33:21 34:6	**o** 7:24,24 8:1
42:7 55:5,10	**naturally** 18:14	**north** 1:9 8:4	12:12 24:9
56:10 57:23	**nature** 18:5	11:4,7,10,23	51:20
70:14	**necessarily**	13:10,13 14:17	**oath** 7:8 39:12
motel 50:8 51:7	33:19	14:21,24,24	**objection** 4:22
motels 50:5	**necessary**	15:3,6 18:11	**objections** 6:1
move 5:10	67:11	18:14 21:4	6:4,13 36:18
25:17	**need** 4:23 6:13	22:14 23:23	**observations**
movement	14:11 19:2	26:1 31:18	45:5
19:22 20:24	34:14 39:2	37:11,15,18	**obtain** 28:15
25:20 30:3	48:7 49:9 56:8	42:7 43:23	**obtained** 64:9
34:18 66:4	57:16 69:21	44:5,23 54:17	
	70:12 71:9		

obviously 16:3
occasional
26:11
occur 20:4 36:9
occurred 67:3
odd 45:21
offense 8:24
office 11:9 13:1
13:1 14:19
24:9 33:21
49:8 52:7
officially 21:12
officials 4:3
oh 32:5
okay 5:19 7:15
8:16 17:7 19:5
22:20,23 23:8
25:9 26:7 27:3
29:14 31:23
34:6 35:2 37:5
37:6,20 38:3
38:20 39:7
43:2 44:1
46:15,16 52:21
54:22 61:22
62:4,6 63:2
65:5 69:4
old 47:12,14
once 9:20 43:6
53:5
ones 45:21 48:4
48:13,14
onsite 15:21
opacity 16:22

opaque 15:20
16:18
open 52:10
65:10 70:20
operated 12:8
operation
27:16 46:19,22
47:22 48:1,14
53:13
operational
52:13
operations
19:12,13
operator 19:17
operators
19:20
option 5:3
orange 63:10
64:16
order 4:19 36:4
39:10 40:17
ordinance
23:10,20 55:23
ordinances
16:16 18:9
outlining 61:7
outs 20:3 48:2
outside 6:1
overall 15:16
16:12 18:11,18
20:20 23:17
24:5 27:8 28:8
overflow 56:3,8
overflows 56:1

overnight 48:9
49:14,18 50:5
50:19
overstated
50:11
own 9:16 60:21
owned 12:7
owner 8:2
10:18 12:11
19:17 64:14,18
64:23 65:1,1

p

p 40:10 55:4
p.m. 1:5 19:14
19:24,24 52:23
package 6:24
page 1:1,7 2:2
10:24 11:17
12:2,20 13:16
16:5,9 17:16
18:6,22 19:12
20:18 23:9
34:18 73:2,6
panels 17:11
park 48:11
49:4,6,10
parked 48:13
parking 12:6
13:4,5,5,8
14:16 15:10,11
15:17 17:21
24:4 31:2,19
31:19,21 48:5
48:6

part 16:3 28:5
33:21 42:19
46:20 48:1,2,4
48:6,13,23,23
49:7,7 55:22
57:13
pass 43:6
passes 43:15
pattern 30:22
34:8
paul 1:23 47:11
63:23 67:10
68:18 72:2
pavement
15:24 22:4
55:16 59:6,8
pay 44:13
paying 29:3
peak 19:22,23
45:6
peduzzi 2:4
40:7,7,10,24
41:5,8,13,16,19
43:2 44:2 45:3
45:8,16 46:2,9
46:16 47:18
48:16 52:21
53:22 54:12,22
55:3,3,8,20
57:2,6,11 58:4
59:4,11,22
60:5,10,17
62:13,16,19
63:2,5,5 70:6
70:18

people 5:1 26:18 39:1,8 49:14,17 50:19 51:2 52:2 71:4

people's 51:1

percent 15:23 16:1,22 62:2

percentage 15:24

perimeter 63:10

period 66:6

permit 33:22 64:9,12,15,18 67:6 68:20,23

permits 28:16

perspective 13:7 16:7 20:2

pertaining 30:8

petition 39:3

petitioner 16:13 28:14 36:6 52:17 65:17

petitioner's 2:3 10:13 21:16

phillip 55:3

phone 1:14 3:5 52:8

photometric 9:18 10:3 17:16 53:18

photos 19:8 45:4

pick 48:3

pictures 41:1 42:12,13 44:3 45:11 54:24

pipe 55:15 56:4 56:7,7 57:2,8 57:10 59:24 60:8

place 47:16 49:4,6,12 50:11 55:14 73:13

plan 5:4 6:19 7:4 8:8,13,18 9:4,18,18,19,21 10:1,2,3,5 12:21 13:17 14:1 16:10 17:16 19:13 23:1,2 33:18 47:2 48:10 49:24 58:10 65:11 67:1,5 71:21

planned 12:13

planning 1:22 1:23 29:16

plans 9:12,15 10:9 33:22 37:10 42:19

plastic 63:9,13

plat 11:18

please 7:7,23 32:4 71:16

pleasure 5:8,9

plus 55:9 59:23

point 30:17 31:15 33:2 36:4 38:24 42:10 47:1 66:24

points 20:16

pond 55:9,10 59:24

ponds 55:9 56:2 59:22 60:6

position 41:12

positions 13:3

positive 28:9

possible 29:17 68:6 71:21

post 43:13

potential 28:1

pour 62:20

practices 16:15

preliminary 21:13

prepared 20:19 38:16

preparing 62:20

present 1:13,21 68:7,14

presentation 8:20,23,23 10:8,11 13:24 14:13 29:7,21 29:21 30:6

32:15 34:19 35:22 38:13,18 48:22 49:22 53:8 67:14

presentations 29:18

presented 5:4 32:8 38:19

presenting 5:11

preserve 6:16

pretty 4:7

previous 14:4 15:22 27:12 47:8 64:1,3,6,7 64:8,14,17,23 65:1

previously 1:3 3:10 12:5,9 13:18 14:14 15:6,18 16:17 24:1,4,10 27:9 27:10

primarily 34:21

print 34:15

prior 5:19 8:8 12:10 13:21,24 63:20 65:10

privy 69:14

probably 35:13 36:17 39:1 50:10 54:8,10 60:8 63:21

problem 70:18

problems 4:5 4:22 37:1 50:9 51:6

proceed 19:10 39:10 66:19 69:12,23

proceeding 7:4

proceedings 1:6 72:7 73:9

proceeds 6:5

project 28:18 65:1

promote 17:13

proper 28:15

properties 17:19 18:2,10 28:10

property 8:2,4 10:17,18 11:2 12:5,9,10,12 14:15 16:12,20 17:14,21 18:21 19:16 24:7,16 25:3,15 27:18 28:2,10 29:2 30:4 40:11 43:5,6,15 45:20 46:3,18 53:10,20 55:5 55:11 56:3,14 57:20,22 58:8 58:14,14,16 60:21,23 64:2 64:9,10,11,16 64:17 65:4

68:23

proposal 15:10 15:18 27:20 39:20 47:16

propose 13:3 14:17 15:5 16:10,18,21 18:3,7 46:1

proposed 15:3 16:22 19:13,15 20:23 21:7 23:1,2 24:21 34:5 48:5 60:22 64:23 65:19

proposing 15:19 16:1 18:20 46:6 61:9

protection 6:12 28:14 68:21

prove 31:11

proved 63:7

provide 52:3 56:8 66:3

provided 6:16 8:13 18:23 21:10

providing 23:23

proximity 39:20 40:4

public 1:11 3:9 3:15 6:5 27:6 28:13,21 52:10

65:22 67:6 70:19 73:10

published 3:8

pull 40:22 41:21 44:4

pulled 23:9

pulling 41:20

purpose 4:12 23:19 49:23

purposes 35:12 42:2

pursuant 19:10 24:17 28:18

pursue 28:15 37:17

pushed 26:6

put 6:6 17:2 22:15 26:20 39:15 42:14 43:10 53:8 57:10 58:3 62:23 63:8,9 63:12 64:17,21 64:21 67:12 69:19 70:5

putting 42:16 56:17 62:23

q

qualified 1:11 73:4

quality 23:22

quantities 27:8

question 16:24 26:8 32:21 44:21 48:18

49:13 52:22 53:13 55:19,20 58:4 59:4 60:19,23 61:1 61:5,6,19,21 62:4,13,15,16 62:18,19 63:6 70:13

questions 4:9 29:8,11 30:7 30:17 32:16,19 33:2 35:24 38:22 39:6,23 40:6,6 47:18 47:20 60:17 61:2 65:6,10 71:8,23

quick 12:17 16:24 25:22 53:23

quorum 4:23

r

r 7:24 8:1 12:12 12:12 24:9 32:12

rahman 1:19

rain 42:12 56:19

rainfall 59:21

rains 56:18

rainwater 17:12

raise 7:6 39:9

raises 69:20

ran 11:22
rate 56:16 59:2
  59:15
rates 57:1
rather 24:23
read 5:23 6:11
  6:21,21 17:24
  23:15
ready 66:18
real 50:9 54:15
really 4:13 19:2
  30:6 37:12
  48:24 49:2,2
rear 14:22 31:5
reason 19:6
recent 41:6
recently 59:20
recommendat...
  4:15,17 65:14
  65:17 66:5
  69:23 70:22
recommending
  37:19
record 4:14
  5:23 8:9 25:14
  35:12 36:12,20
  45:14 46:11,12
  50:5 51:7
  62:24 66:14
reduction 27:7
  61:10
refer 52:3
referencing
  51:23

reflectivity
  53:21
refrigerated
  20:17
regard 48:19
registers 27:18
regular 47:2
regulate 54:20
regulated
  54:18
reintroduce
  63:3
related 14:22
  24:11 28:10
relationship
  16:14
relative 64:21
  65:2
release 18:18
  56:16 59:2,14
  59:15
releases 56:20
relevant 28:17
relief 1:3 3:11
  5:19 12:14
  28:14 64:3,7
remember
  13:22
remove 24:10
removed 57:9
rendering 9:19
  10:4
renderings
  18:23

rep 27:2
repave 22:2
repeat 48:18
  49:20 63:1
report 38:17
  67:14 73:12
reported 73:8
reporter 7:6,10
  7:22 32:4 40:8
  63:4 73:18
representative
  10:22
represents
  23:21
reps 40:15
request 7:20
  8:3 12:11
  21:17 47:12,12
  47:14 73:6
requested 6:7
requesting
  15:19
require 4:10
required 13:8
  13:12 15:7
  31:20 55:23
  56:4
requirement
  28:5 31:8
requirements
  21:14 29:5
  30:11 58:24
requires 37:13
  42:20

rescue 28:14
research 24:9
reserve 20:21
residential
  11:11 13:10
  15:1,5 43:7
resolution
  36:10 65:13
resolutions
  67:3,7
resolve 36:7
resolved 33:6
  36:10 65:12,15
respect 43:9
  45:19
respond 71:24
response 32:22
  38:23 71:10
responsible
  30:1,2
rest 51:8
restaurant 11:7
  50:20
restrict 25:1
restricted
  56:16,17
result 25:4 52:1
  65:20
return 20:5
revenue 25:5,6
reviewed 6:16
reviewing 71:5
rezone 12:12
rezoning 27:17

right 5:12,22
  7:7,18 8:6,11
  9:9,13,17
  10:10,11 14:9
  14:10 21:2,21
  22:7 23:16
  24:5 26:17
  32:19 33:8
  36:14 37:15
  38:8 39:9,14
  39:16,24 42:14
  43:4,21 52:20
  54:22 57:23
  58:7 62:17
  63:2 65:5 69:1
  70:17
road 1:9 11:4
  11:13,24 13:15
  16:21,23 21:1
  22:3,6,7 25:1,3
  40:11 42:7
  52:11 55:5,10
  56:10 57:24
roadside 58:1
robert 1:14
  38:1 60:20
room 22:6,14
rooms 49:9,14
  49:17 51:8
  52:4
roughly 12:23
route 11:14
  56:8,9
run 8:20 11:1
  11:16 52:12

running 11:15
  49:11 50:15
runoff 56:14
runs 35:17
ryan 51:19
  61:24 63:17

s

s 2:1 32:12
  51:20
safety 28:22
  42:2 61:16
sales 11:8
salvage 12:9
satisfaction
  69:6
satisfactory
  21:15,23
saturday 26:9
save 53:1 54:10
saying 4:1 20:9
  46:2 70:15
says 6:1 17:1
  33:11
school 6:15
schultz 1:18
screening 62:9
secluded 52:7
second 10:24
  24:14
security 53:15
see 6:18,19
  16:20 17:20
  19:16 29:10,11
  30:15,19 33:13
  33:24 34:2

  36:13 37:7
  50:3 64:16
  69:15
seems 36:9
  59:19 65:9
seen 22:21 45:8
  45:12 48:8
  60:5,6
semis 24:4 34:9
send 21:23
  58:14,15
septic 5:24 50:7
  54:13,14,15,16
service 26:22
serviced 50:13
  52:4,5
set 65:14 69:9
  69:11,13 71:18
  73:13
setback 13:7,9
  13:11,13,14
  14:16,16,18,19
  14:21,22,23
  15:2,4,5 16:8
  24:13 25:24
setbacks 10:5
  13:9 15:7 24:8
  24:11 25:19
several 11:7
  17:9
sewer 57:10
  59:9
sewers 59:5
shaking 25:13

sheet 8:21
shielding 53:20
shields 18:3
shorthand 73:9
  73:18
show 30:21
  34:24 36:18
  66:2,9 68:3
showed 37:11
shown 37:15
shows 10:5
  16:7 27:14
  34:8,9,19
sic 52:24
side 21:4
sign 68:8,21
signal 21:19
signalize 21:17
signature 73:17
significant
  14:20 16:2
  65:19
significantly
  13:12 27:21
signs 43:10
silt 64:20
similar 56:5
single 11:11
  13:10
sir 57:4
sit 4:2
site 8:13,18 9:3
  9:18,21,24
  10:5 11:3,5,6
  11:19,19,20

12:3,4,15,18,21
13:17 14:1
18:9,12,16,20
19:16,21 20:13
20:17 21:5,14
22:3 24:1,11
24:24 26:5
27:8,11 28:4
30:2,9 31:6
32:7 34:23,23
35:1 37:10
39:17 47:2
48:4,10 49:3,7
49:8 51:24
56:13 57:19
62:1 64:13,22
67:1,5
sites 48:8
sits 18:9
sitting 25:13
50:14 57:24
six 15:13 16:18
28:12
size 57:11,17
59:13
sized 59:13
sizing 57:13
skeptical 37:14
skip 19:11
sky 54:5,6
sleep 49:10
slide 11:1
slow 56:23
slowly 56:20

slows 56:17
59:14
small 56:17,22
smaller 31:1
54:21
smooth 4:7
soft 51:13
softener 55:14
solar 17:11
somebody 7:10
50:7
soon 49:6
sorry 14:18
32:5,23 40:16
46:23 49:15,21
sort 33:17
sounds 61:9
south 11:6,9,23
13:13 14:17
31:18 42:7
56:9
southbound
41:22 42:9
southern 18:13
22:8 37:16,17
space 49:8
spaces 47:4,5
speak 5:3,3
27:2 47:6
speaker 39:5
43:19
special 4:19
specific 11:19
33:24

spell 7:23 32:3
39:19 40:8
spelled 32:6
spill 17:18
square 11:21
12:22,23,24
13:2
ss 73:1
staff 4:3 52:7
52:16 53:24
54:3,9 63:20
67:12,23 72:3
stage 45:1
stall 15:13 48:5
stalls 13:4,5,6
15:10,11,14
stance 36:20
stand 29:19
39:8
standards 23:9
23:13 62:3
standing 42:13
standpoint
11:3 19:22
53:16
stapled 34:19
start 3:2,20
6:23 7:2 9:1
52:19
state 1:11 7:23
28:15 37:1
44:13,15 46:12
73:1,5
stated 4:1

statement 39:1
69:5
stay 50:18 53:9
53:17
staying 53:16
step 50:12
stop 32:19
41:23 68:17
storage 15:15
47:7
store 49:24
stored 20:12
stories 13:2
storm 55:12
57:9 59:5,7,9
59:16,17
stormwater 6:4
12:19 16:3
18:7,9,19
24:24 28:3,6,7
28:11 30:2,9
30:11 42:20,23
54:19 55:23
stream 3:17,18
3:24 5:13 6:6
6:12 30:16
35:9 36:7,16
36:21 37:8,19
37:21 65:13,22
66:1,11,12,12
66:16 67:4,12
67:21
street 41:21
42:4 50:24

streets 27:6
  52:2
strict 30:12
structure 55:13
structures
  24:12
study 4:8 6:21
  7:13 20:7,19
  20:20 21:6
  23:3 27:11,14
  33:10 35:23
  36:21 38:17
  43:21 44:20
  67:19,24
stuff 63:10
  67:13
subject 6:4 8:4
  29:2 73:7
submit 70:2,3
  71:1,3
submitted
  21:12 34:10
  70:24
substantially
  60:9
sufficient 20:21
summarize
  45:13
summarized
  38:18
sunday 26:18
  26:21
supplement
  16:6 36:12

supplemental
  21:2 37:10
supply 24:6
support 30:6
supporter
  50:21
sure 6:24 30:23
  36:2 48:19
  51:4
surface 16:2
surrounding
  23:21 28:10
survey 8:17 9:1
  9:18,24 11:18
sustainable
  17:9
swales 56:22
swear 7:5 39:9
sworn 7:14
system 21:7
  28:7 50:7

t

t 2:1 29:24,24
  32:12 51:20,20
  51:20 57:16
take 36:21 41:3
  41:10,14,20
  42:8 44:3 49:1
  59:8 67:7
  69:15
taken 1:6,8
  70:11 72:8
  73:9,13
talk 36:8

talked 14:12
  66:13 67:10
talking 34:7
  35:18 54:9
  66:12
tapered 22:7,15
tax 25:5,6
technically
  48:14
tell 23:3 25:14
  39:19,24 40:1
  40:4
tenant 10:19
  17:9 31:8 32:7
tenant's 21:17
tendered 8:12
term 52:5
terminal 12:24
  14:20
terminals 52:1
terms 14:20
  25:5 26:4 73:8
testify 7:5
  29:16 31:14
testimony 1:6
  23:7 30:4 33:9
  35:6 36:19
  72:8 73:9,12
thaete 29:23,23
  30:13,24 33:19
  34:11,14,21
  55:21 57:8,12
  58:9,12,15,20
  58:23 59:7,12
  59:20 60:3,7

  60:13,16 68:2
  68:5,9,12,15
thank 7:19
  31:24 32:9,17
  34:16 35:3,4
  37:21,23 38:20
  52:14 54:22
  61:6 62:11
  63:16 72:6
thanks 38:14
theirs 61:15
thing 6:17 7:3
  25:23 30:14
  32:18 38:9
  39:15 43:2,17
  44:17 45:13
  53:23 58:6,7
  65:8 67:20
  70:2,3
things 31:12
  40:16,18 49:11
  52:8 63:6 64:1
  65:15 67:23
think 15:2 22:4
  26:24 33:7
  35:5,24 37:14
  38:17 42:4,15
  42:18 43:9,17
  45:19 47:19
  50:8 51:22
  54:9,20 58:6
  63:20 66:5
  71:14,23
thinking 52:19
  54:7

thought 32:18 62:24 67:14
three 35:24 39:8,18 40:3 40:11 42:8 44:8 45:9 55:9 59:22 60:6 61:4,14
throw 17:1
tie 54:13,17
tied 3:3
tighter 31:1
timber 1:3 8:1 10:17 46:14 51:20 62:1
time 5:6 6:4,13 8:24 12:11 13:23 26:24 29:12 31:15 39:17 43:16 54:10 56:18,20 62:12 65:18 66:6 71:18 73:13
times 19:21 28:3 47:5,6 61:12,18
title 9:21
today 12:5,18 13:19 25:18 27:19,23 33:20 45:24 46:5
told 6:7 38:5 53:24

tonight 3:9 5:9 5:11 7:1,5,20 8:3 9:11 36:18 39:21 45:15 65:20 71:23
took 64:3
topography 18:15
total 9:15 11:21 13:2
totalling 27:19
touch 64:15
towards 3:14 43:23
township 3:18 6:9,10 12:1 21:12,22 22:18 28:16 37:2 40:15
tractor 13:5 15:16 47:4 48:5 70:14
tractors 61:13
traffic 3:3 4:8 6:21 7:13 20:7 20:19,22 21:8 23:3 26:19,24 27:5,9,11,13,22 30:22 35:23 36:21 38:10,16 41:22 42:6 43:2,21 44:2,6 44:8,9,20 61:11 67:14,19 67:24 70:7,10

trailer 13:5 15:14,16 47:5 48:6 70:14
trailers 20:17 31:5 46:18
transcript 13:21 73:11
transitional 15:2
travel 19:24 20:1
trine 12:8,10
trip 21:20
trips 27:13,15 27:19,20 47:8
trouble 54:11
truck 11:8 12:6 15:13 19:17,19 20:2,12 21:1,4 25:2,20 26:5 26:23 27:7,8 27:13,15 31:16 31:18 34:17 48:20 50:12,13 50:16 52:4
trucks 6:20 20:9,15 26:12 27:14,15 30:20 31:3,8,16,20 34:5,9 43:23 45:1,5,8,17,20 46:3,17 47:1,3 48:3,7,8 49:10 52:12 68:4 70:7

true 65:24 73:11
try 22:11 44:3 48:24 49:2 51:23
trying 29:22 33:15 36:16 42:7 45:14 67:15
turn 7:2 22:13 43:4,5,23 44:10 45:1 57:17 61:14
turning 21:1 34:17 70:14
turns 44:22
two 11:20 12:6 13:2 20:13 24:12 26:2 45:1 51:14 55:1 59:3 66:10 68:1,10 69:17
type 4:23
typical 15:13 26:10 31:1
typically 33:16 34:1

u

u 40:10 55:4
ultimately 64:5
under 11:23 12:1
underneath 60:4

undersized 60:9
understand 36:5 69:3
understanding 21:18 46:17 49:22
unduly 27:5
unidentified 39:5 43:19
unload 48:12
unloaded 52:6
update 67:22 67:22
upgraded 29:4
upped 59:21
upstream 57:22
use 1:3 3:10,11 7:21 8:3 12:13 14:5,15 15:12 23:9,18,23 24:6,15,19,21 25:16 27:5,17 28:1,12,20 34:5 46:5,7,8 50:6 63:21 64:1,5,6 65:9 65:10
used 36:12
user 64:8
uses 11:5,22 23:21
usual 73:7

usually 23:15 33:6 39:17
utilize 20:15

v

value 24:20 25:3 36:5,8
values 24:23 25:15
variation 12:14
variations 15:19
vegetation 64:10 65:3
vehicle 49:6
vehicles 34:3
veritext 73:8
vicinity 24:21
view 66:1
village 3:17 6:6 6:8,8
violates 63:20
visual 16:7
vote 65:16 67:7

w

wait 41:23 44:5 44:9 51:14 58:5 63:13
waiting 45:2,10 48:9 51:11,12 61:14
walking 50:19 50:23 51:1 52:2

want 5:17,20 6:24 11:1 13:17 16:13 22:24 23:1,6 25:12 33:24 35:7 36:22 38:10,13 39:2 39:8 43:16 50:22 61:6 69:2 70:2 71:24
wanted 23:10 43:23 44:12
wants 23:6 34:2 38:10 40:2
warehouse 3:12 11:6 49:23
water 17:11 42:13,17,21,22 44:17 55:14,16 55:24 56:1,11 56:13,14,18,19 56:21,24 57:19 57:24 58:7,14 58:15,16 59:8 59:9,11,14
way 8:7 31:19 31:21 36:11 54:16 55:13 58:19 65:16 66:9
wayne 3:18 6:9 12:1 21:12,22

22:18 28:16 40:15
ways 25:24
wb 31:2,3
we've 33:20 45:8 50:18 51:21 71:12
week 19:18,21 69:18 70:5 71:19
weekend 26:11
weeks 69:18
weigh 5:14 6:18
weighed 6:10 30:16
welfare 28:22
went 30:18
west 6:8 11:5 11:14,24 13:14 18:11 70:17
westbound 44:6,8 45:9 61:13
wetland 64:11 64:15,19 65:3
wetlands 65:4
wheaton 1:9
wheelers 41:20 42:5 44:4
wheels 31:6
whichever 40:1
wide 18:8 41:24

willing 4:2
winfield 6:9
winter 50:15
wish 9:10
witness 42:4
witnessed
 61:12
witnesses 29:10
 29:16
wonder 67:8
work 4:4 10:17
 52:16 63:17
 67:15 68:4,17
 68:23
working 31:21
 54:3
works 6:5
world 56:11
writing 71:24
written 69:19
wrong 29:20
 47:11 53:8

x

x 2:1
xeriscape 17:12

y

y 32:6
yard 24:13
yeah 8:19 22:2
 30:24 33:12,19
 34:14 35:5
 37:3 38:7
 54:19 60:3
 68:9

year 12:16
 59:16,18
years 12:8
 59:19
yep 30:13 68:2
 68:5 69:7
yesterday 37:9
 63:8,12 67:4

z

z 40:10,10 55:4
 55:4 60:21
z23-000020 1:3
zain 1:19
zero 31:8,17
 53:18
zoning 1:1,3,7
 1:22,23 3:6,10
 4:3,13 5:19
 16:16 23:10,19
 25:10 34:1
 64:3,7 73:7
zoom 7:11
 10:23 38:15