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SPECIAL PLANNING COMMISSION

PUBLIC MEETING

QUARRY EXPANSION BY PAYNE & DOLAN

Monday, August 27, 2018

6:00 p.m. to 8:49 p.m.

Village of Caledonia
5043 Chester Lane
Caledonia, WI

Reported by Kara D. Shawhan, CMR, CRR, RPR

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A P P E A R A N C E S

MR. JIM DOBBS,
VILLAGE PRESIDENT.

MR. THOMAS KNITTER.

MR. KEVIN WANGGAARD,
VILLAGE TRUSTEE.

MR. JARMEN CZUTA,
ZONING ADMINISTRATOR.

MR. JOHN SCHATTNER.

MR. JOSEPH MINORIK.

MR. BILL FOLK.

MR. DUANE MICHALSKI.

MR. LEE WISHAU,
VILLAGE TRUSTEE.

MR. DAVE PROTT,
VILLAGE TRUSTEE.

MS. FRAN MARTIN,
VILLAGE TRUSTEE.

MR. DALE STILLMAN,
VILLAGE TRUSTEE.

MR. JAY BENKOWSKI,
VILLAGE TRUSTEE.

MR. TONY BUNKELMAN,
UTILITY DISTRICT DIRECTOR.

MR. TIM PRUITT,
VILLAGE ATTORNEY.

MS. ELAINE EKES,
VILLAGE ATTORNEY.

MS. JOSLYN HOFFERT,
DEPUTY CLERK.

1 MR. TOM CHRISTENSEN,
2 VILLAGE ADMINISTRATOR.

3 MR. TOM LAZCANO,
4 PUBLIC WORKS DIRECTOR.

* * * * *

05:30

6 Speakers:	Page:
7 PHIL FOUNTAIN.....	15
JERRY HOOYMAN.....	16
8 DENNIS GRZEZINSKI.....	17
JAMES WALTERS.....	31
9 ROSEANNE FOUNTAIN.....	42
JERRY HOOYMAN.....	47
10 TIM VANDERHOEF.....	49
MR. DECHECK.....	49
11 MS. NITSCH.....	51
MS. FAY.....	52

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13 Exhibits Identified:	Page
14 Exhibit 1 - Documents Received By the Village of 15 Caledonia For the Public Hearing Record.....	9
16 Exhibit 2 - E-Mail Memorandum From Jarmen Czuta 17 Dated August 23, 2018, Addressing the Conditional Use Request.....	9
18 Exhibit 3 - Memorandum to the Village of Caledonia Plan Commission From Pruitt, Ekes & 19 Geary.....	10
20 Exhibit 4 - Memorandum From Tom Lazcano to Karie Torkilsen Dated 7-19-18 Regarding Quarry Information From the Wisconsin 21 DNR.....	10
22 Exhibit 5 - Large Map.....	29
23 Exhibit 6 - Map.....	31

23 Disposition of Exhibits:

24 Original Exhibits Attached to Original Transcript;
25 Exhibit 5 Returned to the Village of Caledonia.

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05:58 1 TRANSCRIPT OF PROCEEDINGS
05:58 2 (Exhibit Nos. 1 through 3 were marked.)
05:59 3 MR. DOBBS: Okay. We have scheduled
06:31 4 Public Hearings Items A and B followed by action by
06:31 5 the Commission on Item C and action by the
06:31 6 Commission on Recommendations, which is our
06:31 7 continued public hearing from July 9. The public
06:31 8 hearing on the following Items A and B will be a
06:31 9 combined public hearing and is a continued public
06:31 10 hearing from July 9, 2018, for the purpose of
06:31 11 receiving additional information that was requested
06:31 12 by the Plan Commission on that date, and such
06:31 13 public hearing will be limited to the presentation
06:31 14 of information on the following: 1) The impacts of
06:31 15 dust and air quality from the quarry
06:31 16 operation/expansion; 2) The impact of an expanded
06:31 17 quarry on nearby property values; and 3) A
06:31 18 comparison of net tax revenue generated by the
06:31 19 quarry versus residential uses.
06:31 20 Now, since our last Plan Commission
06:31 21 meeting, we have gotten a lot of information that
06:31 22 came from the public and from the quarry operators.
06:32 23 All that information has been put on our website,
06:32 24 and it has been reviewed. If you spoke at the last
06:32 25 public hearing and you have no new information to

06:32 1 present, there will be no need to bring it up again
06:32 2 today, as we have all of your information on file.

06:32 3 Tonight on these three topics -- again,
06:32 4 the impacts of dust and air quality from the quarry
06:32 5 operation/expansion; the impact of an expanded
06:32 6 quarry on nearby property values; and a comparison
06:32 7 of net tax revenue generated by the quarry versus
06:32 8 residential uses, those are the three topics that
06:32 9 we would welcome you to say if you have any facts
06:32 10 on these topics. Not personal speculation. It
06:32 11 needs to be objective, not subjective. If you have
06:32 12 any studies, expert testimony or evidence is what
06:32 13 we're looking for, not just "I saw some dust in the
06:32 14 air." This has to be some specific things that the
06:32 15 Planning Commission will be looking for.

06:33 16 Jarmen, do you want to read Item A and B
06:33 17 which we'll be discussing?

06:33 18 MR. CZUTA: Thank you, President Dobbs.
06:33 19 The first aspect of the request is an amendment of
06:33 20 the land use plan from: Low Density Residential
06:33 21 (19,000 square feet to 1.49 acres per dwelling
06:33 22 unit) to: Extractive Part of the Southeast 1/4 of
06:33 23 Section 29 and the Southwest 1/4 of Section 28,
06:33 24 Town 4 North, Range 23 East, Village of Caledonia,
06:33 25 Racine County, Wisconsin. This property is located

06:33 1 north and east of the existing quarry at
06:33 2 1501 3 Mile Road and contains 26 acres, more or
06:33 3 less. Payne & Dolan, Incorporated, owner; Payne &
06:33 4 Dolan, Incorporated, applicant.

06:33 5 Rezone from: P-1 Institutional Park
06:33 6 District, R-4 Urban Residential District I and R-5
06:34 7 Urban Residential District II to: M-4 Quarrying
06:34 8 District. Part of the Southeast 1/4 of Section 29
06:34 9 and the Southwest 1/4 of Section 28, Town 4 North,
06:34 10 Range 23 East, Village of Caledonia, Racine County,
06:34 11 Wisconsin. This property is located north and east
06:34 12 of the existing quarry at 1501 3 Mile Road and
06:34 13 contains 31 acres, more or less. Payne & Dolan,
06:34 14 Incorporated, owner; Payne & Dolan, Incorporated,
06:34 15 applicant.

06:34 16 Also part of the request involves a
06:34 17 request for a conditional use permit, nonmetallic
06:34 18 mining permit and explosives use permit to allow
06:34 19 for the further development of an existing
06:34 20 limestone quarry including earthmoving, blasting,
06:34 21 crushing, sorting and sizing, stockpiling,
06:34 22 transportation and reclamation, as well as those
06:35 23 activities permitted in the village's ordinances
06:35 24 entitled "Regulation of Nonmetallic Mining"
06:35 25 (Title 7, Chapter 11) and "Explosives and Blasting"

06:35 1 (Title 7, Chapter 10). This property is located
06:35 2 north and east of the existing quarry at
06:35 3 1501 3 Mile Road, Section 28 and 29, Town 4 North,
06:35 4 Range 23 East, Village of Caledonia, Racine County,
06:35 5 Wisconsin. Thank you.

06:35 6 MR. DOBBS: Thank you, Jarmen. As a part
06:35 7 of the process for the Planning Commission and the
06:35 8 board on something such as this, the Plan
06:35 9 Commission members and Village Board members often
06:35 10 take tours of the site. I know I have. I
06:35 11 witnessed a blast. I went out there for a tour of
06:35 12 the site last week. I believe many have. I guess
06:35 13 if we could get a show of the hands of the board
06:35 14 who has been out to the site to view it and who has
06:35 15 seen a blast. It appears that four of the five --
06:36 16 six of the seven board members have. How about the
06:36 17 Plan Commission members? One, two --

06:36 18 MS. EKES: If you can keep your hands
06:36 19 raised so that the deputy clerk can make a note of
06:36 20 who conducted the site visit for the record, that
06:36 21 would be helpful.

06:36 22 MR. DOBBS: Board members --

06:36 23 MR. BENKOWSKI: A question. Is this
06:36 24 based upon in this last week, or is this based upon
06:36 25 history?

06:36 1 MR. DOBBS: History.

06:36 2 MR. BENKOWSKI: History? Fine.

06:36 3 MR. DOBBS: In the last year, have you
06:36 4 been out there?

06:36 5 MS. MARTIN: And also for the record,
06:36 6 does this include communication or is it simply
06:36 7 looking at the site or was it communicating?

06:36 8 MR. BENKOWSKI: Blasting.

06:36 9 MS. EKES: For now it's just a site
06:36 10 visit.

06:36 11 MS. HOEFFERT: Thank you.

06:36 12 MR. DOBBS: Okay. Before we start with
06:37 13 the actual public hearing, I know that our attorney
06:37 14 wanted to enter some information that we've all
06:37 15 received into the record.

06:37 16 MS. EKES: Thank you. For purposes of
06:37 17 the public hearing record, we've had some documents
06:37 18 marked as exhibits with the court reporter who is
06:37 19 here to take down the testimony for the public
06:37 20 record. Before I mention what those exhibits are,
06:37 21 I wanted to just mention that we do have a court
06:37 22 reporter here, and she's taking down everything
06:37 23 that's said for purposes of the public record so we
06:37 24 can create a transcript. So it's important when
06:37 25 you do speak that you speak clearly and loudly

06:37 1 enough so that she can track and type up everything
06:37 2 that you're saying. So I just want to mention that
06:37 3 as well.

06:37 4 For purposes of the record, there were
06:37 5 three documents, and they're marked as exhibits.
06:37 6 The first document is Exhibit No. 1 and it's
06:37 7 documents that have been posted at the village's
06:38 8 website that were received as a part of the -- this
06:38 9 public hearing procedure either during the last
06:38 10 public hearing or between the two prior dates, but
06:38 11 it also includes the submittals that were made by
06:38 12 the applicant, including the applications and
06:38 13 petitions as well. So it's everything that would
06:38 14 essentially be in the public hearing record for
06:38 15 purposes of review in making decisions on the
06:38 16 petitions. So that's Exhibit No. 1.

06:38 17 The second exhibit is an e-mail
06:38 18 memorandum from Jarmen Czuta, the Caledonia Zoning
06:38 19 Administrator, dated August 23, 2018, addressing
06:38 20 the conditional use request. It includes
06:38 21 background information on each of the requested
06:38 22 items including rezoning, land use amendment,
06:38 23 conditional use permit, nonmetallic mining permit
06:38 24 and explosives use permit. It includes potential
06:38 25 draft conditions if the Plan Commission were so

06:39 1 inclined to recommend approval.

06:39 2 Exhibit No. 3 is a memorandum to the
06:39 3 Village of Caledonia Plan Commission from Pruitt,
06:39 4 Ekes & Geary, Village Counsel, regarding the
06:39 5 request for the expansion of the quarry addressing
06:39 6 items related to the amendment to the 2035 Comp
06:39 7 Plan; 2) the request for rezoning; 3) the
06:39 8 conditional use permit; 4) the nonmetallic mining
06:39 9 permit; and 5) the explosives use permit. And that
06:39 10 is dated August 24, 2018.

06:39 11 We do have one other item we want to
06:39 12 enter into the record that we realized was left off
06:39 13 the list which is Exhibit No. 1 but was a piece of
06:39 14 information that was collected by the Village of
06:39 15 Caledonia Public Works Director as a part of
06:39 16 investigation that the Plan Commission asked to be
06:39 17 accomplished, so I think I'll as I walk -- I'll
06:39 18 walk over and have this marked by the court
06:39 19 reporter for purposes of the record. And again,
06:40 20 that's Exhibit No. 4, and I'll turn the microphone
06:40 21 over just so that Tom can explain what that was.

06:40 22 (Exhibit No. 4 was marked.)

06:40 23 MR. LAZCANO: So just a summary. I had
06:40 24 talked to Craig Stemler of the DNR. He is the air
06:40 25 quality engineer. I talked to him when the dust

06:40 1 issue came up for the reapproval of the blasting
06:40 2 permit. I did reach out to him again after the
06:40 3 initial public hearing, and I asked him if there
06:40 4 were any new complaints that he received since my
06:40 5 initial conversation with him. He said that there
06:40 6 were not. I asked him if he had any information
06:40 7 that I could use to give to the Plan Commission,
06:40 8 and he pointed me to two documents, one from
06:40 9 Centers For Disease Control on limestone and risk
06:40 10 and quality from limestone, and then he also
06:40 11 pointed me to a USGS document for more information
06:41 12 on quarries and dust. So these are the two items
06:41 13 that I got from Craig Stemler of the DNR. He's the
06:41 14 air quality engineer for the southeast region in
06:41 15 Wisconsin. I had sent them over to Karie, but I
06:41 16 guess they never got on the website.

06:41 17 MR. BENKOWSKI: Mr. Lazcano, not to
06:41 18 challenge you, but if you recall, I had a
06:41 19 conversation with you last week that I was
06:41 20 contacted that there was a dusting issue last week,
06:41 21 early in the week, and I will still go on record
06:41 22 that when we started the blasting permit process,
06:41 23 there was a dusting issue, but yet we were told to
06:41 24 contact the Village of Caledonia. And as you know,
06:41 25 the Village of Caledonia, so they say, should be

06:41 1 contacting DNR because we were told to contact the
06:41 2 Village of Caledonia. The Village of Caledonia is
06:41 3 not forwarding that information on to the DNR for
06:41 4 the record.

06:41 5 MR. LAZCANO: No. Because when I talked
06:41 6 to Craig Stemler, he said he didn't want
06:41 7 information from me. He wanted it directly from
06:41 8 people that had a --

06:42 9 MR. BENKOWSKI: Therefore, you should
06:42 10 redirect it. When someone calls you, you should
06:42 11 redirect it and tell them what to do. Thank you.

06:42 12 MR. LAZCANO: I spoke to Craig on the
06:42 13 phone about your issue, so he did get them. He did
06:42 14 hear them.

06:42 15 MR. BENKOWSKI: But you are saying there
06:42 16 is no record; so therefore, that's not a factual
06:42 17 statement. There is a record. There were two
06:42 18 instances that I've called up the village about
06:42 19 issues of dusting at the quarry, but there's no
06:42 20 record with the DNR, so something is falling apart.
06:42 21 It's either within the village or it's the village
06:42 22 communicating further. And I'm not taking you to
06:42 23 task. I'm saying we have a lapse in communication.
06:42 24 So somehow we have to clarify this because there
06:42 25 are two instances since the blasting permit went

06:42 1 through that I've contacted the village about the
06:42 2 dusting issue. That's all. I'm not trying to take
06:42 3 you to task. I have no issue to grind with you.
06:42 4 I'm just suggesting that we are not in lockstep on
06:43 5 this issue. Thank you.

06:43 6 MR. DOBBS: Mr. Wanggaard?

06:43 7 MR. WANGGAARD: And Jay, I'll use the
06:43 8 same phraseology you're using. I'm not taking
06:43 9 issue with you. But as a village elected official
06:43 10 making a complaint to Tom or to the village, you
06:43 11 could have just as well called the DNR and called
06:43 12 the individual --

06:43 13 MR. BENKOWSKI: I was told that any
06:43 14 complaint should come to the village, and the
06:43 15 village was going to deal with them --

06:43 16 MR. WANGGAARD: You're part of the
06:43 17 village.

06:43 18 MR. BENKOWSKI: -- Mr. Wanggaard.

06:43 19 MR. WANGGAARD: You're part of the
20 village. I'm not taking issue with you. I'm
21 just --

22 MR. BENKOWSKI: I was told that I should
23 bring the complaints to the village.

24 MR. WANGGAARD: -- making it clear for
25 the record.

06:43 1 MR. BENKOWSKI: For the record, I was
06:43 2 told that I should bring the complaints to the
06:43 3 village, which is what I did.

06:43 4 MR. WANGGAARD: Fair enough.

06:44 5 MR. DOBBS: All right. At this point we
06:44 6 will open up the public comments section. Now,
06:44 7 keep in mind we had one public hearing already.
06:44 8 We've heard lots of different topics, and the
06:44 9 Commission up here wanted to fine tune three more
06:44 10 of them, and that was the dust and air quality
06:44 11 issue, the impact of an expanded quarry on nearby
06:44 12 property values, and a comparison of net tax
06:44 13 revenue generated by the quarry versus residential
06:44 14 uses.

06:44 15 Is there anybody here that would like to
06:44 16 speak in favor or have anything in favor of these
06:45 17 items that would like to get up and say something?
06:45 18 Is there anyone that's in favor of the quarry
06:45 19 expansion and have anything positive to say about
06:45 20 any of these three topics? Is there anyone here
06:45 21 that is in favor of the quarry expansion that wants
06:45 22 to say anything positive about these three topics
06:45 23 that we're talking about tonight?

06:45 24 Hearing and seeing none, we'll move on to
06:45 25 the second phase. Is there anyone here that has

06:45 1 any facts or objective information, studies, expert
06:45 2 testimony or evidence that would like to speak
06:45 3 against the quarry expansion on one of these three
06:45 4 topics?

06:45 5 MS. HOEFFERT: Jim, I have three slips
06:45 6 here.

06:45 7 MR. DOBBS: Okay. Go ahead and read
06:45 8 their name and then call them up, I guess, if they
06:45 9 have something they want to come up --

06:45 10 MS. HOEFFERT: Certainly. And I just
06:45 11 want to make another announcement. If you do want
06:45 12 to speak, I only have three slips here. You will
06:45 13 need to sign up there and submit it to me at any
06:46 14 time during this hearing.

06:46 15 All right. I'll start with Phil
06:46 16 Fountain, 4625 North St. Clair.

06:46 17 MS. HOEFFERT: Please state your name and
06:46 18 address.

06:46 19 MR. FOUNTAIN: Phil Fountain, 4625 North
06:46 20 St. Clair. I was at the last meeting on July 9,
06:46 21 and I presented you with an event I had in an
06:46 22 airplane relating to strong winds across the quarry
06:46 23 while I was trying to land at the Racine airport a
06:46 24 Fairchild F-27, and I was at -- I got the strong
06:46 25 feeling that it wasn't accepted by Caledonia, so I

06:46 1 guess I wanted to notify you that that report that
06:46 2 I handed you is now in the hands of the FAA in
06:46 3 Chicago that will further evaluate that.

06:46 4 MR. DOBBS: Okay. Thank you. Joslyn?

06:47 5 MS. HOEFFERT: All right. Next, Jerry
06:47 6 Hooyman, 3900 Wilshire.

06:47 7 MR. DOBBS: Jerry?

06:47 8 MS. HOEFFERT: Can you state your name
06:47 9 and address again for the record?

06:47 10 MR. HOOYMAN: Hi. I'm Jerry Hooyman,
06:47 11 3900 Wilshire Drive. And basically dust and air
06:47 12 quality problem research has been sent to each of
06:47 13 you, so you know it's a problem. It's not a guess.
06:47 14 Also, quarry and quarry expansion impact on
06:47 15 property value research has been provided to each
06:47 16 of you personally by me many times. So you know
06:47 17 property values and tax revenues of the village
06:47 18 would be reduced if the quarry expands. So
06:47 19 property values would go down and property taxes in
06:47 20 the village would go down.

06:47 21 In fact, based on the research I've done
06:47 22 myself, within a half mile, the property values go
06:47 23 down 40 percent or more. Also, based on research,
06:47 24 you know tax revenue to the village would increase
06:48 25 if the arrears -- or if areas currently zoned

06:48 1 residential would begin to have homes built on that
06:48 2 land. My understanding is Payne & Dolan is saying
06:48 3 they have another four or five years, so you can
06:48 4 see a lot of increase in population and so forth,
06:48 5 revenue to the village, and I know Foxconn is
06:48 6 looking for a lot of people.

06:48 7 Now all that has to be shown is will
06:48 8 elected officials side with the facts and vote for
06:48 9 the citizens or ignore the facts and vote for
06:48 10 Payne & Dolan? Thank you.

06:48 11 MR. DOBBS: Joslyn?

06:48 12 MS. HOEFFERT: Okay. My last submittal
06:48 13 is Dennis Grzezinski. He's representing Caledonia
06:48 14 residents. And Dennis, if you if you could name
06:48 15 the residents you're representing. Thank you.

06:48 16 THE WITNESS: I will do that.

06:49 17 MR. DOBBS: Dennis, I do believe that
06:49 18 everyone did get your memo.

06:49 19 MR. GRZEZINSKI: Thank you. I appreciate
06:49 20 that. Plan Commission members, Village Board
06:49 21 Trustees, good evening. My name is Dennis
06:49 22 Grzezinski. I practice law in Milwaukee at
06:49 23 1845 North Farwell Avenue. I'm here before you
06:49 24 representing 18 Caledonia residents and business
06:49 25 owners. They are Brian and Heather Dybing, Mary

06:49 1 Jane Factor-Walters and James Walters, Carol
06:49 2 Gilbert, Ron and Jean Hansen, Ronald and Sandy
06:49 3 Klitz, Barbara and Richard Nyklewicz, Jr., Mr. and
06:49 4 Mrs. R.T. Rockwell, Bernard and Heidi Poulson,
06:49 5 Scott Sebastian, Michael Vanderhoef and Tim
06:50 6 Vanderhoef as executor of the estate of Willis
06:50 7 Vanderhoef.

06:50 8 These folks have been in Caledonia
06:50 9 ranging from 1 to 40-plus years, and their names
06:50 10 are set forth in my letter from Friday which you've
06:50 11 all read. I'm not going to stand here and read
06:50 12 that letter. That would be a waste of your and my
06:50 13 time. You've had an opportunity to read it.

06:50 14 I would like to help focus your minds on
06:50 15 the nature of the decisions which are before you.
06:50 16 Act 67, which limits the kind of evidence that you
06:50 17 can consider in making certain kinds of decisions,
06:50 18 applies only to conditions in conditional use
06:50 19 applications. If you're going to issue a
06:50 20 conditional use permit, you need to tailor the
06:51 21 conditions to the kinds of facts, the kinds of
06:51 22 evidence that have been described.

06:51 23 However, what you have before you in
06:51 24 these matters in addition to an application for a
06:51 25 conditional use permit are a number of rezoning

06:51 1 changes. Act 67 has nothing to do with approving
06:51 2 or denying zoning changes. On that information --
06:51 3 On that kind of a decision, you are entitled to
06:51 4 rely on all sorts of evidence, not simply expert
06:51 5 testimony or people's own personal experiences, and
06:51 6 you ought to be clear in not limiting people --
06:51 7 your own residents and constituents -- from
06:52 8 speaking to you on the question of whether rezoning
06:52 9 should take place in terms of speaking their
06:52 10 opinions, their experiences, their thoughts, their
06:52 11 wishes to you as either Plan Commission members or
06:52 12 members of the Village Board of Trustees.

06:52 13 You don't get to the question of
06:52 14 conditional use permit for the areas that are not
06:52 15 currently allowable for mining until and unless you
06:52 16 decide that those properties ought to be rezoned.
06:52 17 I just wanted to address that first.

06:52 18 My letter referenced the important
06:52 19 purposes of planning and zoning, and it includes
06:52 20 some things that you may declare you're interested
06:52 21 in: stabilizing and protecting property values,
06:52 22 ensuring that economic activities are compatible
06:53 23 with the comprehensive plan in the surrounding area
06:53 24 and the overall community. The whole reason that
06:53 25 zoning prohibits incapable uses such as extracted

06:53 1 quarrying in residential districts is specifically
06:53 2 to manage and reduce the impact on the quality of
06:53 3 life and property values of the surrounding
06:53 4 community that were caused by unavoidable dust,
06:53 5 unavoidable noise, and unavoidable ugliness. You
06:53 6 can put some things behind a barrier, but that only
06:53 7 reduces some of the problems.

06:53 8 As my letter also stated, zoning law
06:53 9 disfavors the continuation and expansion of
06:53 10 nonconforming uses, and it explained why Payne &
06:53 11 Dolan's nonconforming use of the parcel that lies
06:53 12 east of Charles Street does not entitle the company
06:53 13 to expand the use on that parcel to include active
06:53 14 mining from simply, you know -- based on its
06:54 15 previous or existing use of storing rocks, storing
06:54 16 gravel, and parking vehicles on its surface.

06:54 17 It's not contiguous to the active mining
06:54 18 areas. It's separated by a property owned by
06:54 19 another party -- that being the village -- and the
06:54 20 Wasting Assets Rule of allowing mining some special
06:54 21 abilities to expand nonconforming uses simply
06:54 22 doesn't apply here.

06:54 23 Payne & Dolan doesn't have a right to the
06:54 24 zoning and comprehensive plan changes that they're
06:54 25 requesting here. They have to ask your permission.

06:54 1 You're allowed to say "yes." You're allowed to say
06:54 2 "no." They're asking you to make a political
06:54 3 decision about the future direction and nature of
06:54 4 your community. And that's separate from the
06:55 5 "Let's decide what the conditions might be that we
06:55 6 would impose on mining if we change the zoning."
06:55 7 It's a political decision basically as to what kind
06:55 8 of zoning you decide in terms of the Plan
06:55 9 Commission you recommend, in terms of the Village
06:55 10 Board you decide that these parts of your community
06:55 11 ought to be zoned in the future.

06:55 12 Payne & Dolan is asking you to undo the
06:55 13 planning decisions and the zoning decisions that
06:55 14 resulted from an intense and comprehensive planning
06:55 15 process a bunch of years ago, to undo decisions
06:55 16 that long-time residents as well as relative
06:55 17 newcomers have relied on when purchasing their
06:55 18 homes, to investing and making home improvements
06:55 19 and deciding where to live. You all know -- All of
06:55 20 us know that the quarry is noisy, dusty and ugly.
06:55 21 That can't be avoided. It's inherent in quarrying.
06:56 22 It's not saying bad things about the quarry. It's
06:56 23 stating the facts.

06:56 24 If you allow active mining activities to
06:56 25 be expanded beyond the parcels on which it has

06:56 1 already been occurring, you can only attempt to
06:56 2 manage the harms. You can only make the damage a
06:56 3 little less bad, the impacts on the neighborhood a
06:56 4 little less bad. But you are not obligated to rip
06:56 5 apart the existing land use plan and to take a
06:56 6 wrecking ball to the existing zoning. You can say
06:56 7 to Payne & Dolan, "No. This far and no further."

06:56 8 The Village of Caledonia is at a fork in
06:56 9 the road. The choices are clear. Say "no" to
06:56 10 these requests, and the mineable rock in the quarry
06:56 11 west of Charles Street will be exhausted within a
06:56 12 few years. I've heard four, I've heard five years.
06:56 13 The dust, noise and other detrimental effects from
06:57 14 that quarrying will end. The reclamation that the
06:57 15 company will do can then take place, and
06:57 16 surrounding property values will improve.

06:57 17 The village can then expect developers to
06:57 18 invest in new investments on the undeveloped land
06:57 19 nearby, and the village can also expect improved
06:57 20 property values and investments and upgrades on the
06:57 21 properties nearby that are already developed. You
06:57 22 get benefits in the value of the undeveloped land
06:57 23 which can be developed to better uses at higher
06:57 24 prices, you also get a bump to the village in
06:57 25 improved values of those properties near the quarry

06:57 1 when the quarrying stops.

06:57 2 That increased property values and tax
06:57 3 revenues from the existing already developed
06:57 4 surrounding properties, that increase, the bump
06:57 5 from current tax revenues, that's 100 percent
06:57 6 entirely net positive revenue from where you stand
06:58 7 today. Every single dollar of it represents a new
06:58 8 dollar for the village without any further
06:58 9 services. You're already providing what services
06:58 10 to the existing developed properties that you're
06:58 11 going to provide in the coming years.

06:58 12 Also -- And you received some information
06:58 13 on this at the previous hearing regarding the sales
06:58 14 prices, the advertised prices of the housing that's
06:58 15 being developed relatively near to the quarry, and
06:58 16 you're seeing numbers \$260,000, \$270,000. You can
06:58 17 expect relatively high-value housing to be
06:58 18 developed in those surrounding developable
06:58 19 residential properties when the quarry stops
06:58 20 operating.

06:59 21 Both the existing properties and the
06:59 22 newer high-value properties -- certainly the newer
06:59 23 high-value properties are going to produce tax
06:59 24 revenues that more than cover their addition to
06:59 25 public service costs. Empty nesters who move into

06:59 1 the newer houses are not bringing children to add
06:59 2 to the school enrollment rolls, are not adding to
06:59 3 the education expenses that municipalities are
06:59 4 bearing. Public services are already extended to
06:59 5 the subdivisions that have developable lots.
06:59 6 You're not having to extend utilities there.
06:59 7 You're already able to provide fire service to
06:59 8 those already partially developed areas. Again,
06:59 9 improvements and new developments in those areas
07:00 10 are going to be significantly net revenue positive.
07:00 11 Then compare those existing and potential
07:00 12 new revenues when quarrying comes to an end with
07:00 13 the absolutely minimal revenues that are generated
07:00 14 by Payne & Dolan's extensive properties. A few
07:00 15 points -- a few more points about net revenues.
07:00 16 First, property taxes are not the only
07:00 17 revenue source generated by residents. In addition
07:00 18 to paying property taxes, the residents pay state
07:00 19 income taxes. A portion of state income taxes come
07:00 20 back to the village in shared revenue -- return to
07:00 21 the village, return to the other municipalities in
07:00 22 which the property lies, in which the residents
07:00 23 live. Companies like Payne & Dolan pay very little
07:01 24 or nothing in state income taxes. It used to be
07:01 25 the case, but the burden of taxes both at --

07:01 1 locally and at the state shifted dramatically.

07:01 2 But you might say, "Payne & Dolan's use
07:01 3 of all of this land doesn't demand any significant
07:01 4 amount of public services." If that's what should
07:01 5 drive your decisions about how property should be
07:01 6 used, then I would say that kind of logic suggests
07:01 7 that the larger the dead zone within your
07:01 8 community, the better off you are. I don't think
07:01 9 an ever larger area of the village that is being
07:01 10 dug up, blown up and shipped away to other
07:01 11 communities, to other states, leaving a lake -- a
07:01 12 bigger lake that isn't going to generate any
07:01 13 revenue, I don't think that's a positive direction
07:02 14 for your community for the next 30 years.

07:02 15 You get to decide if that's the right
07:02 16 direction to go. The Plan Commission, you get to
07:02 17 recommend. The Village Trustees, you get to
07:02 18 decide. But that's the decision that you have
07:02 19 before you on the zoning questions. Do you want
07:02 20 more people, homes, the economic activity that
07:02 21 people bring, customers for businesses, or do you
07:02 22 want a company that uses more and more of your land
07:02 23 to blow it up, put it on trucks or trains to leave
07:02 24 forever?

07:02 25 You're deciding the future of your

07:02 1 community. I urge you to listen to the comments
07:02 2 and pleas of the people that you heard, who
07:02 3 described how they're already being affected by the
07:03 4 dust, noise, blasting vibrations coming from the
07:03 5 quarry. They don't want you to cause their
07:03 6 exposure to those problems to increase by allowing
07:03 7 active quarrying to expand closer and closer to
07:03 8 them and to what are now the buffers between them
07:03 9 and the detrimental activities that the quarry
07:03 10 can't help but cause.

07:03 11 I mean, I'm not calling the quarry folks
07:03 12 or the company bad names. They're doing a legal
07:03 13 business, but it has bad effects on its neighbors,
07:03 14 and expanding just adds to those bad effects.

07:03 15 They also don't want the problems that
07:03 16 they're experiencing to be foisted upon their
07:03 17 neighbors who are -- you know, they're between
07:03 18 their neighbors and the quarry. You allow the
07:03 19 quarrying to move significantly closer to them, and
07:03 20 the people on the other side of them are going to
07:03 21 be as close to the quarry as they are and suffering
07:04 22 the problems that they are.

07:04 23 Those are the decisions that you are
07:04 24 going to be making in deciding whether or not to
07:04 25 rezone these parcels. Just so we all can see the

07:04 1 views of those who have bothered to attend this
07:04 2 hearing tonight, I would ask that those here who
07:04 3 are opposed to the quarry's expansion request
07:04 4 simply stand silently for a moment. There are some
07:04 5 people who are not standing, but I would say that
07:04 6 the overwhelming majority -- a vast majority of the
07:04 7 people here have stood. Thank you. If you'd
07:04 8 please be seated.

07:04 9 These residents and others I'm sure who
07:04 10 are not here don't want to see their community to
07:04 11 lose forever the development potential of what
07:04 12 would be prime residential land if not for the
07:05 13 quarry's ongoing activities.

07:05 14 I'd ask you to examine -- Hold these up
07:05 15 so the zoning administrators can see it, and I'll
07:05 16 hold one up for the town board. This is an aerial
07:05 17 photo from 2015, and I'll for a moment let you all
07:05 18 see. The middle 60 or 80 percent of this photo
07:05 19 appears to be contained within Payne & Dolan's
07:05 20 application. I referenced -- made a reference to
07:05 21 it in my letter to you all.

07:05 22 The point I'd like you to think about
07:05 23 when looking at the photo is to look at the areas
07:05 24 that you can tell have been mined. That's the
07:06 25 airport, the west quarry, the east quarry, and look

07:06 1 around them and see how not 100 percent of the area
07:06 2 around it, but the substantial areas around them,
07:06 3 they're not real close to homes. Nobody is living
07:06 4 in the entire airport, as far as I know. There's a
07:06 5 significant buffer down here to the south. There's
07:06 6 a large area to the south of the east quarry.
07:06 7 There's the area east of Charles Street and then
07:06 8 the large agricultural area to the north of that.
07:06 9 On the north it's the parkland, the former church
07:06 10 -- former St. Rita's Church property, there's the
07:07 11 church itself and the surrounding open space.
07:07 12 You've got to go a bit of a way. There's a bit of
07:07 13 a margin on the north. There's wooded area behind
07:07 14 all the houses to the west of the west quarry.
07:07 15 Folks have a significant barrier between
07:07 16 them and the quarry when you look at the active
07:07 17 quarrying areas that have been active in the past
07:07 18 and are active now. Nevertheless, you have folks
07:07 19 who have suffered problems: dust, noise,
07:07 20 vibration, the whole works, and lots of traffic
07:07 21 going through their neighborhoods. Think about how
07:07 22 close the active mining is going to be if you
07:07 23 rezone and allow active mining all the way to the
07:07 24 east down here. You have a big circle out of the
07:08 25 agricultural land and allow the St. Rita's Church

07:08 1 property to be mined up to within 300 or 400 feet
07:08 2 of the north property line. You're bringing active
07:08 3 quarrying a heck of a lot closer to lots of
07:08 4 intensely densely populated residential areas in
07:08 5 each of those areas. You're not simply allowing an
07:08 6 activity that's going on to continue in the same
07:08 7 context that it's been going on in the past.
07:08 8 You're -- If you rezone, you're really changing the
07:08 9 context in which the quarrying is being done. It's
07:08 10 going to be done just a heck of a lot closer to
07:08 11 lots and lots and lots of citizens in your
07:08 12 community, a whole bunch of them down in the
07:09 13 southeast, in the city of Racine.

07:09 14 And I have a bunch of copies of that. I
07:09 15 think there's a dozen of them for you all. And I
07:09 16 think I should provide you with one of these for
07:09 17 your records. So I would ask that that be made an
07:09 18 exhibit. And I'm almost done.

07:09 19 (Exhibit No. 5 was marked.)

07:09 20 MR. GRZEZINSKI: As I said, the Village
07:09 21 of Caledonia is at a fork in the road. If the
07:09 22 expansion of the Payne & Dolan mining operation is
07:10 23 ended, mining may end within as few as four or five
07:10 24 years, and significant currently undeveloped
07:10 25 property could be marketed for high-value

07:10 1 residential development, taking as much advantage
07:10 2 as possible of the reclamation of much of the mined
07:10 3 areas into lakes.

07:10 4 If, instead, the zoning requests of
07:10 5 Payne & Dolan are approved, all of the adverse
07:10 6 impacts of the quarry on the surrounding areas will
07:10 7 continue for 30 or more years. The magnitude of
07:10 8 those impacts will be dramatically increased,
07:10 9 monumentally increased by allowing active mining so
07:10 10 much closer to densely populated residential areas.

07:10 11 The noise, the dust, the blasting
07:10 12 vibrations, heavy truck traffic can't be
07:10 13 eliminated. You can manage them, you can reduce
07:10 14 their impacts, but if the current existence of
07:11 15 problems is any evidence of what will happen if you
07:11 16 allow mining to expand, the magnitude of the
07:11 17 problem is going to increase tremendously because
07:11 18 you've exposed a much larger population to the
07:11 19 problems and exposed the current population to much
07:11 20 more intense problems.

07:11 21 Many acres of otherwise developable
07:11 22 property would be blasted, crushed and transported
07:11 23 away from Caledonia, which will only be left with a
07:11 24 much larger lake. And as one of the residents,
07:11 25 Anthony Stevens, stated at the July 9 public

07:11 1 hearing, what's at stake here is the future of the
07:11 2 communities. If you have unanswered questions
07:11 3 about the requests, the applications that the
07:11 4 quarry has made, you should either vote to lay this
07:11 5 over to another meeting some months from now by
07:11 6 which time you might be able to get those questions
07:12 7 answered, or you should vote against recommending
07:12 8 approval of those requests. That's addressed to
07:12 9 the Plan Commission. And to the members of the
07:12 10 Village Board, the Trustees, you should vote
07:12 11 against these requests since they are not in the
07:12 12 best interests of the people of the Village of
07:12 13 Caledonia. They do not satisfy the purpose and
07:12 14 intent of the village and county zoning codes, and
07:12 15 they're contrary to the Village land use plan and
07:12 16 the county comprehensive plan. Thank you for your
07:12 17 attention.

07:12 18 (Exhibit No. 6 was marked.)

07:12 19 MS. HOEFFERT: President Dobbs, I have
07:12 20 one more to enter in. James Walters, 4530 Erie
07:12 21 Street. Mr. Walters, if you can state your name
07:13 22 and address at the podium as well.

07:13 23 MR. WALTERS: My name is James Walters.
07:13 24 I've lived at 4530 Erie Street for the better part
07:13 25 of 20-some years. I grew up on the north part of

07:13 1 Caledonia. When I moved into Erie Street here,
07:13 2 there was real low people in there -- vacant lots
07:13 3 or vacant property. They -- I bought nine acres
07:13 4 there. And -- I bought a little bit more. But
07:13 5 anyway, what I'm getting at is that's 20 years.
07:13 6 And the last time when the board wanted to knock
07:13 7 off the street and open up that quarry, we fought
07:14 8 it, and they decided they knew better.

07:14 9 Since that time, they dug a retention
07:14 10 pond there, filled in a 10-acre area there. It's
07:14 11 full of houses now, all over \$250,000, \$275,000.
07:14 12 Now they got Maple -- what do they call it -- Maple
07:14 13 Grove in there. There's six or seven houses that
07:14 14 have been in there in the last year. There's five
07:14 15 of them going up right now. They're digging
07:14 16 basements for a couple more. Vulcan owns from the
07:14 17 4500 block of Erie Street to Thunderbird. They
07:14 18 also own from Erie Street to Charles Street and the
07:14 19 10 or 20 acres across from their office.

07:14 20 The taxes that are coming from those
07:14 21 houses and the amount of houses that are going to
07:15 22 be built in that property, it can't compare to what
07:15 23 they're going to pay -- what the taxes they're
07:15 24 going to get. And then we get an open hole in the
07:15 25 ground that you just can't do anything with. I

07:15 1 believe that anybody that would go ahead and let
07:15 2 them do that and not consider the long-time thing
07:15 3 of how many houses are going to be in there and
07:15 4 what it's going to do for the Town of Caledonia,
07:15 5 got to do some serious thinking. Because we all
07:15 6 vote too. Thank you very much for your time.

07:15 7 MR. DOBBS: Thank you. Is there anyone
07:15 8 else in the audience that would like to speak
07:15 9 against these three topics that we've outlined
07:15 10 tonight? Second request. Is there anyone in the
07:15 11 audience that would like to speak against the three
07:16 12 items that we've asked for more information tonight
07:16 13 at this public hearing? Third and final time. Is
07:16 14 there anyone who would like to speak against the
07:16 15 quarry expansion and any of the items that we've
07:16 16 asked for this evening?

07:16 17 Okay. Does the quarry operator have any
07:16 18 additional information they want to provide?

07:16 19 MR. ENDRES: I mean, not that we haven't
07:16 20 already submitted, but we can answer any questions
07:16 21 you have.

07:16 22 MR. DOBBS: Okay. At this point then I
07:16 23 will close the public hearing portion. So at this
07:16 24 point we'll open up the Planning Commission to ask
07:16 25 some questions of the applicant or about any of the

07:17 1 information we received.

07:17 2 MR. DOBBS: Joe?

07:17 3 MR. PRUITT: Point of order,
07:17 4 Mr. President. If you're going to seek input from
07:17 5 the applicant, it should be part of the public
07:17 6 hearing process rather than once you close it.

07:17 7 MR. DOBBS: Okay. You don't want any
07:17 8 questions directed to them of all the things that
07:17 9 we've learned so far?

07:17 10 MR. PRUITT: You should ask the
07:17 11 questions, but it should be part of the public
07:17 12 hearing process because everything that's presented
07:17 13 tonight during the public hearing process creates
07:17 14 the record that goes up on appeal if we end up in
07:17 15 court.

07:17 16 So maybe perhaps a motion to reopen the
07:17 17 public hearing to take any additional questions
07:17 18 that the Planning Commission or the Village Board
07:17 19 members might have as to the applicant would be
07:17 20 appropriate.

07:17 21 MR. WANGGAARD: Motion to reopen.

07:17 22 MR. MINORIK: Joe.

07:18 23 MR. DOBBS: We have a motion and second
07:18 24 to reopen for any additional questions if the
07:18 25 commission has any to either the applicant or to

07:18 1 the attorney or anyone else in the audience. All
07:18 2 those in favor?

3 MR. KNITTER: Aye.

4 MR. WANGGAARD: Aye.

5 MR. CZUTA: Aye.

6 MR. DOBBS: Aye.

7 MR. MINORIK: Aye.

8 MR. FOLK: Aye.

07:18 9 MR. MICHALSKI: Aye.

07:18 10 MR. DOBBS: Opposed? The "ayes" have it.

07:18 11 Any questions from the Planning Commission? Joe?

07:18 12 MR. MINORIK: I have a question of the
07:18 13 applicant. Well, could you help us understand
07:18 14 maybe just for clarification purposes -- and I just
07:18 15 want to focus on this one thing -- of what is zoned
07:18 16 currently for you to quarry and what is not. Okay?
07:18 17 Either with Magic Marker or something on maybe one
07:18 18 of these big boards.

07:18 19 MR. ENDRES: Sure. It's actually --

07:18 20 MR. MINORIK: Oh, it's in there?

07:18 21 MR. ENDRES: Yeah. We're just flipping
07:19 22 to that part of our --

07:19 23 MR. MINORIK: I don't know if you -- Oh.
07:19 24 I have your application.

07:19 25 MR. ENDRES: Do you need us to speak to

07:19 1 that or you have it?

07:19 2 MR. MINORIK: No. Thank you.

07:19 3 MR. DOBBS: Anyone else with questions?

07:19 4 AUDIENCE MEMBER: Maybe you can show us
07:19 5 on this map what they can quarry. We don't know
07:19 6 what they're looking at. Can somebody do that?

07:19 7 MR. DOBBS: We will try to bring up on
07:19 8 our screens a picture that we presented last time
07:19 9 of where the quarry would potentially expand.

07:19 10 AUDIENCE MEMBER: Thank you.

07:19 11 MR. DOBBS: John?

07:19 12 MR. SCHATTNER: Tom, I have a question of
07:20 13 you. Could you elaborate on the tax structure in
07:20 14 residential areas and how that works and what is
07:20 15 generated and in the long term what happens over a
07:20 16 period of time and what the village does to
07:20 17 maintain the utilities, the streets and things of
07:20 18 that nature?

07:20 19 MR. CHRISTENSEN: That's a good question.
07:20 20 The very simple answer is I had a conversation with
07:20 21 Marty Kuehn, our contracted assessor for the
07:20 22 Village of Caledonia. He pointed out the potential
07:20 23 tax revenue, and I know that this has been a
07:20 24 question all along, and the answer does not
07:20 25 surprise, I don't think, any of us that residential

07:20 1 development would certainly generate significantly
07:21 2 more annual taxable -- tax revenue for the village.
07:21 3 If you go back to the Ehlers study, however, you're
07:21 4 only looking at a -- He used three residences per
07:21 5 acre in about the 50 acres that exist -- that's
07:21 6 being considered to be mined here, and he used the
07:21 7 average of what's in the area of \$206,000 assessed
07:21 8 value.

07:21 9 Marty Kuehn justifiably is very reluctant
07:21 10 to speculate on what the market is going to do
07:21 11 because the market drives all the assessments. He
07:21 12 doesn't determine that without looking at the
07:21 13 market. The bottom line is there's a significant
07:21 14 difference between the minimal amount of money that
07:21 15 we would get off of the quarry area, and up to
07:21 16 about \$100,000 -- almost \$200,000 a year would be
07:22 17 the village's portion of the taxes that we could
07:22 18 get.

07:22 19 If you go back to the Ehlers study that
07:22 20 was done in 2012, 2013, something like that, that
07:22 21 value is still below for each residence the dollar
07:22 22 amount that is considered to be paying for itself
07:22 23 as far as village services, as far as maintaining
07:22 24 the roads, as far as maintaining infrastructure.
07:22 25 Beyond that, I can't speculate any more than that.

07:22 1 MR. BENKOWSKI: If I may interject,
07:22 2 that's not a -- That's not paper which is on
07:22 3 record. You're talking about something which is
07:22 4 highly hypothetical because we've had this
07:22 5 discussion, and we're finally getting a new study
07:22 6 done as to what the real impact of residential
07:22 7 development is as a result of discovery of the
07:22 8 interstate. So to bring that in as an item, you
07:22 9 didn't share that. That wasn't something that was
07:22 10 shared with this group. You're referring to a
07:23 11 document which is not part of the study,
07:23 12 necessarily.

07:23 13 And I would also take issue with you,
07:23 14 Tom, because currently we have lots. There are
07:23 15 three lots. One is 27 -- \$267,500; one is
07:23 16 \$289,000, one is \$310,000. That makes a median
07:23 17 value on those three lots of \$281,833 for the Maple
07:23 18 Park subdivision. Okay? So relatively, we're
07:23 19 talking about a raw lot, no sidewalk, no driveway,
07:23 20 no landscaping. So minimal value is coming in at
07:23 21 about \$300,000 to \$325,000. So I question the mark
07:23 22 at \$206,000. I think that's a very understudied,
07:23 23 underrealized valuation. So I question our
07:23 24 assessor at making that supposition. Because we
07:23 25 don't have anything factual to back this up with, I

07:23 1 suggest you retract your conversation; I'll retract
07:23 2 my conversation. But I'll take issue with you
07:23 3 bringing this forward because you're basing this on
07:24 4 a hypothetical, as am I.

07:24 5 MR. CHRISTENSEN: Well, I won't retract
07:24 6 it because I was asked a question, and I'm giving
07:24 7 information I received from the assessor.

07:24 8 MR. BENKOWSKI: But you're speaking out
07:24 9 of turn. It's not factual.

07:24 10 MR. CHRISTENSEN: I'm speaking. Give me
07:24 11 that courtesy.

07:24 12 MR. BENKOWSKI: I will.

07:24 13 MR. CHRISTENSEN: I think it's safe to
07:24 14 say the value could be potentially much higher. I
07:24 15 don't think anybody else is questioning that.

07:24 16 MR. BENKOWSKI: No. But you started out
07:24 17 at \$206,000. Now we're up to \$300,000.

07:24 18 MR. CHRISTENSEN: No. I didn't change my
07:24 19 value. I'm just giving you what the assessor gave
07:24 20 me based on --

07:24 21 MR. BENKOWSKI: Which was \$206,000, and
07:24 22 we have values right now in excess of \$291,000.

07:24 23 MR. CHRISTENSEN: Jay, I'm not about to
07:24 24 dispute it. This is the information that was given
07:24 25 to me.

07:24 1 MR. BENKOWSKI: And it's not factual; so
07:24 2 therefore, it shouldn't be part of the record.

07:24 3 MR. CHRISTENSEN: Anything we do is an
07:24 4 estimate. Anything is speculative. There's no
07:24 5 guarantee they're going to sell to residential
07:24 6 developers.

07:24 7 MR. BENKOWSKI: But these are sales.
07:25 8 This is fact. These are sales. So therefore, it's
07:25 9 speculative. You're out of order.

07:25 10 MR. CHRISTENSEN: I said it was
07:25 11 speculative. It's all speculative.

07:25 12 MR. BENKOWSKI: No. A land sale is a
07:25 13 fact. \$206,000 is not a fact. It's an opinion.
07:25 14 Thank you.

07:25 15 MR. DOBBS: Most of the land we're
07:25 16 discussing right now is currently farmed. Correct?

07:25 17 MR. CHRISTENSEN: Mostly ag, yes.

07:25 18 MR. DOBBS: And it could stay that way
07:25 19 forever until the folks wanted to sell it and
07:25 20 subdivide it. True?

07:25 21 MR. CHRISTENSEN: That's correct.

07:25 22 MR. DOBBS: Yeah. Any additional
07:25 23 questions about any of the evidence that's been
07:25 24 presented?

07:25 25 MR. KNITTER: I guess I have a question

07:25 1 for Tom. I know you made reference that you spoke
07:25 2 to the DNR and had some discussion with
07:25 3 Mr. Benkowski about that, but -- and we've got a
07:26 4 report, I think it was generated by the company
07:26 5 that Payne & Doyle had hired for an analysis of the
07:26 6 air quality. Anything from the DNR that would give
07:26 7 us an independent analysis?

07:26 8 MR. LAZCANO: Nothing -- At a Plan
07:26 9 Commission I did bring an estimate from an
07:26 10 independent contractor that we looked at. We did
07:26 11 not go through with it as a village, but according
07:26 12 to the paper that Payne & Dolan submitted, they did
07:26 13 an air study, so their information is in here.

07:26 14 MR. KNITTER: Okay. Thank you.

07:26 15 MS. MARTIN: I would like to address the
07:26 16 issue of the air study because I note that it was
07:26 17 done on a single day, and we've heard many, many
07:26 18 comments that there's sporadic dust. So there was
07:26 19 one day when the test was done by Stantec. And in
07:26 20 addition, as far as I can tell, the only place that
07:26 21 they tested above the level of the quarry was on
07:26 22 the east side of the quarry near Oh Dennis's along
07:27 23 Highway 32.

07:27 24 Mr. Erlandsson submitted a letter
07:27 25 enclosing a study of the winds indicating -- and we

07:27 1 all know that from the direction our trees bend
07:27 2 anyway -- that the winds blow from west to east.
07:27 3 So I'm wondering why there was no check of the air
07:27 4 quality done on the east side of the quarry or the
07:27 5 north side of the quarry. So I don't think you can
07:27 6 conclude based on a single day with only one study
07:27 7 on the west side of the quarry that there is no
07:27 8 dust issue if that's the intent of that study
07:27 9 that's been submitted.

07:27 10 MR. DOBBS: Any additional questions or
07:27 11 comments?

07:27 12 MS. FOUNTAIN: I just wondered if they
07:27 13 had changed --

07:27 14 MR. DOBBS: Give your name and address
07:27 15 slowly for the court reporter, please.

07:27 16 THE WITNESS: I'm Roseanne Fountain on
07:28 17 St. Clair Street.

07:28 18 MR. DOBBS: Spell it, please. Last name?

19 MS. FOUNTAIN: F-o-u-n-t-a-i-n.

07:28 20 MR. DOBBS: Thank you.

07:28 21 MS. FOUNTAIN: And when we moved into our
07:28 22 home approximately 45 years ago, I didn't know --
07:28 23 You know, I mean, most of it was farmland, and
07:28 24 there was the quarry, and we experienced serious,
07:28 25 you know, vibrations in our home, that everything

07:28 1 in my china cabinet would shake, and I wondered now
07:28 2 if they have changed. I know they -- I think that
07:28 3 they have changed the level of explosives, but it
07:28 4 has had a big impact on everyone on my block. I
07:28 5 mean, there are people that are not here who are
07:28 6 really still objecting to the quarry because they
07:28 7 feel too that the value of property will be
07:28 8 decreased.

07:28 9 MR. DOBBS: All right. Thank you. Any
07:29 10 questions?

07:29 11 MR. KNITTER: I guess that leads me then
07:29 12 to Question 2. And maybe, Tom, you can address
07:29 13 that and not get into a study from six years ago,
07:29 14 whatever, but there was reading somewhere -- I read
07:29 15 somewhere where in 1989 where there was some
07:29 16 testimony or whatever, it said that property values
07:29 17 decreased, but once the quarry ends, then property
07:29 18 values do tend to rise. Is that still a factual
07:29 19 conclusion?

07:29 20 MR. CHRISTENSEN: I have no information
07:29 21 one way or another on that. I can speak to what
07:29 22 Mr. Kuehn's told me today as far as how they do
07:29 23 their modeling. They look at both what we do here
07:29 24 and in Muskego where there's also an assessor, and
07:29 25 he spoke with the New Berlin assessor who has

07:29 1 quarries in their area. For none of these do they
07:30 2 make any adjustment nor allowance for the quarries
07:30 3 in their modeling. Okay? They have a model that
07:30 4 looks at, you know, square footage, construction
07:30 5 materials, whether there's a finished basement,
07:30 6 things like that, that adjusts what a home is worth
07:30 7 based on the comparables in the area. There is no
07:30 8 allowance plus or minus for the quarry. There's no
07:30 9 factor for the quarry.

07:30 10 MR. DOBBS: Any more questions, comments
07:30 11 about what we've learned?

07:30 12 MS. MARTIN: I do have another comment.
07:30 13 This is more a legal one, but Payne & Dolan has
07:30 14 said that they would assure Caledonia and its
07:30 15 residents that they will never ask to mine in the
07:30 16 section -- in the gray section to the right, that
07:30 17 they would place a deed restriction on that, and it
07:30 18 would never be quarried. Here's the problem with
07:30 19 that. Deed restrictions -- And counsel can verify
07:30 20 it, if this is correct. Deed restrictions are held
07:31 21 by two parties: the owner of the parcel, which now
07:31 22 is Payne & Dolan, but it could be their successor
07:31 23 because it goes with the land, and the village. So
07:31 24 Payne & Dolan is here today asking us to change the
07:31 25 zoning which is from residential to quarrying.

07:31 1 Payne & Dolan or its successor could come next week
07:31 2 or five years or ten years from now and ask to lift
07:31 3 that deed restriction. I don't think there would
07:31 4 even be a requirement for a public hearing, but I
07:31 5 do believe that that deed restriction can be lifted
07:31 6 by the two parties that pulled it.

07:31 7 So that may be an illusion. And I don't
07:31 8 suggest that Payne & Dolan does it in bad faith.
07:31 9 It's just a fact.

07:31 10 MR. KNITTER: Fran, are you talking about
07:31 11 the R-4? Because that was my understanding, that
07:31 12 they were going to put a deed restriction on that
07:31 13 piece --

07:31 14 MS. MARTIN: Correct.

07:31 15 MR. KNITTER: -- to the east of it.

07:31 16 MS. MARTIN: I mean, whatever they said
07:31 17 they would deed restrict. It's a substantial
07:31 18 chunk, and the promise is that, therefore, there
07:32 19 wouldn't -- it wouldn't -- the quarry would not
07:32 20 encroach closer to residences on the edges of that,
07:32 21 but I think you can't rely on that.

07:32 22 MR. DOBBS: I believe that there would be
07:32 23 a deed restriction in addition. It would remain
07:32 24 R-4. And in 25 years, if the record indicated that
07:32 25 they promised they would never do it again,

07:32 1 hopefully that would also carry some weight.

07:32 2 MS. MARTIN: It doesn't matter. Deed
07:32 3 restrictions --

07:32 4 MR. DOBBS: Village attorney?

07:32 5 MR. PRUITT: Let me address that. Fran,
07:32 6 you're right that at the beginning, both parties
07:32 7 would be involved in creating the document that
07:32 8 gets recorded because the owner has to agree that
07:32 9 they're giving up this right, they're allowing this
07:32 10 deed restriction to be placed on the property.

07:32 11 Once that happens, though, the way the
07:32 12 deed restriction would be worded, the only way it
07:32 13 could be released would be by the Village of
07:32 14 Caledonia.

07:32 15 MS. MARTIN: Okay.

07:32 16 MR. PRUITT: Now, you're correct, though,
07:32 17 there's nothing to keep a future owner from coming
07:33 18 to the board to say, "Can you help me out? Can you
07:33 19 release me from the deed restriction?" But it's
07:33 20 not something that the property owner has a right
07:33 21 to require. It would be solely within the
07:33 22 discretion of the municipality.

07:33 23 MS. MARTIN: It would, exactly, as
07:33 24 rezoning that parcel is within the discretion of
07:33 25 the municipality. That's exactly my point. The

07:33 1 people here fought when they bought the land that
07:33 2 it was zoned R-4 and it was safe. We're told now
07:33 3 "Don't worry. The deed restriction will keep it
07:33 4 safe." And again, I do not suggest that Payne &
07:33 5 Dolan is doing this in bad faith, but it may not be
07:33 6 Payne & Dolan. It might be anybody else. And if
07:33 7 there is mineable land there and there's money to
07:33 8 be made, there's nothing to stop them from asking
07:33 9 it, and there's nothing to stop an elected board of
07:33 10 officials that we have no idea who they might be
07:33 11 from agreeing to do it.

07:33 12 MR. DOBBS: Any other questions,
07:34 13 comments? Sir? Name again?

07:34 14 MR. HOOYMAN: Jerry Hooyman. The
07:34 15 question I have is, the presentation he just gave
07:34 16 where he said there's no example of property values
07:34 17 going down with the quarry. I sent an e-mail
07:34 18 yesterday. If you look up simplistically on the
07:34 19 Internet, you can find there's all kinds of
07:34 20 information on values going down. That's where I
07:34 21 set up the 40 percent. I saw some for 50 percent,
07:34 22 some 35 within a half mile, and the reduction of
07:34 23 property values I think was up to a mile away.

07:34 24 So where the information is coming from
07:34 25 or not coming from, I don't understand it because

07:34 1 if you do a simple search on Google search, you'll
07:34 2 find out all kinds of information that a quarry
07:34 3 expansion or a quarry coming in has all kinds of
07:34 4 effects on property values. So that's all I want
07:35 5 to present.

07:35 6 MR. DOBBS: There was a study that Tom
07:35 7 was relating to again here that mentioned that they
07:35 8 may go down, but it would come back, and that was
07:35 9 one study we read. There were also some of the
07:35 10 studies that may be involved may be a brand-new
07:35 11 quarry coming into an area, maybe not an expansion.
07:35 12 It's hard to say what the parameters would be.

07:35 13 MR. HOOYMAN: Once a quarry goes away,
07:35 14 the residences build up and so forth, and then,
07:35 15 yeah, property values can go up again, but not
07:35 16 while the quarry is there.

07:35 17 MR. BENKOWSKI: But you do realize,
07:35 18 President Dobbs or Members of the Plan Commission,
07:35 19 we're more or less saying that everyone in this
07:35 20 room will be dead before that time period comes.
07:35 21 Do you understand the brevity of what you're
07:35 22 saying? "The land values will come back up." You
07:35 23 do realize that the majority of the people in this
07:35 24 room will be dead before that happens. And the
07:36 25 potential to recognize the increased use and the

07:36 1 increased taxation to our community by taking a
07:36 2 different tact will be lost to all of us -- and
07:36 3 these are stakeholders. You know, this concept of
07:36 4 "Wisconsin is open to business but the taxpayer
07:36 5 secondary," I have issue with. I mean, let's think
07:36 6 about this.

07:36 7 MR. DOBBS: Yes sir.

07:36 8 MR. TIM VANDERHOEF: I have a question.
07:36 9 My name is Tim Vanderhoef, 1439 Ellis Avenue. I
07:36 10 just have a question, and I need a little honesty.
07:36 11 Would the farmland that is R-4, or any of the
07:37 12 properties for that matter, would that ever be
07:37 13 exercised as eminent domain? I'd like an honest
07:37 14 answer. I mean, there might be a scheme, there
07:37 15 might be a way to change something so somebody else
07:37 16 has power to take it away. Would eminent domain
07:37 17 ever factor in on this? Would anyone --

07:37 18 MR. DOBBS: It never crossed my mind, so
07:37 19 I would say "no." I don't know what you're leading
07:37 20 towards, but I don't think so.

07:37 21 MR. TIM VANDERHOEF: Okay. I'm hoping
07:37 22 that's a "No." All right. Thanks.

07:37 23 MR. DOBBS: Anybody else in the
07:37 24 commission or the board? Sir? Name and address ,
07:37 25 please.

07:37 1 MR. DECHECK: Mark DeCheck, 4403 Ruby
07:37 2 Avenue.

07:37 3 MR. DOBBS: Spell your last name.

07:38 4 MR. DECHECK: D-e-C-h-e-c-k. It's been
07:38 5 pointed out that the land involved here is
07:38 6 agricultural. It's agricultural because it belongs
07:38 7 to Payne & Dolan and no one wants to live next to
07:38 8 the quarry. You're suggesting that, "Well, it's
07:38 9 just agricultural land. Who cares whether they dig
07:38 10 a big hole there?" Well, I care. You know, I
07:38 11 looked at the Schliessman farm when it was for sale
07:38 12 30 years ago and thought, "Well, could I develop
07:38 13 that land?" I lived just east of it. And I said,
07:38 14 "Well, there's a problem. There's a problem for
07:38 15 anybody to build next to the quarry." I own that
07:38 16 land on Erie Street that's across from the
07:38 17 Schliessman farm. I haven't sold any of that land
07:38 18 because I wouldn't put anybody in that position.

07:38 19 There's a house on the corner of Burwell
07:38 20 and Erie Street right across from the Schliessman
07:38 21 farm that's gone into foreclosure twice, I think.
07:38 22 It's been for sale five times and sold for less
07:38 23 than a third of its value. The house next to it
07:38 24 went up for sale four times before it sold, and
07:39 25 three more houses down, another house went into

07:39 1 foreclosure.

07:39 2 Having a quarry across the street is not
07:39 3 maintaining property values, and bringing it closer
07:39 4 certainly isn't going to help. This isn't just
07:39 5 agricultural land. This is our neighborhood, and
07:39 6 we don't need a quarry in the middle of it. Thank
07:39 7 you.

07:39 8 MR. DOBBS: Any other commission members?
07:39 9 Ma'am?

07:39 10 MS. NITSCH: Hi. Denise Nitsch,
07:39 11 4602 Charles Street. I just have a question
07:39 12 because you've heard everything that we've had to
07:39 13 say about dust and blowing things up and everything
07:39 14 which is whatever, but my question -- and I know
07:39 15 that talking to people in my community have a
07:39 16 question that I have not heard yet is "You know
07:40 17 where we live. Do any of you live near the
07:40 18 quarry?" So you understand about what we're
07:40 19 talking about. But for those of you who don't and
07:40 20 yet you go visit it and you hear a blast, woo, you
07:40 21 don't work from home. You don't do any of that.
07:40 22 That was just my question, and I know that a lot of
07:40 23 the people here had that same question, so I just
07:40 24 -- So thank you.

07:40 25 MR. DOBBS: Thank you. Any other

07:40 1 questions from anyone in the audience?

07:40 2 MS. HOEFFERT: May I ask Denise to spell
07:40 3 her last name for the court reporter?

07:40 4 MS. NITSCH: N-i-t-s-c-h.

07:40 5 MS. HOEFFERT: Perfect. Thank you.

07:40 6 MR. DOBBS: Anyone from the commission?

07:40 7 Yes?

07:40 8 MS. FAY: Marian Fay, maiden name
07:41 9 Vanderhoef, 1439 Ellis Avenue. Several questions
07:41 10 are -- St. Rita's Parish. Has anyone thought about
07:41 11 how this -- how they fit into this? They are
07:41 12 people. They live in the monastery. There's an
07:41 13 officiant there, there's a school, there is our
07:41 14 worship house which is the church. You know, you
07:41 15 need to take into consideration them too. I just
07:41 16 wanted to make sure that somebody is speaking
07:41 17 forward for them.

07:41 18 The other question I have is, the gray
07:41 19 area when they talk about that they wouldn't do the
07:41 20 mining. But if they're not going to do the mining,
07:41 21 are they going to use that little strip to
07:41 22 stockpile or store the machinery? You know, what
07:41 23 -- Is there little things that they can sneak in
07:42 24 there even without using that little bit for mining
07:42 25 and get even closer to the property lines?

07:42 1 And my other question is, for those of
07:42 2 you who visited the quarry, did anybody visit any
07:42 3 of the properties where we live along the fence
07:42 4 line? Thank you. Along the fence line especially
07:42 5 west of Charles Street, we have the McFarlands, the
07:42 6 Vanderhoefs twice, we've got the McMahons and the
07:42 7 Berowskis and Jorgensons, the Walkers, the
07:42 8 Noell/Scraper property, all those long,
07:42 9 long-standing neighbors who have been there so long
07:42 10 but especially along the property lines. If you
07:42 11 visited our property and go to my dad's yard,
07:43 12 1439 Ellis Avenue, and see where his fence line is
07:43 13 compared to -- My brother even put a flag by that
07:43 14 -- in the cornfield so we could see how close that
07:43 15 berm area is going to be, and you would just be
07:43 16 amazed how close -- how very, very close they are
07:43 17 going to come to our home, our property, our --
07:43 18 where we grew up. It's like everything to us. And
07:43 19 I just -- If you took the time to visit the quarry,
07:43 20 please take the time to visit our backyard.

07:43 21 MR. DOBBS: Does anybody on the Plan
07:43 22 Commission or the board have any questions for
07:43 23 anyone in the audience, including the applicants?
07:43 24 If not, at this time I would close the public
07:43 25 hearing.

07:44 1 MR. PRUITT: Mr. President, could you do
07:44 2 that by motion, please?

07:44 3 MR. CZUTA: I'll make a motion to close
07:44 4 the hearing.

07:44 5 MR. MICHALSKI: Second.

07:44 6 MR. DOBBS: We have a motion and a second
07:44 7 to close the public hearing. Any additional
07:44 8 discussion by the commission? All those in favor?

9 MR. KNITTER: Aye.

10 MR. CZUTA: Aye.

11 MR. WANGGAARD: Aye.

12 MR. DOBBS: Aye.

13 MR. SCHATTNER: Aye.

14 MR. MINORIK: Aye.

15 MR. FOLK: Aye.

07:44 16 MR. MICHALSKI: Aye.

07:44 17 MR. DOBBS: Opposed? The "ayes" have it.
07:44 18 Any comments from the Plan Commission? Discussion
07:44 19 amongst each other? Thoughts? John?

07:44 20 MR. SCHATTNER: Jarmen, could you explain
07:44 21 the setbacks? She asked a question about how close
07:44 22 you can go to the property line and what is going
07:44 23 to happen, in general.

07:44 24 MR. CZUTA: Typically, the ordinance
07:44 25 would require a minimum setback of 200 feet, and in

07:44 1 this particular case the documents that were
07:44 2 submitted by the applicant are demonstrating a
07:45 3 300-foot setback from the boundaries would be the
07:45 4 closest point that there would be any activity to
07:45 5 the exterior boundary.

07:45 6 MR. SCHATTNER: Can they do anything
07:45 7 closer to that as far as buildings?

07:45 8 MR. CZUTA: There weren't any buildings
07:45 9 proposed on the plan. So --

07:45 10 MR. SCHATTNER: Okay. Thank you.

07:45 11 MR. DOBBS: Any additional discussion by
07:45 12 the Plan Commission? Any comments from the board
07:45 13 members? Dave?

07:45 14 MR. PROTT: Jim, I was just curious.
07:45 15 Following up on John's question -- Following up on
07:46 16 John's question -- Is it on? There was a
07:46 17 difference when the old part of the quarry where
07:46 18 the ledge is right next to the gate -- because I,
07:46 19 too, walked over there. I seen that. I thought
07:46 20 the applicant had said because they would have 300
07:46 21 feet there, that would be at a -- that would
07:46 22 consist of something different. I was just
07:46 23 wondering if someone could explain that a little
07:46 24 further for me -- that there wouldn't be a sheer
07:46 25 ledge there. Instead, because of the additional

07:46 1 footage -- I just was wondering if someone could
07:46 2 explain that to me.

07:46 3 MR. CZUTA: Trustee Prott, were you
07:46 4 alluding to the fact that there were some areas of
07:46 5 the more historic areas of the quarry that are
07:46 6 straight wall?

07:46 7 MR. PROTT: Correct.

07:46 8 MR. CZUTA: And there was some discussion
07:46 9 about if the proposed further development were
07:46 10 approved and these other areas added, the applicant
07:47 11 was going to be maintaining the exterior boundary
07:47 12 in a much more gentle slope so that there wouldn't
07:47 13 be those eyesores or areas like that where it's a
07:47 14 straight wall. So that way through the reclamation
07:47 15 plan, there would be possible better use of that
07:47 16 land in the future is how they were portraying it
07:47 17 in the plans that were submitted.

07:47 18 MR. PROTT: I just wanted to make sure I
07:47 19 had that correct.

07:47 20 MR. SCHATTNER: Jarmen, that is part of
07:47 21 the county function when they approve the
07:47 22 reclamation plan for something like this? They
07:47 23 have certain slopes on it, seeding requirements,
07:47 24 maintaining a more gentle slope?

07:47 25 MR. CZUTA: Correct. And there's also a

07:47 1 copy of that in the documents that were distributed
07:47 2 to all the members of both the Plan Commission and
07:48 3 the Village Board up front. So, I mean, it would
07:48 4 also be part of any approval that may come from the
07:48 5 village but incorporated in, yes.

07:48 6 MS. EKES: We're going to put a drawing
07:48 7 up showing the cross section of part of the plans
07:48 8 to show what that buffer would look like.

07:48 9 MR. DOBBS: Any additional questions,
07:48 10 comments, thoughts?

07:48 11 MR. PROTT: I guess, Jim, can I ask
07:48 12 another question to the residents? Am I allowed to
07:48 13 do that or not?

14 MR. DOBBS: Microphone.

07:48 15 MR. PROTT: Can I ask the residents a
07:48 16 question?

07:48 17 MR. DOBBS: I think we closed the public
07:49 18 hearing.

07:49 19 MR. PROTT: You can't do that? Thank
07:49 20 you.

07:49 21 MS. MARTIN: Jim, I do have a comment
07:49 22 again.

07:49 23 MR. DOBBS: Fran, take the microphone,
07:49 24 please.

07:49 25 MS. MARTIN: My comment again is that

07:49 1 we're looking 40 years out for the reclamation.
07:49 2 We're looking at quarrying operating, as Jay said,
07:49 3 for the lifetime of almost everybody in this room.
07:49 4 And fine. They've posted a bond, but I see that
07:49 5 they -- one of the requirements, should this be
07:49 6 granted and should the conditional use be as
07:49 7 suggested by Jarmen, would be that they have to
07:49 8 police -- They have to, I think, let the village
07:49 9 know within three years of the ending of quarrying.
07:49 10 I mean, it's so far out that we don't know what the
07:49 11 village will be then. We don't know what the
07:49 12 political composition of the village will be. We
07:50 13 don't know who will be owning the land. It's so
07:50 14 speculative.

07:50 15 And in addition, when in the first
07:50 16 hearing Payne & Dolan acknowledged that it is not
07:50 17 their intent to continue to own that lake, so
07:50 18 whoever owns it -- or they could just leave. They
07:50 19 could abandon it, and then the future village is
07:50 20 left with that hole. I have experience because I
07:50 21 used to swim in the old quarry, the Quarry Park
07:50 22 quarry. That quarry deteriorated badly because it
07:50 23 wasn't maintained. So my concern very much is for
07:50 24 the future and that we not leave a big empty hole
07:50 25 that's going to fill up with algae and mosquitoes

07:50 1 because no one is maintaining it, and I don't see
07:50 2 any way for us to assure that that won't happen.
07:50 3 But if there is, then Payne & Dolan can tell us,
07:50 4 but I simply don't see it.

07:50 5 MR. DOBBS: We have a 165-year-old hole
07:50 6 now that's going to need something too. So just --
07:50 7 The end is in sight.

07:50 8 MS. MARTIN: True.

07:51 9 MR. DOBBS: Any additional comments?

07:51 10 MR. SCHATTNER: Jarmen, the restoration
07:51 11 bond covers the total cost of this quarry exposed?
07:51 12 And the question is, the conditional use is for two
07:51 13 years?

07:51 14 MR. CZUTA: Yes. And yes.

07:51 15 MR. SCHATTNER: Okay.

07:51 16 MR. BENKOWSKI: But if I may interject
07:51 17 and be very pragmatic, if so we're looking at the
07:51 18 end gain on 165 years of mining or quarrying and we
07:51 19 have roughly 600 lineal feet of road, 600 lineal
07:51 20 feet of berm that's going to have mature plantings
07:51 21 on it in 50 years, we'll have 12-inch, 15-inch,
07:51 22 18-inch caliper trees. You know how much it takes
07:51 23 or how much funds it requires to take down a tree.
07:52 24 Multiply that by half a mile, three-quarters of a
07:52 25 mile. Take the berm and flatten it. Do you really

07:52 1 believe that the amount of monies that are being
07:52 2 set aside here are appropriate for the future that
07:52 3 you're anticipating? I would suggest -- This is
07:52 4 very optimistic and naive, but that is my opinion.

07:52 5 MR. DOBBS: Your opinion is duly noted.

07:52 6 MR. BENKOWSKI: Thank you.

07:52 7 MR. DOBBS: Anybody else? Do we have any
07:52 8 motions?

07:52 9 MS. EKES: Mr. President, if I may.

07:52 10 MR. DOBBS: You may.

07:52 11 MS. EKES: Thank you. I just wanted to
07:52 12 go over a couple background information again about
07:52 13 what's in front of the Plan Commission. The first
07:52 14 item that is in front of the Plan Commission is
07:53 15 essentially the land use plan amendment or the
07:53 16 comprehensive plan amendment.

07:53 17 In order to accommodate the expansion of
07:53 18 the quarrying operation, the applicant first has to
07:53 19 request the amendment to the land use plan and --
07:53 20 because right now the comp plan, I should say,
07:53 21 doesn't match what they are proposing. It would be
07:53 22 revising the land use plan designation of
07:53 23 approximately 26 acres from low-density residential
07:53 24 to the extractive.

07:53 25 The additional five acres that are

07:53 1 included in the applicant's rezoning request are
07:53 2 already designated as extractive under your 2035
07:53 3 comp plan. And I'm referring to information that's
07:53 4 provided in the memo that was entered as one of the
07:53 5 exhibits from our office, from Ekes & Geary today.

07:53 6 The second part that really goes in
07:53 7 tandem with the comp plan is that if you are
07:54 8 considering amending the comp plan, you're setting
07:54 9 up the application for the rezoning. The rezoning
07:54 10 request is that the approval of 31 acres of the
07:54 11 property from P-1 Institutional Park District, R-4
07:54 12 Urban Residential District I, and R-5 Urban
07:54 13 Residential District II to M-4 Quarrying District.

07:54 14 And you have in the documents you
07:54 15 received in preparation for the meeting a proposed
07:54 16 resolution. If you're so inclined to want to act
07:54 17 on the request in a favorable manner, that would
07:54 18 have to be done by resolution, and you have a draft
07:54 19 of that resolution in front of you. That
07:54 20 resolution is -- Let me find my copy of it. Thank
07:55 21 you. That Plan Commission resolution is titled as
07:55 22 indicated on the agenda.

07:55 23 It would be a resolution of the Village
07:55 24 Plan Commission that would recommend approval of
07:55 25 the ordinance amending the multi-jurisdictional

07:55 1 comp plan amendment and also recommending approval
07:55 2 of rezoning -- the ordinance approving the rezoning
07:55 3 as I described.

07:55 4 You would only act on this resolution if
07:55 5 you were inclined to approve it. That resolution
07:55 6 obviously has various "whereas" clauses in it that
07:55 7 describe the proposal, and it also has a list of
07:55 8 four potential reasons that you may consider
07:55 9 appropriate for approving of the comp plan change
07:55 10 as well as three reasons that are set forth in this
07:56 11 resolution addressing why you might consider the
07:56 12 rezoning appropriate. That's for you to decide on
07:56 13 your recommendation.

07:56 14 The memo that we provided today also
07:56 15 includes that same information, and I hope you've
07:56 16 had a chance to take a look at that because it was
07:56 17 e-mailed to you previously. It also provides
07:56 18 information as to the negative -- that if you
07:56 19 determine that it's not appropriate, there are
07:56 20 reasons outlined in the memorandum at Pages 4 and 5
07:56 21 as to maybe why you might determine it's not
07:56 22 appropriate.

07:56 23 We wanted to provide this information to
07:56 24 you as background information. It's in no way
07:56 25 suggestive in that you should decide one way or the

07:56 1 other. That's for you to determine. But it's to
07:56 2 help your conversation and thought processes along.

07:56 3 So we can certainly walk through this if
07:56 4 you want to do this, and I just wanted to kind of
07:57 5 walk through what that memo sets forth.

07:57 6 MR. DOBBS: I would like to read a little
07:57 7 bit of the memo that you provided to us on the
07:57 8 topics at hand here tonight. When Dennis G., the
07:57 9 attorney, was talking, he had mentioned some things
07:57 10 about the land use plan, and this wouldn't be an
07:57 11 appropriate change. There's some interesting
07:57 12 things that didn't get covered that are in there.
07:57 13 The village's 2035 comprehensive plan, it goes on
07:57 14 to say about the factors that should be considered,
07:57 15 and it says, "In reviewing the text of the
07:57 16 Village's 2035 comp plan, there are many references
07:57 17 to nonmetallic mining, and the applicant's site is
07:57 18 specifically identified at this applicant's site.

07:57 19 Reading on the bottom of Page 2,
07:57 20 "Nonmetallic mineral resources should be taken into
07:57 21 careful consideration whenever land is being
07:57 22 considered for development. Mineral resources,
07:57 23 like other natural resources, occur where nature
07:57 24 put them, which is not always convenient or
07:58 25 desirable. Wise management of nonmetallic mineral

07:58 1 resources is important to ensure an adequate supply
07:58 2 of aggregate at a reasonable cost for new
3 construction and for the maintenance of existing
07:58 4 infrastructure in the future. 2) Nonmetallic
07:58 5 minerals, including sand, gravel, stone, peat and
07:58 6 clay, have significant commercial value and are an
07:58 7 important economic source of construction materials
07:58 8 needed for the continued development of Racine
07:58 9 County and the region and for the maintenance of
07:58 10 the existing infrastructure."

07:58 11 Going down to 3 Sub 1, "The plan
07:58 12 recognizes the continued application of these
07:58 13 facilities, as well as the possible expansion of
07:58 14 such facilities to adjacent lands subject to
07:58 15 appropriate zoning and State and County
07:58 16 regulations."

07:58 17 No. 3, Sub 2, "Decisions regarding future
07:58 18 land development should take into consideration the
07:58 19 location of mineral resources." When was this
07:58 20 document completed, this 2035 plan? Does anybody
07:59 21 know offhand, approximately?

07:59 22 MR. PRUITT: I believe it was adopted by
07:59 23 the village in 2009.

07:59 24 MR. DOBBS: Okay. So this document was a
07:59 25 while, and it did -- At that time in 2009 it was

07:59 1 mentioning that these resources are scarce, they're
07:59 2 not everywhere, and that it may come into play.

07:59 3 MS. MARTIN: President Dobbs? May I?

07:59 4 MR. DOBBS: Yes, ma'am.

07:59 5 MS. MARTIN: Because I don't -- You left
07:59 6 out some -- the following language after 2. For
07:59 7 one thing, the section that says "Nonmetallic
07:59 8 minerals, including sand, gravel, stone, peat and
07:59 9 clay," et cetera, "are an important source of
07:59 10 construction materials needed for the continued
07:59 11 development of Racine County and the region." And
07:59 12 that's true, but it doesn't refer to Caledonia in
08:00 13 particular. There are other areas, as we saw from
08:00 14 that map, that have those resources. And the
08:00 15 following language from that bolded language says,
08:00 16 "Permitting urban or rural development of lands
08:00 17 overlying these resources or in close proximity to
08:00 18 these resources may make it impossible to utilize
08:00 19 such resources economically in the future."

08:00 20 And I would suggest that ship has sailed
08:00 21 because there is residential development
08:00 22 immediately to the north of where this is being
08:00 23 proposed. That's exactly the problem. And perhaps
08:00 24 it should have been addressed 20 years ago or
08:00 25 whenever those -- whenever those lands were zoned,

08:00 1 but they're there now. Those houses are there.

08:00 2 Those people live there.

08:00 3 MR. DOBBS: I want you to keep in mind

08:00 4 also that when this is done, there will be a

08:00 5 beautiful recreation lake. There will also be --

08:01 6 MR. BENKOWSKI: President Dobbs, may I

08:01 7 interject?

8 AUDIENCE MEMBER: Go jump in it!

08:01 9 MR. BENKOWSKI: Everything you're saying

08:01 10 right now is speculative. You don't know if that's

08:01 11 going to happen. We won't be here. It's

08:01 12 speculative. It's speculative.

08:01 13 MR. DOBBS: But you're --

08:01 14 MR. BENKOWSKI: May I have an opinion

08:01 15 from counsel? Counsel, is it appropriate to make

08:01 16 that statement as public record that this is

08:01 17 guaranteed to be a recreational area for the

08:01 18 benefit of Caledonia and the City of Racine?

19 AUDIENCE MEMBER: No way.

08:01 20 MR. BENKOWSKI: Please tell me that that

08:01 21 is a fair and accurate statement. I don't think it

08:01 22 is, but I defer.

08:01 23 MR. PRUITT: I think what the village

08:01 24 president is referring to is the reclamation plan,

08:01 25 and that's what's been submitted by the applicant.

08:01 1 Whether or not it comes to fruition is the question
08:01 2 that you're raising.

08:01 3 MR. BENKOWSKI: No. State the fact.
08:01 4 You're taking a side right now. Let's state the
08:01 5 facts.

08:01 6 MR. DOBBS: Jay, a minute ago you said
08:01 7 it's going to be really expensive to take those
08:02 8 trees and the berm down. That's totally
08:02 9 speculative. I mean, you're worse than anybody at
08:02 10 that.

08:02 11 MR. FOLK: President Dobbs?

08:02 12 MR. DOBBS: Yes, sir.

08:02 13 MR. FOLK: Seeing that I have current
08:02 14 mining operations in my backyard -- Your current
08:02 15 operations is right behind -- I pointed out where I
08:02 16 live on your map. Seeing how I have children that
08:02 17 attend St. Rita's School and the parish, I would
08:02 18 like to make a motion, and I'm going to list some
08:02 19 of the language that the attorney has provided us.

08:02 20 Whereas the negative effects of expanding
08:02 21 the quarry operation can be addressed by the
08:02 22 addition of reasonable conditions in the required
08:02 23 conditional use permit, that the existence of
08:02 24 non-metallic mining at this site was specifically
08:02 25 referenced in the village's 2035 comprehensive

08:02 1 plan, as well as the importance of protecting such
08:02 2 resources for public works and development projects
08:02 3 in the area, while the requested land use plan
08:03 4 designation of extractive is compatible with
08:03 5 adjacent land use plan designations as currently
08:03 6 there are approximately 180 acres designated as
08:03 7 extractive that are adjacent to the subject
08:03 8 property, and due to the subject property's
08:03 9 proximity to an existing longstanding limestone
08:03 10 quarry, this land use plan amendment is a logical
08:03 11 extension of an existing use, and will lay the
08:03 12 foundation for rezoning of the subject property to
08:03 13 the M-4 quarrying district, I, therefore, recommend
08:03 14 approval of this land use plan.

08:03 15 AUDIENCE MEMBER: Shame on you.

08:03 16 MR. FOLK: I will continue to make a
08:03 17 motion of the --

08:03 18 AUDIENCE MEMBER: Wow.

08:03 19 AUDIENCE MEMBER: Sellout.

08:03 20 MR. FOLK: -- rezoning as well. And
08:03 21 again, I recommend rezoning will support the
08:03 22 village's 2035 comprehensive plan and the
08:03 23 importance of maintaining nonmetallic mining sites.
08:03 24 The rezoning is in accord with the adjacent M-4
08:03 25 zoning designation and use in this area. That is

08:04 1 my motion based on lead counsel.

08:04 2 AUDIENCE MEMBER: Are you staying in your
08:04 3 house?

08:04 4 AUDIENCE MEMBER: How much did you get
08:04 5 paid off?

08:04 6 MS. EKES: If you're recommending -- The
08:04 7 essence of your motion as I heard it was that for
08:04 8 the various reasons that you've stated, you're
08:04 9 recommending that the land -- the comp plan
08:04 10 amendment be approved by the board as well as the
08:04 11 rezoning.

08:04 12 MR. FOLK: Rezoning. That is correct.

08:04 13 MS. EKES: It would be important to
08:04 14 incorporate into your motion the adoption of the
08:04 15 resolution that's been drafted that's on the
08:04 16 agenda --

08:04 17 MR. FOLK: That's what I meant to --

08:04 18 MS. EKES: -- that states that
08:04 19 information as well.

08:04 20 MR. FOLK: Correct. I so move.

08:04 21 AUDIENCE MEMBER: You must be moving I
08:04 22 guess. You wouldn't stay there.

08:04 23 MR. DOBBS: Do you understand the motion
08:04 24 or --

08:04 25 COURT REPORTER: Are you talking to me?

1 I'm just typing it down.

08:04 2 MS. EKES: Would you like the court
08:05 3 reporter to read back the motion?

08:05 4 MR. DOBBS: We just wanted to make sure
5 you've got it or if you need clarification.

6 COURT REPORTER: It's okay. It's there.

08:05 7 MS. EKES: She's got it.

08:05 8 MR. DOBBS: Okay. We have a motion. Do
08:05 9 we have a second?

08:05 10 MR. MICHALSKI: I'll second it.

11 MR. DOBBS: The motion is seconded by
08:05 12 Duane.

08:05 13 AUDIENCE MEMBER: You're moving next to
08:05 14 him now, huh?

08:05 15 MR. DOBBS: Any additional discussion?

08:05 16 AUDIENCE MEMBER: Sure you are.

08:05 17 MR. DOBBS: Any additional discussion?

08:05 18 AUDIENCE MEMBER: This is a joke, y'all.
08:05 19 We vote. Okay? Y'all know that. We vote.

08:05 20 MS. MARTIN: I have a suggestion.

08:05 21 Emotions are running high here. I'd just ask that
08:05 22 counsel explain to the audience the effect of the
08:05 23 Planning Commission's vote versus the board's vote
08:05 24 and what will happen tonight vis-a-vis the board's
08:05 25 vote. I think that will help the audience

1 understand.

08:05 2 MR. DOBBS: Any recommendations of the
08:05 3 Plan Commission will be forwarded to the board for
08:06 4 final decisions. Do you want to add anything to
08:06 5 that, Elaine?

08:06 6 MS. EKES: The Planning Commission is a
08:06 7 recommending body, so as a part of the procedures
08:06 8 that are required, their actions are recommending
08:06 9 to the board, and then the board is the final
08:06 10 decision maker.

08:06 11 MS. MARTIN: And also I want it to be
08:06 12 clear that the board will not be voting tonight to
08:06 13 approve or disapprove the plan regardless of what
08:06 14 the Planning Commission does. Correct?

08:06 15 MR. DOBBS: Correct.

08:06 16 MS. MARTIN: Just so the audience
08:06 17 understands that. That will come out at a later
08:06 18 date.

08:06 19 MR. DOBBS: Okay. We have a motion and a
08:06 20 second. Any additional discussion from the
08:06 21 commission? Do we have a roll call?

22 MR. PRUITT: Yes.

08:06 23 MR. DOBBS: Roll call vote, please.

08:06 24 MS. HOEFFERT: All right. Roll call.

08:06 25 Thomas Knitter?

08:07 1 MR. KNITTER: No.

08:07 2 MS. HOEFFERT: Joseph Minorik?

08:07 3 MR. MINORIK: No.

4 MS. HOEFFERT: Duane Michalski?

08:07 5 MR. MICHALSKI: Yes.

08:07 6 MS. HOEFFERT: Jonathan Schattner?

08:07 7 MR. SCHATTNER: Yes.

08:07 8 MS. HOEFFERT: Bill Folk?

08:07 9 MR. FOLK: Yes.

08:07 10 MS. HOEFFERT: Trustee Wanggaard?

08:07 11 MR. WANGGAARD: Yes.

08:07 12 MS. HOEFFERT: President Dobbs?

08:07 13 MR. DOBBS: Yes. Five to two. The

08:07 14 motion passes.

08:07 15 AUDIENCE MEMBER: Anybody know a realtor?

08:07 16 MR. DOBBS: We'll now address the

08:07 17 conditional use, nonmetallic mining and explosives

08:07 18 use permit. Any motion on that? Jarmen?

08:07 19 MR. CZUTA: I guess I would just like to

08:07 20 make a point that I'm sure all of you reviewed this

08:07 21 extensively, but under Condition No. 8, when I was

08:07 22 working on this relative to the hours of operation,

08:08 23 and I tied that down with what was stipulated in

08:08 24 the very detailed operations plan that was

08:08 25 submitted by the applicant, the hours of operation

08:08 1 for various aspects of their functions listed on
08:08 2 the bottom of Page 17 of their document is where I
08:08 3 stopped, and then there are three other functions
08:08 4 at the top of Page 18 which I didn't realize at
08:08 5 that time, and I apologize -- it was an oversight
08:08 6 on my part -- dealing with load out, hours of
08:08 7 operation, quarry maintenance and shop and plant
08:08 8 maintenance. And if the Plan Commission felt so
08:08 9 inclined to move towards approving the conditional
08:08 10 use, I just want to make it known that the
08:08 11 additional hours of operation outlined and various
08:08 12 aspects of operations on Page 18 should be
08:08 13 included. Thank you.

08:08 14 MR. KNITTER: Jarmen, I have a question.
08:09 15 Is this for the current operation that needs to be
08:09 16 extended or are we talking about the extension?

08:09 17 MR. CZUTA: Mr. Knitter, it's not an
08:09 18 extension of. It's essentially mirror images from
08:09 19 what I believe they have approved at this time.
08:09 20 They're just spelling out that these would be the
08:09 21 specific hours of operation that would take place
08:09 22 in the area of the further development if that were
08:09 23 to be approved.

08:09 24 MR. KNITTER: Okay. I know the items
08:09 25 that we received or what was on the website was a

08:09 1 letter from the mayor of Racine indicating some
08:09 2 mitigating conditions. Are you familiar with that?
08:09 3 Have you seen that?

08:09 4 MR. CZUTA: Yes.

08:09 5 MR. KNITTER: Are any of those
08:09 6 suggestions incorporated or do they match anything
08:09 7 on the conditional uses or the conditions that you
08:10 8 outlined?

08:10 9 MR. CZUTA: Yes. There were a number of
08:10 10 points outlined in that letter from the mayor of
08:10 11 the City of Racine that were incorporated into
08:10 12 this. Specifically, it dealt with -- Off the top
08:10 13 of my head, there was a portion that talked about
08:10 14 -- Under 23, they had concerns about the applicant
08:10 15 requiring drivers of its customers cannot travel on
08:10 16 streets east of Charles Street unless transporting
08:10 17 materials directly to a project site. They had --

08:10 18 MR. KNITTER: Was there anything that
08:10 19 limits the number of blastings or the hours?

08:10 20 MR. CZUTA: The way that it's written is
08:10 21 that any blasting activity would have to be in
08:10 22 compliance with the individual Caledonia blasting
08:11 23 permit that's in place that comes back for renewal
08:11 24 on an annual basis.

08:11 25 MR. KNITTER: Do we know when that would

08:11 1 be -- when the permit would be up, as it were?

08:11 2 MR. CZUTA: I don't have the answer to
08:11 3 that. I'm not sure if anyone --

08:11 4 MR. LAZCANO: June 30.

08:11 5 MR. KNITTER: June 30 of 2019?

08:11 6 MR. LAZCANO: Yes.

08:11 7 MR. PRUITT: Just to clarify, you are
08:11 8 actually approving -- If you're going down this
08:11 9 road, you'd be approving the explosives use permit
08:11 10 tonight as to the expanded area. What Jarmen is
08:11 11 referring to is that the conditions that are
08:11 12 applicable to the current quarry would also apply
08:11 13 to this one right now.

08:11 14 MR. DOBBS: A question for our attorneys.
08:11 15 Actually, a question first for the applicant. Have
08:11 16 you read the conditions as outlined by Jarmen? Are
08:12 17 you willing to accept these?

08:12 18 MR. ENDRES: Yeah, we have -- Yes, we
08:12 19 have seen them proposed, and we have read them.
08:12 20 There were a couple that we had a question on just
08:12 21 from the -- trying to be clear to be successful if
08:12 22 this is approved. First would be Item 23 as I
08:12 23 think you were talking about, Jarmen, with the
08:12 24 traffic compliance portion.

08:12 25 As you know, at these sites we don't have

08:12 1 control of the trucks. The customers that come in
08:12 2 -- It's a commercial site, so the language in there
3 about us being responsible ensuring that all truck
08:12 4 drivers strictly obey the posted speed limits and
08:12 5 all traffic laws, we have no power to do that.
08:12 6 We're not a police agency. We don't know what they
08:12 7 do. And we will obviously continue to be proactive
08:13 8 any time there's an issue like we've done recently
08:13 9 with handing out fliers when trucks are going the
08:13 10 wrong way on 3 Mile. But we can't promise you --
08:13 11 And what we want to do is live up to everything
08:13 12 that's in these conditions that's in there because
08:13 13 we can't control that. And the last sentence
08:13 14 there, "Should the office receive substantial
08:13 15 complaints that such laws are being broken, the
08:13 16 Village of Caledonia reserves the right to seek
08:13 17 revocation of this permit for nonconformance," we
08:13 18 want to be in compliance, but there's no way for us
08:13 19 to police that, so it's very hard to have that in a
08:13 20 permit because it's also very hard to know where
08:13 21 these trucks automatically come from, if there
08:13 22 happens to be a complaint.
08:13 23 So we want to be successful. That's one
08:13 24 that we thought would be a challenge for both the
08:13 25 village and for us. We're more than happy and

08:13 1 willing to get involved in measures that might help
08:13 2 the community. And, you know, if it means, you
08:13 3 know, purchasing those signs that show the speed
08:13 4 that vehicles are traveling in areas around the
08:14 5 quarry, we're more than willing to invest in that
08:14 6 safeguard, but I don't feel like we're going to
08:14 7 have a very good chance of success written that way
08:14 8 legally. So that --

08:14 9 MR. DOBBS: That makes sense, that it
08:14 10 might be a little over --

08:14 11 MR. PRUITT: Well, interestingly enough,
08:14 12 we lifted the language -- Some of the revisions to
08:14 13 that particular condition came from the Waterford
08:14 14 conditional use permit.

08:14 15 MR. ENDRES: Right, yeah. The Waterford
08:14 16 -- Well, to go back and speak to that, the
08:14 17 difference is that is a standing gravel site that
08:14 18 we're opening up just to supply ourselves. So
08:14 19 anything that goes out of there, we're in control
08:14 20 of the trucks because we hire them. So if there's
08:14 21 any issues, we can do it right. We can discipline.
08:14 22 It's not a commercial aggregate site. This is a
08:14 23 commercial aggregate site, and we don't have any
08:14 24 trucking agreements with the customers that come in
08:14 25 and out of there.

08:14 1 MR. PRUITT: And I appreciate that
08:14 2 difference. Internally in this condition it does
08:15 3 seem that there is some contradictory language.
08:15 4 The first one says, "The applicant is responsible
08:15 5 for using best efforts for ensuring that truck
08:15 6 drivers obey all posted speed limits and applicable
08:15 7 traffic laws." And then further down in the middle
08:15 8 it says, "The applicant is responsible for ensuring
08:15 9 that all truck drivers strictly obey all posted
08:15 10 speed limits and all traffic laws." So I think
08:15 11 that that latter sentence is the one that you're
08:15 12 having issues with.

08:15 13 The very last sentence where it says, "If
08:15 14 the office receives substantial complaints that
08:15 15 such laws are being broken, the Village of
08:15 16 Caledonia reserves the right to seek revocation of
08:15 17 this permit for noncompliance." That was actually
08:15 18 a softening, actually, of the Waterford language
08:15 19 which said they could flat outright revoke it.
08:15 20 This says "seek revocation," which would require a
08:15 21 hearing. So that's where that language came from
08:15 22 as well as the Waterford.

08:15 23 MR. ENDRES: Yeah. I get that. It's
08:15 24 just that where we have control, we can exercise
08:15 25 it. We don't have --

08:15 1 MR. BENKOWSKI: But you have control --
08:16 2 Pardon to interrupt. You have control because you
08:16 3 know who you're selling to, so therefore, you have
08:16 4 the right to police and enforce. So therefore,
08:16 5 part of the deal of selling is to self-monitor. So
08:16 6 possibly during day hours you have to put people to
08:16 7 make sure that the agreements you have with the
08:16 8 Village of Caledonia are being met. So if you have
08:16 9 to have a private security force or something else
08:16 10 to monitor that, that's your burden of making a
08:16 11 profit.

08:16 12 MR. DOBBS: You'd have to have a sworn
08:16 13 law enforcement officer out there to do any --

08:16 14 MR. BENKOWSKI: Well, then Caledonia
08:16 15 could lease somebody to them.

08:16 16 MR. DOBBS: Excuse me. I was speaking.
08:16 17 Thank you. A security guard is not going to do
08:16 18 anything. We're not going to post law enforcement
08:16 19 officers out there. I think personally, I guess
08:16 20 I'd ask the commission that that language be
08:16 21 rewritten. I tend to agree with the applicants on
08:16 22 that. If the commission agrees, who and how and
08:16 23 when would that get revised?

08:16 24 MR. BENKOWSKI: If I may, how can this
08:16 25 language apply in Waterford but it can't apply in

08:17 1 Caledonia?

08:17 2 MR. DOBBS: He just explained it, that
08:17 3 it's on their private property.

4 MR. BENKOWSKI: No.

08:17 5 MR. DOBBS: This isn't on their private
6 property.

08:17 7 MR. BENKOWSKI: No. He said -- Listening
08:17 8 to counsel, he said he softened the language. How
08:17 9 can this apply and not apply? I don't understand.
08:17 10 Please.

08:17 11 MS. EKES: I think for the record what
08:17 12 was said, and I'm in no way saying which language
08:17 13 should apply. That's for the Plan Commission to
08:17 14 make a recommendation on. What was said was that
08:17 15 the difference between this quarry and the
08:17 16 operations in Waterford was that it's the Payne &
08:17 17 Dolan employees that are driving the trucks, and
08:17 18 here it's contractors that are driving the trucks?

08:17 19 MR. ENDRES: No. I'll try and restate
08:17 20 it. So the operation that this was lifted from,
08:17 21 that operation is solely to service our own
08:17 22 internal needs. Right? So we can produce
08:17 23 aggregate there that we haul to our different
08:17 24 asphalt facilities. And to haul it to our asphalt
08:18 25 facilities, we contract with certain trucking

08:18 1 companies that sign trucking agreements with us
08:18 2 that agree to follow all these laws.

08:18 3 So if, for example, someone in that
08:18 4 governing community brings up "Hey, you know, XYZ
08:18 5 contractor truck, this license plate was doing
08:18 6 this," we have the ability to actually exercise
08:18 7 some sort of policeability with them, so to speak,
08:18 8 because they signed a trucking agreement with us.

08:18 9 The Village of Caledonia comes in for
08:18 10 material out of the Racine quarry and heaven forbid
08:18 11 rolls through a stop sign or speeds, I have no way
08:18 12 of exercising any power over them because I don't
08:18 13 have an agreement with you guys. Does that make
08:18 14 sense?

08:18 15 MS. EKES: I understand the distinction.
08:18 16 That's what I wanted to explain.

08:18 17 MR. DOBBS: Duane had a comment, and he's
08:18 18 a trucker, actually. Duane?

08:18 19 MR. MICHALSKI: Yes. Without disclosing
08:18 20 too much here, for example, with what the applicant
08:19 21 has said is applying, for example, if an
08:19 22 independent contracting trucking company is doing
08:19 23 work for an asphalt company, let's just pull Stark
08:19 24 Co. to the air. If they're doing an asphalt job
08:19 25 and there's drivers that are in the paver, if a

08:19 1 driver is careless enough and he rolls out of the
08:19 2 paver and dumps his entire load of asphalt on the
08:19 3 job site, that contractor has the ability to take
08:19 4 that driver and sign him out and send him home.

08:19 5 That same company, Stark, if you run
08:19 6 material for them, they're very stringent on their
08:19 7 operations. If you leave the quarry and you go the
08:19 8 wrong direction, they will sign you out, and you
08:19 9 will go home without pay for that day. Most of
08:19 10 these guys own their own trucks. They can't afford
08:19 11 to miss a day of work. We're actually pretty
08:19 12 careful with what we do and how we do it. And
08:19 13 after about 30 years of doing this, I can honestly
08:20 14 say that the strictest places I have worked for as
08:20 15 far as personal protective equipment, what I'm
08:20 16 allowed to do even -- I can't even be in a Payne &
08:20 17 Dolan quarry or aggregate site and be on any cell
08:20 18 phone.

08:20 19 If I'm unloading asphalt, I cannot be on
08:20 20 the cell phone. They have designated areas with
08:20 21 port-a-potties and bathrooms and rest areas. If
08:20 22 you need to go, that's where you go. You don't get
08:20 23 out of your truck just anywhere. You do it where
08:20 24 you are -- it's dedicated to go. The operations
08:20 25 that they have at all aggregate and quarries are

08:20 1 heavily monitored by OSHA, MSHA, and other facts
08:20 2 and governing bodies.

08:20 3 The statement that anything can just be
08:20 4 done in a quarry is just wrong. It's very, very
08:21 5 controlled. And as a driver who has been working
08:21 6 out of this since it was Vulcan, I have seen
08:21 7 firsthand drivers get kicked out of their pit for
08:21 8 life coming down 3 Mile Road with a load. They got
08:21 9 caught, and they were never allowed back in that
08:21 10 quarry. And that was even when that was Vulcan.

08:21 11 And that rule is very, very taken
08:21 12 seriously by all the drivers that go in and out of
08:21 13 there. And the gentleman is right. They don't
08:21 14 control where I go or how I do it, but the
08:21 15 ramifications if I get caught, it's just not worth
08:21 16 my livelihood or anybody's livelihood. So we
08:21 17 adhere to their rules and policies strictly. And
08:21 18 if somebody doesn't, they deserve to get out
08:21 19 because they are told implicitly if you go to any
08:21 20 of their quarries and you haven't been there, you
08:21 21 have to take a test. That's just the way it goes.

08:21 22 So to imply or to not understand how the
08:21 23 operations go, it's strict. It's very, very
08:22 24 strict.

08:22 25 MR. ENDRES: I would add one more thing

08:22 1 to Mr. Benkowski's point that when we're notified
08:22 2 of things, we take them head on. Like as soon as
08:22 3 we're -- If something is on the radar, when it's
08:22 4 free to proceed, we dive into it. The same thing
08:22 5 with trucks. We do this across three states, many
08:22 6 operations. Anytime we have an issue that's
08:22 7 brought to us with some sort of factual information
08:22 8 that we can dive into, like a truck number or a
08:22 9 license plate, we will dig into it because these
08:22 10 road operators don't do us any good, as is evident
08:22 11 tonight.

08:22 12 So if -- You know, to this point, we
08:22 13 don't have a police force, but if anyone brings us
08:22 14 any kind of evidence, and even if it's not full
08:22 15 enough, we have our scale people look for a
08:22 16 description of a truck and we pull them aside, and
08:22 17 we try to self-police to the best of our ability if
08:22 18 we're notified of something.

08:22 19 MS. MARTIN: That's a good point.

08:22 20 MR. DOBBS: Duane, do you agree that the
08:22 21 language is good as is, or should it be modified a
08:22 22 little bit?

08:22 23 MR. MICHALSKI: I think it should be
08:23 24 modified a little bit because, you know, again, for
08:23 25 example, if you live over on Thunderbird Drive and

08:23 1 you have a concrete contractor coming over to do
08:23 2 your driveway, by state law, that driver has a
08:23 3 right to get to and from the job site, and it is a
08:23 4 contractor's discretion to determine that route.
08:23 5 The most obvious route would be 3 Mile to whatever
08:23 6 street that is and over to Thunderbird, but you
08:23 7 have a right to get your product to and from the
08:23 8 material. If I'm working for ABC Concrete and I've
08:23 9 got to do a job out on Main Street somewhere, I'm
08:23 10 going to take the quickest, easiest way to get
08:23 11 there, and that's what's going to be set up, and
08:23 12 most companies let you go to municipalities and
08:23 13 say, "Hey, I've got, you know, 4,000 square feet of
08:23 14 concrete I've got to do over here. This is how
08:23 15 we're going to get to and from," and they're like
08:24 16 "Fine. That's how you do it." So that's how you
08:24 17 do it.

08:24 18 But to put that on -- the onus on Payne &
08:24 19 Dolan or any other company for somebody else's
08:24 20 business practice is -- I don't think that's fair
08:24 21 or right.

08:24 22 MR. DOBBS: Thank you.

08:24 23 MS. MARTIN: President Dobbs?

08:24 24 MR. DOBBS: Fran?

08:24 25 MS. MARTIN: I'm wondering if what

08:24 1 Mr. Michalski just described isn't a conflict of
08:24 2 interest. I don't know precisely what his
08:24 3 relationship to Payne & Dolan is, but if part of
08:24 4 his revenue comes from the continued existence of
08:24 5 the Payne & Dolan quarrying --

08:24 6 MR. MICHALSKI: Actually, it doesn't.

08:24 7 AUDIENCE MEMBER: Bingo.

08:24 8 MR. DOBBS: If we're going to start
08:24 9 talking about conflicts of interest, Mr. Benkowski
08:24 10 may want to recuse himself because he owns a
08:24 11 business virtually on the quarry walls. We have a
08:24 12 gentleman who lives right there who didn't recuse
08:24 13 himself. The man happens to go in there sometimes
08:24 14 to get some gravel. I don't think he needs to
08:25 15 withdraw.

08:25 16 MR. MICHALSKI: I just want to put on the
08:25 17 record I've been out of there twice this year.

08:25 18 MS. MARTIN: I said I didn't know whether
08:25 19 part of your revenue came from -- It is a potential
08:25 20 conflict of interest. That was my statement.

08:25 21 MR. MICHALSKI: My revenue comes from my
08:25 22 boss, not Payne & Dolan.

08:25 23 MR. KNITTER: I took it as just how the
08:25 24 trucking world works here. I didn't think I --

08:25 25 MR. MICHALSKI: This is 30 years of

08:25 1 experience, Fran, that I have working out of
08:25 2 quarries.

08:25 3 AUDIENCE MEMBER: What's the legal
08:25 4 definition?

08:25 5 MS. EKES: If Duane wants to have a
08:25 6 conversation with legal counsel, we can certainly
08:25 7 provide him with ethics advice. He's the one who
08:25 8 has to determine whether or not he has a conflict
08:25 9 of interest in terms of recusing himself. He has
08:25 10 to be the one to decide. If he wants to have that
08:25 11 conversation, he certainly can.

08:25 12 AUDIENCE MEMBER: But didn't he second
08:25 13 the vote? Didn't he second --

08:25 14 MR. DOBBS: John, do you have a --

08:26 15 MR. SCHATTNER: As I read this condition,
08:26 16 Duane, it says --

17 MR. DOBBS: Microphone.

08:26 18 MR. SCHATTNER: As I read this condition
08:26 19 here, it says, "Applicant shall require its drivers
08:26 20 and the drivers of its customers to not travel on
08:26 21 streets east of Charles Street, unless transporting
08:26 22 material directly to the project site."

08:26 23 MR. MICHALSKI: Right.

08:26 24 MR. SCHATTNER: So -- I mean, it's in
08:26 25 there. Right?

08:26 1 MR. MICHALSKI: Yes, it is. But the --

08:26 2 MR. KNITTER: I think it's something
08:26 3 later in the document.

08:26 4 MR. ENDRES: It's the next sentence, "The
08:26 5 applicant is responsible" and then the last
08:26 6 sentence, "Should this office --"

08:26 7 MR. SCHATTNER: No. I think the
08:26 8 applicant is responsible. You have responsibility
08:26 9 to tell your drivers --

10 MR. MICHALSKI: They're not their
08:26 11 drivers.

08:26 12 MR. ENDRES: They're not our drivers.

08:26 13 MR. SCHATTNER: Even if they're not your
08:26 14 drivers, you're contracting with them, and you can
08:26 15 put that language in your contract, can't you?

08:26 16 MR. ENDRES: But John, to be respectful,
08:26 17 we're not -- So we don't contract with the Village
08:26 18 of Caledonia when you guys come in and buy a
08:26 19 material. Right?

08:26 20 MR. SCHATTNER: Right.

08:26 21 MR. ENDRES: So at a commercial quarry
08:27 22 like that, we don't contract with everyone that
08:27 23 buys.

08:27 24 MR. SCHATTNER: Who is your contract
08:27 25 with?

08:27 1 MR. DOBBS: So what I'm referring to is
08:27 2 our Clearwater Acres site which is in western
08:27 3 Racine County. That is a sand and gravel operation
08:27 4 that we opened up where we produce our own
08:27 5 material, and then we haul it to our own places.

08:27 6 MR. FOLK: We're trying to limit them --
08:27 7 You know, a customer going to, you know,
08:27 8 Milaeger's, we can't hold Milaeger's responsible
08:27 9 that somebody leaves their property and races down
08:27 10 -- You just can't do that.

08:27 11 MR. SCHATTNER: I'm just trying to
08:27 12 minimize traffic going east.

08:27 13 MR. FOLK: Correct. And I do believe
08:27 14 that --

08:27 15 MR. ENDRES: Well, that part, John, is
08:27 16 not a problem. That sentence right there, we have
08:27 17 no issue with the "east of Charles Street" part.

08:27 18 MR. SCHATTNER: I just wanted to be
08:27 19 clear.

08:27 20 MR. FOLK: It's just for the
08:27 21 responsibility for the drivers themselves. They
08:27 22 can't be responsible for that.

08:27 23 MR. DOBBS: Counsel, are you -- Anything
08:28 24 else before it comes up for a vote? In this
08:28 25 document, there's at least 42 different things that

08:28 1 the quarry would have to adhere to, and violation
08:28 2 of any of these -- continued violation of any or
08:28 3 all of these could lead to some kind of revocation
08:28 4 of their permit. Correct?

08:28 5 MR. PRUITT: Correct.

08:28 6 MR. DOBBS: Okay. So I wonder why --
08:28 7 I've seen it before, but No. 6 where we could do
08:28 8 this again in two years when it could happen in one
08:28 9 year if things don't go as planned, why do we have
08:28 10 -- Would we have to do this whole thing again in
08:28 11 two years? And then by then the road is gone, the
08:28 12 digging has started, and there's no turning back
08:28 13 unless there's some serious issues. That's one
08:28 14 Mr. Wanggaard --

08:29 15 MR. WANGGAARD: Speaking of that, we do
08:29 16 every two years. We do a conditional review on
08:29 17 this. As far as general conditions and parts for
08:29 18 revoking, that's standard in anything we -- that is
08:29 19 pretty much done as far as for any conditional use.
08:29 20 But every two years we look at this conditional use
08:29 21 for anyone. We voted on it in 2016, we voted on it
08:29 22 in 2014, we voted on it in 2012, 2010, and there's
08:29 23 never been any issues. So -- I mean, you know, the
08:29 24 build-out might take more than two years, so -- I
08:29 25 mean, it's going to come back up in two years

08:29 1 again, but there shouldn't be any problems with
08:29 2 that as far as -- We've been doing it for -- since,
08:29 3 you know, the ordinance was written.

08:29 4 MR. DOBBS: John?

08:29 5 MR. SCHATTNER: The other thing that I
08:29 6 want to mention, too, is that by doing this every
08:29 7 two years, there's restoration that should be going
08:29 8 on at the same time. So this allows for the people
08:29 9 that are operating this quarry to come back and
08:30 10 say, "Look. In good faith we're doing some
08:30 11 restoration as well as we're doing the other
08:30 12 things." So we can monitor that as well.

08:30 13 MR. PRUITT: Mr. President, I would just
08:30 14 add that one of the positive things that Act 67
08:30 15 does is it does allow the Plan Commission to attach
08:30 16 a time period to the conditional use permit. That
08:30 17 was an issue that was up in the air somewhat, and
08:30 18 now it's statutory that you can put these time
08:30 19 frames out there with the idea being that, you
08:30 20 know, you have the means then to make sure that
08:30 21 there's compliance. And you can quickly address
08:30 22 any problems versus having to take the more unusual
08:30 23 aggressive step of actually revoking a conditional
08:30 24 use permit. That would require a hearing and
08:30 25 witnesses and that kind of thing. So it's just a

08:30 1 mechanism, I think, that gives you more control.

08:30 2 MR. DOBBS: All right. Thank you. Any
08:31 3 other conditions that --

08:31 4 MR. WENINGER: We only had one that ties
08:31 5 into the discussion we just had. At the bottom of
08:31 6 Paragraph 6, "Restoration," "The applicant must
08:31 7 continue applying for a renewal of its nonmetallic
08:31 8 mining permit and explosives use permit on an
08:31 9 annual basis." As Trustee Wanggaard said, that
08:31 10 nonmetallic mining permit is on a two-year renewal
08:31 11 per your ordinance. And then the blasting is on an
08:31 12 annual basis per your blasting ordinance. If we
08:31 13 could ask for that distinction, we'd appreciate it.

08:31 14 MR. DOBBS: Counsel, do you have a
08:31 15 problem with changing that?

08:31 16 MR. PRUITT: I think if you are already
08:31 17 on a two-year cycle, you should add this to that
08:31 18 two-year cycle?

08:31 19 MR. WENINGER: That was it.

08:31 20 MR. DOBBS: Thank you. Any other
08:31 21 questions from the Plan Commission or the board?
08:32 22 Entertain any motions.

08:32 23 MR. SCHATTNER: I'll make a motion to
08:32 24 approve the conditional use permit for Payne &
25 Dolan.

08:32 1 MR. DOBBS: Do all three of them at once,
08:32 2 Elaine, or separate?

08:32 3 MS. EKES: I believe you can do all three
08:32 4 of them at once. Do you want the conditions to
08:32 5 apply to all three?

08:32 6 MR. SCHATTNER: Okay. So to approve the
08:32 7 conditional use permit, non-metallic mining permit
08:32 8 and explosives use permit for the Payne & Dolan
08:32 9 site at 3 Mile Road.

08:32 10 MR. DOBBS: With the modification of
08:32 11 the --

08:32 12 MR. SCHATTNER: With the modifications
08:32 13 that were presented on the blasting and also on the
08:32 14 traffic -- No. 23, was it?

08:32 15 MR. MICHALSKI: 23.

08:32 16 MR. SCHATTNER: And the additional hours
08:33 17 that were presented by the zoning administrator.

08:33 18 MR. DOBBS: We have a motion. Do we have
08:33 19 a second?

08:33 20 MR. MICHALSKI: Second.

08:33 21 MR. DOBBS: We have a motion and a second
08:33 22 on the floor. Any additional discussion,
08:33 23 questions?

08:33 24 MS. EKES: Yeah. Just to clarify, I
08:33 25 think, Jarmen, could you restate what those

08:33 1 modifications are so that everybody is on the same
08:33 2 page, including us at the table over here?

08:33 3 MR. CZUTA: I'm going to draft up the
08:33 4 review that you have a copy of in front of you --
08:33 5 Condition No. 8 dealt with hours of operation. And
08:33 6 then in the white binder on Page 17 towards the
08:33 7 bottom, what Payne & Dolan drafted, their detail
08:33 8 plan, they broke out various aspects of operation
08:34 9 with various hours. And what I had included in the
08:34 10 draft before you were plant operations, quarry
08:34 11 operations, overburden, stripping, drilling and
08:34 12 blasting and the various hours listed on Page 17 in
08:34 13 the plans.

08:34 14 At the top of Page 18, the additional --
08:34 15 They're not expanded or additional hours. It's
08:34 16 just that this plan was more detailed. It spelled
08:34 17 out specific hours for different aspects of the
08:34 18 operation. And what I -- what Mr. Schattner has
08:34 19 included in the motion would be to include those
08:34 20 hours listed at the top of Page 18, which would be
08:34 21 load out, Monday through Friday 6 a.m. to 6 p.m.,
08:34 22 Saturday 6 a.m. to 6 p.m., Sunday none. Quarry
08:34 23 maintenance, Monday through Friday 6 a.m. to
08:34 24 10 p.m. , Saturday 6 a.m. to 10 p.m., Sunday 6 a.m.
08:34 25 to 10 p.m., and shop and plant maintenance. Does

08:35 1 that spell it out significantly? I read it right
08:35 2 over out of the manual.

08:35 3 MS. EKES: Yes.

08:35 4 MR. CZUTA: Thank you.

08:35 5 MS. EKES: And with respect to the other
08:35 6 -- I think it was with respect to the other
08:35 7 Paragraph 23, did you want revisions to that
08:35 8 paragraph as well?

08:35 9 MR. SCHATTNER: Yes. And I guess we're
08:35 10 relying on you for information on how we can
08:35 11 structure that.

08:35 12 MR. KNITTER: Yeah. I think it's just
08:35 13 the one sentence that "The applicant is responsible
08:35 14 for ensuring that all truck drivers strictly obey
08:35 15 all posted speed limits and all traffic laws." I
08:35 16 think they had a question with that --

08:35 17 COURT REPORTER: I'm sorry, I can't hear
08:35 18 you over here.

08:35 19 MS. EKES: And that was what I wanted to
08:35 20 clarify. I have that sentence as struck in my
08:35 21 notes. "The applicant is responsible for ensuring
08:35 22 that all truck drivers strictly obey all posted
08:36 23 speed limits and all traffic laws."

08:36 24 MR. KNITTER: With the quarry operation
08:36 25 maybe "surrounding streets" or something or

08:36 1 "surrounding roadways."

08:36 2 MS. EKES: What we could revise -- and I
08:36 3 haven't put my head together with Tim over there,
08:36 4 but the first sentence, "The applicant is
08:36 5 responsible for using best efforts for ensuring
08:36 6 that truck drivers -- the employee truck drivers
08:36 7 and the customer truck drivers obey all posted
08:36 8 speed limits and applicable traffic laws." So it's
08:36 9 a best efforts clause, but then leaving in, of
08:36 10 course, the provision at the bottom that "Should
08:36 11 the office receive substantial complaints, then the
08:36 12 village reserves the right to seek revocation of
08:36 13 this permit for non-compliance." And as Tim
08:36 14 indicated, that, of course, would require a hearing
08:36 15 before you could actually revoke a permit.

08:37 16 MR. KNITTER: That seems fair.

08:37 17 MS. EKES: Tim, do you have any thoughts
08:37 18 on that? I didn't ask you.

08:37 19 MR. PRUITT: I totally agree. No. I
08:37 20 think if you take out that middle sentence that
08:37 21 Elaine read, we could add the language that she
08:37 22 suggested, so that the first sentence would be "The
08:37 23 applicant is responsible for using best efforts for
08:37 24 ensuring that," I think "truck drivers" in general
08:37 25 just because it's just using best efforts, "obey

08:37 1 all posted speed limits and applicable traffic laws
08:37 2 for the quarry operation." And I think that
08:37 3 addresses it. And that last sentence, I know that
08:37 4 came up too in terms of Caledonia reserving the
08:37 5 right to seek revocation. But as the president
08:37 6 indicated, that's true of every single condition
08:37 7 here. If there's a violation of the conditional
08:37 8 use permit, the village always has the right to
08:37 9 seek revocation if it's being violated. So it's
08:38 10 somewhat surplusage, but in terms of the real
08:38 11 opposition here, I think removal of that middle
08:38 12 sentence would address the objection.

08:38 13 MR. SCHATTNER: Would it be necessary at
08:38 14 the end of the word "traffic laws in the Village of
08:38 15 Caledonia" be added?

08:38 16 MR. DOBBS: Jarmen?

08:38 17 MR. CZUTA: No. It says -- The City of
08:38 18 Racine has the southbound lanes there, so why
08:38 19 should they benefit by our language?

08:38 20 MR. SCHATTNER: I'm just wondering if we
08:38 21 need to specify what municipalities.

08:38 22 MR. CZUTA: I don't think so.

08:38 23 MR. MINORIK: I have one question for
08:39 24 clarification purposes.

25 MR. DOBBS: Do you have a microphone?

1 MR. MINORIK: Yeah.

2 MR. DOBBS: Go ahead.

08:39 3 MR. MINORIK: For clarification purposes,
08:39 4 are we talking about the current operation or are
08:39 5 we talking about the -- what was voted on here a
08:39 6 half an hour ago about approving the rezone?

08:39 7 MR. KNITTER: I think this was the extent
08:39 8 of the -- is what we approved tonight.

08:39 9 MR. PRUITT: Now, just to clarify, what
08:39 10 you're acting on tonight only applies to the area
08:39 11 being expanded. It does not -- This conditional
08:39 12 use permit that you're dealing with tonight does
08:39 13 not apply to the overall operation. You've got a
08:39 14 separate conditional use permit for a portion of
08:39 15 that that's now been mined, but everything else was
08:39 16 part of the grandfathered quarry. It doesn't have
08:39 17 a conditional use permit.

08:39 18 So this only applies to this additional
08:39 19 area. And I'd just point out that there was some
08:39 20 discussion about that area east of Charles, whether
08:39 21 that was grandfathered, whether it could be mined
08:40 22 or not. As you know, it is zoned M-4, and it does
08:40 23 have extraction designated on the land use plan.
08:40 24 But just to take -- We didn't want to create a
08:40 25 situation where a conditional use permit is granted

08:40 1 and you've got all these great conditions that
08:40 2 apply to it, but we don't want to have this island
08:40 3 where nothing applies, where all -- you know, that
08:40 4 they can do dust, they can do noise on this area
08:40 5 east of Charles. And so what we did with
08:40 6 Paragraph 2, I believe, yes, "Conditions made
08:40 7 applicable to the 20-acre parcel," your
08:40 8 non-metallic mining ordinance 7-11-6 talks about --
08:40 9 and other sections in that ordinance talk about the
08:40 10 authority of the village to apply conditions by
08:40 11 virtue of the non-metallic mining ordinance. So
08:41 12 what Paragraph 2 does is it says "All these
08:41 13 conditions that you come up on your conditional use
08:41 14 permit, they also apply to this 20-acre parcel by
08:41 15 virtue of the non-metallic mining ordinance." Just
08:41 16 to clarify.

08:41 17 MR. DOBBS: Thank you. I think Lee
08:41 18 Wishau had a question.

08:41 19 MR. WISHAU: No. I'm just going to ask
08:41 20 that everybody up there, please speak into the mic.
08:41 21 It's hard to hear over here.

08:41 22 MR. DOBBS: Thank you. So we have a
08:41 23 motion and a second. Any additional discussion?
08:41 24 All in favor?

25 MR. KNITTER: Aye.

1 MR. CZUTA: Aye.

2 MR. WANGGAARD: Aye.

3 MR. DOBBS: Aye.

4 MR. SCHATTNER: Aye.

5 MR. FOLK: Aye.

08:41 6 MR. MICHALSKI: Aye.

08:41 7 MR. DOBBS: Opposed?

08:41 8 MR. MINORIK: Aye.

08:41 9 MR. DOBBS: Roll call.

08:41 10 MS. HOEFFERT: Thomas Knitter?

08:41 11 MR. KNITTER: Yes.

08:41 12 MS. HOEFFERT: Joseph Minorik?

08:41 13 MR. MINORIK: No.

08:41 14 MS. HOEFFERT: Duane Michalski?

08:42 15 MR. MICHALSKI: Yes.

16 MS. HOEFFERT: Jonathan Schattner?

17 MR. SCHATTNER: Yes.

08:42 18 MS. HOEFFERT: Bill Folk?

08:42 19 MR. FOLK: Yes.

08:42 20 MS. HOEFFERT: Trustee Wanggaard?

08:42 21 MR. WANGGAARD: Yes.

08:42 22 MS. HOEFFERT: President Dobbs?

08:42 23 MR. DOBBS: Yes. The "ayes" have it six

08:42 24 to one. Motion passes.

08:42 25 MS. EKES: President Dobbs, may I make a

08:42 1 comment?

08:42 2 MR. DOBBS: You may.

08:42 3 MS. EKES: What happens now is this
08:42 4 recommendation from the Plan Commission -- For the
08:42 5 public, I want you to be aware of this. We will
08:42 6 incorporate the recommend set of conditions into a
08:42 7 proposed resolution that will then go in front of
08:42 8 the board at a later date. So that's not on the
08:42 9 board agenda tonight, but that's the next step with
08:42 10 this recommendation.

08:42 11 MR. DOBBS: Okay. At this time I would
08:42 12 entertain a motion to adjourn the Planning
08:42 13 Commission but not the board. The board has some
08:42 14 other items on it.

08:42 15 MR. CZUTA: I'll make a motion to adjourn
08:42 16 the Plan Commission.

08:43 17 MR. SCHATTNER: Second.

08:43 18 MR. DOBBS: We have a motion to adjourn
08:43 19 the Plan Commission. All those in favor?

20 MR. KNITTER: Aye.

21 MR. CZUTA: Aye.

22 MR. WANGGAARD: Aye.

23 MR. DOBBS: Aye.

24 MR. SCHATTNER: Aye.

25 MR. MINORIK: Aye.

1 MR. FOLK: Aye.

2 MR. MICHALSKI: Aye.

08:43 3 MR. DOBBS: Opposed? The "ayes" have it.

08:43 4 Moving on to the special village board meeting.

5 COURT REPORTER: Excuse me. Do you want
08:43 6 me to keep typing this part?

08:43 7 MR. DOBBS: Yes, please. On the agenda
08:43 8 tonight we listened to the public hearing, and we
08:43 9 have two possible ordinances which could we have a
08:43 10 first reading if anyone is so inclined?

11 Let's wait one minute here until we quiet
08:44 12 down a little bit. Do we have any motion on the
08:44 13 first reading?

08:44 14 MR. STILLMAN: I'd like to make a motion
08:44 15 to table it -- our discussion so that we can review
08:44 16 all the information we received tonight before we
08:44 17 make any votes as a board.

08:44 18 MR. DOBBS: We have a motion. Any
08:44 19 discussion? Second?

08:44 20 MS. EKES: Mr. President?

08:44 21 MR. DOBBS: Yes?

08:44 22 MS. EKES: If I may, the proper motion
08:44 23 would be to postpone to a date certain. Your next
08:44 24 board meeting is on September 4. So if -- That
08:45 25 would be the proper form of motion, to postpone to

08:45 1 a date certain.

08:45 2 MR. STILLMAN: I'd like to make a motion
08:45 3 to postpone the reading until we have our next
08:45 4 board meeting on the 4th of September.

08:45 5 MS. EKES: On Ordinance 2018-09?

08:45 6 MR. STILLMAN: 2018-09.

08:45 7 MS. MARTIN: Second.

08:45 8 MR. DOBBS: We have a motion and a
08:45 9 second. A roll call vote on this to lay over the
08:45 10 first reading.

08:45 11 MS. HOEFFERT: Trustee Benkowski?

08:45 12 MR. BENKOWSKI: Aye.

08:45 13 MS. HOEFFERT: Trustee Stillman?

14 MR. STILLMAN: Aye.

15 MS. HOEFFERT: Trustee Wanggaard?

08:45 16 MR. WANGGAARD: No.

08:45 17 MS. HOEFFERT: Trustee Martin?

08:45 18 MS. MARTIN: Aye.

08:45 19 MS. HOEFFERT: Trustee Prott?

08:45 20 MR. PROTT: No.

08:45 21 MS. HOEFFERT: Trustee Wishau?

08:45 22 MR. WISHAU: No.

08:45 23 MS. HOEFFERT: Trustee Dobbs?

08:45 24 MR. DOBBS: No. Motion fails. Any other
08:45 25 motions?

08:46 1 MS. HOEFFERT: We need to make a motion
08:46 2 to read by title only.

08:46 3 MR. WANGGAARD: I make a motion to read
08:46 4 by title. I'll submit a motion to read by title
08:46 5 only.

08:46 6 MS. HOEFFERT: 2018-09?

08:46 7 MR. WANGGAARD: Yes.

08:46 8 MS. MARTIN: I couldn't hear that, Kevin.

08:46 9 MR. WANGGAARD: I'm making a motion to
08:46 10 suspend the rules and read by title only. I don't
08:46 11 have it at my fingers.

08:46 12 MR. CHRISTENSEN: 2018-09.

08:46 13 MR. WANGGAARD: The 2018-09 ordinance.
08:46 14 Thank you.

08:46 15 MR. DOBBS: We have motion on the floor.
08:46 16 A second?

08:46 17 MR. WISHAU: Second.

08:46 18 MR. DOBBS: We have a motion and a
08:46 19 second. Any additional discussion?

08:46 20 MS. EKES: We need to vote.

08:46 21 MR. DOBBS: We've got to vote first. All
08:46 22 those in favor?

08:46 23 MR. WANGGAARD: Aye.

24 MR. CZUTA: Aye.

25 MR. WANGGAARD: Aye.

1 MR. DOBBS: Aye.

2 MR. SCHATTNER: Aye.

3 MR. MINORIK: Aye.

4 MR. FOLK: Aye.

5 MR. MICHALSKI: Aye.

08:47 6 MR. DOBBS: Opposed? The "ayes" have it.

08:47 7 MS. HOEFFERT: All right. "Ordinance

08:47 8 2018-09, first reading. An ordinance adopting an

08:47 9 amendment to the multi-jurisdictional comprehensive

08:47 10 plan for Racine County: 2035 as it pertains to the

08:47 11 Village of Caledonia under Section 13-2-1 of the

08:47 12 Village's Code of Ordinances by creating

08:47 13 Section 13-2-2(1) adding an amendment to the

08:47 14 village's comprehensive plan and affecting part of

08:47 15 the southeast 1/4 of Section 29 and the southwest

08:47 16 1/4 of Section 28, T4N, R23E, Village of Caledonia;

08:47 17 located north and east of the existing quarry at

08:47 18 1501 3 Mile Road and containing 26 acres, more or

08:47 19 less, from low density residential to extractive;

08:47 20 Payne & Dolan, Inc., owner."

08:47 21 MR. DOBBS: I'd ask for a roll call vote,

08:47 22 please.

08:47 23 MR. WANGGAARD: There's nothing. You

08:48 24 move on. It's only the first reading.

08:48 25 MR. DOBBS: Any other motions?

08:48 1 MR. WANGGAARD: I'd make a motion to
08:48 2 suspend the rules and read Ordinance 2018-10 by
08:48 3 title only.

08:48 4 MR. DOBBS: Do we have a second?

08:48 5 MR. WISHAU: Second.

08:48 6 MR. DOBBS: All those in favor?

7 MR. KNITTER: Aye.

8 MR. CZUTA: Aye.

9 MR. WANGGAARD: Aye.

10 MR. DOBBS: Aye.

11 MR. SCHATTNER: Aye.

12 MR. MINORIK: Aye.

13 MR. FOLK: Aye.

08:48 14 MR. MICHALSKI: Aye.

08:48 15 MR. DOBBS: Opposed? The "ayes" have it.

08:48 16 MS. HOEFFERT: "Ordinance 2018-10, first
08:48 17 reading. An ordinance to amend zoning districts of
08:48 18 the zoning map adopted under Section 20-212 of the
08:48 19 Racine County Code of Ordinances as adopted by the
08:48 20 Village of Caledonia under Section 16-1-1(a) of the
08:48 21 code of ordinances of the Village of Caledonia
08:48 22 approving a request to rezone land from P-1
08:48 23 Institutional Park District, R-4 Urban Residential
08:49 24 District I and R-5 Urban Residential District II
08:49 25 to: M-4 Quarrying District part of the southeast

08:49 1 1/4 of Section 29 and the southwest 1/4 of
08:49 2 Section 28, T4N, R23E, Village of Caledonia, and
08:49 3 located north and east of the existing quarry at
08:49 4 1501 3 Mile Road and containing 31 acres, more or
08:49 5 less, Payne & Dolan, Incorporated, owner."

6 MR. WANGGAARD: Motion to adjourn.

7 MR. PROTT: Second.

08:49 8 MR. DOBBS: There was a motion and a
08:49 9 second. All the those in favor?

10 MR. WANGGAARD: Aye.

11 MR. KNITTER: Aye.

12 MR. CZUTA: Aye.

13 MR. DOBBS: Aye.

14 MR. SCHATTNER: Aye.

15 MR. MINORIK: Aye.

16 MR. FOLK: Aye.

17 MR. MICHALSKI: Aye.

08:49 18 MR. DOBBS: Opposed? The "ayes" have it.

08:49 19 Thank you, everyone.

08:49 20 (Proceedings concluded at 8:49 p.m.)

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1 STATE OF WISCONSIN)
 2) SS:
 3 COUNTY OF MILWAUKEE)

4 I, KARA D. SHAWHAN, a Certified Realtime
 5 Reporter, Registered Merit Reporter and Notary Public in
 6 and for the State of Wisconsin, do hereby certify that
 7 the above PUBLIC HEARING was recorded by me on
 8 August 27, 2018, and reduced to writing under my
 9 personal direction.

10 I further certify that I am not a
 11 relative or employee or attorney or counsel of any of
 12 the parties, or a relative or employee of such attorney
 13 or counsel, or financially interested directly or
 14 indirectly in this action.

15 In witness whereof I have hereunder set
 16 my hand and affixed my seal of office at Milwaukee,
 17 Wisconsin, this 6th day of September, 2018.

18
 19
 20 _____
 21 Notary Public
 22 In and for the State of Wisconsin

23
 24 My Commission Expires: August 29, 2021.

25

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