

Page 1

1 REPORT OF PROCEEDINGS OF THE VILLAGE OF GOODFIELD  
2 JOINT MEETING OF THE PLANNING COMMISSION AND THE BOARD  
3 OF APPEALS FOR THE PURPOSE OF A PUBLIC HEARING  
4 REGARDING ANNEXATION, ANNEXATION AGREEMENT AND  
5 REZONING OF PROPERTY  
6 (DIETRICH/TAZWOOD INDUSTRIAL PARK)  
7  
8 JUNE 20, 2022, 6:00 P.M.  
9 BARN III THEATRE  
10 1415 TIMBERLINE ROAD, GOODFIELD, ILLINOIS  
11  
12 MR. JACK KUNTZ: Appreciate you coming  
13 today. We're going to call this meeting to order.  
14 Let's start with the Planning Commission, if we can do  
15 roll call.  
16 VILLAGE CLERK: Carr.  
17 MR. CARR: Here.  
18 VILLAGE CLERK: Roth.  
19 MR. ROTH: Here.  
20 VILLAGE CLERK: Mullins.  
21 MR. MULLINS: Here.  
22 VILLAGE CLERK: Kuntz.  
23 MR. JOSH KUNTZ: Here.

Page 2

1 VILLAGE CLERK: Melton.  
2 MR. MELTON: Here.  
3 VILLAGE CLERK: Martin did not appear and  
4 Dietrich did not appear.  
5 MR. JACK KUNTZ: Now the Board of Appeals.  
6 VILLAGE CLERK: Kuntz.  
7 MR. JACK KUNTZ: Here.  
8 VILLAGE CLERK: Bauman.  
9 MR. BAUMAN: Here.  
10 VILLAGE CLERK: Wagner.  
11 MR. WAGNER: Here.  
12 VILLAGE CLERK: Hohulin. Not here.  
13 Herrmann.  
14 MR. HERRMANN: Here.  
15 VILLAGE CLERK: And Petty.  
16 MR. PETTY: Here.  
17 MR. JACK KUNTZ: It sounds like we have a  
18 quorem for both boards. At this point I'll entertain  
19 a motion to adopt the rules and procedures for the  
20 evening for the Board of Appeals. Do we have a  
21 motion?  
22 MR. GIFFORD: If you speak, it's important  
23 that the court reporter hears everything that goes on.

Page 3

1 She's going to prepare a verbatim record for us  
2 afterwards, for that reason, please identify yourself.  
3 If you don't have a microphone right in front of you,  
4 please speak loudly. If you see her throwing daggers  
5 at you, you'll understand that she doesn't hear you.  
6 And she's the most important person in the  
7 room right now because she has to hear everybody and  
8 this verbatim transcript has to be correct. So  
9 please, when it's your turn to talk, if you're going  
10 to talk, please say your name. It will probably help  
11 if you stood up so that the court reporter can hear  
12 you. Thank you.  
13 MR. JACK KUNTZ: Looking for a motion to  
14 adopt rules and procedures tonight for the Board of  
15 Appeals.  
16 MR. BAUMAN: Andy Bauman. I move to adopt  
17 rules and procedures.  
18 MR. JACK KUNTZ: Second?  
19 MR. WAGNER: Greg Wagner, second.  
20 VILLAGE CLERK: Kuntz.  
21 MR. JACK KUNTZ: Yes.  
22 VILLAGE CLERK: Bauman.  
23 MR. BAUMAN: Yes.

Page 4

1 VILLAGE CLERK: Wagner.  
2 MR. WAGNER: Yes.  
3 VILLAGE CLERK: Herrmann.  
4 MR. HERRMANN: Yes.  
5 VILLAGE CLERK: And Petty.  
6 MR. PETTY: Yes.  
7 MR. CARR: Mike Carr. Planning commission  
8 chair. Do I have a motion to adopt the rules and  
9 procedures from the Planning Commission?  
10 MR. JOSH KUNTZ: I'll make the motion. Josh  
11 Kuntz, same spelling as my dad.  
12 MR. MELTON: I'll second that. Hank Melton.  
13 VILLAGE CLERK: Carr.  
14 MR. CARR: Yes.  
15 VILLAGE CLERK: Roth.  
16 MR. ROTH: Yes.  
17 VILLAGE CLERK: Mullins.  
18 MR. MULLINS: Yes.  
19 VILLAGE CLERK: Kuntz.  
20 MR. JOSH KUNTZ: Yes.  
21 VILLAGE CLERK: And Melton.  
22 MR. MELTON: Yes.  
23 MR. JACK KUNTZ: I will now entertain a

Page 5

1 motion to designate a hearing officer who will be  
 2 Michael Gifford, and it's for the Board of Appeals.  
 3 MR. HERRMANN: Ross Herrmann. I will.  
 4 MR. JACK KUNTZ: Do we have a second?  
 5 MR. PETTY: Art Petty. Second.  
 6 VILLAGE CLERK: Kuntz.  
 7 MR. JACK KUNTZ: Yes.  
 8 VILLAGE CLERK: Bauman.  
 9 MR. BAUMAN: Yes.  
 10 VILLAGE CLERK: Wagner.  
 11 MR. WAGNER: Yes.  
 12 VILLAGE CLERK: Herrmann.  
 13 MR. HERRMANN: Yes.  
 14 VILLAGE CLERK: And Petty.  
 15 MR. PETTY: Yes.  
 16 MR. CARR: I make a motion to -- I need a  
 17 motion to designate hearing office Michael Gifford for  
 18 the Planning Commission.  
 19 MR. MELTON: Hank Melton. I'll make a  
 20 motion.  
 21 MR. JACK KUNTZ: I will second the motion.  
 22 VILLAGE CLERK: Carr.  
 23 MR. CARR: Yes.

Page 6

1 VILLAGE CLERK: Roth.  
 2 MR. ROTH: Yes.  
 3 VILLAGE CLERK: Mullins.  
 4 MR. MULLINS: Yes.  
 5 VILLAGE CLERK: Kuntz.  
 6 MR. JOSH KUNTZ: Yes.  
 7 VILLAGE CLERK: And Melton.  
 8 MR. MELTON: Yes.  
 9 MR. GIFFORD: Thank you. My name is Mike  
 10 Gifford. I'm the village attorney. My role here this  
 11 evening is to make sure that we have a fair and proper  
 12 hearing so that everybody has an opportunity to speak  
 13 their mind, pro and con, about the project that's  
 14 proposed by Mr. Dietrich and his business.  
 15 As I said a few minutes ago, court reporter  
 16 is sitting right over here, and it is very very  
 17 important that she hears everything. If you are going  
 18 to be presenting evidence on behalf of either of the  
 19 parties or if you are going to be making public  
 20 comment, just stating your own opinion or your own  
 21 thoughts or feelings on the issue, I'm going to ask  
 22 that you come to this podium right here so that  
 23 everybody can hear you with the microphone.

Page 7

1 Again, when you come up, please identify  
 2 yourself so that the record is clear. Please when you  
 3 come up and identify yourself, state your address as  
 4 well.  
 5 There is a clipboard that is circulating  
 6 throughout the room. I'm sorry, it's on the podium.  
 7 All right. Has everybody had a chance to see the  
 8 clipboard?  
 9 IN UNISON: No.  
 10 MR. GIFFORD: Yes, the lovely Amanda is  
 11 presenting our clipboard. What this is for, the  
 12 clipboard is to simply sign up so that you can give  
 13 public comment.  
 14 There was unfortunately some confusion last  
 15 week about having to register five days in advance  
 16 with the village clerk. What that was is that if  
 17 somebody wanted what the lawyers would call party  
 18 status, that means that you have an opportunity to  
 19 present evidence, cross-examine witnesses, make a  
 20 closing statement, to that extent, it's going to be  
 21 very much like a trial as if there was simply a judge  
 22 here. You can think of the commissioners, in effect,  
 23 as the jury.

Page 8

1 It was not necessary for anybody to sign up  
 2 or to register in advance five days ago for purposes  
 3 of giving public comment. That was only if you  
 4 intended to act as a party.  
 5 As I see it, we have two parties here. We  
 6 have petitioner, Mr. Dietrich, and his attorney,  
 7 Justin Stoller. We have the homeowners association  
 8 sitting over on the other side with Mr. Gaster and Ms.  
 9 Swise. Those are the registered parties.  
 10 Was there anyone who had signed up with  
 11 Sheri who registered with the village clerk earlier  
 12 who thinks that they want to have party status meaning  
 13 they wanted to do more than simply comment?  
 14 MS. MORRISON: I have images to share.  
 15 MR. GIFFORD: Come to the microphone,  
 16 please.  
 17 MS. MORRISON: Randi Morrison. I have  
 18 images to share. I have images that I would like to  
 19 circulate.  
 20 MR. GIFFORD: Anybody on public comment, if  
 21 they have a petition, if they have pictures, anything  
 22 that you want to present, you can hand them to the  
 23 board and the board will consider, but you don't get

Page 9

1 any more than your two minutes.  
 2 So, yeah, you don't need to register as a  
 3 party to display your pictures or pass them around.  
 4 MS. MORRISON: Thank you.  
 5 MR. GIFFORD: Let me go through the names  
 6 here on this thing that I have real quick just to make  
 7 sure that nobody else intends to act as a party.  
 8 Jim Stout.  
 9 MR. STOUT: Right here.  
 10 MR. GIFFORD: And you simply wanted to  
 11 comment, sir?  
 12 MR. STOUT: Depends on my counsel.  
 13 MR. GIFFORD: Well, if he's your counsel,  
 14 then you're a party. You're part of the HOA.  
 15 Marc Anthony.  
 16 MR. ANTHONY: I have no reason unless you  
 17 need me up there.  
 18 MR. GIFFORD: Sir, I cannot hear you at all.  
 19 MR. ANTHONY: I have no reason to speak  
 20 unless my attorney needs me to come up and speak.  
 21 MR. GIFFORD: Bill Slingerland.  
 22 MR. SLINGERLAND: Right here. Public  
 23 comment only.

Page 10

1 MR. GIFFORD: Cindy Kaiser.  
 2 MS. KAISER: I have no comment unless the  
 3 attorneys need me.  
 4 MR. GIFFORD: Terri Kuebler.  
 5 MS. KUEBLER: I would just make a public  
 6 comment.  
 7 MR. GIFFORD: Rodney -- I'm sorry, I can't  
 8 read the handwriting -- Schoonover.  
 9 MR. SCHOONOVER: Public comment.  
 10 MR. GIFFORD: Thank you, sir. Linda Zehr.  
 11 MS. ZEHR: Public comment.  
 12 MR. GIFFORD: Mr. Zehr.  
 13 MR. ZEHR: Public comment.  
 14 MR. GIFFORD: James Lahood.  
 15 MR. LAHOOD: Public comment.  
 16 MR. GIFFORD: Sue Wittmer.  
 17 MS. WITTMER: Public comment.  
 18 MR. GIFFORD: Andy Paz.  
 19 MR. PAZ: Public comment.  
 20 MR. GIFFORD: Thank you very much. We have  
 21 now just two parties. We have Mr. Dietrich on his  
 22 side and we have the HOA with counsel on their side.  
 23 If you want to make public comment, again, please make

Page 11

1 sure you're on the list. The only purpose of that  
 2 list is so that I don't miss anybody.  
 3 If you have a document or a picture,  
 4 anything that you want the board to consider, we need  
 5 to have a copy for both of the parties and we need to  
 6 have one for the board so that it becomes part of the  
 7 record to be kept by the court reporter.  
 8 If you are short copies tonight, unless  
 9 counsel objects, and I don't expect anybody will, you  
 10 can simply get the copy of it to the Village tomorrow  
 11 so it can be included in the record. Any questions  
 12 about that?  
 13 (No response)  
 14 MR. GIFFORD: Obviously, there's a lot of  
 15 strong feelings regarding this issue. One of the  
 16 things that has impressed me about this, up to date  
 17 there has been a lot of people coming to village board  
 18 meetings over the past couple months about this  
 19 project. And the other one is, I've been extremely  
 20 impressed with the decorum and the civility of the  
 21 people in Goodfield. You've all got strong feelings,  
 22 but you've all been polite in appropriately expressing  
 23 them. I hope we can continue that tonight and nobody

Page 12

1 goes away with bruised feelings or anything else.  
 2 Questions?  
 3 (No response)  
 4 MR. GIFFORD: Okay. Mr. Stoller, it's your  
 5 show for one hour.  
 6 MR. STOLLER: Thank you, Mike. I'm Justin  
 7 Stoller, attorney with Stoller Law Office in El Paso,  
 8 and counsel here for DSI, Incorporated, John and Bill  
 9 Dietrich.  
 10 I've had the pleasure of working with them  
 11 for a number of years. First, I want to say I  
 12 appreciate Mike and Sheri's efforts in making sure  
 13 that we have a forum and location and a format where  
 14 everyone has the opportunity to be heard in an orderly  
 15 and respectful manner, and we intend to proceed as  
 16 briefly as possible to make sure that it doesn't get  
 17 too long.  
 18 And, first, I'd like to call Bill to give  
 19 you some background for his plans for the business  
 20 property.  
 21 MR. GIFFORD: Mr. Dietrich, please use the  
 22 podium over here so everybody can hear you.  
 23 MR. DIETRICH: I am Bill Dietrich.

Page 13

1 MR. GIFFORD: Just one moment, sir.  
 2 Counsel, I had not intended to swear witnesses. I'm  
 3 assuming that everything that any person says in the  
 4 room is the truth, they understand it to be the truth,  
 5 and they believe it to be the truth.  
 6 Does either side have an objection to not  
 7 swearing witnesses?  
 8 MR. GASTER: No.  
 9 MR. GIFFORD: That's a negative head shake,  
 10 so that's a no?  
 11 MR. STOLLER: No, we have no objection.  
 12 MR. DIETRICH: Good evening, Village Board  
 13 members. I bought this property 48 years ago. It was  
 14 originally going to be a horse racetrack. When they  
 15 couldn't get a liquor license, they decided to go  
 16 elsewhere and put it up for sale, so we've been  
 17 farming it since then.  
 18 And, anyway, the first thing I'm going to  
 19 address is what the meeting brought up about this  
 20 development north of town, north of Goodfield, some of  
 21 the best ground that God ever created, and we do have  
 22 a situation in the world right now with high prices of  
 23 grain and high food prices, and we can't afford to

Page 14

1 continue to take prime farmland and develop it and  
 2 take it out of production. So that's the one reason.  
 3 The other problem with North Goodfield is  
 4 there is no sewer, and there's no water out there, so  
 5 that's another impediment.  
 6 Anyway, Tri-County Zoning would probably  
 7 oppose it if we tried to go out there, because when I  
 8 first brought my factory out there, of course, it was  
 9 part of a machine shed, and it was on our own  
 10 property. We weren't selling to somebody. They caved  
 11 in and agreed to let us zone that, but, anyway, as far  
 12 as us developing it in the Tri-Counties, anyway south  
 13 of town we have 10 percent zoned less than prime  
 14 farmland, and Tri-County would hardly approve of that  
 15 location. And approximating it to I-74 creates a high  
 16 demand for this property because it's close to the  
 17 interstate or the point of traffic and getting off and  
 18 on the highway, and closer they are the better.  
 19 And the property across from Goodfield  
 20 Crossings there, for Goodfield Planning Commission,  
 21 that's now full, it's just a natural thing to go  
 22 across the road and continue that expansion.  
 23 And there's the fact that if you're a mile

Page 15

1 off the interstate, it is going to occur, nobody can  
 2 stop that, and the corn or soybean field will  
 3 disappear. We've seen that happen all across the  
 4 country. And it's the same way in the world for that  
 5 matter. Everybody wants a business close to a clear  
 6 road.  
 7 It's just an inescapable fact the  
 8 development is going to happen, and Goodfield is no  
 9 exception. We're not asking for some extension; just  
 10 a continuation of the way -- and that's exactly the  
 11 way the world does it --  
 12 MR. GIFFORD: Excuse me, sir.  
 13 MR. DIETRICH: We try --  
 14 MR. GIFFORD: Mr. Dietrich, excuse me a  
 15 moment. Can everybody in the back hear Mr. Dietrich?  
 16 IN UNISON: No.  
 17 MR. GIFFORD: People are having trouble  
 18 hearing. I'm going to ask them to adjust the  
 19 microphone so that you can be heard.  
 20 MR. DIETRICH: Okay. Okay. How far back  
 21 should I go?  
 22 MR. JACK KUNTZ: Much better. Thank you.  
 23 Can everybody in the back hear?

Page 16

1 MR. DIETRICH: Yeah, the bottom line is land  
 2 near an interstate is going to be developed no matter  
 3 what; it's just a matter of time, and since Goodfield  
 4 Crossing is now sold out, it's only natural, for those  
 5 that didn't hear the first time.  
 6 MR. STOLLER: Bill, I have some questions  
 7 for you. What type of businesses would you like to  
 8 see come into the park?  
 9 MR. DIETRICH: Question for me?  
 10 MR. STOLLER: Bill, what type of businesses  
 11 would you like to see come into the park?  
 12 MR. DIETRICH: I'd like to see small family-  
 13 owned businesses, and that's what some of the  
 14 prospects are right now that we've got. We don't have  
 15 any big corporations with any interest at this time.  
 16 MR. STOLLER: Another question, Bill. As  
 17 far as covenants and restrictions, when they're  
 18 developed for this subdivision, do you have some  
 19 covenants already in mind for restrictions as far as  
 20 what businesses can or can't do when they develop  
 21 within the park?  
 22 MR. DIETRICH: Yes, we do. When you look at  
 23 the map, you'll see that the lots are very large so

Page 17

1 they can build a big enough building to put everything  
 2 in it, they won't have stuff all over, and also that  
 3 every building has got to be totally enclosed. You  
 4 can't build a lean-to on the side of it and fill it up  
 5 with stuff and don't have seed containers -- build a  
 6 building big enough you don't have seed containers to  
 7 store.  
 8 MR. STOLLER: What about junk piles?  
 9 MR. DIETRICH: Yeah. No, there won't be any  
 10 junk piles or piles or pallets of wood that would be  
 11 laying around. The lots would have to be kept clean.  
 12 MR. STOLLER: So as a developer of the  
 13 subdivision, you'd be willing to enforce those  
 14 covenants until the lots were sold for as long as you  
 15 maintain control of it?  
 16 MR. DIETRICH: Yes, we will, and we'll also  
 17 cooperate with the Village on enforcing these  
 18 covenants.  
 19 MR. STOLLER: If the Village Board feels  
 20 that it would be beneficial to make some adjustments  
 21 to the annexation agreement, then it would help to  
 22 reasonably address concerns of the village  
 23 constituents. Would you be willing to work with them

Page 18

1 to make those -- be flexible and make those  
 2 adjustments if they can meet everyone's goals?  
 3 MR. DIETRICH: Yes, most certainly. We want  
 4 this to be a first class operation.  
 5 MR. STOLLER: I have no further questions.  
 6 MR. GIFFORD: Mr. Dietrich, do you have  
 7 anything else that you would like to say before I let  
 8 the homeowners association talk to you?  
 9 MR. DIETRICH: Pardon?  
 10 MR. GIFFORD: Do you have anything else that  
 11 you would like to say before I let the homeowners  
 12 association ask you some questions?  
 13 MR. DIETRICH: No. I just hope the  
 14 homeowners association looks at this as an inevitable  
 15 thing that's going to happen to this land. So that's  
 16 all.  
 17 MR. GIFFORD: Don't leave. Stand there.  
 18 The attorneys at this table have an opportunity to ask  
 19 you some questions now.  
 20 MR. DIETRICH: Okay.  
 21 MR. GIFFORD: Please make sure that you talk  
 22 to the mic so that everybody can hear you.  
 23 MR. GASTER: Jeffrey Gaster for the HOA.

Page 19

1 Can everybody hear me? Is that better? Okay.  
 2 Mr. Dietrich, you own the land that this development  
 3 is proposed to go on. Correct?  
 4 MR. DIETRICH: Yes, it's owned by me.  
 5 MR. GASTER: And you stated that this is an  
 6 inevitable development.  
 7 MR. DIETRICH: Yeah. It's owned by the  
 8 Dietrich family.  
 9 MR. GASTER: So if you decided to not use  
 10 the land in this manner, it would not be inevitable  
 11 then. It sounds like it's up to you, but if you  
 12 decided not to put the development here, would you  
 13 agree that it wouldn't be inevitable then?  
 14 MR. DIETRICH: There's so much echo come  
 15 from here I can't hear.  
 16 MR. GIFFORD: Yeah, I can't hear you either,  
 17 Jeff.  
 18 MR. GASTER: Is this better?  
 19 MR. GIFFORD: It is for me. Now say  
 20 something.  
 21 MR. GASTER: Can you hear me now?  
 22 MR. DIETRICH: Yes.  
 23 MR. GASTER: All right. I'll start over.

Page 20

1 Mr. Dietrich, you're the owner of the tract of land in  
 2 this proposal. Correct?  
 3 MR. DIETRICH: Yes, we are the owner.  
 4 MR. GASTER: And so as the owner of record,  
 5 you have the sole discretion to decide how the land is  
 6 used subject to the zoning approval that the Village  
 7 gives you. Correct?  
 8 MR. DIETRICH: Yeah. There's no covenants  
 9 on this land or anything that has to be done. We're  
 10 free to farm or we're free to sell or whatever  
 11 covenants we wanted in.  
 12 MR. GASTER: Right. So when you say it's  
 13 inevitable that the land is going to be developed,  
 14 that's because that's how you want to develop it. If  
 15 you decide not to develop it in this manner, then the  
 16 land will not be developed in this manner.  
 17 MR. DIETRICH: Well, I've owned it for 48  
 18 years and nobody was really pushing to do anything on  
 19 development there, but, like I said, since Goodfield  
 20 Crossing is filled up, people are wanting to build in  
 21 Goodfield, this is the only logical place. That's why  
 22 our phone is ringing.  
 23 MR. GASTER: I understand that. The only

Page 21

1 reason that we're here talking about this development  
 2 is because you are proposing it. There's no external  
 3 forces, no other developers outside of Goodfield  
 4 coming in. This is because this is how you want to  
 5 use the land when you say it's inevitable.  
 6 MR. DIETRICH: No, not at all. In fact, we  
 7 got Duane Yockey out here tonight, and he's doing the  
 8 engineering work on it, and he's also acquainted with  
 9 what Goodfield requirements are because he works for  
 10 them. So it's kind of a deal we know what we need to  
 11 do.  
 12 MR. GASTER: Right, but when you say it's  
 13 inevitable, it's because this is how you want to use  
 14 it. You could yank the proposal today and decide to  
 15 go north of 74, and it wouldn't be inevitable.  
 16 Correct?  
 17 MR. DIETRICH: Well, I got a reputation that  
 18 I'm not going to do something in town and turn around  
 19 tomorrow morning and do something else.  
 20 MR. GASTER: Fair enough. Let's talk about  
 21 how the plot of land that you want to development is  
 22 being used. Is it being farmed? For the past five,  
 23 ten years has it been farmed?

Page 22

1 MR. DIETRICH: We've been farming since 1974  
 2 when I bought it. My son John is here. He does the  
 3 farming.  
 4 MR. GASTER: All right. And the land, so  
 5 that's an economically beneficial use? Do you make  
 6 money from it?  
 7 MR. DIETRICH: Pardon?  
 8 MR. GASTER: Do you make money farming it?  
 9 MR. DIETRICH: Yeah, sure.  
 10 MR. GASTER: So you have this tract of land  
 11 that's adjacent to some of probably the nicest homes  
 12 in Goodfield. You also own a tract of land north of  
 13 74.  
 14 MR. DIETRICH: Correct.  
 15 MR. GASTER: Would you agree that that tract  
 16 of land would also be suitable for this development?  
 17 MR. DIETRICH: No, it would not.  
 18 MR. GASTER: Why not?  
 19 MR. DIETRICH: Because we got this situation  
 20 now with the worldwide food short and high food  
 21 prices. If you know what's going on, it's -- food  
 22 inflation is the highest in 46 years, and so now we're  
 23 going to take prime farmland and take it out of

Page 23

1 production? That ain't going to work.  
 2 MR. GASTER: I think you misunderstood my  
 3 question. I'm asking you what about that particular  
 4 tract of land north of I-74 makes it unsuitable for  
 5 the development?  
 6 MR. DIETRICH: It's unsuitable. There's no  
 7 sewer out there, there's no water, and it's not going  
 8 to be approved by Tri-County zoning.  
 9 MR. GASTER: Have you commissioned any  
 10 studies or conducted any inquiries to determine if the  
 11 sewage and waterlines can be run out there?  
 12 MR. DIETRICH: Yeah, it can be run out  
 13 there, but this property here, the sewers is right  
 14 there.  
 15 MR. GASTER: So the waterline could be run  
 16 out to the property north of 74?  
 17 MR. DIETRICH: That's correct, but it's not  
 18 going to happen --  
 19 MR. GASTER: So --  
 20 MR. GIFFORD: Counsel, let him finish his  
 21 answer, please. Thank you.  
 22 MR. DIETRICH: It's not going to happen.  
 23 I'm not going to fight Tri-County zoning.

Page 24

1 MR. GASTER: Well, that's just speculation.  
 2 Right? You don't know that for sure until you ask.  
 3 MR. DIETRICH: Pardon?  
 4 MR. GASTER: You don't know that for sure.  
 5 Right?  
 6 MR. DIETRICH: Yes, yes. I built a machine  
 7 shed out there, a farmer's machine shed I built on  
 8 prime farmland because they didn't want the farmer's  
 9 shed, they don't want road traffic with the farm  
 10 equipment. So the machine shed is out more centrally  
 11 located in the land. It was a no-brainer.  
 12 MR. GASTER: But just to be clear, you  
 13 haven't actually proposed to run the water or sewer  
 14 out there.  
 15 MR. DIETRICH: Right.  
 16 MR. GASTER: Okay.  
 17 MR. DIETRICH: We have to respect Tri-County  
 18 zoning. I grew up on a farm and have been in food  
 19 production all my life, and I've run a farm operation  
 20 from 1954 to 1961, been running farm machinery ever  
 21 since. So my goal would be to feed people.  
 22 MR. GASTER: Mr. Dietrich, you mentioned in  
 23 your testimony before you'd restrict your covenant.

Page 25

1 MR. DIETRICH: My covenant?  
 2 MR. GASTER: Yeah, you talked about a  
 3 restricted covenant that would be enforceable against  
 4 the tenants. Where in the annexation agreement is  
 5 that language currently found?  
 6 MR. DIETRICH: Yeah, we can put those  
 7 covenants in.  
 8 MR. GASTER: That's something that you would  
 9 be proposing to add to the --  
 10 MR. DIETRICH: Yeah.  
 11 MR. GASTER: -- annexation agreement?  
 12 MR. DIETRICH: Yeah, no seed containers and  
 13 no open buildings.  
 14 MR. GASTER: Mr. Dietrich, are you aware of  
 15 any sections of the annexation agreement right now  
 16 that deal with issues regarding air pollution, noise  
 17 pollution, potential water pollution issues that might  
 18 be generated by this project? Does the annexation  
 19 agreement --  
 20 MR. DIETRICH: Won't that be covered by a  
 21 building permit that's issued?  
 22 MR. GASTER: Well, right now the only  
 23 enforceable portion of the agreement is what's in the

Page 26

1 preannexation agreement. So my question to you is  
 2 where are those issues addressed up front in the  
 3 annexation agreement?  
 4 MR. DIETRICH: As long as you want something  
 5 in there about pollution, we can put it in. Whatever  
 6 the Village desires. It's the Village Board's  
 7 decision. I'm not going to tell them what to do.  
 8 MR. GASTER: No further questions. Thank  
 9 you.  
 10 MR. GIFFORD: Counsel, do you have another  
 11 witness?  
 12 MR. STOLLER: Yes. I would like to call  
 13 Duane Yockey, who is the engineer for the project,  
 14 Lewis, Yockey & Brown. He also prepared all of the  
 15 plats for the project and preliminary annexation  
 16 agreement, as well as the rezoning exhibits and the  
 17 proposed plat of the subdivision.  
 18 So, I guess, to start off with I'd just like  
 19 to ask Duane to give us a little background since this  
 20 is a little bit more complicated than a typical  
 21 annexation. We have both a rezoning request as well  
 22 as in conjunction with the annexation request, and so  
 23 I believe Duane is very equipped to give us a history

Page 27

1 of why that's happening and what is being asked to be  
 2 rezoned, from what area to what area.  
 3 MR. YOCKEY: What I'd like to do is go over  
 4 Exhibit G that's in the preannexation agreement, and  
 5 Exhibit G is the preliminary plat that I have up here  
 6 on the easel, and if some of you can't see -- it  
 7 should be in the documents you have as part of the  
 8 preannexation agreement, just smaller -- smaller  
 9 forms.  
 10 Very early in the process, I facilitated a  
 11 meeting between Mr. Dietrich and Darrell -- what's his  
 12 name?  
 13 MR. GIFFORD: The trustee.  
 14 MR. YOCKEY: The village trustee who lives  
 15 in the subdivision with the idea of going over  
 16 concerns that the residents to the subdivision had,  
 17 and the two main issues that came up during that  
 18 meeting were having a buffer between the subdivision  
 19 and what Mr. Dietrich was planning and also the zoning  
 20 that was being proposed by Mr. Dietrich.  
 21 As a result of that, this plan is what was  
 22 proposed by Mr. Dietrich, assuming that the zonings,  
 23 rezonings, and so forth or to allow the park to be

Page 28

1 zoned as shown on that preliminary plat and also that  
 2 the property is annexed that's not in the Village also  
 3 as shown on that preliminary plat.  
 4 I want to go through what's proposed. The  
 5 plan proposes five lots and two outlots. Lot --  
 6 originally Mr. Dietrich planned for the entire  
 7 development to be zoned industrial.  
 8 As a part of that early meeting that we had  
 9 with one of the homeowners, he changed that so that  
 10 Lots 1, 4 and 5, which are this lot, this lot, and  
 11 this lot, would be zoned industrial and Lots 2 and 3,  
 12 which are the ones closest to Deer Lakes Subdivision  
 13 and also the access road to Deer Lakes Subdivision  
 14 would be zoned business commercial instead just to  
 15 allow some compromise with regard to the zoning close  
 16 to the subdivision.  
 17 Outlots A and B are zoned agriculture, and  
 18 if you know what an outlot is, you're not allowed to  
 19 build on an outlot. Outlot A is a strip of land along  
 20 Deer Lakes Road or Deer Lakes Drive that would have a  
 21 row of evergreen trees, and it's used as a screen for  
 22 the road to the industrial park so you won't see it,  
 23 and it also acts as a no-access strip.

Page 29

1 So, in other words, no traffic can access  
 2 any of those lots for Deer Lakes Road, which keeps the  
 3 traffic off Deer Lakes Road and, in particular, truck  
 4 traffic.  
 5 Outlot B is along the south edge of the  
 6 development, and what's proposed there are two strips  
 7 of evergreen trees staggered, and this is to be used  
 8 as a screen, both visual and shielding noise, between  
 9 the development and the residents of the subdivision.  
 10 Now, different infrastructure as part of  
 11 this plat, sanitary sewer is planned to be extended  
 12 from Martin Road from this manhole here down to the  
 13 cul-de-sac that's proposed. It would service all five  
 14 lots. Obviously, the sanitary sewer would require an  
 15 EPA permit and also Village of Goodfield signoff, and  
 16 if any of these lots require extensive amount of  
 17 sewage to be extended, the lot itself would have to  
 18 have a permit and, again, Village of Goodfield  
 19 signoff.  
 20 There's a water main proposed also to  
 21 service the five lots. It would connect to the  
 22 existing water main, again, on Martin Road, and go  
 23 down the cul-de-sac, and then it would move over to

Page 30

1 Deer Lakes Drive to provide a loop so it wouldn't be a  
 2 dead end. Again, that requires a EPA permit and so  
 3 forth.  
 4 By the way, as a part of this project, when  
 5 it gets further down the road, it would also require  
 6 storm water pollution protection plan that is  
 7 monitored by EPA, which is for any development over  
 8 one acre of land.  
 9 As we mentioned before, the lots, and  
 10 there's only five total lots, are rather large. They  
 11 are in the neighborhood of three to four acres, and  
 12 part of that reason is across the street in Goodfield  
 13 Crossing the lots are very small, and as a result they  
 14 try to put more building in the lot than there should  
 15 be. It doesn't look nice to have stuff laying around,  
 16 so the idea, as he indicated, was to have a lot big  
 17 enough to have everything in a building with  
 18 appropriate parking lots and so forth.  
 19 Continuing on on public infrastructure --  
 20 and, by the way, both the sanitary sewer and the water  
 21 main would be turned over to the Village after they'd  
 22 been approved and tested.  
 23 The street that would connect to those five

Page 31

1 lots is proposed to be a concrete industrial street.  
 2 Again, it starts at Martin Drive and goes up to a  
 3 cul-de-sac at the end. All five lots would access it  
 4 off of that. There is a 60-foot ingress-egress  
 5 easement centered on the lot line between Lots 4 and 5  
 6 right here, and the reason for that is Mr. Dietrich  
 7 owns the land to the west of this, and the idea is for  
 8 that land not to be landlocked or at least there needs  
 9 to be a way to access or get to that land in the  
 10 future. That strip is designated as 60 feet wide, and  
 11 that would allow that strip to be turned into a  
 12 village street in the future if that would ever  
 13 happen. That can give you flexibility on accessing  
 14 the property to the west.  
 15 In accordance with Village code, storm water  
 16 retention is required for every lot, and by the way, a  
 17 lot of these items are listed on the cover sheet of  
 18 the preliminary plat in the general notes that  
 19 indicates that every lot will be required to provide  
 20 storm water retention so that excess runoff from the  
 21 lots will be contained and appropriately discharged.  
 22 And in particular Lots 1, 2 and 3 and, in  
 23 particular, Lot 3, which drains to the south onto Deer

Page 32

1 Lakes Subdivision, that drainage or runoff would be  
 2 intersected by the storm water retention and the storm  
 3 sewer is put in along Deer Lakes Road that would send  
 4 that storm runoff across the street into that drainage  
 5 ditch on the east side of Deer Lakes Road.  
 6 There's also the storm sewer to collect  
 7 runoff from the city street that's proposed.  
 8 Mr. Dietrich proposes that the street would end up  
 9 being dedicated to the Village as a village street and  
 10 the right-of-way from that street would be dedicated  
 11 to the Village along what's the right-of-way for  
 12 Martin Drive that wasn't dedicated previously when it  
 13 was built. And, of course, Martin Drive used to be  
 14 basically a road and the property owners pretty much  
 15 owned up to the center of the road, and although it's  
 16 a village street, it's much better to get that  
 17 right-of-way dedicated so that the Village can do  
 18 things with that roadway.  
 19 There will be streetlights installed, again,  
 20 in accordance with village code, and it's the utility  
 21 company that puts those in. Basically it's a  
 22 streetlight proposed at the intersection of Martin  
 23 Drive, there's a streetlight proposed at the



Page 33

1 cul-de-sac, and then there's a streetlight proposed at  
 2 the center along the lot line that's shown there.  
 3 I think I've gone over pretty much  
 4 everything on that preliminary plat. Again, as I  
 5 mentioned before, the zoning is industrial for Lots 1,  
 6 5, and 4, business commercial for Lots 2 and 3, and  
 7 the outlots would be zoned agricultural so that the  
 8 trees can be planted on it. The idea is for those  
 9 outlots to be deeded to the adjacent property for  
 10 maintenance, and there would have to be in the  
 11 covenants that whoever buys Lot 1 has to maintain  
 12 trees adjacent to the property.  
 13 That's all I have for you.  
 14 MR. GIFFORD: Mr. Stoller, any questions of  
 15 Mr. Yockey?  
 16 MR. STOLLER: Just a few quick questions,  
 17 Duane. Would I be correct that some of the business  
 18 park is currently already within the Village  
 19 Industrial Zone?  
 20 MR. YOCKEY: Yes.  
 21 MR. STOLLER: So if the annexation and  
 22 rezoning was not approved, Mr. Dietrich would still  
 23 have the opportunity to develop some industrial on a

Page 34

1 portion of this site?  
 2 MR. YOCKEY: On a portion of it as it is  
 3 presently zoned, yes.  
 4 MR. STOLLER: He is proposing to change some  
 5 of the industrial sites to business and commercial.  
 6 MR. YOCKEY: That's correct, plus some of  
 7 the land that's not annexed yet would be also because  
 8 it's commercial.  
 9 MR. STOLLER: And the industrial tracts, is  
 10 it your understanding that they are the farthest-away  
 11 tracts from the subdivision, the Deer Lakes  
 12 Subdivision?  
 13 MR. YOCKEY: Pretty much the southeast  
 14 corner of Lot 4 is somewhat close to the subdivision,  
 15 but he tried to keep the lots closest to the  
 16 subdivision to be business commercial, in particular  
 17 Lot 2 -- Lot 3, I'm sorry.  
 18 MR. STOLLER: With what you're familiar with  
 19 the village boundaries, would DSI's property north of  
 20 Goodfield -- is it contiguous to the village limits?  
 21 MR. YOCKEY: I'm not personally aware of  
 22 exactly where that property is. As you go north of  
 23 Goodfield, you're fighting grade with regard to

Page 35

1 getting sanitary sewer there, which was part of the  
 2 problem with the recent annexation of the monument  
 3 business north of what used to be Cargill. I don't  
 4 know what it is now.  
 5 As a result, the Village and that owner  
 6 cooperated to get water main up there, but the  
 7 decision was made that he would go on a septic tank  
 8 because of the difficulty of getting sanitary sewer  
 9 out there. As you go further north, it's even more  
 10 difficult for the sanitary sewer.  
 11 Water main, ultimately the Village has plans  
 12 to loop water main all the way up to Timberline Road  
 13 and east, but I'm not sure where Mr. Dietrich's  
 14 property is exactly.  
 15 MR. STOLLER: If DSI's property north of  
 16 Goodfield is not adjacent to the village limits, is it  
 17 your general understanding that all the owners in  
 18 between there would be required to annex the village  
 19 water and sewer?  
 20 MR. YOCKEY: Unless the property remained in  
 21 the county, and then there would have to be an  
 22 agreement with the village to allow water and sewer to  
 23 service property that's in the county and that would

Page 36

1 have double rates as well.  
 2 MR. STOLLER: Just so everyone is clear, the  
 3 cost of the infrastructure for the business park, who  
 4 is responsible for that cost initially?  
 5 MR. YOCKEY: That's -- Mr. Dietrich is  
 6 responsible for that, and that includes a tap-on fee  
 7 for tapping on the sanitary sewer, approximately  
 8 \$15,000, and that's because of the cost-sharing  
 9 agreement that was put together a long time ago with  
 10 the Martin Implement and IPI north of the interstate  
 11 to allow sanitary sewer to come down, cross the  
 12 interstate, and put in a sewage pumping station on the  
 13 south side, which has allowed different properties  
 14 south of the interstate to have access to sanitary  
 15 sewer including Martin Brothers, Vermeer, Lakes at Oak  
 16 Valley, and so forth.  
 17 But everyone that taps into that is required  
 18 to pay a fee. There's a fixed cost, but what raises  
 19 the cost significantly is interest based upon when the  
 20 original agreement was done. So the interest now  
 21 keeps getting higher and higher. That fee would be  
 22 calculated by the Village. It's roughly \$15,000 right  
 23 now, but, of course, a longer the time goes by, the

Page 37

1 more it goes up because of the interest incurring.  
 2 MR. STOLLER: I have no further questions.  
 3 MR. GIFFORD: Counsel.  
 4 MR. GASTER: Thank you. Can you hear me all  
 5 right?  
 6 MR. YOCKEY: I can.  
 7 MR. GASTER: All right, good. Mr. Yockey,  
 8 just to begin, you can tell us who are you employed by  
 9 right now.  
 10 MR. YOCKEY: I am employed by Lewis, Yockey  
 11 & Brown, which is a consulting engineering firm.  
 12 MR. GASTER: And did you provide consulting  
 13 and engineering work for the applicant for this  
 14 proposal?  
 15 MR. YOCKEY: I was hired to prepare the  
 16 exhibits and the preliminary plat.  
 17 MR. GASTER: All right. Can you tell me  
 18 where I can find the study that you performed to  
 19 determine what the noise pollution impact to Goodfield  
 20 would be from this proposal.  
 21 MR. YOCKEY: There's been no noise pollution  
 22 study.  
 23 MR. GASTER: Can you tell me where I can

Page 38

1 find the study that you conducted to determine the air  
 2 pollution impact to Goodfield from this project.  
 3 MR. YOCKEY: No air pollution study.  
 4 MR. GASTER: Can you tell me where I can  
 5 find the study that you conducted to determine the  
 6 light pollution impact from the project.  
 7 MR. YOCKEY: No light pollution study has  
 8 been done.  
 9 MR. GASTER: Can you tell me where I can  
 10 find the study conducted to determine the water  
 11 pollution impact to Goodfield from this project.  
 12 MR. YOCKEY: The storm water pollution  
 13 protection plan will be done as part of the  
 14 construction plans for the project.  
 15 MR. GASTER: I think you referred to that as  
 16 something that would be incorporated into this plan at  
 17 a later date.  
 18 MR. YOCKEY: That's correct.  
 19 MR. GASTER: Is it currently in the  
 20 preannexation agreement as it exists today and as the  
 21 Board is being asked to approve?  
 22 MR. YOCKEY: It is not as it exists today.  
 23 It is a requirement of EPA before a project like this

Page 39

1 can be -- can go ahead. And with regard to air  
 2 pollution, noise pollution, and so forth, those  
 3 requirements also are from the EPA when the specific  
 4 applicant for the lot provides a -- well, applies for  
 5 a building permit, and the Village will need to know  
 6 what's being done in the village, how much water and  
 7 how much sewer.  
 8 MR. GASTER: I have two more questions for  
 9 you just to follow up on the studies or lack thereof.  
 10 Where can I find the study that you and your firm  
 11 conducted to determine the impact this proposal would  
 12 have on the roads in Goodfield and specifically around  
 13 the Deer Lakes Estates where the homes are?  
 14 MR. YOCKEY: Martin Drive is designed to  
 15 handle truck traffic as is Route 117, and then this  
 16 specific road is designed in accordance with  
 17 industrial traffic. That's why it's eight inches of  
 18 concrete in thickness, compacted aggregate basically.  
 19 MR. GASTER: Deer Lakes Drive is designed?  
 20 MR. YOCKEY: No, Deer Lakes Drive is a  
 21 residential street, and that is why we do not want any  
 22 truck traffic going onto Deer Lakes Drive.  
 23 MR. GASTER: Well, under the plan as it is

Page 40

1 presently proposed, how do we know that there will  
 2 never be a development that will see truck traffic  
 3 coming onto Deer Lakes Drive?  
 4 MR. YOCKEY: Based upon this plan, there is  
 5 a no-access strip that would disallow any truck  
 6 traffic to access this development from Deer Lakes  
 7 Drive. What happens south of Deer Lakes Drive, I  
 8 don't know if it's gone over.  
 9 MR. GASTER: This plan is effective for 20  
 10 years. Right?  
 11 MR. YOCKEY: It should be, yes, and once  
 12 it's recorded in the county, that no-access strip  
 13 should be relevant forever until such time as the  
 14 Village allows it to be changed. It's similar to  
 15 no-access strips viaducts have close to interstates  
 16 because they don't want traffic interfering with the  
 17 access to the interstate.  
 18 MR. GASTER: I said I only had a few  
 19 questions and I lied, but this is my last question.  
 20 You mentioned that the -- as this project is  
 21 currently proposed, the industrial is going to be  
 22 situated in a quadrant that's the furthest away from  
 23 the HOA. Right?

Page 41

1 MR. YOCKEY: Yes.

2 MR. GASTER: That's where the industrial is

3 going to be. But if the industrial is putting out air

4 contaminants, that can travel to the homes in the area

5 that's covered by the lane to the right; just because

6 it's industrial up there doesn't mean that the effects

7 of the industrial can't come to the HOA homeowners'

8 properties.

9 MR. YOCKEY: That's correct. Assuming

10 that --

11 MR. GASTER: Thank you.

12 MR. YOCKEY: -- there would be any

13 contaminants, which I would like to think a family

14 business wouldn't, but that would have to be assured

15 by whoever builds on that lot.

16 MR. GASTER: Well, under the agreement

17 that's being voted on today, is there any covenants or

18 provisions in there that would prohibit or preclude

19 such an establishment from being put on that lot?

20 MR. YOCKEY: I believe the covenants have

21 not been prepared, but I like to think that

22 Mr. Dietrich is quite willing to prepare covenants

23 that would exclude that type of landowner.

Page 42

1 MR. GASTER: Thank you.

2 MR. GIFFORD: Is that all, counsel?

3 MR. GASTER: That's it.

4 MR. GIFFORD: Do any of the commissioners

5 have any questions of Mr. Yockey?

6 MR. BAUMAN: When you mentioned evergreens

7 as a buffer, what kind of evergreens are you referring

8 to and what particular types are they?

9 MR. YOCKEY: I do not have the type. Mr.

10 Dietrich has a landscape person with regard to the

11 strips. And originally the strip along the south side

12 of his property he planned to have three rows of

13 evergreen trees. The landscaper suggested absolutely

14 do not have three rows, and the reason is the row in

15 the middle doesn't get sunlight and tends to die off

16 and so forth.

17 So right now the plat says evergreens,

18 minimum four feet high. It doesn't say more than

19 that. Now, if the HOA wants to designate certain

20 reasonable types of evergreens, I think that's

21 appropriate.

22 I think the other thing we want to make sure

23 is that the evergreens grow well because the idea is

Page 43

1 to have a visual screen, not just visual but a

2 soundproofing screen, and ideally, when you're looking

3 to the north, first of all, you don't want to see

4 stuff sitting under there, but ideally you want to see

5 the evergreen trees and no buildings and parking lots.

6 And also if there's a parking lot with

7 traffic in it, ideally you don't want headlights to go

8 into the residents' homes. That's another reason for

9 the evergreens.

10 MR. BAUMAN: I guess I would like to see a

11 particular time -- a particular type of evergreen that

12 grows faster, they're denser, and they tend to have

13 more longevity than like a white pine.

14 MR. YOCKEY: I know Mr. Dietrich was talking

15 to landscape firms, and hopefully he's got the right

16 type, but if you'd like to give us some ideas, that

17 would be appropriate.

18 Another thing we don't want, and I've seen

19 this on some developments, is they have a berm and

20 then they put the evergreen on top of it and then the

21 evergreen tends to die because it can't get

22 appropriate water. So that's not being proposed.

23 MR. BAUMAN: I got a little concern about

Page 44

1 the width of the outlot only being 20 feet wide.

2 MR. YOCKEY: I think the idea is five foot

3 in you have a row, ten feet, and then five foot or ten

4 feet and then another row, and then five feet to the

5 north line, and you're staggering them so they're

6 twenty feet apart, and the other row's in that middle

7 of that ten-foot strip.

8 MR. BAUMAN: And one other question is the

9 individual lots, is there any kind of covenants in

10 there about size of the individual lots?

11 MR. YOCKEY: There is not at this time.

12 That's something that could be done in the future, but

13 it would have to get approved by the Village Board.

14 The lot lines shown on this are what's proposed right

15 now. It could shift slightly depending on if someone

16 wants to buy a tenth of an acre more than what's

17 shown, but pretty much this is what's proposed.

18 And in particular that ingress-egress, that

19 easement that goes to the west ideally comes off the

20 center of that cul-de-sac to make it easier for

21 vehicles to make that turn.

22 MR. GIFFORD: Any other commissioners have

23 any questions of Mr. Yockey?

Page 45

1 MR. JOSH KUNTZ: I believe you said that the  
 2 water flows on Lot 3 towards Deer Lakes currently and  
 3 that you would run sanitary or water main water storm  
 4 -- storm sewer back towards the north.  
 5 MR. YOCKEY: Lot 3, per code, has to provide  
 6 storm water retention so that any drainage that goes  
 7 south of that after the development isn't increased by  
 8 what's happening. So the storm water detention would  
 9 obviously store a volume of water, and then the idea  
 10 is to send that storm sewer along Deer Lakes Road  
 11 across to the drainageway and goes back.  
 12 MR. JOSH KUNTZ: So that's already existing?  
 13 MR. YOCKEY: Yeah, the way it is.  
 14 MR. JOSH KUNTZ: Because it appears what it  
 15 would be draining to is zoned county ag, and I didn't  
 16 know if the Village could run water onto something  
 17 that's not within the village and zoned county.  
 18 MR. YOCKEY: It would discharge on the  
 19 village right-of-way that's part of Deer Lakes Road.  
 20 MR. GIFFORD: Any other questions from the  
 21 commissioners? Please identify yourself.  
 22 MR. PETTY: Harv Petty. And when we're  
 23 looking at this, what we look at the lines here and

Page 46

1 when you look down to that Lot 2, that No. 3, those  
 2 elevation lines there is considerable watershed coming  
 3 down there, and my question is can you successfully  
 4 keep the water going where you plan to put it instead  
 5 of coming down across the property of the people who  
 6 live here?  
 7 MR. YOCKEY: Yes, you can. There may need  
 8 to be some grading work done. In particular there's a  
 9 peak there, and that will have to be lowered. Part of  
 10 the issue with the sanitary sewer is bringing the  
 11 sanitary sewer up to the cul-de-sac but keeping it low  
 12 enough so in the future it could extend west to  
 13 service property to the west of the subdivision.  
 14 When we're doing storm water retention,  
 15 there's lots of different ways to do it. Where I'm  
 16 picking it up is that low southeast corner of Lot 2,  
 17 so that will -- there are lots of different ways you  
 18 can do it. You can store on the parking lot. You can  
 19 make a basin in that low corner with enough volume to  
 20 store the excess water, and then you'll have a  
 21 restriction in the outlet that will go to that storm  
 22 sewer.  
 23 Another way you can do it is you can put

Page 47

1 underground retention under the parking lot, which  
 2 we're doing a lot nowadays, especially in urban areas,  
 3 so that you can catch it.  
 4 What we don't want to do, there will still  
 5 be some drainage going to the south, in particular,  
 6 that outlot drains south, and you'll have probably a  
 7 grass strip for about five or ten feet. That will  
 8 still drain south, but the rest of it the idea is to  
 9 capture it in the storm water retention system, and  
 10 that would be the responsibility of whoever builds on  
 11 that lot and will have to submit engineering drawings  
 12 to the Village to substantiate that.  
 13 MR. GIFFORD: Any other questions from the  
 14 Board? Mr. Stoller, anything else for Mr. Yockey?  
 15 MR. STOLLER: No.  
 16 MR. GIFFORD: Counsel?  
 17 MR. GASTER: Nothing further.  
 18 MR. GIFFORD: You're shaking your head no.  
 19 All right. Duane, before you sit down, I have a  
 20 question for you. Can you explain, please, so  
 21 everybody understands it, who is going to have  
 22 ownership of the outlots and be in a position to  
 23 enforce any restrictive covenants, or to the extent

Page 48

1 that we're talking about the line along Deer Lakes  
 2 Drive, to enforce the no access.  
 3 MR. YOCKEY: At such time as the final plat  
 4 is done, there will be lot lines drawn conforming to  
 5 the lot lines. So, as I mentioned before, if the  
 6 owner of Lot 2 buys it, he would be responsible for  
 7 maintenance, both of evergreens from here to here, and  
 8 the idea is the final plat will show Outlot A being  
 9 split into Outlot A1, A2, A3, and, likewise, Lots 4  
 10 and 3 at the bottom would be responsible for the  
 11 maintenance of the evergreens adjacent to their lots.  
 12 MR. GIFFORD: What's the plan so that if the  
 13 property owner that purchases that lot somewhere down  
 14 the road fails to conform, how is it going to be  
 15 enforced?  
 16 MR. YOCKEY: That will be one of the  
 17 covenants, and Mr. Dietrich can enforce it as long as  
 18 he has control, but after that it's up to the Village  
 19 Board to enforce it.  
 20 MR. GIFFORD: Is Mr. Dietrich proposing or  
 21 DSI to retain ownership of those outlots?  
 22 MR. YOCKEY: That's not proposed right now.  
 23 The idea is to have whoever owns next to it maintain

Page 49

1 it, and the idea also is to not require much  
 2 maintenance. There's going to be trees. The idea is  
 3 not to have grass that grows way high. We'll have  
 4 some kind of ground cover, and ideally under evergreen  
 5 trees, oftentimes you don't get grass growing, you get  
 6 pine needles instead.

7 So the idea is not to require much. The  
 8 main thing is, if a tree dies, it needs to be  
 9 replaced.

10 MR. GIFFORD: Any other questions from the  
 11 Board?

12 MR. JOSH KUNTZ: Duane, I have one more. On  
 13 the proposed entrance or road and the cul-de-sac  
 14 turnaround, is that standard to similar industrial  
 15 properties, wide enough for semi turns, wide enough  
 16 for fire trucks, wide enough for access for anybody  
 17 that needs to get in there, or is that -- I believe  
 18 village code did not used to require as wide as the  
 19 fire department or some of the others may want. I  
 20 don't know if that still is the way it is or not.

21 MR. YOCKEY: It's per village code, and I  
 22 think it's important that if a truck comes all the way  
 23 up there and has an issue with turning around, the

Page 50

1 lots are adjacent to it, all the entrances are going  
 2 to be truck accessible, and they can use that to turn  
 3 around too. But the radius on the cul-de-sac meets  
 4 village code with regard to --

5 MR. JOSH KUNTZ: That answered part of my  
 6 question. Village code versus what is a standard in  
 7 other towns or other counties under industrial  
 8 developments. Village code is one thing and it has to  
 9 meet that, I know, but is the village code in line  
 10 with what is current today --

11 MR. YOCKEY: Village code basically matches  
 12 most all villages and cities, what it doesn't match  
 13 sometimes is the county code which has the A3 instead  
 14 of a concrete installed pavement. So usually they  
 15 have a bigger cul-de-sac, which also allows a 30-inch  
 16 ditch all the way around it too. But since we're not  
 17 proposing A3, which is a tar-and-chip street, this  
 18 should be adequate. There's also an ag drip shoulder  
 19 available too.

20 MR. GIFFORD: Any other questions?  
 21 MR. BAUMAN: Is this curb and gutter?  
 22 MR. YOCKEY: No, it's not curb and gutter.  
 23 Across the street is not curb and gutter. What we're

Page 51

1 -- usually when you have curb and gutter, it allows  
 2 parking alongside. We're not allowing and it states  
 3 here no parking allowed on the street. So the width  
 4 of the street is appropriate per IDOT. There's no  
 5 curb and gutter.

6 The other thing with curb and gutter, it  
 7 allows drainage to run off faster. When you have  
 8 ditches, the ditches hold water more, and it helps to  
 9 recharge water into the ground and it's also another  
 10 way of reducing impact of drainage off of the streets.  
 11 A lot of planners prefer ditches, but in town, in  
 12 particular, residential areas, a new subdivision  
 13 people, like curb and gutter.

14 MR. MELTON: Will there be any study done on  
 15 insuring that there's adequate water pressure for fire  
 16 hydrants and that type of stuff?

17 MR. YOCKEY: There should not need to be  
 18 one. One reason we're looping this is to provide  
 19 plenty of pressure. We've got water tower that's not  
 20 very far away to the east, and then we've got water  
 21 tower across the interstate.

22 We have done tests of the water pressure  
 23 because we recently did a water main extension from

Page 52

1 Martin Road across 117 because there was a gap there,  
 2 and that helped loop that, and it would increase the  
 3 pressure for all the people there, not so much  
 4 pressure but flow.

5 Pressure tends to be the same until you get  
 6 flow, and then it reduces the pressure, but the more  
 7 flow you can have then you can maintain the pressure.  
 8 So there shouldn't be any issues with water pressure.

9 MR. MELTON: Thank you.

10 MR. GIFFORD: Any other questions? Counsel,  
 11 have none. You're free to go, sir. Thank you.

12 UNIDENTIFIED SPEAKER: Is it possible to  
 13 leave those up?

14 MR. YOCKEY: I just assumed people got to  
 15 see it.

16 UNIDENTIFIED SPEAKER: There will be a lot  
 17 of people up here talking. I want to use it.

18 MR. GIFFORD: Do you have anything else?  
 19 MR. STOLLER: We have no further witnesses.  
 20 MR. GIFFORD: So that concludes the  
 21 petitioner's case, and we're ready for the homeowners'  
 22 case, the homeowners association.  
 23 MR. GASTER: Mr. Gifford, members of the

Page 53

1 Board, thank you for the opportunity to speak to you  
 2 this evening.  
 3 Mr. Gifford has generously given us 60  
 4 minutes to put on a case this evening. I think it's  
 5 going to take substantially less time to explain to  
 6 all of you why the proposal that's before you tonight  
 7 is flawed and should not be approved.  
 8 There's a provision of Illinois law in the  
 9 municipal code that I'd like the Board to keep in mind  
 10 when you consider the proposal. It's Section 11-13-1,  
 11 and this talks about the objectives that a body like  
 12 this zoning board, in July, if it gets to that point,  
 13 the Village Board should keep in mind when you're  
 14 approving zoning laws.  
 15 I'm going to read it into the record for  
 16 you, and also I'd be happy to serve copies on the  
 17 Village Board so everybody can have a copy tomorrow.  
 18 Quote, To the end that adequate light, pure  
 19 air, and safety from fire and other dangers may be  
 20 secured, that the taxable value of land and buildings  
 21 throughout the municipality being served, that  
 22 congestion in the public streets may be lessened or  
 23 avoided, that the hazards to persons and damage to

Page 54

1 property resulting from the accumulation of runoff of  
 2 storm or floodwaters may be lessened or avoided, and  
 3 that the public health, safety, comfort, morals, and  
 4 welfare may otherwise be promoted, and to insure and  
 5 facilitate the preservation of sites, areas, and  
 6 structures of historical, architectural, and aesthetic  
 7 importance, and then after that preamble, the section  
 8 of the code goes on to list all different sorts of  
 9 things that a municipality can zone for.  
 10 After that list it closes with this kicker.  
 11 Quote, In all ordinances passed under the authority of  
 12 this Division 13 due allowance shall be made for  
 13 existing conditions, the conservation of property  
 14 values, the direction of building development to the  
 15 best advantage of the entire municipality and the uses  
 16 to which the property is promoted at the time of the  
 17 enactment of such an ordinance.  
 18 So let's talk about all that. What  
 19 allowance does the proposal that is presently before  
 20 the Board make for existing conditions? Are we  
 21 consistent with the existing conditions, or are we  
 22 going to be deviating from what's going on in this  
 23 area? All right.

Page 55

1 The answer how are we deviating, it's in  
 2 Paragraph 8 of the preannexation agreement. This is  
 3 the only protection in the proposal that you're being  
 4 asked to vote on today. The only protection that will  
 5 sort of insulate the HOA properties from this  
 6 development is a line of trees, unspecified type,  
 7 unspecified height, nothing else. That's it.  
 8 MR. STOLLER: I just have a quick question.  
 9 Is counsel calling a witness or presenting evidence or  
 10 making argument?  
 11 MR. GIFFORD: I think that this is opening  
 12 argument, but I was starting to wonder about that  
 13 myself.  
 14 MR. GASTER: This is the opening argument,  
 15 and then I'll be calling two witnesses.  
 16 MR. GIFFORD: All right. Will you identify  
 17 for the record the portion of the statute you were  
 18 quoting from.  
 19 MR. GASTER: Yes, 65ILCS 5/11-13-1, and I'd  
 20 be happy to serve a copy of that on the clerk and  
 21 board members.  
 22 MR. GIFFORD: Yes, we need a copy. Thank  
 23 you.

Page 56

1 MR. GASTER: So what does the proposal say  
 2 about pollution? What does it say about road traffic?  
 3 Right now the HOA is already having flooding problems  
 4 coming from the direction, I believe it's coming from  
 5 west to east, that's causing their -- the lake and the  
 6 property to flood. That's already an issue. What  
 7 does the proposal say about that? Not a lot.  
 8 MR. GIFFORD: Counsel, I think what you're  
 9 engaging in here is closing argument. Can you either  
 10 present some evidence or call a witness, and you'll  
 11 get your time to argue when we get to closing.  
 12 MR. GASTER: Fine. I would call Jim Stout.  
 13 Can you state your name for the record.  
 14 MR. STOUT: Yes. My name is James Stout,  
 15 S-t-o-u-t.  
 16 MR. GASTER: James, is it okay if I call you  
 17 Jim?  
 18 MR. STOUT: Sure.  
 19 MR. GASTER: Jim, where do you live?  
 20 MR. STOUT: 530 Hickory Court, Goodfield.  
 21 MR. GASTER: And is that property located  
 22 within the Deer Lakes Estates Homeowners Association?  
 23 MR. STOUT: It is.

Page 57

1 MR. GASTER: Jim, when did you purchase the  
 2 property?  
 3 MR. STOUT: In May of 2012.  
 4 MR. GASTER: And when you were choosing  
 5 where to purchase your home, what sort of things did  
 6 you consider?  
 7 MR. STOUT: Lots of things. For one thing I  
 8 was concerned about Chip Energy, for one. Sorry guys,  
 9 I know you guys don't like to hear about Chip Energy,  
 10 but that was one of the things I was concerned about  
 11 because I saw the big pile of wood.  
 12 I was looking for a primarily residential  
 13 area, and at that particular point in time, there was  
 14 a model home at Goodfield Crossing, and so it looked  
 15 like the whole thing was going to be residential, and  
 16 then I looked and saw that along Deer Lakes Drive that  
 17 was zoned R1.  
 18 So when I moved in -- we bought it in May  
 19 and I moved in in June of 2012, so when I moved in, I  
 20 was under the assumption, I know about assuming, but I  
 21 was under the assumption that I was safe, that I  
 22 didn't have to worry about an industrial park being  
 23 built right next to me.

Page 58

1 MR. GASTER: So you looked at the zoning  
 2 map --  
 3 MR. STOUT: Yes.  
 4 MR. GASTER: -- saw that there was a  
 5 residential buffer.  
 6 MR. STOUT: Yeah. Well, I didn't look at it  
 7 for Goodfield Crossing itself, because there was a  
 8 model home sitting there. It was pretty obvious, you  
 9 know, that it was residential. But I did look at it  
 10 for along Deer Lakes Drive, and that's zoned R1 and  
 11 has been, unless you guys change it.  
 12 MR. GASTER: So it was important to you that  
 13 you purchase a home that was surrounded by residential  
 14 zoning and not industrial --  
 15 MR. STOUT: I like to be in the country, and  
 16 this was the best way, buying this home in Deer Lakes  
 17 was the best way that I could be a farm kid but have  
 18 access to work, you know. I had to travel a lot for  
 19 my work; so --  
 20 MR. GASTER: Was it important that you  
 21 purchase a home in an area that was away from sources  
 22 of noise pollution?  
 23 MR. STOUT: Yeah, absolutely.

Page 59

1 MR. GASTER: Was it important that you  
 2 purchase your home in the area that was away from  
 3 sources of light pollution?  
 4 MR. STOUT: Well, yeah.  
 5 MR. GASTER: What about air pollution?  
 6 MR. STOUT: That too.  
 7 MR. GASTER: Water pollution?  
 8 MR. STOUT: Absolutely.  
 9 MR. GASTER: Jim, I think you've looked at  
 10 some of the same documents in preparing for this  
 11 meeting. Have you seen anything in the preannexation  
 12 agreement, any of the proposals that would alleviate  
 13 your concerns about the air, noise, water, and light  
 14 pollution that could be produced by this project?  
 15 MR. STOUT: No, I haven't. In fact, it  
 16 looks like, with all due respect, Mr. Dietrich, it  
 17 looks like you can do whatever you want.  
 18 MR. GASTER: Jim, are you opposing this  
 19 proposal? And let's back up for a moment. You're  
 20 here as an individual, but you also have a leadership  
 21 role at the HOA. Correct?  
 22 MR. STOUT: Yes. I'm the current president  
 23 of the Deer Lakes HOA.

Page 60

1 MR. GASTER: So you, as an individual and  
 2 also the HOA's president, are you opposing this  
 3 proposal or is the HOA opposing this proposal because  
 4 you are anti-economic development in Goodfield?  
 5 MR. STOUT: Absolutely not. That was my job  
 6 for 40 years.  
 7 MR. GASTER: So you like economic  
 8 development. You think that's a good thing.  
 9 MR. STOUT: Oh, yeah. Yeah, I'm not against  
 10 that at all.  
 11 MR. GASTER: And, Jim, if you had to guess,  
 12 would you say everyone here also likes economic  
 13 development?  
 14 MR. STOUT: Yeah. I don't think we want to  
 15 live next to it but --  
 16 MR. GASTER: Right, but you actually would  
 17 love to see the Tazwood Industrial Park pop up in  
 18 Goodfield. Right? Just across the highway.  
 19 MR. STOUT: Yeah, absolutely.  
 20 MR. GASTER: And, again, it's -- to your  
 21 knowledge, it's correct that the applicant,  
 22 Mr. Dietrich, he does own property across the highway  
 23 in that industrial area that would be suitable for

Page 61

1 this development.

2 MR. STOUT: Well, hats off to Mr. Dietrich,

3 he owns quite a bit of property, and, in fact, he owns

4 a piece of land just to the west of Martin Brothers

5 Implement there.

6 MR. GASTER: Right. And his property has

7 access to roads. Right?

8 MR. STOUT: Yes.

9 MR. GASTER: And I know there was some

10 testimony today that there might be an issue with the

11 sewer water. Sewer and waterlines, those can be

12 constructed. Right?

13 MR. STOUT: Right.

14 MR. GASTER: We haven't run out of pipes in

15 Illinois.

16 MR. STOUT: Pardon me?

17 MR. GASTER: We haven't run out of pipes in

18 Illinois. You can find some sewer pipes to run out

19 there and connect to the waterline.

20 MR. STOUT: Yeah. As I understand it there

21 is. It wouldn't be a very far -- wouldn't be very far

22 to hook up.

23 MR. GASTER: Right. And so if the proposal

Page 62

1 was on the north side of town, north of 74, would we

2 even be here today opposing that?

3 MR. STOUT: No.

4 MR. GASTER: Jim, just one final question.

5 As the official representative of the HOA, what would

6 you like to say about this proposal?

7 MR. STOUT: Well, I would like to say that I

8 would like to see a bigger buffer between the homes

9 and the development. I don't feel like 20 feet is

10 quite big enough, to be honest with you. I'd like to

11 see bigger trees planted, you know, not necessarily

12 20-footers but would grow to that.

13 And that was a good point about -- that was

14 made earlier about those trees have to have sunlight,

15 and we need to have a curtain all year round and some

16 kind of an evergreen or pine tree, whatever, we need

17 as far as that goes.

18 Ultimately, I sure wish this would move

19 somewhere else, but, if it cannot, I would sure like

20 to see a bigger buffer all the way around. I'd like

21 to see restrictions on light pollution. That may be

22 in the building codes. I'm not certain about that.

23 But that's one thing.

Page 63

1 Limitation on working hours. If it's going

2 to be a welding shop or something like that, I'd like

3 to see that done. I'd like to see the noise

4 restricted, working hours to be a reasonable amount of

5 time so that we don't hear clank, clank, clank in the

6 middle of the night.

7 That's all I can think of just right at the

8 moment, but you get the idea. It's a neighborhood.

9 We want to be able to sleep at night and not have too

10 much light. We're not used to it back there. We just

11 got -- you know, every once in awhile there will be a

12 light pole there, and it's usually on the intersection

13 a lot. Let's see. Is there anything else I can

14 answer for you?

15 MR. GASTER: Jim, that's all I've got for

16 you. I think Justin might have a couple questions.

17 MR. STOLLER: Just a couple quick questions.

18 So I understand, where is your house located in the

19 division?

20 MR. STOUT: It's 530 Hickory Court. I don't

21 know if you have a map or not.

22 MR. STOLLER: How many houses from the north

23 end of the subdivision are you?

Page 64

1 MR. STOUT: I'm guessing five. I'm guessing

2 five. That's a guess.

3 MR. STOLLER: You heard Mr. Dietrich say

4 it's his preference that there be small family-owned

5 businesses come into the park.

6 MR. STOUT: I did hear that.

7 MR. STOLLER: If all of the businesses that

8 came into the park were on -- ended up being that,

9 would you be able to support it?

10 MR. STOUT: Well, it just depends, depends

11 on the things I just listed. Is it going to be noisy?

12 Is it going to be polluting the air? Is it going to

13 be too much light emanating from it? Are they going

14 to be working all hours of the night? Will there be

15 heavy equipment, beep, beep, beep, beep, all night?

16 It's all those things that we have to

17 consider. Like I say, if you build this right next to

18 a neighborhood, you know, I know one resident has

19 little kids, and so we have to be mindful of that as

20 well. Mine are all grown but not everybody is in the

21 same situation.

22 MR. STOLLER: So if those concerns could be

23 addressed in the covenants and restrictions or perhaps



Page 65

1 even in the contracts with the buyers themselves to  
 2 control those factors that could be an annoyance or a  
 3 nuisance, then --  
 4 MR. STOUT: Well, I'm concerned about  
 5 enforcing it, for one thing. I really am.  
 6 UNIDENTIFIED SPEAKER: Amen.  
 7 MR. STOUT: I'm very concerned about  
 8 enforcement. Sorry, guys, Chip Energy got out of  
 9 hand. I have never seen it look so messy as it does  
 10 right now.  
 11 UNIDENTIFIED SPEAKER: Thank you.  
 12 MR. STOLLER: You have covenants and  
 13 restrictions in your subdivision?  
 14 MR. STOUT: Yes.  
 15 MR. STOLLER: And how do you enforce those?  
 16 MR. STOUT: Everybody just adheres to them.  
 17 We've been really fortunate. If somebody has a  
 18 question in their mind about the covenants and  
 19 restrictions, they ask, they ask about it and nobody  
 20 -- we've been really lucky. Nobody has just tried to  
 21 out-and-out go around them.  
 22 MR. STOLLER: Can that happen?  
 23 MR. STOUT: Could it? Of course it could.

Page 66

1 MR. STOLLER: And how would you enforce it?  
 2 MR. STOUT: How would you --  
 3 MR. STOLLER: How would you enforce it?  
 4 MR. STOUT: Well, I would have got -- within  
 5 the bylaws, we can do whatever we can tolerate. We  
 6 can say, hey, either/or (inaudible) until we found out  
 7 last July our governor signed the bill letting them do  
 8 whatever they want. So the HOA has got no power over  
 9 that now.  
 10 MR. STOLLER: But an enforcement provision  
 11 could be written in the bylaws.  
 12 MR. STOUT: Yes.  
 13 MR. STOLLER: And it could put some teeth  
 14 into -- either the developer or the other lot owners  
 15 could have a mechanism to enforce it potentially  
 16 through the court.  
 17 MR. STOUT: Yes. That's my understanding.  
 18 MR. STOLLER: I have no further questions.  
 19 MR. STOUT: By the way, my great-  
 20 grandmother's last name is Stoller.  
 21 MR. GIFFORD: Okay. Anything else?  
 22 MR. GASTER: Just a couple follow-up  
 23 questions on that real quick.

Page 67

1 MR. STOUT: Okay.  
 2 MR. GASTER: So to pick up on Justin's  
 3 question about how the HOA enforces your bylaws and  
 4 covenants, that if need be you could -- if a homeowner  
 5 is not complying, let's say you can't display flags  
 6 except for holidays, if someone hangs a flag on the  
 7 wrong day, you could theoretically go to court if you  
 8 want to enforce that provision.  
 9 MR. STOUT: That's right.  
 10 MR. GASTER: And that's because you have a  
 11 contractual relationship with the individual  
 12 homeowners and the HOA. Right?  
 13 MR. STOUT: They sign it when they buy the  
 14 house. I signed it when I bought my house.  
 15 MR. GASTER: Right. And so the annexation  
 16 agreement that the Board is going to be considering  
 17 today, who are the parties to that agreement? Do you  
 18 know?  
 19 MR. STOUT: No. I actually --  
 20 MR. GASTER: Is the HOA a party to the  
 21 agreement?  
 22 MR. STOUT: Of the annexation that we're  
 23 talking about?

Page 68

1 MR. GASTER: Right. It's the Village and  
 2 DSI. Right?  
 3 MR. STOUT: Right. As far as I know, yes.  
 4 MR. GASTER: So the HOA is not a party to  
 5 that agreement, so any covenants, the HOA doesn't have  
 6 authority to enforce those. Right?  
 7 MR. STOUT: No.  
 8 MR. GASTER: All right. Thank you.  
 9 MR. GIFFORD: Counsel?  
 10 MR. STOLLER: Nothing.  
 11 MR. GIFFORD: I think -- any of the  
 12 commissioners?  
 13 MR. BAUMAN: I agree with you on Chip  
 14 Energy. If there was 40-foot trees as they're  
 15 proposing on both sides, would that not -- would that  
 16 not help your situation?  
 17 MR. STOUT: Well, yeah, but we've got a  
 18 bigger problem. Chip Energy. Man, if I was the owner  
 19 of Martin Brothers, I would be nervous. If that ever  
 20 goes up, it's going to melt down that Cargill building  
 21 into a molten pile of steel and them too probably.  
 22 Whatever equipment they got sitting out there will be  
 23 ruined. It's a powder keg, in my opinion. It's

Page 69

1 dangerous. I don't know what we can do about it, but  
 2 we need to. That's my opinion.  
 3 MR. GIFFORD: Anyone else?  
 4 MR. PETTY: Yes. Harv Petty.  
 5 MR. STOUT: Hi, Harv.  
 6 MR. PETTY: Hi. What would you suggest the  
 7 width of the buffer zone around Deer Lakes be?  
 8 MR. STOUT: I suggest at least 40 feet. 20  
 9 feet isn't much when you get a good size pine tree and  
 10 then stagger them.  
 11 MR. PETTY: And pines wouldn't be my choice.  
 12 MR. GIFFORD: Anyone else? Justin, go  
 13 ahead.  
 14 MR. STOLLER: Based on that last question,  
 15 if the buffer strip is changed to 40 feet, then who  
 16 would you propose would be responsible for maintaining  
 17 that.  
 18 MR. STOUT: Whoever buys the lot or the  
 19 Village. They mow that ditch line right now anyway.  
 20 MR. STOLLER: Okay. No further questions.  
 21 MR. GIFFORD: Counsel.  
 22 MR. GASTER: No further questions.  
 23 MR. GIFFORD: Okay. You're through, sir.

Page 70

1 Thank you. Go ahead and put on your next witness  
 2 then.  
 3 MR. GASTER: Call Marc Anthony. Can you  
 4 please state and spell your name for the record.  
 5 MR. ANTHONY: Yeah. My name is Marc  
 6 Anthony. I live at 630 -- oh, I'll spell it. The  
 7 name is M-a-r-c; A-n-t-h-o-n-y. Can you hear me back  
 8 there?  
 9 IN UNISON: Yes.  
 10 MR. GASTER: And just so the members of the  
 11 Board know, Mr. Anthony's testimony is going to relate  
 12 to a couple photographs that he took, and they are  
 13 displayed on the screen behind you. I also have one  
 14 copy that I can distribute if you want to pass it  
 15 along.  
 16 MR. GIFFORD: We're going to need one copy  
 17 for the record.  
 18 MR. GASTER: Mr. Anthony, can I call you  
 19 Marc?  
 20 MR. ANTHONY: Please do.  
 21 MR. GASTER: Marc, why don't you tell the  
 22 Board what is this a picture of?  
 23 MR. ANTHONY: This was taken Friday night at

Page 71

1 about 10:30 in the evening. This is Chip Energy.  
 2 That's an active fire you're looking at. I was using  
 3 a professional FLIR thermal camera which detects early  
 4 combustion, and you can see that's a fire, an  
 5 unattended fire on the west side of the building.  
 6 There was nobody around, and, obviously, the thermal  
 7 camera caught that.  
 8 I took that picture from Martin Drive in  
 9 addition to several other pictures that you have in  
 10 your hand right now, I believe, that also show the  
 11 heat generated in the woodpile.  
 12 MR. GASTER: I'm going to cycle through  
 13 because there are four pictures. So this is another  
 14 picture that you took, and tell us what's going on in  
 15 this picture, if you -- is this another angle of Chip  
 16 Energy?  
 17 MR. ANTHONY: Yeah. This is of one of the  
 18 piles, I guess this would be on the east side. This  
 19 pile here, if you look at the color coding on the  
 20 right-hand side, if you call that, the nomenclature,  
 21 is blue, obviously, is the cooler temperature as it  
 22 rises, it shows you what is the absolute hottest  
 23 temperature on the far right side, which would be a

Page 72

1 yellow to a white.  
 2 I mean, you could look and see, most of that  
 3 pile is in the upper range of heat, and you can tell  
 4 the newer pile on the ground, because it's not showing  
 5 that much spontaneous combustion, is a huge concern  
 6 for us at Deer Lakes.  
 7 You know, I did wind studies. We have about  
 8 66 percent chance year-round of the wind coming from  
 9 the north-northwest at an average speed of about 13  
 10 miles an hour, or make that 13 knots, I mean, which is  
 11 about 17 miles an hour, and when rainwater is  
 12 introduced to this pile of wood here or this pile of  
 13 wood, bacteria grows and when bacteria grows, bacteria  
 14 creates heat, and this heat creates hot spots, these  
 15 hot spots ignite for no reason whatsoever other than  
 16 the fact that they're just hot.  
 17 Spontaneous combustion is a term that  
 18 shouldn't -- I mean, everybody understands what that  
 19 is. It's happened for decades, and, you know, if you  
 20 had oily rags in your garage or farmers with hay, you  
 21 know what it is. That's a hot pile right there, and  
 22 that's just north of us.  
 23 The new industrial park that's proposed, you

Page 73

1 should be concerned too because, if that thing catches  
 2 fire, the industrial park will be a conduit and it  
 3 will go right through it, and it will come right back  
 4 to Deer Lakes, and, folks, Deer Lakes is timber. We  
 5 have a lot of timber, and in the fall you won't be  
 6 able to shut it down.

7 If that thing catches on fire and if it  
 8 blows back into your timber in the fall those trees  
 9 will be gone. I've seen it happen before, and it's  
 10 not pretty and I highly doubt that the Village of  
 11 Goodfield can contain that type of fire. That's our  
 12 number one concern right now.

13 MR. GASTER: One final question for you.  
 14 Based on your understanding of the preannexation  
 15 agreement and its very covenants, what is stopping a  
 16 development exactly like Chip Energy from coming in to  
 17 that industrial park?

18 MR. ANTHONY: Nothing.

19 MR. GASTER: No further questions.

20 MR. ANTHONY: Thank you. Do you have a  
 21 question for me?

22 MR. STOLLER: You heard Mr. Dietrich's  
 23 testimony.

Page 74

1 MR. ANTHONY: I did.

2 MR. STOLLER: Did you understand it to be  
 3 that he would not allow any junk piles or wood piles?

4 MR. ANTHONY: I also understood that Chip  
 5 Energy wasn't allowed that either.

6 MR. STOLLER: But is that what he testified  
 7 tonight that there --

8 MR. ANTHONY: I heard his testimony. And in  
 9 regard to that, can I ask Mr. Dietrich a question?

10 MR. GIFFORD: No.

11 MR. ANTHONY: Fair enough. Are we finished  
 12 then?

13 MR. GIFFORD: Counsel, anything else?

14 MR. STOLLER: No further questions.

15 MR. GIFFORD: Members of the Board? Anybody  
 16 have any questions for --

17 MR. BAUMAN: What do the temperatures  
 18 represent on that map?

19 MR. ANTHONY: The temperatures represent on  
 20 that map, the color codes are representative of the  
 21 scale being low to high. If I had permission to get  
 22 on Chip Energy's property, I would walk up to that  
 23 pile and then I'd get an accurate temperature through

Page 75

1 the thermal imaging, but from the road I can't get  
 2 one.

3 MR. BAUMAN: I'm not questioning you, but so  
 4 you really don't know how hot it is?

5 MR. ANTHONY: No, I don't know how hot it  
 6 is, but I can tell you if you look at the other  
 7 picture where the fire is and compare the colors.

8 MR. BAUMAN: Fair enough.

9 MR. GIFFORD: Anything else?

10 MR. STOLLER: Nothing else. Counsel?

11 MR. GASTER: Nothing further.

12 MR. GIFFORD: Thank you, sir.

13 MR. GASTER: HOA rests.

14 MR. GIFFORD: All right. At this stage both  
 15 parties have presented their evidence, Mr. Dietrich's  
 16 team and the HOA team, and it's appropriate now to  
 17 have public comment.

18 In the public comment section individuals  
 19 can say anything they want, good, bad, ugly, opinions,  
 20 it doesn't have to be evidence. Downside is you've  
 21 got two minutes. If you have a document or pictures  
 22 or something you want to share, you can do that, but  
 23 we need a copy of it for the record.

Page 76

1 So I'm going to go down this list here.

2 We've got 13 names that have signed up. Bill  
 3 Slingerland. Please state your name and spell it.

4 MR. SLINGERLAND: Bill Slingerland, 425 Deer  
 5 Lakes Drive. S-l-i-n-g-e-r-l-a-n-d. So I've been a  
 6 resident for 28 years at Deer Lakes. When the Deer  
 7 Lakes Subdivision was first built 30 years ago, if the  
 8 Village intended to develop the surrounding land for  
 9 industrial, commercial use, the Deer Lakes Subdivision  
 10 should never have been approved for building. It  
 11 isn't right to change the zoning on the proposed land  
 12 now after families have made it their home.

13 No residential area should be located next  
 14 to an industrial park, whether it's Deer Lakes,  
 15 Parkside, Bridal Ridge, or any other residential  
 16 community.

17 We understand that Goodfield wants to grow,  
 18 however, there are other locations within the village  
 19 where industrial development could take place without  
 20 disrupting the quality of life for residents in the  
 21 village.

22 Obviously, any industrial complex on the  
 23 proposed land would increase traffic on Martin Drive,

Page 77

1 lead to noise, air, and light pollution, and the  
 2 property values of every home in Deer Lakes would  
 3 potentially greatly decrease.  
 4 We have supported all the businesses and  
 5 contributed both time and money into the school  
 6 system, invested time and money into our homes and  
 7 property, and we ask that you respect our right to  
 8 continue to enjoy the peaceful environmental of Deer  
 9 Lakes. Thank you.  
 10 MR. GIFFORD: Thank you, sir. James Stout,  
 11 you're back up.  
 12 MR. STOUT: No, I'm not. I already said  
 13 everything I had to say. Thank you, though.  
 14 MR. GIFFORD: Anthony Paz. I'm sorry if I'm  
 15 mispronouncing.  
 16 MR. PAZ: That's all right.  
 17 MR. GIFFORD: Please state your name and  
 18 spell it for the record and tell her where you live.  
 19 MR. PAZ: My name is Anthony Paz. I live at  
 20 205 Deer Lakes Drive. My last name is spelled P-a-z.  
 21 I just want to say that I live in the first  
 22 house on Deer Lakes Drive, the house located directly  
 23 up against the development. I do have two small

Page 78

1 children and a third due in two weeks. On any given  
 2 day when you drive down Deer Lakes, you can see my  
 3 kids and I alongside of that field flying kites,  
 4 filling their pool, camping out in tents, and so as  
 5 you can understand, when the development was proposed,  
 6 we did have a great concern with living literally 30  
 7 feet from the back of an industrial park.  
 8 When I bought this house four years ago, I  
 9 did not foresee that that field would become, based on  
 10 the zoning that was proposed to me, that it would  
 11 change from what it is now. My wife and I are both  
 12 nurses. We have the option to work anywhere, and so  
 13 we have discussed whether or not we just want to  
 14 uproot and leave Goodfield.  
 15 But my godparents were long lifetime members  
 16 of Deer Creek, and I wanted to give my kids a piece of  
 17 that, and I'd like to continue to do that. And I'm  
 18 really hoping that, you know, my neighbors and I  
 19 speaking to you today about all of this will really  
 20 resonate with you with what we're trying to hold onto  
 21 out there, especially since I, like I said, live in  
 22 the house right there next to it.  
 23 And so with a 20-foot buffer and my house

Page 79

1 being 10 feet off the lot line, as you can imagine,  
 2 that is a great cause for concern for me and my  
 3 family. So thank you for your time.  
 4 MR. GIFFORD: Stand by. I should have given  
 5 the commission an opportunity earlier. Any of the  
 6 commissioners have any questions of Mr. Paz?  
 7 Counsel? Thank you, sir.  
 8 James Lahood. State your name and spell it  
 9 for the court reporter.  
 10 MR. LAHOOD: My name is James Lahood,  
 11 L-a-h-o-o-d. I live at 200 Deer Lakes Drive. And  
 12 thank you, again, for having this meeting.  
 13 I can understand if this was Chicago and  
 14 there's one tract of land left, but this is -- you  
 15 know, if this is a development, let's do it. This is  
 16 Goodfield, there's a lot of undeveloped land, and as  
 17 I've heard, Mr. Dietrich owns a lot of different land  
 18 has a lot of different opportunities.  
 19 His counsel has said he -- even without  
 20 rezoning the residential piece or the ag piece, he has  
 21 opportunities to develop without that, and so I would  
 22 just ask, you know, as a resident of Goodfield, I have  
 23 not lived here my whole life like many of you, I don't

Page 80

1 have relatives here, I don't have family here, but  
 2 this is my community too, and I appreciate that you  
 3 and the Board represent me as well as everyone who's  
 4 lived here their whole lives that you would just  
 5 consider the whole community.  
 6 And, you know, I know there's not a  
 7 comprehensive plan or a master plan for this city,  
 8 like Jim said, I agree, I think growth in Goodfield  
 9 would be great, but doing it in a controlled way and a  
 10 way where there's some kind of plan for the community  
 11 and not just shooting from the hip when someone comes  
 12 to you because we don't know what else to do.  
 13 With all due respect, I would ask that you  
 14 would consider not rezoning the residential piece or  
 15 that ag piece as those -- that's the -- instead of a  
 16 40-foot buffer, that's the buffer I would request and  
 17 that's it.  
 18 MR. GIFFORD: Any questions, commissioners?  
 19 Thank you, sir.  
 20 Rodney Schoonover. Please state your name  
 21 and spell it for the court reporter and tell her where  
 22 you live.  
 23 MR. SCHOONOVER: Sure. Rodney Schoonover.

Page 81

1 I live at 405 Deer Lakes Drive. R-o-d-n-e-y;  
 2 S-c-h-o-o-n-o-v-e-r. I've lived in Goodfield at this  
 3 location for over 22 years now.  
 4 I purchased the home in a small community,  
 5 small Christian community on purpose in a farm area  
 6 because I was raised in a farm -- as a farm kid as  
 7 well, and it fit me well. And I raised my family  
 8 there with those kind of values on purpose, and I know  
 9 many of you have done the same thing.  
 10 I really don't want to see an industrial or  
 11 commercial park in my backyard because of what it  
 12 brings. We've talked about property values, many of  
 13 us invest in lots of things, and Deer Lakes Drive  
 14 we've all, like you have, invested heavily in our  
 15 properties, and I have as well.  
 16 So I don't think it's fair that 22 years in  
 17 someone decides to change zoning and diminish my  
 18 property value at their gain. I'm being sacrificed at  
 19 the gain of that property next door.  
 20 Safety concerns, we've talked about the  
 21 fires, the air, all those things. I'm concerned also  
 22 about we're close to the interstate, but we've been  
 23 far enough away and tucked back in and around the

Page 82

1 fields where we really haven't had traffic back there.  
 2 It's a dead-end road.  
 3 I'm concerned now that we put businesses in  
 4 our backyard, and we're drawing people into those  
 5 communities, whether they're family businesses or  
 6 whether they're anything else.  
 7 And, finally, Jimmy mentioned this  
 8 comprehensive zoning plan. I asked Shari to send me  
 9 all the meeting notes on those. Going back to 2016,  
 10 October of 2016 is when the comprehensive plan  
 11 discussions started. Six years later there's still no  
 12 plan.  
 13 I think the future of Goodfield should be  
 14 strategic and decided as a community where we want our  
 15 businesses, where we want our residential, where we  
 16 want to grow, how we want to grow, what we want to  
 17 look like in the future. That does not exist today,  
 18 and so I think making decisions one business at a time  
 19 is the wrong way to populate these areas.  
 20 So I respect him trying to grow his area or  
 21 his farmland into something else, but I don't know if  
 22 that's best for the community. You guys are making  
 23 the decision based on the little information that you

Page 83

1 have currently rather than input from the entire  
 2 community.  
 3 So I ask that we stop and we take a look at  
 4 that comprehensive plan and see if this aligns to the  
 5 comprehensive plan. Thank you.  
 6 MR. GIFFORD: Counsel, any questions?  
 7 MR. GASTER: No questions.  
 8 MR. GIFFORD: Any Board members? Thank you,  
 9 sir.  
 10 (applause)  
 11 MR. GIFFORD: You don't have to applaud me.  
 12 Sue Wittmer. Please state your name and spell it for  
 13 the reporter and tell her where you live.  
 14 MS. WITTMER: Good evening. My name is Sue  
 15 Wittmer, W-i-t-t-m-e-r. I reside at 520 Hickory  
 16 Court, which is in Deer Lakes Subdivision.  
 17 First of all, thank you for the opportunity  
 18 to express our thoughts and for your unselfish service  
 19 to this community. You have been asked to report to  
 20 the Village Board of Trustees your findings regarding  
 21 several concerns. These concerns involve the  
 22 proximity to Deer Lakes Subdivision and the proposed  
 23 Tazwood Industrial Park.

Page 84

1 Among those concerns, I would like to  
 2 address is compatibility and home devaluation. For  
 3 the sake of time, let us examine one portion of  
 4 compatibility: Noise. How does one objectively  
 5 measure an unacceptable or acceptable degree of noise  
 6 in a neighborhood of 35 family homes, some within 12  
 7 to 20 feet of an industrial development?  
 8 Decibel rates? Hmm. Frequency of  
 9 unacceptable occurrences? Hmm. Duration of  
 10 unacceptable occurrences? Hmm. How would standards  
 11 of tolerance not only be measured but monitored,  
 12 enforced, and, if necessary, penalized?  
 13 According to websites recommended by the  
 14 Illinois Board of Realtors, there are several factors  
 15 that can cause home devaluation; noise resulting from  
 16 industrial activity is one of them and definitely  
 17 incompatible with the quiet of Deer Lake Subdivision.  
 18 Additionally, regarding housing devaluation,  
 19 industrial development that is not properly  
 20 maintained, i.e., Chip Energy, creates an eyesore that  
 21 lowers property values, but I'm afraid that the  
 22 eyesore component must wait till another time;  
 23 however, measuring, monitoring, enforcing and

Page 85

1 remediating would still need to be required.  
 2 Because you may not have the necessary  
 3 information to consider the impact of this  
 4 development, may I respectfully suggest you defer your  
 5 decision until such a time when detailed standards are  
 6 ready. Yes, the devil is in the details.  
 7 Some of our current village codes,  
 8 ordinances, and exceptions are porous, malleable,  
 9 inconsistent, and highly subjective.  
 10 MR. GIFFORD: Ma'am, you exceed your two  
 11 minutes. Will you please wrap it up in short order,  
 12 please. Thank you.  
 13 MS. WITTMER: Such a system is ripe for  
 14 abuse; therefore, we would appreciate another  
 15 opportunity to meet with you to review your progress  
 16 before your decision is presented to the Village Board  
 17 of Trustees. Thank you.  
 18 MR. GIFFORD: Counsel, any questions?  
 19 MR. STOLLER: (Shaking of head.)  
 20 MR. GASTER: No questions.  
 21 MR. GIFFORD: Any of the commissioners?  
 22 Thank you, ma'am.  
 23 Randi Morrison. Please state your name and

Page 86

1 spell it for the reporter and tell her where you live.  
 2 MS. MORRISON: Hello. Randi Morrison,  
 3 M-o-r-r-i-s-o-n, 420 Deer Lakes Drive. So I'm a  
 4 certified public accountant specializing in revenue  
 5 for Caterpillar, Inc. So why do I tell you this? I  
 6 get it. I get that at the end of the day wanting  
 7 Mr. Dietrich to turn this land into an industrial park  
 8 is all about money, some tax dollars for the community  
 9 and some jobs. I get it. But one of the most  
 10 important concepts that I learned when studying  
 11 business is that for every decision that we make there  
 12 is an opportunity cost, and what that means is that  
 13 for everything we say yes to we are saying no to  
 14 something else.  
 15 By saying yes to the development of this  
 16 land into industrial manufacturing, we are giving up  
 17 something in return, not just for Deer Lakes Drive but  
 18 also for the community as a whole.  
 19 Before we moved to this community five years  
 20 ago, Goodfield marketing was really small, safe  
 21 family-friendly, quiet community where people matter  
 22 and where you can raise your family in peace, and  
 23 that's why we moved here.

Page 87

1 Since we have moved here, marketing is  
 2 shifting, whether you were intending it to do so or  
 3 not. The development of industrial business, while  
 4 good from a revenue perspective, changes the dynamic  
 5 and the marketing of the community.  
 6 Industrial developments, unfortunately,  
 7 often gain the reputation of being polluters, air  
 8 polluters, water polluters, noise polluters, and  
 9 environmental polluters. That is why we consider  
 10 property zoning, it is why we consider property zoning  
 11 very important to keep industry development away from  
 12 residential. It reduces the risk for the people  
 13 living in the village.  
 14 Looking at the images in the packets that  
 15 are now circulating, which have also been shared on  
 16 our community facebook page Goodfield Going On, what  
 17 does the marketing say about the community? This is  
 18 not family-friendly, quiet or safe. This says that we  
 19 don't care about each other or the environment that we  
 20 create for one another.  
 21 The proposed rezoning that is being  
 22 discussed, from my understanding, would put  
 23 potentially the environment 20 to 30 feet away from

Page 88

1 many of the residents' property lines.  
 2 Money isn't everything. I would hope that  
 3 how we structure our zoning and the types of business  
 4 that is we allow into the community communicates to  
 5 our people and to others looking into our community  
 6 that our village matters that we value our people who  
 7 live here, and that we value the atmosphere in which  
 8 we are living.  
 9 From an ethical standpoint, if the thought  
 10 of looking out your window and seeing this in your  
 11 backyard in living space where children play and  
 12 families gather concerns you or bothers you, then you  
 13 really should be voting no at this point to rezoning  
 14 and conclude that industrial zoning has no business  
 15 being zoned next to residential in Goodfield.  
 16 Our people's health, safety, the environment  
 17 where our children play and where our families gather  
 18 matter in the community. Thank you.  
 19 MR. GIFFORD: Excuse me. Before you sit  
 20 down, you passed out some pictures here.  
 21 MS. MORRISON: Yes.  
 22 MR. GIFFORD: It's about half a dozen pages.  
 23 Are you asking that those be included in the record?

Page 89

1 MS. MORRISON: Yes.  
 2 MR. GIFFORD: Would you tell the Board what  
 3 those pictures are, ma'am.  
 4 MS. MORRISON: Yes. Those pictures I took  
 5 this morning. Those are of different industrial areas  
 6 from around Goodfield. These are just how it looks.  
 7 This is what's going on. This is what's happening to  
 8 Goodfield.  
 9 MR. GIFFORD: Do these pictures -- are you  
 10 saying that these are like taken from your personal  
 11 home or -- I'm trying to figure out what the  
 12 perspective is.  
 13 MS. MORRISON: I walked around with a camera  
 14 this morning and noon. I walked around. I did not go  
 15 onto any public property. I took it from the street  
 16 view, and I took pictures of what these businesses  
 17 look like and what's happening.  
 18 MR. GIFFORD: Thank you.  
 19 Counsel, any questions?  
 20 MR. GASTER: No questions.  
 21 MR. GIFFORD: Members of the Board?  
 22 Thank you.  
 23 (applause)

Page 90

1 MR. GIFFORD: I'm sorry, come on back up.  
 2 I've got a question for you.  
 3 MR. JOSH KUNTZ: I believe for those  
 4 pictures circulating, several are not actually within  
 5 the village limits, they are industrial, but I do not  
 6 believe there's a picture, maybe a couple others, that  
 7 are not actually in the village and that the Village  
 8 has no control --  
 9 MS. MORRISON: That is very possible because  
 10 I don't have the full map.  
 11 MR. GIFFORD: Excuse me a minute. Would you  
 12 repeat your comment, please, so everybody can hear.  
 13 MR. JOSH KUNTZ: Just for the record, I  
 14 believe, in looking at some of those pictures, some of  
 15 those business are not within the Village of Goodfield  
 16 limits, it would be under county, I believe, and the  
 17 Village Board members or village employees could  
 18 correct me if I'm wrong, but I believe some of them  
 19 are in Goodfield, and I'm not sure how they are zoned.  
 20 Some of them are not actually within the village  
 21 limits, so those would be under county control.  
 22 MR. GIFFORD: Would you like to respond to  
 23 that?

Page 91

1 MS. MORRISON: That is very very possible  
 2 that that is the case. It was taken within Goodfield  
 3 and then also on the road going back to the other  
 4 subdivision that is behind Goodfield would still be in  
 5 our direct area. Whether that's county or not, I  
 6 cannot say that for sure.  
 7 UNIDENTIFIED SPEAKER: That is all county.  
 8 MS. MORRISON: That is all county? Then  
 9 those can be wiped from the record as far as I'm  
 10 concerned, but all of the others are within Goodfield.  
 11 MR. GIFFORD: Counsel, any questions?  
 12 MR. GASTER: No questions.  
 13 MR. GIFFORD: Any of the commissioners?  
 14 Thank you. Mike O'Shea, state your name, please,  
 15 spell it for the reporter, and tell her where you  
 16 live.  
 17 MR. O'SHEA: My name is Michael O'Shea. I  
 18 live at 540 Deer Lakes Drive, Goodfield subdivision.  
 19 My wife and I moved to -- have lived in Goodfield for  
 20 18 and a half years. I'm a prior president of the HOA  
 21 and have the interest of our community at heart.  
 22 We've enjoyed Deer Lakes Drive while living  
 23 there, the aesthetics of the way it's been for the

Page 92

1 last 18 and a half years which apparently is about to  
 2 be changed. Never in our wildest dreams did we think  
 3 that the land in question would be developed.  
 4 I think it's the Board's responsibility to  
 5 represent all the citizens, all the community, not  
 6 just one man and his personal interests.  
 7 There are already enough eyesores on Martin  
 8 Drive. We don't need to create any more. We're very  
 9 concerned, all of us in Deer Lakes, about our  
 10 decreased property values.  
 11 Well, the biggest thing is there are  
 12 alternatives. I don't want to hear about, you know,  
 13 water, sewage, that can be fixed on the north side.  
 14 On the north side of either Martin Drive or even -- or  
 15 especially on the north side of Goodfield. Those are  
 16 solvable problems, and there are alternatives to  
 17 putting commercial and industrial land next to a  
 18 residential area. That's one of the nicer areas in  
 19 Goodfield. There's alternatives to that.  
 20 I think it's notable that every one of you  
 21 behind this table, none of you live in Deer Lakes,  
 22 none of you, and if you did, would you be voting for  
 23 this? There was one member on the Board, okay, who

Page 93

1 lived in Deer Lakes Drive, and what did he last? Less  
 2 than a year, and this issue is one reason that drove  
 3 him out. We need, as one of our prior speakers said,  
 4 planned development, not commercial sprawl in  
 5 Goodfield.  
 6 Would any of you want this commercial or  
 7 industrial development in your backyard? We  
 8 definitely do not.  
 9 MR. GIFFORD: Counsel? Any questions by any  
 10 of the Board? Thank you, sir.  
 11 (applause)  
 12 MR. GIFFORD: Melinda Zehr. Please state  
 13 your name and spell it for the reporter, tell her  
 14 where you live.  
 15 MS. ZEHR: My name is Melinda,  
 16 M-e-l-i-n-d-a -- I'm short so I'm going to pull this  
 17 down. Thank you. Melinda, M-e-l-i-n-d-a, Zehr,  
 18 Z-e-h-r. I live at 705 Deer Lakes Drive.  
 19 25 years ago we bought our lot in Deer  
 20 Lakes. It's absolutely perfect. It's next to a small  
 21 lake where we watch the kids fish and hear the frogs  
 22 croak, and it's next to Mr. Dietrich's field where we  
 23 watch his crops grow and the sunset and the deer and

Page 94

1 the fox roam.  
 2 We know industry is good for Goodfield.  
 3 It's good for any town. Businesses generate tax  
 4 dollars, they give residents places to work, and they  
 5 help the community grow and flourish.  
 6 Creating peaceful areas for residents to  
 7 live is also good for a town. Those areas give  
 8 parents respite from their jobs, safe places for  
 9 children to play, and residents' pride in their  
 10 community.  
 11 Now, according to the Village Board  
 12 president, Jim Edwards, that I spoke with at the  
 13 Village Board meeting, he said that ultimately you and  
 14 the Village Board are to base your decision regarding  
 15 annexation or rezoning requests on one primary  
 16 criterion.  
 17 Now, there's a lot of criteria, but the one  
 18 is, is it in the best interest of the entire Village  
 19 of Goodfield? If you each had the power to map out on  
 20 paper what's best for the Village of Goodfield, I'm  
 21 confident you would not decide to put in an industrial  
 22 park with its noise, odor, and unsightly mess 20 feet  
 23 from a subdivision full of 35 homes.

Page 95

1 You wouldn't put in the village two  
 2 theoretically different zone districts side by side;  
 3 instead you would put an industrial park next to an  
 4 interstate or in areas of Goodfield where their  
 5 residents are not a stone's throw away.  
 6 Since you wouldn't do it if you were  
 7 actually mapping it out, then why would you consider  
 8 doing it just because one landowner asks you to do  
 9 that?  
 10 So please do not set a precedent that it's  
 11 okay with the Village to mix residential with an  
 12 industrial park. Instead turn down this plan or  
 13 request from Mr. Dietrich, suggesting he move it, if  
 14 he wants to, to another area where he owns land.  
 15 And I want you to just think about what is  
 16 best for the entire Village of Goodfield. Thank you  
 17 very much.  
 18 MR. GIFFORD: Counsel, any questions?  
 19 MR. GASTER: No questions.  
 20 MR. GIFFORD: Any of the commissioners?  
 21 Because Jim Edwards was quoted there, I would like to  
 22 give Jim a chance to respond if he'd like.  
 23 MR. EDWARDS: I'm back here. (Inaudible)

Page 96

1 MR. GIFFORD: Thank you, ma'am.  
 2 (applause)  
 3 MR. GIFFORD: Duane Zehr.  
 4 MR. ZEHR: My name is Duane Zehr. I live at  
 5 705 Deer Lakes Drive, and Zehr is spelled Z-e-h-r.  
 6 I'd also like to talk about Chip Energy, I know we all  
 7 have, which, I believe, is a family-owned business, if  
 8 I'm correct, and I'd like you to take a good look at  
 9 that business, not from your perspective of driving  
 10 down Martin Drive but from the perspective of a  
 11 similar business being developed right up to your own  
 12 back yards. Ask yourself, self, is what -- is doing  
 13 that to a long-established residential subdivision  
 14 really in the best interests of the village as a  
 15 whole?  
 16 Mr. Dietrich is clearly fine with the  
 17 appearance of Chip Energy. He welcomes it at  
 18 essentially the front door of his proposed industrial  
 19 park. To me that means he's fine with selling lots to  
 20 any new business developer who doesn't care about the  
 21 appearance of their business and its effect on  
 22 neighbors.  
 23 Unfortunately, Goodfield does haven't the



Page 97

1 code and restrictions many neighboring communities  
 2 have to prevent that from happening. More than a  
 3 decade ago Village Board minutes regarding Chip Energy  
 4 and the pile indicated, quote, the pile should be  
 5 reduced to one-tenth of the size -- to one-tenth of  
 6 what the pile is now, end quote.  
 7 That pile is now much much larger than it  
 8 was in 2012. Do you want to give industry carte  
 9 blanche to decide what's permissible in Goodfield? Of  
 10 course you don't, but that's what's happening.  
 11 Other communities outline limited ranges  
 12 from outdoor storage to noise levels. The community  
 13 doing it; not the developer. Goodfield's village code  
 14 only states that it will not issue a permit for any,  
 15 quote, industry that may be obnoxious or offensive by  
 16 reason of emission of odor, dust, smoke, gas, noise,  
 17 pollution of water, or unsightliness, end quote.  
 18 But there are no enforcement measures in the  
 19 code. For example, there are more specifics in our  
 20 village code about keeping chickens than there are  
 21 about noise levels for industry.  
 22 I'm asking you not to green light this  
 23 project. Instead it's time for the Board and its

Page 98

1 commissioners to take a step back and develop some  
 2 codes with teeth that would truly be in the best  
 3 interest of the village as a whole. Thank you.  
 4 MR. GIFFORD: Counsel, any questions? Any  
 5 of the commissioners? Thank you, sir.  
 6 (applause)  
 7 MR. GIFFORD: Dennis McConnaughhay.  
 8 MR. ZEHR: So Dennis had to leave because he  
 9 works at eight o'clock. He left me a statement. Can  
 10 I read that for him?  
 11 MR. GIFFORD: Any objections, counsel?  
 12 MR. STOLLER: No.  
 13 MR. GASTER: No.  
 14 MR. ZEHR: Dennis McConnaughhay,  
 15 D-e-n-n-i-s, M-c-C-o-n-n-a-u-g-h-h-a-y. Now, you know  
 16 why I had to look at this.  
 17 "I've lived in Deer Lakes for one year. I  
 18 wanted to get out of East Peoria due to the same thing  
 19 that is about to happen here. It draws pollution and  
 20 crime. I was broken into several times before I  
 21 moved. I would have not -- I would not have moved  
 22 here if I would have known this was about to happen."  
 23 MR. GIFFORD: Hang on, please. Any

Page 99

1 objection to that statement being considered for  
 2 Mr. McConnaughhay?  
 3 MR. GASTER: No objection.  
 4 MR. GIFFORD: Counsel?  
 5 MR. STOLLER: No.  
 6 MR. GIFFORD: No objections. Thank you,  
 7 sir.  
 8 (applause)  
 9 MR. GIFFORD: Dennis Johnson.  
 10 MR. JOHNSON: My name is Dennis Johnson,  
 11 D-e-n-n-i-s; J-o-h-n-s-o-n. I live at 422 East  
 12 Robinson here in Goodfield, and I only signed up to  
 13 speak because I wanted the opportunity to ask  
 14 questions if I had them.  
 15 At this point in time I have no questions.  
 16 I have no comments to add. I think the Board has a  
 17 tough decision, and I also think that the speakers  
 18 have been most eloquent in what they've presented, and  
 19 so that's my -- that's all I have. Thank you.  
 20 MR. GIFFORD: Thank you, sir. Terri  
 21 Kuebler.  
 22 MS. KUEBLER: It's actually Kuebler.  
 23 Probably could do it without the microphone because I

Page 100

1 can speak pretty loudly. My husband --  
 2 MR. GIFFORD: Ma'am, would you please  
 3 identify yourself for the record.  
 4 MS. KUEBLER: Terri Kuebler, T-e-r-r-i;  
 5 K-u-e-b-l-e-r. Well, we live at 215 Deer Lakes Drive  
 6 Goodfield, Illinois. We have lived on our property  
 7 for 24 years, and I'm of the philosophy that you  
 8 remember 20 percent of what you hear and 50 percent of  
 9 what you read and hear.  
 10 I am not going to waste your time to go  
 11 through some of the points that have already been  
 12 brought up, but my husband is passing out the sheet if  
 13 you want to refer to that.  
 14 A couple things I do want to indicate to try  
 15 to keep it -- quickly go through this, I do think the  
 16 20-foot buffer strip is kind of a joke. 20 foot is  
 17 not very much room when you're talking about it being  
 18 in your back yard. I can throw a stone, I don't throw  
 19 very well, but I can throw a stone further than that.  
 20 So 20 foot to me is a very small amount to be  
 21 happening.  
 22 Our residential values will drop. I talked  
 23 to the Deer Creek tax assessor since we live in Deer

<p style="text-align: right;">Page 101</p> <p>1 Creek township, and he guarantees me that our property  2 values will drop. If anyone is familiar with the  3 development in Deer Creek, it has dropped those  4 property values greatly because of the industrial  5 development that is taking place on the south end of  6 Deer Creek.</p> <p>7 One of the things that I wanted to point out  8 is I am concerned about the water and sewage system in  9 Deer -- in Goodfield. I think we already are  10 experiencing some low water pressure at my house since  11 VIVO and some of the other places opened up. If I'm  12 running my washer and going to flush the toilet, I  13 have no water pressure. I don't know that this is  14 going to be cured by all of the improvements that the  15 developer has talked about.</p> <p>16 Also, I'm concerned about the traffic on  17 Martin Drive. With the road being proposed going in  18 just to the east side of Chip Energy, with all the  19 pallets that are stored on the very edges of that  20 property, and there is also a slight curve in the road  21 there, it's going to be extremely hard to see for  22 trucks or other business members pulling out on Martin  23 Drive.</p>	<p style="text-align: right;">Page 103</p> <p>1 this. There's plenty of land right there that could  2 be expanded right there for development. Why do we  3 need more to be happening at the same time?</p> <p>4 And Mr. Dietrich mentioned the fact that  5 this is going to be all small family businesses. I'm  6 just going to point out to you that DMI, which now has  7 been purchased by Case, started out as a small family  8 business, and it's turned into a very large  9 development, and the same thing could happen there  10 close to my house.</p> <p>11 So these are the points -- main points I  12 want to stress and getting in my two minutes' time  13 limit.</p> <p>14 MR. GIFFORD: Counsel, any questions?  15 MR. GASTER: No questions.  16 MR. GIFFORD: Any of the commissioners?  17 Thank you, ma'am.  18 (applause)  19 MR. GIFFORD: That exhausts the list that I  20 have. Is there anybody here who wants to talk yet?  21 MS. GUSCIORA: May I?  22 MR. GIFFORD: You may. State your name and  23 tell the court reporter who you are.</p>
<p style="text-align: right;">Page 102</p> <p>1 I'm concerned about the school buses that  2 travel that road during school time. And we've also  3 had a lot of increase in traffic on Martin Drive that  4 I'm concerned about that this is going to further  5 increase this, and when you have semis, they slow  6 down, they take longer to turn, there's going to be  7 possibly more accidents happening there.</p> <p>8 We've talked about the development of  9 Goodfield Crossing being very close in proximity and a  10 lot of buildings being built there. I'm not sure how  11 many of you are aware, and I think Mr. Melton could  12 probably agree or disagree with this, this property  13 would be under the Deer Creek Fire Department because  14 we're in the Deer Creek Fire District, and so it's  15 going to take some time for Deer Creek to get there to  16 even put out any fires.</p> <p>17 I know that they probably have mutual aid,  18 but I know that all fire departments are having  19 problems with the number of participants they have in  20 this.</p> <p>21 Another thing I would point out is there's  22 also an industrial park that's already developed  23 around the Busy Corner area. Parsons had developed</p>	<p style="text-align: right;">Page 104</p> <p>1 MS. GUSCIORA: Thank you. Shawn Gusciora,  2 S-h-a-w-n; G-u-s-c-i-o-r-a. I live at 655 Deer Lakes  3 Drive in Deer Lakes.</p> <p>4 So I also want to echo my thanks to all of  5 you for being in public service, for serving in public  6 service. It is not something that I take lightly, and  7 I do appreciate it.</p> <p>8 My husband and I moved our family from  9 Maryland for my job four years ago, and while it would  10 have been much easier for us to live in Bloomington,  11 we sought out a community that had a usable lake, and  12 our family uses our lake. My son was in the lake  13 today swimming. Our family fishes in that water  14 almost every day, and we pull fish from that water and  15 release them into the water. We boat on that water.  16 We swim in that water. And that lake is meaningful  17 for my family; that's why we moved here.</p> <p>18 To see what could happen to that lake breaks  19 my heart. DNR came in and did a study on our lake and  20 checked the health of our lake and the health of our  21 fish last year, and we have a healthy, thriving lake,  22 and it is part of our community. So to have runoff  23 from industry come in and spoil that oasis in the</p>

<p style="text-align: right;">Page 105</p> <p>1 beautiful community would just be a devastation 2 without any purpose.</p> <p>3 I want to unequivocally compel you to please 4 be thoughtful with this decision. We are all members 5 of this community. We are all taxpaying citizens, and 6 we all have a voice and a say; not just one taxpaying 7 citizen. Regardless of whatever -- what other 8 properties exist, this is not a must-have approval 9 situation. It's okay to say no, and I compel you, I 10 am imploring you to please be thoughtful. Thank you.</p> <p>11 MR. GIFFORD: Counsel, any questions? 12 MR. GASTER: No questions. 13 MR. GIFFORD: Any commissioners? 14 Thank you, ma'am. Okay. We've got one -- 15 and I see another hand waving. I bet you'd like to 16 talk too, wouldn't you? Come on up.</p> <p>17 MS. DRAKE: Hello. My name is Sagan Drake, 18 that's S-a-g-a-n, D-r-a-k-e. I live at 200 Deer Lakes 19 Drive. That is the first house on the left. I just 20 wanted to kind of expand on what my husband, Jimmy 21 Lahood, said.</p> <p>22 Small family business is an empty promise. 23 I know a small family that owns a hog farm. I know a</p>	<p style="text-align: right;">Page 107</p> <p>1 property. He has three small children, and he has a 2 pond in his yard that is not natural. It's runoff 3 from that farmland, so I can only imagine it getting 4 worse based on what they told me that they were going 5 to do there just to that property. Oh, it's only 6 going to drain and go to the east side. It's not just 7 going to drain and go to the east side. We're going 8 to create more runoff when we have asphalt or 9 concrete, if you will. It runs easy.</p> <p>10 The other thing is, is not too far down from 11 the Kueblers' house is the beginning of that pond. 12 Should we get more runoff, we have a dam on our lake 13 that is only about five feet tall. That is our road 14 access to the back homes. If the Village of Goodfield 15 is to manage that and we get more runoff back there 16 and we have a flow over the dam, our dam's likely to 17 bust. Who's going to take care of that?</p> <p>18 Are we going to come back to the Village of 19 Goodfield, and then say, oh, I guess we should have 20 thought about this before we approved it. Do you 21 understand what I'm saying? You're going to trap all 22 these people back there.</p> <p>23 Are they going to come out through the farm</p>
<p style="text-align: right;">Page 106</p> <p>1 small family that owns a 24-hour gas station. I know 2 a small family that owns Kappa Kabanna.</p> <p>3 Also, I'd like to remind everybody here that 4 all the residents of Deer Lakes have septic systems. 5 We are all small families. If we all use septic 6 tanks, I think small family businesses should be able 7 to use them in another part of town. Thank you.</p> <p>8 MR. GIFFORD: Counsel, any questions. 9 MR. GASTER: No questions. 10 MR. GIFFORD: Any of the commissioners? 11 Thank you, ma'am. 12 (applause) 13 MR. GIFFORD: Have we exhausted public 14 comment -- all right. Come on up.</p> <p>15 MR. GUSCIORA: Hello. My name is Benjamin 16 Gusciora. Last name G-u-s-c-i-o-r-a. Address 655 17 Deer Lakes Drive. My wife, Shawn, has already spoken. 18 I'm not going to be as nice. I struggle with this.</p> <p>19 Anthony spoke earlier. He is the very first 20 house touching the bottom property here. There's a 21 drain that goes into his property that floods whenever 22 we get heavy rains. We've talked about this hill that 23 is here and that water is going to run over into his</p>	<p style="text-align: right;">Page 108</p> <p>1 of Mr. Dietrich to exit their property because we 2 can't get out? This is a real concern. We've talked 3 about it as a homeowner because we talked about 4 putting rocks there, but we didn't talk about getting 5 excess runoff from an industrial park that's going to 6 rise our lake level.</p> <p>7 So I just want you all to consider that 8 before making any decision tonight that, again, this 9 is one man and he can fight Tri-County as opposed to 10 all these people, or we can look at other options, but 11 I don't think we've done that.</p> <p>12 And the Village of Goodfield, you guys know 13 it, but our old neighbor, Duane, told us, or Darrell 14 told us that this was going down. None of us would 15 have known had he not told us. Just kind of slip 16 underneath through the cracks and rezone everything?</p> <p>17 I think by the looks on your faces that many 18 of you have already made your decision before showing 19 up tonight. I'd like you to reconsider what you're 20 doing here. We have time to think about it. Okay? 21 Please.</p> <p>22 MR. GIFFORD: Sir, you've exhausted your two 23 minutes. Any questions from counsel? Commissioners?</p>

Page 109

1 Thank you.  
 2 (applause)  
 3 MR. GIFFORD: All right. Anyone else? Yes,  
 4 sir.  
 5 MR. KUEBLER: The name is Marv Kuebler.  
 6 Marvin, K-u-e-b-l-e-r. Terri is my wife. I live at  
 7 215 Deer Lakes Drive, and I'm mainly getting up here  
 8 on behalf of Anthony Paz.  
 9 That lot right there in the southeast corner  
 10 of what Bill wants to rezone is the lowest part of the  
 11 corner of that. Duane told us all about how that was  
 12 the low part. There is a berm on Anthony's backyard.  
 13 In our neighborhood we effectively call that  
 14 Lake Dietrich in the field. When it rains anything  
 15 over two inches is when the water goes over that dam,  
 16 and then it runs across Anthony's yard.  
 17 Now, Duane told us a little bit ago they  
 18 were going to drain that all and they're going to go  
 19 to the east. That dam is several feet lower than Deer  
 20 Lakes Drive, so unless somebody's got figured out how  
 21 to make water run uphill, it's going to be difficult.  
 22 And then, when you get to Deer Lakes Drive,  
 23 at the corner of Anthony's house, the water does not

Page 110

1 run north there; it runs south until you get a few  
 2 hundred yards to the north and then it runs north.  
 3 So somebody needs to be doing some serious  
 4 looking at where the water is going to run and what  
 5 they're going to do about it, because I know another  
 6 roof and another blacktop or asphalt parking lot out  
 7 there is not going to make it any better. Thank you.  
 8 MR. GIFFORD: Counsel, any questions? Any  
 9 of the commissioners?  
 10 Thank you, sir.  
 11 (applause)  
 12 MR. GIFFORD: Anyone else? All right.  
 13 Seeing no -- Mr. Dietrich, are you offering public  
 14 comment, sir?  
 15 MR. DIETRICH: Yes.  
 16 MR. GIFFORD: Two minutes of public comment.  
 17 Okay.  
 18 MR. DIETRICH: Regarding the lake water that  
 19 goes in that lake comes off farmland, it doesn't come  
 20 off his property. If you go out there and look, the  
 21 water runs to the north. The only water that runs  
 22 south is the corner by Marvin's house. That's just a  
 23 very very small area.

Page 111

1 But, anyway, the lake is not going to get  
 2 any water from this subdivision. Just wanted to  
 3 clarify that.  
 4 MR. GIFFORD: And counsel any questions?  
 5 Commissioners? Okay. We're going to deviate a little  
 6 bit from the procedure because both parties,  
 7 Mr. Dietrich's side and the homeowners association,  
 8 used substantially less than the hour that they were  
 9 allocated.  
 10 If either side, starting with petitioner,  
 11 would like to present more evidence, not argument,  
 12 evidence, the commission will give you ten minutes  
 13 each.  
 14 Counsel, do you want to present anything?  
 15 Do you want to talk with your team there for a minute?  
 16 MR. STOLLER: Yeah, we would like to call  
 17 Duane Yockey.  
 18 MR. GIFFORD: Okay.  
 19 MR. YOCKEY: Just with regard to drainage.  
 20 A couple of people indicated some things that I don't  
 21 think are accurate, based upon what's proposed here.  
 22 First of all, none of this runoff goes to  
 23 the lake, as Mr. Dietrich indicated.

Page 112

1 Second of all, the property just south of  
 2 Lot 3 where they say there's a lake when it rains will  
 3 be immensely improved after this is done, assuming the  
 4 detention basin. Now, there was a question as to how  
 5 to run water uphill, and how we do it is based upon  
 6 the storm sewer, and that plan shows inverted  
 7 elevations on the storm sewer. So it's showing that  
 8 it drains to the north and then across the road to a  
 9 drainageway, which our surveyors surveyed so that they  
 10 know it's deep enough to take that water.  
 11 So the detention from -- the detention basin  
 12 from that lot will be collected and sent north, and it  
 13 will no longer drain south onto that person's  
 14 property, based upon this proposal.  
 15 So, anyway, I just wanted to clear that up  
 16 because that's what I said before. There seems to be  
 17 some question on how that would work.  
 18 MR. GIFFORD: Counsel, do you have anything  
 19 else?  
 20 MR. STOLLER: Just a couple quick questions  
 21 for you, Duane. The area directly to the west of Deer  
 22 Lakes Subdivision, which is also owned by the Dietrich  
 23 family, is that outside the village limits?

Page 113

1 MR. YOCKEY: Yes, it is.  
 2 MR. STOLLER: Are you aware of anything  
 3 regarding the village code that would prevent a  
 4 development from occurring directly to the west of  
 5 Deer Lakes Subdivision?  
 6 MR. YOCKEY: In the county?  
 7 MR. STOLLER: As far as the Village is  
 8 concerned.  
 9 MR. YOCKEY: As far as the Village is  
 10 concerned?  
 11 MR. STOLLER: I'm not asking you to speak  
 12 for Tazewell County, but as far as you know, that  
 13 could be a possibility.  
 14 MR. YOCKEY: As far as the Village is  
 15 concerned, I think the Village is often concerned  
 16 about developments that occur within a certain  
 17 proximity to the Village and would like to have some  
 18 say over what the County allows.  
 19 As of right now, there's no comprehensive  
 20 plan that allows them to have that mile and a half  
 21 limit, is my understanding, but I don't believe  
 22 there's anything that the Village right now could do,  
 23 but I'm not an attorney in that regard.

Page 114

1 MR. STOLLER: That's your opinion that the  
 2 best place for this park is to the north rather than  
 3 to the west of Deer Lakes Subdivision? Where it's  
 4 being proposed now is a much better location?  
 5 MR. YOCKEY: I have not analyzed to the  
 6 west. When I was hired, Mr. Dietrich had this  
 7 particular land in mind, and the idea was to make it  
 8 the best as possible and satisfy village code.  
 9 MR. STOLLER: Thank you.  
 10 MR. GIFFORD: Anything else, counsel?  
 11 MR. STOLLER: No.  
 12 MR. GIFFORD: Counsel, do you want to cross?  
 13 MR. GASTER: Yes, just very briefly. You  
 14 mentioned that you said the groundwater runoff doesn't  
 15 reach the lake. Are you basing that statement off of  
 16 any studies that were conducted or hard data?  
 17 MR. YOCKEY: I'm basing it upon the  
 18 topography of the area.  
 19 MR. GASTER: If the groundwater became  
 20 contaminated from this development and it's draining  
 21 that way, could that affect the lake in any way?  
 22 MR. YOCKEY: It would have to reach the  
 23 aquifer to do that. Most of the property in this area

Page 115

1 has a pretty deep area of impermeable clay and silt  
 2 that allows wells to be drilled and not get  
 3 contamination down into the aquifer as long as  
 4 everything is sealed.  
 5 MR. GASTER: So is that a yes?  
 6 MR. YOCKEY: The only reason -- only way  
 7 that could happen is if one of these entities drilled  
 8 through that impermeable area, which would mean they  
 9 drilled a well or something, and that's one reason to  
 10 supply city water rather than using well water.  
 11 MR. GASTER: So, yes, it could happen?  
 12 MR. YOCKEY: If they drilled a well.  
 13 MR. GASTER: Finally, you mentioned that,  
 14 when Dietrich retained your firm, you were looking  
 15 solely at the site. So am I to understand that  
 16 alternative sites were never even considered in this  
 17 proposal?  
 18 MR. YOCKEY: Not from my firm, no.  
 19 MR. GASTER: No further questions.  
 20 MR. GIFFORD: Counsel?  
 21 MR. STOLLER: No.  
 22 MR. GIFFORD: Anything from the  
 23 commissioners?

Page 116

1 Thank you. Any other evidence from  
 2 petitioner?  
 3 MR. STOLLER: No further evidence.  
 4 MR. GIFFORD: Does the HOA want to put on  
 5 anything?  
 6 MR. GASTER: No further evidence.  
 7 MR. GIFFORD: I believe that all of the  
 8 evidence is now concluded. I don't see anybody waving  
 9 their hand wanting to talk.  
 10 The parties will each have time to summarize  
 11 their view of the evidence, make what the lawyers call  
 12 a closing argument. I'd like to give the court  
 13 reporter a break for a few minutes so that she doesn't  
 14 have her hands fall off.  
 15 So why don't we take -- five minutes enough?  
 16 Why don't we take five minutes, and we'll be back in  
 17 five.  
 18 (Recess taken.)  
 19 MR. GIFFORD: All right. We're going to  
 20 resume the hearing. Everybody please have your seats.  
 21 During the break one of the commissioners advised me  
 22 that he had another question that he would like an  
 23 answer to during the break. I advised both counsel

Page 117

1 that we were going to do this, and I'm asking  
 2 Mr. Dietrich to testify a little bit further in  
 3 response to the commissioner's question.  
 4 MR. JOSH KUNTZ: Bill, you said you  
 5 purchased the property 48 years ago, I believe, and  
 6 it's currently -- some of it's residential zoned R1  
 7 and also in the village, a portion of the property is  
 8 in the village.  
 9 Can you explain, when you purchased it, was  
 10 it that way? Did you ask at some point -- if not, did  
 11 you ask to zone it R1 and be annexed into the village?  
 12 Can you just explain a little of the history  
 13 on how the property became what it is today knowing  
 14 that some of it is now in the village; some of it is  
 15 not. Can you expound on that, please.  
 16 MR. DIETRICH: Well, Bob Zimmer was a good  
 17 friend of mine, and he developed your subdivision, and  
 18 he asked me to do a favor, because it was not  
 19 contiguous with the village. But there wasn't any  
 20 plans at that time. It was just a matter of helping  
 21 him out right now.  
 22 MR. JOSH KUNTZ: Thank you.  
 23 MR. GIFFORD: Does that answer your

Page 118

1 question.  
 2 MR. JOSH KUNTZ: That answers my question.  
 3 MR. GIFFORD: Counsel, any questions related  
 4 to that brief bit of testimony?  
 5 MR. STOLLER: No.  
 6 MR. GASTER: Nothing further.  
 7 MR. GIFFORD: Any other commissioner have  
 8 questions?  
 9 Thank you, sir. We have time for closing  
 10 arguments by both sides. The agenda calls for seven  
 11 and a half minutes, and consistent with the courtesy  
 12 so far, I'm hoping and assuming counsel is going to  
 13 use less than that. That was a joke.  
 14 Justin, you're up.  
 15 MR. STOLLER: First of all, I'd like to  
 16 thank all of you for your time and consideration this  
 17 evening of the petitions of DSI. I believe that your  
 18 situation that you find yourself in is not unique to  
 19 many public bodies that are serving in the roles that  
 20 you are to try to do what's best for the community and  
 21 listen to everyone's concerns and do the best you can.  
 22 County zoning, village zoning, plan commissions, they  
 23 all have decisions to make when it comes to these

Page 119

1 types of issues.  
 2 I'm a farm kid who lives out in the middle  
 3 of the country, and we have similar issues out there  
 4 also. You don't escape those. We have wind farms.  
 5 We have solar farms. I can look at one of them  
 6 outside my window, and I think I'll soon be looking at  
 7 a second one not too far away.  
 8 So development goes on, as we create jobs  
 9 and opportunities, and we'd have no employers if these  
 10 weren't allowed to happen at some point. And people  
 11 are going to be affected, but there are ways to work  
 12 together to minimize the cons and maximize the  
 13 benefits for all parties involved.  
 14 In our small town of El Paso, we've had not  
 15 many, but a few commercial developments lately and  
 16 have been of great benefit to our town and really  
 17 helped the financial situation and be able to reap  
 18 some benefits, putting in a community center that will  
 19 benefit everyone in town.  
 20 I believe something like this will also help  
 21 to keep the property tax increases stable. We have a  
 22 lot of nice properties in Deer Lakes, and I know that  
 23 property taxes are out of sight in a lot of these

Page 120

1 places, and this will be of great help to keep those  
 2 in check.  
 3 What you're being asked to do is consider a  
 4 development that's not huge. We're talking about five  
 5 lots. They're not large lots that would allow for a  
 6 huge industrial complex on them.  
 7 Bill has testified that it's his desire to  
 8 have small family businesses. He has a reputation for  
 9 those businesses, having operated two of them, and  
 10 taking care of his employees in the community as well.  
 11 And as was mentioned, part of this is  
 12 already industrial, so we are not asking for a blanket  
 13 change. It's just a small -- small change in one  
 14 small area where there is already industrial  
 15 development on the one side.  
 16 The concerns have validly been made what can  
 17 occur in industrial developments, but I can believe  
 18 that there are measures in place to help address those  
 19 with extensive regulations that we didn't used to have  
 20 in a lot of areas, environmental, areas as far as  
 21 groundwater and air pollution, smoke, and I know it's  
 22 not Bill's desire that any of that occur. And we have  
 23 capable engineers to deal with the storm water

Page 121

1 problems.

2 He's also demonstrated his willingness to be

3 flexible. He's already changed his proposal in at

4 least two of the areas to change the R1 to business

5 and commercial instead of industrial as was originally

6 proposed and add the buffer strips to make an

7 acceptable buffer to keep any potential negative

8 consequences to a minimum.

9 Again, thank you for your time this evening.

10 MR. GIFFORD: Thank you. Counsel.

11 MR. GASTER: Can you hear me good? Okay.

12 Let me begin by thanking everyone for taking the time

13 for sitting in this meeting. We've been here for

14 awhile. I appreciate your attention and

15 consideration.

16 Obviously, this is an important issue, not

17 just for Mr. Dietrich, for also all of the members of

18 the HOA and their community members that are going to

19 be affected by this project. I want to start my

20 remarks by beginning back where I began earlier today;

21 Mr. Dietrich's statement that this development is

22 inevitable.

23 That statement is emphatically false. This

Page 122

1 development is not inevitable and is subject to this

2 Board's approval and when the Board is considering

3 whether this project should be approved, we're guided

4 by Illinois law.

5 I'm going to read it again. This is from

6 Section 11-13-1 of the municipal code. I'm going to

7 get you guys a copy of it.

8 "In all ordinances passed under the

9 authority of this Division 13 due allowance shall be

10 made for existing conditions, the conservation of

11 property values, the direction of building development

12 to the best advantage of the entire municipality and

13 the uses to which the property is promoted at the time

14 of the enactment of such an ordinance."

15 So let's think about that. Some people

16 moved to this community four years ago. You heard

17 that testimony today. Some people have lived in

18 Goodfield for over two decades, two or three decades.

19 Everyone here accepts the proposal that this is going

20 to be good for Mr. Dietrich.

21 We haven't heard any testimony, any evidence

22 that what's good for Mr. Dietrich is going to also

23 benefit the entire village, and although under the

Page 123

1 statute that I just read you, under just good morals

2 and common sense, the Board should be doing what we

3 ask the Board do, what's going to benefit the entire

4 village, not just one man.

5 When Mr. Stoller was talking, he made a

6 comment about how this proposal is going to keep the

7 property values in check and that's somehow a good

8 thing. That totally contradicts all of the testimony

9 that the Board heard from the HOA.

10 We're not concerned about our property taxes

11 being too high because our property values are too

12 high. We're concerned that this development is going

13 to tank our property values. I think that everyone is

14 willing to pay their fair share of taxes if the

15 tradeoff is that they can continue to have their

16 community in the condition that it was in when they

17 decided that Goodfield was a place that was worth

18 moving to.

19 I want to close my talk about what you

20 should think about when you're considering whether

21 this is a good proposal and think about what do we

22 know about this proposal, what don't we know.

23 What we know right now is that in Deer Lakes

Page 124

1 Estates, all of these affected homeowners are a great

2 community of people who care about their town and care

3 about their homes. I've driven through there, and

4 it's a lovely place. We all know that.

5 What do we know about the proposal that

6 you're going to be voting on today? Not a whole lot.

7 I asked Duane if he conducted studies about air

8 pollution, water pollution, light pollution, noise

9 pollution. What did he say? We didn't conduct that

10 study, over and over and over again.

11 What do they know? Who are the tenants

12 going to be? We didn't hear that testimony. They

13 talked about it could be a small mom-and-pop business.

14 There's nothing in the agreement that you're going to

15 be voting on today that makes that set in stone, that

16 defines that.

17 So, honestly, I don't envy your position

18 because, if I were sitting where you're sitting, I

19 don't know what I would want to honor because there

20 are so many undefined facts here that it's not

21 appropriate to move this to the next step in its

22 current form.

23 I don't even think it's appropriate in

Page 125

1 general because you've heard strong evidence that  
 2 Mr. Dietrich has an alternative site that he can  
 3 locate this development on, and I asked Duane, and he  
 4 said he didn't even consider that site.  
 5 Mr. Dietrich, when he proposed this, he was  
 6 fixated on this plot of land from the word go. Never  
 7 even considered alternative sites. That's something  
 8 that should weigh on the board's consideration when  
 9 making your vote. We haven't even considered  
 10 alternative sites that would completely alleviate the  
 11 concerns of the HOA and all these affected homes.  
 12 So with that, we would ask you to vote no on  
 13 the proposal. I appreciate your time. Thank you.  
 14 MR. GIFFORD: Thank you, counsel.  
 15 Mr. Stoller do you have any brief rebuttal to  
 16 counsel's closing? If you do, please come to the  
 17 podium.  
 18 MR. STOLLER: I would just like to speak to  
 19 the fact that the alternative site which was just  
 20 discussed that it was not considered at all, I think  
 21 it was touched on that not only is it prime farmland  
 22 up there, but also I believe it's two or three  
 23 landowners from the village limits. I don't believe


Page 126

1 it's possible for him to annex to that site unless  
 2 those landowners would also annex to the village.  
 3 And, plus, the engineering considerations,  
 4 they're just not practical to try to get the  
 5 infrastructure up there that would be required to do  
 6 this when it's right there close by. Thank you.  
 7 MR. GIFFORD: Thank you. Any commissioners  
 8 that have anything to add at this point before we  
 9 close the record?  
 10 All right. I think it's appropriate now to  
 11 close the record. The testimony and the argument of  
 12 the public hearing has been concluded. What happens  
 13 going forward is that the -- because of the nature of  
 14 the petition, the Zoning Board of Appeals has to  
 15 consider the rezoning aspect of the request, and the  
 16 Planning Commission, under the ordinance that is under  
 17 the village code, is charged with addressing the  
 18 annexation agreement and the proposed preannexation  
 19 agreement.  
 20 The Board of Appeals noticed a hearing for  
 21 immediately after this. I frankly don't know if it's  
 22 going to go ahead. The Planning Commission has not  
 23 noticed anything. So that will be noticed like any

Page 127

1 other meeting will be, complying with the Open  
 2 Meetings Act, and there would be appropriate notice  
 3 that would be posted.  
 4 So at this point I'm going to turn it back  
 5 over to the two chairs.  
 6 (Public Hearing concluded at 9:00 p.m.)  
 7  
 8  
 9  
 10  
 11  
 12  
 13  
 14  
 15  
 16  
 17  
 18  
 19  
 20  
 21  
 22  
 23

Page 128

1 CERTIFIED SHORTHAND REPORTER'S CERTIFICATE  
 2  
 3 I, Christie C. Stephens, CSR, RDR, CRR, a  
 4 Certified Shorthand Reporter in and for the State of  
 5 Illinois, and the Certified Shorthand Reporter who  
 6 reported the proceedings had on said day in this  
 7 cause, do hereby certify that the foregoing transcript  
 8 of proceedings is a true and complete transcript of  
 9 proceedings had on said day in this cause.  
 10 IN TESTIMONY WHEREOF, I have hereunto set my  
 11 hand this 11th day of July, A.D. 2022.  
 12  
 13   
 14  
 15 CSR, RDR, CRC  
 16 (License #084-002435)  
 17  
 18  
 19  
 20  
 21  
 22  
 23