

BEFORE THE CITY COUNCIL OF THE CITY OF  
MOLINE SITTING AS A POLLUTION  
CONTROL SITING AUTHORITY

IN THE MATTER OF: )  
 )  
APPLICATION FOR LOCAL SITING )  
APPROVAL FOR LAKESHORE )  
RECYCLING RECYCLING SYSTEMS, )  
LLC, FOR THE MOLINE )  
RECYCLING AND TRANSFER )  
STATION, MOLINE, ILLINOIS. )

CONTINUED REPORT OF PROCEEDINGS had and  
testimony taken at the hearing of the above-  
entitled matter, at 619 16th Street, Moline,  
Illinois, on the 28th day of June, A.D. 2023, at  
the hour of 9:00 a.m.

PRESENT:

- MR. DENNIS WALSH, Hearing Officer;
- MR. DAVID SILVERMAN, City Council Attorney;
- MS. ANN ZWICK, Attorney for City Staff;
- MR. BRETT MARSHALL, Attorney for  
Group 0;
- MR. KEVIN KOTECKI, Representative for  
Group 0;
- MR. GEORGE MUELLER, Attorney for  
Lakeshore Recycling Systems, LLC;
- MR. K.J. LOEROP, Representative for  
Lakeshore Recycling Systems.

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1 HEARING OFFICER WALSH: Good morning,

2 everyone. This is the continuation of the

3 transfer station -- Moline Transfer Station

4 application siting public hearing. We left off

5 yesterday with Mr. Moose testifying. And we're

6 going to start today with Group O's

7 cross-examination of Mr. Moose.

8 I expect this morning we will get

9 to Criterion 3 and Criterion 6. If we don't

10 conclude that this morning, it will be early

11 afternoon.

12 As I mentioned yesterday, I expect

13 we will have public comment this afternoon. So

14 if you are listening to this or are in

15 attendance and are interested in providing oral

16 public comment, please schedule yourself to be

17 here this afternoon. What time that is, I'm not

18 quite sure. It depends how the testimony goes,

19 but it will -- it will, likely, be today for

20 sure.

21 Are you ready, Mr. Marshall?

22 MR. MARSHALL: Yes, Mr. Walsh.

09:00:55AM

09:01:21AM

1 WHEREUPON:

2 DEVIN MOOSE,

3 called as a witness herein, having been

4 previously duly sworn, was examined and

5 testified as follows:

6 CROSS-EXAMINATION

7 BY MR. MARSHALL:

8 Q. Good morning, Mr. Moose.

9 A. Good morning.

10 Q. I'll try to keep my questions pretty

11 direct this morning. In Criteria 2, the

12 facility is so designed, located, and proposed

13 to be operated so that the public health,

14 safety, and welfare will be protected. We

15 talked a little bit yesterday about a 1,000-foot

16 requirement.

17 Could you, again, explain what that

18 1,000-foot requirement is?

19 A. State law prohibits a transfer station

20 being within 1,000 feet of areas zoned primarily

21 for residential use or a dwelling.

22 Q. Why is that?

09:01:30AM

09:01:55AM

1 A. I think that's more of a land use  
2 question.

3 Q. Okay.

4 A. It's state law. It's not required for  
5 protecting the public health, safety, and  
6 welfare.

7 Q. In your analysis of whether or not the  
8 facility is designed to protect the public  
9 health, safety, and welfare, you're not limited  
10 to any particular, like, 1,000-yard buffer area,  
11 you're not limited to consideration of that  
12 area, right?

13 I mean, you're looking at all the  
14 properties that surround that, whether it's  
15 within 1,000 yards or, you know, a mile?

16 A. Yeah, we have to consider that because  
17 that's a law. But as a professional engineer,  
18 my responsibility is to protect the public  
19 health, safety, and welfare, regardless of what  
20 the regulations are.

21 Q. Okay. Are you aware that -- You  
22 talked a lot about the facility and the steps

1 A. It is disputed. And I disagree they  
2 are stinky. The trucks are maintained like any  
3 other fleet. If they become odorous, they are  
4 washed and cleaned. They are maintained. They  
5 are emptied every day, sometimes twice a day.

6 Q. Okay. Fair enough. Talking about the  
7 trucks -- So there will be the garbage trucks  
8 and the transfer trucks that are going back and  
9 forth -- and I know traffic is going to be  
10 addressed in a different section, so I'm not  
11 really concerned about that.

12 What I am concerned about is the  
13 effects of all of that increased truck traffic  
14 and the emissions resulting from those increased  
15 trucks in that area. Has Lakeshore, or you,  
16 conducted any kind of emissions study to  
17 determine what the effects of that increased  
18 emissions would be on the surrounding  
19 properties?

20 A. The emissions are going to be less  
21 after the transfer station is constructed.

22 Q. What's the basis for that?

1 that have been taken in the design of the  
2 facility to counteract things like the odor and  
3 the noise and things. We heard testimony  
4 yesterday that this law was also going to be  
5 used as a storage yard or loading facility for  
6 the garbage trucks; is that right?

7 A. It's not a loading facility for the  
8 garbage trucks. It's a parking facility.

9 Q. So the garbage trucks will be parked  
10 there?

11 A. Overnight.

12 Q. Overnight?

13 A. Yes.

14 Q. Approximately, how many garbage  
15 trucks?

16 A. 30 -- 15. I'm sorry.

17 Q. 15 garbage trucks. I think it's  
18 probably beyond dispute that the garbage trucks  
19 are probably pretty stinky, smelly, dirty. What  
20 steps is Lakeshore taking to ensure that there's  
21 no odor or anything emanating from the garbage  
22 trucks that are stored outside?

1 A. There's going to be less road miles  
2 traveled.

3 Q. I'm talking about the immediate area.  
4 So, for example, what about for the properties  
5 across the street or the trailer park, the  
6 residences that are just over 1,000 yards to the  
7 east or the residences to the south, are you  
8 claiming that the emissions around that area  
9 will be less as a result of the transfer  
10 station?

11 A. There will be no change.

12 Q. Can you explain --

13 A. The amount of contribution that this  
14 facility makes, based on the overall traffic in  
15 the area, is immeasurable. It's nothing.

16 Q. "In the area," what do you mean? What  
17 are you looking at?

18 A. There's probably less emissions, for  
19 example, from this transfer station than from  
20 the O Group's facility. The number of vehicles  
21 coming in and out of the O Group's facility far  
22 exceeds this.

1 Q. So right now you're proposing that  
2 there's going to be at least 15 trucks that are  
3 parked there daily. I don't know how many --  
4 How many loads are going to be  
5 brought back and forth by those trucks?

6 A. Twice. Twice a day, so 30 trips. I  
7 think you said you have 1,200 employees.  
8 That's -- It doesn't even compare to the amount  
9 of background emissions.

09:06:05AM 10 Q. I still don't think you're answering  
11 my question. Have you done an analysis --

12 A. I'm trying -- I'm sorry.

13 Q. Have you done an analysis on what the  
14 air quality would be -- the impacts would be to,  
15 say, the property across the street or the  
16 trailer park or the residences to the south?

17 A. If this traffic constitutes a small  
18 percentage of the overall traffic and a it's  
19 replacement, not in addition to, you don't need

09:06:32AM 20 to do the analysis. It's fairly straightforward  
21 and obvious that there is no impact.

22 Q. So you haven't done an analysis?

1 A. I just told you how I came to that  
2 conclusion. I came to the conclusion because  
3 the increased traffic is going to be almost  
4 immeasurable. It's going to be less than  
5 one-half of 1 percent. That traffic increase or  
6 change isn't going to change the emissions at  
7 all in the area.

8 Q. So you talked a little bit about  
9 employees. And there are a lot of employees  
10 that Group O employs across the street at that  
11 site, and very often they are outside using  
12 those streets during their lunch breaks for  
13 exercise and things. There are no sidewalks on  
14 any of those streets.

15 What measures has Lakeshore taken  
16 to ensure pedestrian safety in those areas with  
17 the increased truck traffic?

18 A. Truck drivers are professional  
19 drivers. They are better drivers than most of  
20 the employees using your facility. If you're  
21 mixing people -- If you're taking your employees  
22 and putting them on the street for exercise, I'd

09:07:03AM

09:07:32AM

1 say the safety measure should be with Group O,  
2 not with the truck drivers.

3 Q. So Lakeshore has no obligation or  
4 responsibility in that respect?

5 A. Of course we have. We have the same  
6 as any other motorist on the street.

7 Q. Have you -- I think those roads have  
8 probably been around since the plotting of the  
9 initial plot in 1974. Have you done any kind of

09:08:09AM 10 study or analysis to determine whether or not  
11 those roads, particularly like 47th Street, can  
12 handle the increased truck traffic on those  
13 roads?

14 A. I think that's best for the traffic  
15 engineer.

16 Q. The traffic engineer. Okay. But that  
17 has to do with safety; wouldn't you agree? If  
18 roads are in poor condition, that could be a  
19 safety hazard?

09:08:29AM 20 A. We have a whole criteria on traffic.  
21 We have an expert on traffic.

22 Q. Would you agree that road condition is

1 important for safety?

2 A. I'm on site -- I designed traffic on  
3 site. Mr. Werthmann will talk about traffic off  
4 site. Yes, of course it's safety. If you read  
5 his report, that's addressed.

6 Q. Okay. Thank you. You also talked  
7 about the filtration devices that are going to  
8 be put on the facility. I think you mentioned  
9 Ozone would be used. Is there a typical -- any  
10 kind of, like, fluid dynamics analysis or  
11 something that would demonstrate that your  
12 proposed filtration system will do what it's  
13 supposed to do? Has any kind of that analysis  
14 been performed?

09:09:04AM

15 A. It will be performed by the equipment  
16 manufacturer. It's the same equipment we have  
17 used on facilities that are five times this  
18 size, the empirical evidence is they work fine.  
19 Those will be fit during the final design  
20 component of the building.

09:09:32AM

21 Q. As of yet, there hasn't been any  
22 analysis as to whether or not that will work

1 yet?

2 **A.** I'm sorry?

3 **Q.** As of today, as we speak, there hasn't  
4 been any kind of analysis as to whether the  
5 proposed filtration system will do what it's  
6 designed to do?

7 **A.** I disagree with that.

8 **Q.** Okay. Can you point it to me in your  
9 report?

09:12:51AM

10 **A.** On 2.3-3 we discuss the Ozone system  
11 and ventilation system.

12 **Q.** 2.2-3, where is that located?

13 **A.** 2.3-3.

14 And on 2.4-16. And I also  
15 discussed it in my testimony yesterday.

16 **Q.** Mr. Moose, I'm familiar with this and,  
17 basically, it recites what you said in your  
18 testimony, that you would be utilizing Ozone and  
19 a filtration system.

09:14:12AM

20 But my question is whether or not  
21 you've conducted a fluid -- a computational  
22 fluid dynamics analysis as to whether what you

1 building like this, noise is not an issue at  
2 all, which is measured at the property line.

3 **MR. MARSHALL:** That's all I have,  
4 Mr. Moose.

5 **HEARING OFFICER WALSH:** Mr. Silverman,  
6 you had a number of questions of this witness  
7 yesterday.

8 Does the city council have any  
9 additional ones?

09:15:53AM

10 **MR. SILVERMAN:** Yes, I do.

11 Just for clarification on something  
12 you just testified to. I want to make sure you  
13 understand -- that LRS understands the facility  
14 will be operated in accordance with the  
15 applicable district regulations?

16 **MR. MOOSE:** Yes.

17 **HEARING OFFICER WALSH:** Mr. Mueller,  
18 any redirect?

19 **MR. MUELLER:** Just one. Might be two.

09:16:10AM

20 **REDIRECT EXAMINATION**

21 **BY MR. MUELLER:**

22 **Q.** Mr. Moose, the area where the site is

1 propose will actually do what you say it's going  
2 to do?

3 **A.** So I had testified yesterday that we  
4 will do seven to eight air changes per hour in  
5 the building. In my experience, that's the  
6 fluid dynamics that works. That works for a  
7 3,000-ton-per-day facility. It will be more  
8 than sufficient for a 500-ton-per-day facility.

9 **Q.** Then, lastly, are you familiar with  
10 what the zoning requires in terms of noise and  
11 permissible decibel levels beyond the property  
12 lines?

13 **A.** I don't think zoning is applicable.

14 **Q.** Okay. Do you think noise plays a  
15 factor in whether or not this is -- this is  
16 beneficial for the health, safety, and welfare  
17 of the surrounding properties?

18 **A.** Yes. And I have addressed noise  
19 control in the application, and I testified to  
20 the issues that pertain to noise control.

09:15:17AM

21 **Q.** Okay.

22 **A.** Based on my experience, also, on a

1 proposed is designed and intended to be an  
2 industrial park, correct?

3 **A.** Correct.

4 **Q.** In your experience, do industrial  
5 parks have commercial vehicles and trucks?

6 **A.** Yes.

7 **Q.** So that's kind of baked into the  
8 design?

9 **A.** I think one would expect that in an  
10 industrial park.

09:16:41AM

11 **MR. MUELLER:** Thank you. That's all I  
12 have.

13 **MR. SILVERMAN:** I do, actually, have  
14 one more question.

15 **HEARING OFFICER WALSH:** Sure.

16 **RE-CROSS-EXAMINATION**

17 **BY MR. SILVERMAN:**

18 **Q.** What are the maximum number of trucks  
19 that can use the facility per day?

09:16:57AM

20 **A.** I think it's a traffic-related  
21 question.

22 **MR. SILVERMAN:** Okay. I can save that

1 question for the traffic engineer.  
 2 MR. MOOSE: Yes.  
 3 MR. SILVERMAN: Very good. Thank you.  
 4 HEARING OFFICER WALSH: Ms. Zwick, any  
 5 redirect -- recross?  
 6 MS. ZWICK: No further questions.  
 7 HEARING OFFICER WALSH: Mr. Marshall,  
 8 any cross?  
 9 MR. MARSHALL: Just one.

09:17:29AM

## RECCROSS-EXAMINATION

10 BY MR. MARSHALL:  
 11 Q. I think you just testified zoning  
 12 isn't applicable, right? So the fact that the  
 13 properties are industrial is kind of irrelevant.  
 14 A. I think that's a land use related  
 15 question. I think that's our next expert.  
 16 Q. So in a follow-up, while a property  
 17 may be zoned industrial, the uses or the use  
 18 that the property is actually being put to may  
 19 not be strictly industrial; would you agree with  
 20 that? Industrial contemplates a wide range,  
 21 heavy industrial, light industrial, you can  
 22

09:17:50AM

1 actually have commercial in some industrial  
 2 zoning regulations. So just because a property  
 3 is zoned industrial doesn't mean it's being used  
 4 for that?  
 5 A. I would say anybody who puts a  
 6 commercial use in an industrial park is making a  
 7 big mistake. You're mixing two different uses.  
 8 Q. What -- What industrial use currently  
 9 exists within that business park that attracts  
 10 all of the trucks or the amount of trucks that  
 11 you currently say will replace --  
 12 A. I think O Group is the only tenant in  
 13 the park, to my knowledge. They have truck  
 14 docks. I witnessed them. Their truck docks,  
 15 actually, face the street, which is bad design.  
 16 They took no effort to try and hide those truck  
 17 docks. I have not done a truck count at the O  
 18 facility.  
 19 MR. MARSHALL: Thanks.  
 20 MR. SILVERMAN: I need a clarification  
 21 on the last question. I apologize.  
 22

09:18:23AM

09:18:52AM

1 RECCROSS-EXAMINATION  
 2 BY MR. SILVERMAN:  
 3 Q. The question is, actually, an  
 4 operations question. How many trucks can be  
 5 processed through the facility in a given day?  
 6 In other words, you have those three bays. They  
 7 unload, they leave, whatever happens then.  
 8 How many trucks can be processed  
 9 through the facility?  
 10 A. Just -- So a broad answer to that is  
 11 we're able to process -- We're able to process  
 12 over twice the amount of trucks that we expect.  
 13 Q. But do you have a number that can just  
 14 kind of --  
 15 A. It will take me a minute to get the  
 16 number.  
 17 Q. Okay. Thank you.  
 18 A. About 124 trucks for all processes in  
 19 and out throughout the course of the day.  
 20 MR. SILVERMAN: Throughout the course  
 21 of the day. Thank you.  
 22 HEARING OFFICER WALSH: Mr. Mueller,

09:19:12AM

09:22:48AM

1 anything else?  
 2 MR. MUELLER: No, thank you.  
 3 HEARING OFFICER WALSH: That concludes  
 4 the testimony on Criterion 2, 4, 5, 7, and 9.  
 5 Thank you, Mr. Moose.  
 6 What's next, Mr. Mueller?  
 7 MR. MUELLER: We'll call Carrie Hansen.  
 8 (Witness sworn.)  
 9 HEARING OFFICER WALSH: Keep your voice  
 10 up. It's difficult for the court reporter to  
 11 hear you.  
 12 THE WITNESS: I'll try.  
 13 WHEREUPON:  
 14 CARRIE HANSEN,  
 15 called as a witness herein, having been first  
 16 duly sworn, was examined and testified as  
 17 follows:  
 18 DIRECT EXAMINATION  
 19 BY MR. MUELLER:  
 20 Q. State your name, please, and spell  
 21 your last name for the record.  
 22 A. Carrie Hansen, H-a-n-s-e-n.

09:23:31AM

09:23:36AM

1 Q. Carrie, what do you do for a living?  
 2 A. I am a planner and government service  
 3 consultant.  
 4 Q. Have you been commissioned by  
 5 Lakeshore Recycling to perform a study and  
 6 prepare a report in connection with this  
 7 application?  
 8 A. Yes.  
 9 Q. Is your study contained in the  
 10 application itself?  
 11 A. Yes, it is.  
 12 Q. Have you also prepared a PowerPoint  
 13 presentation, which summarizes your study and  
 14 its material facts?  
 15 A. Yes.  
 16 Q. Would you like to proceed with that  
 17 presentation?  
 18 A. I sure will.  
 19 Q. Thank you.  
 20 A. Good morning, everyone. My name is  
 21 Carrie Hansen, and I am the director of planning  
 22 and government service for Schoppe Design

09:24:05AM

09:24:21AM

1 Recycling Systems to perform an independent  
 2 analysis as to whether the proposed transfer  
 3 station is located to minimize incompatibility  
 4 with the character of the surrounding area. We  
 5 were also commissioned to prepare a landscape  
 6 plan for the project.  
 7 Some of this you heard last night,  
 8 but for purposes of my presentation, I'd like to  
 9 reiterate that and it factors into my opinion.  
 10 The proposed 10-acre site is  
 11 located in the City of Moline. It's located on  
 12 the west side of 47th Street, just north of the  
 13 78th Avenue intersection. It's just south of  
 14 the Quad Cities International Airport and it's  
 15 in the I-2 general industrial zoning district.  
 16 It's also within the Moline Business Park  
 17 Redevelopment Project Tax Increment Financing  
 18 District.  
 19 As previously noted in a couple of  
 20 presentations, the facility is comprised of a  
 21 15,000-square-foot transfer station, a  
 22 7,580-square-foot maintenance facility, a

09:26:01AM

09:26:29AM

1 Associates out of Oswego, Illinois.  
 2 A little about me. I have degrees  
 3 in urban studies and geography from Elmhurst  
 4 College. I have over 35 years of experience in  
 5 land use and transportation planning in both  
 6 public and private sectors. I've served in  
 7 various planning, administration, and consulting  
 8 capacities for the municipalities of Elburn,  
 9 Sugar Grove, New Lenox, Oswego, Aurora, and  
 10 Naperville, Illinois where I also served on the  
 11 planning commission for just about five years.  
 12 I have prepared and overseen the  
 13 preparation of numerous award-winning  
 14 comprehensive plans and zoning ordinance  
 15 updates. I served on a number of  
 16 intergovernmental boards and councils in Kane  
 17 and Kendall Counties in Illinois. As a  
 18 consultant, I have also served in a government  
 19 liaison and outreach management capacity for  
 20 major engineering transportation projects for  
 21 IDOT Districts 1, 2, and 3 in Northern Illinois.  
 22 Schoppe was retained by Lakeshore

09:24:57AM

09:25:24AM

1 2,505-square-foot office, 2,894-square-foot  
 2 parts and storage room, and 2,900-square-foot  
 3 hydro-excavation waste solidification building.  
 4 Operations, again, are Monday  
 5 through Friday from 5:00 a.m. to 6:00 p.m., and  
 6 on Saturday from 5:00 a.m. to 1:00 p.m.  
 7 The facility's comprehensive  
 8 operating plan was also reviewed by SDA. The  
 9 facility will be built with modern  
 10 state-of-the-art building construction. The  
 11 main building will be constructed of precast  
 12 concrete. The hydro-excavation building is  
 13 pre-engineered steel and concrete. The overhead  
 14 doors and associated truck activity are on the  
 15 west side of the building, not visible from the  
 16 street. Most buildings in the vicinity are  
 17 metal construction with little-to-no  
 18 landscaping. Very different from our site.  
 19 And, as proposed, this is a high-quality  
 20 facility that will set the tone for future  
 21 building expectations in the business park.  
 22 Section 39.2(a), Criteria 3(a),

09:27:09AM

09:27:37AM

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1 Land Use Compatibility, states that the facility  
 2 is located so as to minimize incompatibility  
 3 with the character of the surrounding area.  
 4 That's what SDA was charged with evaluating.  
 5 The methodology that we used  
 6 included the evaluation of various planning  
 7 issues commonly utilized to make determinations  
 8 of the land use compatibility. We prepared two  
 9 study areas: One, a more general  
 10 1-and-a-half-mile radius from the site; and  
 11 then, a more targeted half-mile radius of the  
 12 site.

09:28:17AM

13 The information sources that we  
 14 used to conduct our evaluation included aerial  
 15 photography, zoning ordinances and maps,  
 16 comprehensive land use plans for the City of  
 17 Moline, the Village of Milan and Rock Island  
 18 County, the City of Moline Airport South  
 19 District Development Plan, the current Rock  
 20 Island County GIS information, field  
 21 investigations, field photography, and a review  
 22 of the proposed facility, design, and

09:28:45AM

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1 The result is the graphic that you  
 2 see before you, which indicates that 52 percent  
 3 of the 1-and-a-half-mile study area is comprised  
 4 of open space. You'll see that in the green  
 5 color. 33 percent of the study area is  
 6 industrial in the purple color. 13 percent of  
 7 the study area is in residential. And 2 percent  
 8 in the commercial or office land use category.

09:30:34AM

9 In the more targeted half-mile  
 10 study area, 46 of percent of that space is in  
 11 open space, 36 percent is industrial,  
 12 13 percent, again, same amount, is in  
 13 residential, and 5 percent is in the commercial  
 14 and office land use category.

15 The site is also located within a  
 16 Tax Increment Financing District. The Moline  
 17 Business Park Redevelopment Project area was  
 18 approved in 2011 with the intent to facilitate  
 19 and encourage the construction of new commercial  
 20 and industrial development within the Moline  
 21 Business Park to stimulate the redevelopment of  
 22 vacant and underutilized parcels and provide new

09:31:06AM

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1 operations.  
 2 What we found is that the character  
 3 of both the general and the targeted study areas  
 4 is mixed and primarily consists of industrial  
 5 and open space land uses. The historical  
 6 industrial character is influenced by the Quad  
 7 City International Airport and the  
 8 2.8 million-square-foot John Deere Parts  
 9 Distribution Center to the west of this site.

09:29:19AM

10 As a further analysis of the  
 11 existing character, land use ratios were  
 12 calculated to quantify the uses within the study  
 13 area for the following categories: Open space,  
 14 which included parts and recreation; agriculture  
 15 and vacant or undeveloped land; residential  
 16 uses, which included single-family detached and  
 17 attached, multifamily, and mobile home units in  
 18 the study area; commercial and office, which is  
 19 general commercial retail uses and office; and  
 20 industrial uses, which include assembly,  
 21 fabrication, processing, storage, and  
 22 manufacturing uses.

09:29:50AM

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1 public facilities.  
 2 The subject site is 1 of 18  
 3 identified vacant tax parcels of the Moline  
 4 Business Park, which is targeted for commercial  
 5 and industrial development -- excuse me --  
 6 development. While eligible, LRS is not seeking  
 7 any TIF funds. The increment that will be  
 8 generated by LRS will be available for other  
 9 improvements in the business park that are  
 10 eligible for those funds.

09:31:38AM

11 The next few slides deal with some  
 12 photographs that we took while we were out  
 13 there. These were taken to illustrate the  
 14 character of the area. The pictures represent  
 15 the character of the adjacent area, on-site  
 16 conditions, and depict the context of the  
 17 existing character established.

18 This first series is of the site  
 19 itself. There's a series of photos looking from  
 20 the street onto the property and from various  
 21 adjacent parcels back onto the site where it's  
 22 presently marked in the industrial park.

09:32:07AM



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1 These next series of photographs is  
2 views to the airport property. The first photo  
3 is to the northwest -- looking to the northwest  
4 from our property. Again, in the series you can  
5 see, as you get closer, some of the airport  
6 facilities and buildings adjacent to the site.

7 These photos are intended to give  
8 you a feel for the 47th Street character.

09:32:56AM

9 You'll see across the street from us is another  
10 vacant parcel. All of the parcels adjacent to  
11 us are vacant. There is an industrial building  
12 behind the vacant -- it's across east to west of  
13 the facility but, generally, you'll note that  
14 the parcels adjacent are vacant and farmed in  
15 the 47th Street corridor.

16 Again, the next slide is adjacent  
17 vacant land and farmland. The last two photos  
18 are, actually, taken from Rock Island-Milan  
19 Parkway and look back to our site. You'll see

09:33:31AM

20 the treeline in the distance. That is the  
21 treeline on the west edge of our property. And,  
22 I believe, the last photograph is of a new

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1 coffee shop that's going in on the corner west  
2 of us. That's the closest to the west of us.  
3 It's quite a distance.

4 The next series of photos are  
5 buildings in the existing industrial park. To  
6 the east of us, the Quad City Industrial Park.

7 You'll see a series of photos and get a feel for  
8 the types of industries and buildings that are  
9 located in the park presently. That last photo

09:34:10AM

10 is, actually, some mini-storage buildings that  
11 are located south of our site, closer to 78th  
12 Street.

13 Speaking of 78th Street, we did  
14 want to give a general context of what it feels  
15 like approaching the industrial park and what  
16 the nature of the uses in the area are. There's  
17 a United States Postal Service Distribution  
18 Center about a mile to the east of us; there's  
19 the Flying Country Club Airplane Hanger is about

09:34:41AM

20 three-quarters of a mile; Army National Guard  
21 Headquarters on the south side of 78th, about a  
22 third of a mile away; the Airview Mobile Home

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1 Park is slightly over a quarter mile east of the  
2 site; and Bohl Machine & Tool on the northwest  
3 corner of 78th and 47th; and slightly west of  
4 us, on the north side of 78th street, is the  
5 Greater Quad City Auto Auction facility.

6 So the culmination of our analysis  
7 resulted in our land use findings, which are  
8 that the immediate area is defined by industrial  
9 and open space uses consisting of,

09:35:22AM

10 approximately, 85 percent of the  
11 1-and-a-half-mile study area and 82 percent of  
12 the half-mile study area. Residential uses  
13 account for, approximately, 13 percent of both  
14 study areas and are removed from any major  
15 impact of the proposed transfer station site.

16 The proposed facility is located  
17 within Moline's Business Park Redevelopment  
18 Project Tax Increment Financing District. The  
19 Quad City International Airport establishes the

09:35:52AM

20 predominant land use to the north and existing  
21 light industrial uses in the industrial park to  
22 the east and south are appropriate land use

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1 buffers to transition to the surrounding  
2 undeveloped areas.

3 Section 39.2(g) of the Illinois  
4 Environmental Protection Act provides that the  
5 local zoning or other land use requirements are  
6 not applicable to the local siting process;

7 however, local zoning classifications are  
8 helpful when reviewing existing land uses of  
9 surrounding properties and determining how such

09:36:24AM

10 properties may be developed in the future.

11 Accordingly, additional analysis of  
12 local zoning was conducted to supplement the  
13 land use analysis. The graphic that you see  
14 there was a culmination of three individual

15 jurisdictions: Rock Island County, the Village  
16 of Milan, and the City of Moline, which together  
17 constitute 55 zoning districts. So what we did,  
18 for ease of graphics and understanding, was we

19 consolidated those into like zoning categories  
20 and created this overall master list of,  
21 approximately, 24 zoning categories, and those

09:36:55AM

22 are the colors that you see depicted there. The

242

1 conversion table that we used to develop land  
 2 use -- or a zoning key is included in our  
 3 report.  
 4 Our analysis of the zoning within  
 5 the study area concludes that the zoning for the  
 6 proposed transfer station facility and the  
 7 surrounding area is classified as I-2 general  
 8 industrial district. The zoning has been  
 9 established historically and is appropriate.  
 10 The city intends to develop the  
 11 Moline Business Park, as evidenced by the  
 12 establishment as a TIF district for this  
 13 specific purpose. There are no residentially  
 14 zoned areas or dwellings within the 1,000-foot  
 15 setback meeting the requirement of the Illinois  
 16 Environmental Protection Act, Section 22.14.  
 17 The existing uses are historically  
 18 established and zoned with the industrial growth  
 19 anticipated and planned. The proposed use lying  
 20 within an I-2 general industrial district  
 21 minimizes the incompatibility with the zoning  
 22 uses adjacent to the site that are similarly

09:37:31AM

09:38:00AM

244

1 egress of vehicles. A six-foot decorative fence  
 2 has been set back 35 feet from the front  
 3 property line, such that all of the plant  
 4 material that you see is located on the street  
 5 side of the fence for visual enhancement along  
 6 the frontage.  
 7 Along the north and south property  
 8 lines, predominantly evergreens are used with a  
 9 smaller number of deciduous trees to provide  
 10 year-round screening. The dry detention basin  
 11 on the west side of the property and existing  
 12 Case Creek treeline serve as a buffering of the  
 13 facility to the undeveloped farmed properties to  
 14 the west. A six-foot high black vinyl  
 15 chain-link fence will be located on the  
 16 northwest and south property lines, except it  
 17 will be routed along the existing treeline in  
 18 the southwest portion of the site.  
 19 Based on the foregoing findings, it  
 20 is my opinion that the proposed transfer station  
 21 minimizes the impact on the character of the  
 22 surrounding area and, therefore, satisfies the

09:39:29AM

09:39:55AM

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1 zoned.  
 2 Future uses that may be  
 3 contemplated in the surrounding area are  
 4 buffered by mature vegetation and natural  
 5 environmental features that further minimize the  
 6 impact.  
 7 To further assist with minimizing  
 8 the impact, a robust landscape plan was  
 9 developed for the site. The plan provides  
 10 aesthetically pleasing and functional year-round  
 11 screening along the street frontage and  
 12 adjoining properties. The vegetation  
 13 substantially buffers the facility during the  
 14 vegetative season and provides filtered  
 15 restricted views during the non-vegetative  
 16 periods. Maintenance and replacement of  
 17 landscape material will be routinely performed  
 18 the sustain the intent of the design.  
 19 We have an enhanced streetscape  
 20 along 47th. A monument sign will be located  
 21 near the north entrance outside of the visual  
 22 sight triangles to ensure safe ingress and

09:38:27AM

09:38:53AM

245

1 first part of Criterion 3 of Section 39.2(a) of  
 2 the Illinois Environment Protection Act.  
 3 Summarizing the basis of my  
 4 opinion: The subject site is located in the I-2  
 5 general industrial district within the City of  
 6 Moline. The character of the immediate  
 7 surrounding area has been defined by industrial  
 8 uses that have been established over past years  
 9 and vacant/farmland zoned for industrial use.  
 10 The proposed transfer station  
 11 development will not alter this existing land  
 12 use pattern. The major land uses in the area  
 13 continue to be the Quad City International  
 14 Airport, open space and industrial. Case Creek  
 15 and its associated wooded treeline is an  
 16 appropriate land use buffer along the west  
 17 property line. Open space and industrial land  
 18 uses account for 85 percent of the area within a  
 19 1-and-a-half-mile radius of the proposed site  
 20 and 82 percent of the area within a half-mile  
 21 radius.  
 22 No residential zoned property or

09:40:32AM

09:40:59AM

1 dwellings are located within the 1,000-foot  
2 setback requirement of the Illinois  
3 Environmental Protection Act, Section 22.14.  
4 Residential uses account for, approximately,  
5 13 percent of both the 1-and-a-half-mile and  
6 half-mile study areas. The residential uses are  
7 predominantly single-family detached units and  
8 are removed from any major impact of the  
9 proposed transfer station site.

09:41:30AM

10 The proposed facility will be  
11 adjacent to undeveloped industrially zoned  
12 properties to the north, east, and south; and  
13 undeveloped office, research, and technology  
14 zoned property to the west. The proposed  
15 transfer station development will be blocked by  
16 an existing treeline and green way corridor to  
17 the west and by fencing and landscape screening  
18 comprised of predominantly evergreen tree  
19 plantings with year-round buffering along the  
20 47th Street frontage and the north and south  
21 property lines.

09:41:57AM

22 Finally, and importantly, the

1 design, engineering, and operational features of  
2 the proposed facility contribute to minimizing  
3 incompatibility of the use with the character of  
4 the surrounding area.

5 MR. MUELLER: Thank you, Carrie.

6 We would tender the witness for  
7 cross.

8 HEARING OFFICER WALSH: Thank you,  
9 Ms. Hansen.

09:42:19AM

10 For the record, the PowerPoint that  
11 was referred to by Ms. Hansen throughout her  
12 presentation is a part of Applicant's Exhibit  
13 No. 3, and will be added to the live stream.

14 Does the city staff have any  
15 questions?

16 MS. ZWICK: No questions.

17 HEARING OFFICER WALSH: Does Group O  
18 have any questions of this witness?

19 MR. MARSHALL: Just a few.

09:42:38AM

20 CROSS-EXAMINATION

21 BY MR. MARSHALL:

22 Q. Similar question that I asked to

1 Mr. Moose. Your analysis on the land use and  
2 the zoning isn't limited to a specific area,  
3 right, you included a mile-and-a-half area and  
4 half-mile area?

5 A. Correct.

6 Q. It's not limited either or restricted  
7 by what the actual zoning classifications are  
8 within those areas, right? This criteria is  
9 focused on what the use is and the character  
10 currently?

09:43:12AM

11 A. Yes. It's both. It's informed by the  
12 zoning as well.

13 Q. So I think your conclusion,  
14 ultimately, is that it is consistent with the  
15 character of the area. I think we maybe grouped  
16 the numbers a little bit differently. I think  
17 you grouped open space and industrial together  
18 and say, hey, those are the predominant uses. I  
19 look at this and I see over two-thirds of the  
20 property in the area is other than industrial.

09:43:37AM

21 Do you agree with that? Whether  
22 you look at your mile-and-a-half or your

1 half-a-mile radius, two-thirds of the character  
2 of the property there is other than industrial?

3 A. Percentage-wise -- Let me go back to  
4 the percentages. So you're adding 52 to 13 and  
5 the 2?

6 Q. Yes. Correct.

7 A. Yes, I would say that's an accurate  
8 statement; however, I would say that the reason  
9 that industrial and open space are categorized  
10 together in my analysis is that the open space  
11 is a very commonly used mitigation land use  
12 category for industrial uses or more intense  
13 uses. Open space, whether it's agricultural or  
14 vacant, that serves as buffers. So when I'm  
15 looking at that area, in total, to me, it's the  
16 industrial use, plus the other types of uses  
17 that enable that buffering and mitigation. So  
18 that's why I combined those two.

09:44:30AM

19 Q. Okay. So just, again, to focus on not  
20 necessarily the zoning aspect of it but the  
21 actual character and use. So do you think that  
22 a garbage facility of this type is consistent

09:45:10AM

1 with the character of the mobile home park  
 2 that's just to the east of the facility?  
 3 **A.** I think it can be, yes. I think with  
 4 the measures that have been taken on the site  
 5 with the design, the landscaping, the amount of  
 6 space that's in between and the types of uses  
 7 that are intervening, yes, I do think it can be  
 8 compatible. Industrial uses and lighter  
 9 industrial uses, as you move towards the east,  
 10 serve as appropriate buffering from more  
 11 intensive uses to residential uses, and that is  
 12 common practice.

09:45:52AM

13 **Q.** How about the golf course down the  
 14 street just to the south? Is a garbage facility  
 15 consistent with the character of a golf course?

16 **A.** If you look at golf courses, it's  
 17 significantly set away. So, again, with the  
 18 measures, such as buffering and design, I do not  
 19 think they are incompatible.

09:46:25AM

20 **Q.** How about the office space? On one of  
 21 your other slides there was office space just to  
 22 the west. Is a garbage facility consistent with

1 office space?  
 2 **A.** Again, with appropriate buffering and  
 3 operations, yes, it can be.

4 **Q.** Then directly across the street from  
 5 the site, Group O has its corporate  
 6 headquarters. It's your opinion that a garbage  
 7 facility is consistent with the character of  
 8 corporate headquarters?

9 **A.** Yes, with the buffering and site  
 10 design that is being incorporated into this  
 11 facility. Yes, it's an industrial park with  
 12 industrial uses.

09:46:58AM

13 **Q.** On the zoning side of things -- I  
 14 don't know that this was in your PowerPoint but  
 15 it is in your report that was -- that was  
 16 produced last week. I'm on Page 3.1-10.

17 **A.** Okay.

18 **Q.** On the bottom on the subject site  
 19 zoning, do you know that -- I think we can agree  
 20 that the statute says that the local zoning  
 21 isn't applicable here. Putting that aside,  
 22 would you agree that this use would likely

09:47:33AM

1 require a special use permit under the local  
 2 zoning ordinances?  
 3 **A.** The way the ordinance is currently  
 4 written, it is -- a waste disposal facility is  
 5 identified as potential special use. That is  
 6 not exactly what this use is. I'm not sure that  
 7 this specific use is addressed in the city's  
 8 zoning board minutes; however, common practice  
 9 would be to interpret similar incompatible uses  
 10 to those that are listed with those that seem of  
 11 like makeup. So, in this instance, I would say  
 12 that it is compatible with that special use and  
 13 that the city would, likely, interpret that as a  
 14 special use of the I-2 district.

09:48:20AM

15 **Q.** Are you aware -- So I would agree with  
 16 you that the zoning ordinance refers to the  
 17 waste disposal sites but, also, it refers to the  
 18 Quad City combined zoning ordinance and it  
 19 specifically references as a similar use a  
 20 transfer station.

09:49:01AM

21 Given that, would you agree that  
 22 but for the state statute, which makes the local

1 zoning not applicable if this were any other --  
 2 any other reason, that this would be subject to  
 3 a special use permit?

4 **A.** I would agree.

5 **Q.** Why -- Why is that? What is the  
 6 special use permit for?

7 **A.** A special use, typically, is just a  
 8 further step of review for uses that are deemed  
 9 compatible to the committed uses in the zoning  
 10 district but, for whatever reason, the  
 11 community, municipality, the county deems  
 12 appropriate, they want another layer of review.

09:49:31AM

13 I would offer that this layer of  
 14 review is probably significantly greater than  
 15 what a special use review process in a  
 16 municipality or county government would be.

17 But they would go through a very  
 18 similar approval process and look at things like  
 19 traffic, architecture, landscaping. It just --  
 20 It puts an additional layer of review that just  
 21 got in by right because of the perceived nature  
 22 of business. But by virtue of the fact it's

09:50:02AM

1 listed as a special use in the district, the  
2 community that identifies it as such is -- is  
3 confirming that the use is compatible or it  
4 would not be listed as a special use without  
5 that further layer of review.

6 Q. Fair enough. Let me just read to you  
7 the definition from the City of Moline Code on  
8 Special Use, and you tell me if you agree with  
9 it or not. It says, The purpose of a special  
10 use is to provide an opportunity to utilize  
11 property for an activity, which under unusual  
12 circumstances it can be detrimental to other  
13 permitted uses and which normally is not  
14 permitted within a certain district.

15 Do you agree with that?

16 A. It's a different way of saying, I  
17 think, what I said.

18 Q. This is a use that wouldn't normally  
19 be permitted in that district because given its  
20 unique nature it's probably not consistent with  
21 the uses that currently exist there and, thus,  
22 the need for a special use permit?

09:50:40AM

09:51:04AM

1 could be detrimental to the other permitted uses  
2 within the area; is that right?

3 A. If that's what it says.

4 Q. I read it to you. Do you want me to  
5 read it to you again?

6 A. I can't dispute something you just  
7 read. Yes, that's what it says.

8 MR. MARSHALL: Okay. That's all I  
9 have. I don't have anything further, Mr. Walsh.

09:52:22AM

10 HEARING OFFICER WALSH: Mr Silverman.

11 CROSS-EXAMINATION

12 BY MR. SILVERMAN:

13 Q. Understanding that zoning does not  
14 have a role in this very intensive review  
15 process, in your professional experience, is  
16 this use typically found in industrial zoned  
17 areas?

18 A. Yes, it is.

19 MR. SILVERMAN: That's it.

09:52:50AM

20 HEARING OFFICER WALSH: Redirect,  
21 Mr. Mueller?

22 MR. MUELLER: I do have just a couple.

1 MR. MUELLER: I'm going to object.  
2 This is all hypothetical in light of the fact  
3 that the witness testified that zoning  
4 specifically is not applicable to this process.

5 MR. MARSHALL: Mr. Walsh, I think  
6 it's -- it's completely relevant given the fact  
7 that we're evaluating -- Here's the problem I  
8 have: They want to use the zoning to their  
9 benefit when they say, Well, hey, this is all  
10 zoned as industrial.

11 But, then, when we reference zoning  
12 that might be detrimental, they say, Well,  
13 zoning doesn't apply. They can't use it in  
14 their favor and then when we talk about  
15 character and what this normally would be, they  
16 said this doesn't apply. They can't have it  
17 both ways.

18 HEARING OFFICER WALSH: I'll give you a  
19 little leeway on it.

20 BY MR. MARSHALL:

21 Q. Again, according to the city of  
22 Moline's definition, This could be a use that

09:51:36AM

09:52:00AM

1 REDIRECT EXAMINATION

2 BY MR. MUELLER:

3 Q. Carrie, the criterion that you studied  
4 does not require a finding that there is zero  
5 adverse impact, does it?

6 A. Correct.

7 Q. What it requires is a finding that the  
8 facility is so designed and located as to  
9 minimize potential negative impacts?

09:53:19AM

10 A. That's correct.

11 Q. Do you believe this facility is, in  
12 fact, so designed and located?

13 A. I do.

14 MR. MUELLER: That's all I have.

15 HEARING OFFICER WALSH: Ms. Zwick, do  
16 you have anything?

17 MS. ZWICK: No questions.

18 MR. SILVERMAN: Nothing.

09:53:34AM

19 HEARING OFFICER WALSH: Mr. Silverman,  
20 anything?

21 MR. SILVERMAN: No.

22 HEARING OFFICER WALSH: Thank you,

1 Ms. Hansen.  
 2 MR. MUELLER: The next witness is five  
 3 minutes away.  
 4 HEARING OFFICER WALSH: We'll take a  
 5 break.  
 6 (A short break was had.)  
 7 HEARING OFFICER WALSH: Let's get back  
 8 to order here. Mr. Mueller, do you have your  
 9 next witness available?  
 10 MR. MUELLER: While he's loading the  
 11 PowerPoint, Mr. Walsh, we're going to slightly  
 12 change the batting order due to witness  
 13 availability. And we'll call Michael Werthmann  
 14 next. He is the traffic witness, Criterion 6.  
 15 (Witness sworn.)  
 16 WHEREUPON:  
 17 MICHAEL WERTHMANN, PE, PTOE,  
 18 called as a witness herein, having been first  
 19 duly sworn, was examined and testified as  
 20 follows:  
 21  
 22

10:10:11AM

10:12:46AM

10:13:15AM

1 minimize the impact on the existing traffic  
 2 flows. Once again, the impact on the existing  
 3 traffic flows.  
 4 This was -- This task was completed  
 5 by conducting a traffic impact study. The  
 6 traffic study was based on the methodology  
 7 accepted within the industry and with  
 8 transportation and planning officials. It  
 9 consists of a three-phase study. The first  
 10 phase examines the existing physical and  
 11 operating characteristics of the roadway system.  
 12 The second phase looks at the characteristics of  
 13 the proposed facility, including the type and  
 14 volume of traffic that will be generated and the  
 15 travel routes that will be used to travel to and  
 16 from the facility. The third phase is the  
 17 evaluation phase when we evaluate the impact of  
 18 the facility-generated traffic on the roadway  
 19 system.  
 20 I think we all know where the site  
 21 is located. It's on the west side of 47th  
 22 Street, just north of 78th Avenue, as you can

1 DIRECT EXAMINATION  
 2 BY MR. MUELLER:  
 3 Q. Good morning, I think. My name is  
 4 Michael Werthmann. I'm a principal with --  
 5 THE COURT REPORTER: Oh, I'm sorry,  
 6 sir. You need to speak up.  
 7 BY THE WITNESS:  
 8 A. Michael Werthmann with KLOA, Kenig  
 9 Lindgren O'Hara & Aboona, Inc., for a traffic  
 10 and a transportation firm out of Rosemont,  
 11 Illinois. I am a registered professional  
 12 engineer in the State of Illinois. I'm a  
 13 certified professional traffic operations  
 14 engineer, PTOE. I have a bachelor's in science  
 15 and civil engineering from Michigan State  
 16 University. I have 34 years of experience in  
 17 traffic engineering for both the public and  
 18 private sectors. I have provided testimony on  
 19 over 25 solid waste related projects.  
 20 I'm here to discuss Criterion 6,  
 21 which indicates that the traffic patterns to and  
 22 from the proposed facility are so designed as to

10:11:35AM

10:12:09AM

10:13:58AM

10:14:35AM

1 see on this slide.  
 2 Let's talk about the existing  
 3 conditions. Some of the tasks that were  
 4 completed were performing field evaluation,  
 5 field surveys of the site to determine the  
 6 physical and operating roadway conditions. We  
 7 collected and reviewed available  
 8 transportation-related data and information. We  
 9 also conducted peak period traffic counts at  
 10 critical intersections in the site vicinity.  
 11 Several of the roads serving the  
 12 facility include 78th Avenue or Indiana Bluff  
 13 Road, which is located just south of the site.  
 14 It's an east-west collector road. It has a  
 15 two-lane cross section, signalized intersection,  
 16 with Rock Island-Milan Parkway, as well as U.S.  
 17 Route 150. It's got a daily traffic volume of  
 18 about 4,500 vehicles, according to IDOT, and  
 19 it's under the jurisdiction of the Rock Island  
 20 County Highway Department between the Rock  
 21 Island-Milan Parkway and U.S. Route 150.  
 22 Rock Island-Milan Parkway is

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1 located just west of the site. It's the  
2 north-south major arterial roadway with a  
3 four-lane cross section divided by a median.  
4 It's got a signalized intersection with 78th  
5 Avenue and a grade separated interchange with  
6 Airport Road. Daily volume of 18,000 vehicles  
7 north of 78th Avenue and 10,600 vehicles south  
8 of 78th Avenue, and the road is under the  
9 jurisdiction of IDOT.

10:15:16AM

10 U.S. Route 150 is located just east  
11 of the site. This slide is wrong. It's,  
12 actually, a north-south arterial roadway, not  
13 east-west. We apologize for that. It has a  
14 two-lane cross section with a signalized  
15 intersection with 78th Avenue. Daily volume of  
16 just under 10,000 vehicles north of 78th Avenue  
17 and 9,300 vehicles south of 78th Avenue. It's  
18 under the jurisdiction of IDOT.

10:15:51AM

19 The last two roads we want to  
20 discuss are 47th Street and 50th Street. They  
21 are both north-south local roads. They have  
22 two-lane cross sections. Both roads are under

263

1 stop sign control at their intersection with  
2 78th Avenue. North of 78th Avenue, both roads  
3 serve an industrial/business park -- excuse  
4 me -- and are under the jurisdiction of the City  
5 of Moline.

10:16:34AM

6 South of 78th Avenue both roads  
7 serve a residential area and are under the  
8 jurisdiction of Blackhawk Road District.

9 This slides shows the existing  
10 roadway characteristics within the existing  
11 area.

12 Next slide, please.

13 In order to determine the existing  
14 volumes on the roadway system, traffic counts  
15 were performed on Thursday, September 27th,  
16 2022, at the following five intersections: 78th  
17 Avenue with Rock Island-Milan Parkway, 78th  
18 Avenue with U.S. Route 150, 78th Avenue with  
19 47th Street, 78th Avenue with the 50th Street,  
20 and 77th Avenue with 47th Street.

10:17:09AM

21 The traffic counts were performed  
22 for a 12-hour period, from 6:00 a.m. to

264

1 6:00 p.m. The weekday morning peak hour of  
2 traffic occurred from -- once again, we had a  
3 typo here -- from 7:15 to 8:15 a.m., in the  
4 morning, and the evening peak hour traffic  
5 occurred from 3:30 to 4:30 p.m. Those are the  
6 two peak hours on the roadway system. They  
7 represent the commuter peak periods. That's  
8 when traffic volumes are the highest on the  
9 roadway system.

10:17:44AM

10 As traffic engineers, we look at  
11 these volumes. If we can accommodate these  
12 volumes, we can accommodate the volumes of  
13 traffic any other hour of the day because the  
14 volumes are much lower.

15 So this shows the existing traffic  
16 volumes. The numbers are hard to see, but just  
17 so you know, the numbers without parens  
18 represent the morning peak hour traffic volumes  
19 and the number in parenthesis represent the  
20 evening peak hour traffic volumes.

10:18:11AM

21 And as you can see, it shows the  
22 individual movements, left turn through right

265

1 turn movements, at each of the intersections --  
2 five intersections within the study area. So  
3 that represents the existing conditions.

10:18:47AM

4 Let's talk about the  
5 characteristics of the proposed facility. This  
6 included a summary of its operations. We also  
7 looked at the directional distribution analysis,  
8 the routes that the various vehicles will take  
9 to and from the facility, the volume of traffic  
10 that will be generated by the facility, as well  
11 as future traffic assignments.

12 I'm sure -- As you have heard  
13 already, the facility will accept up to 500 tons  
14 of waste/recycles per day. We're talking a  
15 total of 500 tons of waste. Of this waste, up  
16 to 400 tons will be municipal solid waste, up to  
17 80 tons will be hydro-excavation waste, up to  
18 25 tons will be source-separated recyclables,  
19 and up to 15 tons will be landscape waste. We  
20 will have a total of 520 tons of waste  
21 recyclables per day.

10:19:24AM

22 The proposed transfer station will

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1 receive waste recyclables from 5:00 a.m. to  
2 6:00 p.m., Monday through Friday, and 5:00 a.m.  
3 to 1:00 p.m. on Saturdays. The last load will  
4 be transferred from the facility by 7:00 p.m.  
5 There may be times where some loads are  
6 transferred after 7:00 p.m. as needed. And the  
7 proposed facility is projected to have,  
8 approximately, 31 total employees.

9 Site access. Access will be  
10 provided via two one-way access drives located  
11 on the west side of 47th Street at the north and  
12 south ends of the site. The north access drive  
13 will be restricted to inbound only access and  
14 the south access drive will be restricted to  
15 outbound access only. Both access drives will  
16 provide one lane.

17 The south access drive, since it's  
18 an outbound lane, will have a stop sign and will  
19 be under stop sign control at its intersection  
20 with 47th Street. Both drives will provide  
21 wider lanes and larger radii in order to  
22 accommodate the turning truck traffic.

10:20:00AM

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1 to 47th Street. So it's that yellow portion.  
2 Lakeshore will be responsible for  
3 the cost of the portion of the road that they  
4 will be using from 47th Street up to the north  
5 part of the site. So we will be doing  
6 intersection improvements and we will be also  
7 responsible for the portion of 47th Street that  
8 the truck traffic will be traversing to and from  
9 the facility.

10 Next, let's talk about the  
11 directional distribution or how the traffic will  
12 be coming to and from the facility. First,  
13 let's talk about the inbound waste. This is the  
14 waste that is delivered by collection vehicles.  
15 These are the single unit trucks, packer trucks,  
16 roll-off trucks that you see within your  
17 residential neighborhoods or in the commercial  
18 areas.

19 These trucks will be servicing an  
20 area that is an approximate 15-mile radius from  
21 the site and will include all of Rock Island  
22 County. So we're looking at servicing all of

10:22:26AM

10:22:50AM

267

1 This is a site plan that I'm sure  
2 Mr. Moose went over yesterday. But you can see  
3 the north drive at the top -- top right of the  
4 plan. That will be the inbound only access  
5 drive. Then you have the outbound access drive  
6 down on the south end of the proposed facility.

7 As part of the facility, the  
8 development of the facility, the radius in the  
9 northwest corner of the intersection of  
10 78th Avenue and 47th Street will be increased --  
11 slightly increased in order to accommodate the  
12 turning truck traffic as it exits 47th Street --  
13 southbound 47th Street, makes a right turn to go  
14 westbound on 78th Avenue. So we will be  
15 widening that out. Lakeshore Recycling will be  
16 paying for those improvements and it will be a  
17 part of the proposed facility.

18 In addition, Lakeshore Recycling  
19 will be responsible of its share of road repair  
20 and maintenance cost for an approximate  
21 1,600-foot section of 47th Street that extends  
22 from the north property line of the site, south

10:21:12AM

10:21:48AM

269

1 Rock Island County, in addition to about a  
2 15-mile radius from the facility. The traffic  
3 is projected to be distributed along the roadway  
4 system.

5 Given our study area or our service  
6 area -- excuse me -- the inbound trucks or the  
7 inbound waste, the collection trucks, will be  
8 distributed throughout the various roads serving  
9 the facility. The outbound waste will all be  
10 transferred via transfer trailers, which can  
11 accommodate four to six times as much waste as a  
12 single -- as a collection truck, and will be  
13 transported from the proposed facility to a  
14 distant disposal facility. The routes that will  
15 be used will be 47th Street to 78th Avenue to  
16 Rock Island-Milan Parkway to Airport Road to  
17 I-280. So they are going to come down 47th,  
18 down 78th Avenue to Rock Island. They will use  
19 the interchange to get to Airport Road, and then  
20 use the interchange at I-280 to get on the  
21 freeway system and travel to the distant  
22 disposal facility.

10:23:27AM

10:24:03AM



270

1 This slide discusses the trip  
2 generation that is estimated would be generated  
3 by the proposed facility. It was based on the  
4 magnitude and characteristics of the proposed  
5 facility and its intended service area.

6 As we indicated, the facility will  
7 accept and transfer a maximum of 500 tons of  
8 waste recyclables per day and will have,  
9 approximately, 31 employees. This table shows  
10 the traffic that's projected to be generated  
11 during those critical morning and evening peak  
12 hours that we discussed earlier where the  
13 volumes on the roadway are at their highest. As  
14 you can see, at the bottom where it says  
15 "total," we're looking at the facility  
16 generating 12 inbound trips and 7 outbound trips  
17 during the morning peak hour and about 11  
18 inbound trips and 26 outbound trips during the  
19 evening peak hour.

10:24:39AM

10:25:08AM

20 It's important to note that a good  
21 portion of these trips include employee traffic,  
22 particularly, in the evening peak hours. So

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1 it's not all truck traffic. There is some  
2 employee traffic in this morning and evening  
3 peak hour volumes.

4 Lastly, under the section, too, we  
5 looked at future growth in the area. So in  
6 addition to the traffic generated by the  
7 proposed transfer station, the study also  
8 considered the increase in traffic from  
9 projected ambient growth in the area based on  
10 information provided by the Bi-State Regional  
11 Commission. The traffic volumes in the area --  
12 All of the existing traffic volumes were  
13 increased by 25 percent to represent year 2028  
14 background traffic volumes.

10:25:49AM

15 As part of this study, we looked at  
16 three conditions. We looked at the existing  
17 conditions, the year 2022 existing conditions,  
18 we looked at the year 2028 background with no  
19 build traffic volumes. So these are the year  
20 2022 volumes increased by 25 percent to  
21 represent that base volume. And then we looked  
22 at the year 2028 total projected volumes, which

10:26:19AM

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1 includes those background volumes, plus the  
2 traffic that would be generated by the proposed  
3 facility.

4 This slide shows the traffic  
5 assignment for the traffic to be generated by  
6 the proposed facility, both in the morning and  
7 evening peak periods. The next slide shows the  
8 background traffic volumes for year 2028. And  
9 the next slide shows the total projected traffic  
10 volumes, once again, which includes the existing  
11 traffic volumes increased by 25 percent, plus  
12 the traffic to be generated by the proposed  
13 facility.

10:26:54AM

14 The last phase of the study is the  
15 evaluation phase. What we looked at is a  
16 summary of how intersections are evaluated, the  
17 criteria. We summarized the results of the  
18 analysis. We also performed an evaluation of  
19 the site access. The traffic analysis were  
20 performed using the highway capacity software,  
21 the HCS software.

10:27:28AM

22 This is kind of a long sentence, so

273

1 bear with me. The ability of an intersection to  
2 accommodate traffic flow is expressed in terms  
3 of level of service, which assigns a letter  
4 grade from A to F, based on the average delay  
5 experienced at an intersection. So like a  
6 grading school -- like a grading system in  
7 school, intersections are graded on an A-to-F  
8 scale based on how long you wait at an  
9 intersection. Level of service -- Level of  
10 service A is the best traffic flow where you  
11 have very minimal delay, you're not waiting at  
12 all. To level of service F, where you have  
13 oversaturated conditions and extensive delays.

10:28:03AM

14 In a city like Moline, a level of  
15 service anywhere from A to C is considered very  
16 good. In an urban area like the Chicagoland  
17 area a level of service D is generally  
18 considered acceptable.

19 So based on the capacity analysis  
20 and the gap study, what we found out is under  
21 existing conditions, the two signalized  
22 intersections within the study area, and the

10:28:32AM

1 critical movements at all of the stop sign  
 2 controlled intersections currently operate at a  
 3 good level of service, B or C.  
 4 When we look at projected  
 5 conditions, once again, with the 25 percent  
 6 growth, as well as the traffic to be generated  
 7 by the facility, the two signalized  
 8 intersections in critical movements at the stop  
 9 sign controlled intersection are projected to  
 10 continue to operate at a good level of service,  
 11 B or C.  
 12 We're kind of maintaining that  
 13 level of service, B or C. As such, the existing  
 14 roadway system has sufficient reserved capacity  
 15 to accommodate the additional traffic to be  
 16 generated by the proposed facility.  
 17 Further, the results of the gap  
 18 study -- What a gap study does is it looks at  
 19 how many gaps are in a roadway system. So when  
 20 you're pulling out of a side street, do you have  
 21 enough gaps in the roadway system to pull out?  
 22 We went out and did a gap study.

10:29:05AM

10:29:31AM

1 south access drive under stop sign control.  
 2 Wider lanes and larger radii will be provided  
 3 at the access drive in order to accommodate the  
 4 turning truck traffic.  
 5 And our evaluation has shown and  
 6 the capacity analysis has shown that the access  
 7 system has been designed to provide efficient  
 8 and orderly access with limited impact on the  
 9 47th Street through traffic.  
 10 So based on the KLOA analysis  
 11 described in this study and my testimony, it is  
 12 our finding that the proposed facility has been  
 13 designed to minimize the impact on the existing  
 14 traffic flows and, therefore, complies with the  
 15 sixth siting criteria. This opinion is based on  
 16 several things.  
 17 First, the facility is projected to  
 18 process a maximum of only 500 tons of waste  
 19 recyclables per day and will have a total of 31  
 20 employees. Two, the volume of traffic generated  
 21 in any one time period is limited as the traffic  
 22 will be distributed throughout the day. The

10:31:10AM

10:31:44AM

1 What that showed is there's more than sufficient  
 2 gaps available in the 78th Avenue traffic stream  
 3 to accommodate the traffic that would be turning  
 4 to and from 47th Street as you pull out of 47th  
 5 Street or as you make a left turn into 47th  
 6 Street, you need a gap in traffic to make that  
 7 maneuver. What we found out is there are more  
 8 than sufficient gaps at 78th Avenue. Partly  
 9 because 78th Avenue is operating at about  
 10 50 percent of its capacity right now.  
 11 Other than the radius improvement  
 12 at the 78th Avenue and 47th Street intersection,  
 13 no additional roadway improvements or  
 14 traffic-control modifications are required to  
 15 accommodate the proposed facility.  
 16 Site access, once again, will be  
 17 provided via two one-way access drives located  
 18 on the west side of 47th Street. The north  
 19 access drive will be restricted to inbound only  
 20 access and the south will be restricted to  
 21 outbound only access. Both access drives will  
 22 provide one lane with the outbound lane at the

10:30:07AM

10:30:37AM

1 access system has been designed to provide  
 2 efficient and orderly access with limited impact  
 3 on the 47th Street through traffic. The radius  
 4 in the northwest corner of the 78th Avenue and  
 5 47th Street intersection will be improved in  
 6 order to accommodate the turning truck traffic.  
 7 The roadway system has sufficient reserve  
 8 capacity to accommodate the traffic to be  
 9 generated by the transfer station. Other than  
 10 the radius improvements, no additional roadway  
 11 improvements or traffic control modifications  
 12 are required to accommodate the transfer  
 13 station.  
 14 MR. MUELLER: Thank you, Mr. Werthmann.  
 15 We'll tender the witness for cross.  
 16 HEARING OFFICER WALSH: Thank you,  
 17 Mr. Werthmann.  
 18 Again, for the record, the  
 19 PowerPoint presentation is part of Applicant's  
 20 Exhibit No. 3, and will be added to the live  
 21 stream.  
 22 Does the city staff have any

10:32:18AM

10:32:39AM

1 questions for this witness?  
2 MS. ZWICK: Yes, we do. Just a couple  
3 of questions.

4 CROSS-EXAMINATION

5 BY MS. ZWICK:

6 Q. Mr. Werthmann, you had done a gap  
7 study traffic impact analysis, and that's just  
8 to determine whether there are enough gaps in  
9 the roadway traffic system in order to make  
10 turns, correct?

10:33:04AM

11 A. Correct.

12 Q. You also testified, and there's a  
13 slide that went up, that the traffic from the  
14 facility when it was leaving, it's going to be  
15 going south down 47th and then going east; so  
16 taking a right-hand turn onto 78th Avenue,  
17 correct -- excuse me -- west?

18 A. Yes. The transfer trailers will be  
19 making right turns.

10:33:32AM

20 Q. They will be making right turns?

21 A. Yes.

22 Q. You did not do a gap analysis with

1 them making left turns?  
2 A. We didn't -- Well, the gap analysis  
3 looks at it. We based it on the fact that the  
4 transfer trailers will all be traveling based on  
5 the route we indicated in the study. That's the  
6 quickest and most direct route to the  
7 interchange, I -280.

8 Q. Okay. So the intention is that the  
9 trucks leaving the facility are going to be  
10 heading west?

10:34:02AM

11 A. The transfer trailers.

12 Q. Transfer trailers?

13 A. Yes.

14 Q. If the city staff recommended a  
15 condition that restricts the transfer trailers  
16 from making a left-hand turn and going westbound  
17 on 78th Avenue, would LRS agree to that?

18 MR. MUELLER: I think that question is  
19 confusing. Can you restate it, please?

10:34:25AM

20 MS. ZWICK: Sure.

21 BY MS. ZWICK:

22 Q. If the city staff recommended a

1 condition restricting the transfer trailers from  
2 making the left-hand turn onto eastbound 78th  
3 Avenue from the north leg of 47th Street, would  
4 LRS agree?

5 A. Yes.

6 Q. Thank you. Also, this -- Back to this  
7 intersection at 78th Avenue and 47th Street. It  
8 is an unsignalized intersection, correct?

9 A. Correct.

10:34:57AM

10 Q. There's no stop signs, there's no  
11 traffic lights -- there's a stop sign --

12 A. Yes, there's a stop sign on 47th  
13 Street.

14 Q. On 47th Street?

15 A. Yes.

16 Q. Correct. So there is a -- At the  
17 intersection we've got a shared -- I don't  
18 know -- you've got the shared left turn through  
19 lane, a separate right turn lane on the  
20 westbound approach, correct?

10:35:25AM

21 A. Correct.

22 Q. Okay. So the trucks that are

1 traveling westbound approaching 47th Street,  
2 they will be making a right turn to go north on  
3 47th?

4 A. Correct.

5 Q. They will be using a separate right  
6 turn lane to make that turn?

7 A. There's pavement there that was --  
8 looks like it was a right turn lane at one time.

9 We did analyze it with the right turn and it  
10 worked. Yes, they will probably use that right  
11 turn lane when they make the turn into the  
12 facility.

10:35:57AM

13 Q. That's a deceleration lane?

14 A. Correct.

15 Q. So they slow down to make the turn,  
16 they get out of the way of the other traffic?

17 A. Yes.

18 Q. Should the deceleration lane be marked  
19 so vehicles can identify that lane and locate it  
20 when they are making the turn?

10:36:21AM

21 A. Yeah, it could help the situation.

22 Q. So if the city staff recommended a

1 condition that that westbound deceleration lane  
 2 at 78th Avenue and 47th Street be marked or  
 3 striped to help define it, would LRS be willing  
 4 to approach the County Highway Authority to get  
 5 that done and fund it?  
 6 **A.** Yes. As long as the county approves.  
 7 **Q.** Thank you.  
 8 **A.** No problem.  
 9 **Q.** We had a couple questions last night  
 10 about this citizen convenience area.  
 11 Mr. Werthmann, are you aware where the existing  
 12 citizen convenience area is?  
 13 **A.** Yes.  
 14 **Q.** We had some testimony about it last  
 15 night. Have you had much experience with these  
 16 types of drop-off locations before?  
 17 **A.** Through my years of experience, I  
 18 understand that they are usually pretty low.  
 19 **Q.** Pretty low?  
 20 **A.** Yes. The volume of traffic at any one  
 21 time is relatively low. It may be a little  
 22 higher on Saturdays but, in general, they are

10:36:57AM

10:37:25AM

1 relatively low.  
 2 **Q.** I think there was some testimony last  
 3 night from Mr. Moose that there might be six to  
 4 ten vehicles a day. Does that sound about  
 5 right?  
 6 **A.** In my experience, yes. And I would  
 7 rely on Mr. Moose's experience more.  
 8 **Q.** So you didn't do a separate estimate  
 9 about how many vehicles would be coming in?  
 10 **A.** We did not include the citizen drop  
 11 off in our numbers. If we even doubled our  
 12 numbers, there is still sufficient reserve  
 13 capacity to accommodate this traffic. More  
 14 importantly, citizen drop off is passenger  
 15 vehicles, typically pick-up trucks, those sort  
 16 of things, which operate much more efficiently  
 17 than a single unit truck or a transfer trailer.  
 18 So I don't see an issue at all with any citizen  
 19 drop off at this facility.  
 20 **Q.** Thank you.  
 21 **A.** Thank you.  
 22 **MS. ZWICK:** No further questions.

10:37:59AM

10:38:30AM

1 HEARING OFFICER WALSH: Mr. Marshall,  
 2 anything from Group O?  
 3 **MR. MARSHALL:** Couple things.  
 4 **CROSS-EXAMINATION**  
 5 **BY MR. MARSHALL:**  
 6 **Q.** Mr. Werthmann, I think on your slide  
 7 you said you spent one day sampling the existing  
 8 traffic counts?  
 9 **A.** We have, actually, counted them a  
 10 couple of different times, as we started this  
 11 several years ago. But our last counts were  
 12 done in 2022.  
 13 **Q.** Okay. So the data you presented isn't  
 14 based just on that one day, it's based on  
 15 multiple days?  
 16 **A.** We checked the data, looked at it  
 17 compared to IDOT and other volumes, but, yes,  
 18 it's more than one day and we have done several  
 19 counts out there over the past couple of years.  
 20 **Q.** You also mentioned that Lakeshore is  
 21 responsible for its share of road maintenance  
 22 costs. Can you expand on that a little bit?

10:38:51AM

10:39:15AM

1 On 47th Avenue, are they  
 2 responsible for 100 percent maintenance costs  
 3 or -- and, if so, whatever the percentage is, is  
 4 that contained in the host agreement? Where is  
 5 that?  
 6 **A.** I would have to defer -- I'm not sure  
 7 of the mechanics of it, but I know they are  
 8 going to pay their fair share and will do what's  
 9 necessary to keep that road in proper condition.  
 10 **MR. MUELLER:** Counsel, that provision  
 11 is in the lease with the airport.  
 12 **MR. MARSHALL:** Okay. It's in the lease  
 13 with the airport, even though the roads belong  
 14 to the City of Moline? I'm just looking for  
 15 where is the commitment from Lakeshore to the  
 16 City of Moline that they are going to be  
 17 responsible for the road because it's primarily  
 18 Lakeshore that's driving the heavy trucks on  
 19 that road?  
 20 **MR. MUELLER:** I believe, Counsel,  
 21 again -- I don't want to testify, but my  
 22 understanding is that the Airport Authority has

10:39:54AM

10:40:30AM

1 jurisdiction over the roadways in that area.  
2 That's why the provisions are in our lease with  
3 them.

4 MR. MARSHALL: I think -- well -- So  
5 you think it's in the airport lease?

6 MR. MUELLER: Yes. I know it is.

7 MR. MARSHALL: So it's in the airport  
8 lease.

9 BY MR. MARSHALL:

10:40:53AM

10 Q. I think, Mr. Werthmann, you testified  
11 the jurisdiction of those roads, they are in the  
12 City of Moline but they are in the Blackhawk  
13 Road District?

14 A. South of 78th Avenue.

15 Q. South of 78th Avenue. So would you  
16 agree that the roads, then, north of 47th  
17 Avenue, is that under the jurisdiction of the  
18 Airport Authority?

19 A. I think there is -- I'm not sure if

10:41:16AM

20 it's the Airport Authority or the City of  
21 Moline. It was my understanding it was the City  
22 of Moline but I could be mistaken on that, given

1 what we're hearing over here.

2 Q. I guess my point is: Is Lakeshore  
3 willing to agree that whether the authority  
4 needs to come from the Airport Authority or the  
5 City of Moline, that there will be an agreement  
6 in place they will be responsible for  
7 maintenance on that road?

8 MR. MUELLER: Mr. Hearing Officer, we  
9 will agree to a special condition, if the city  
10 proposes it, that we will do our proportionate  
11 share of maintenance on the road. That way it  
12 becomes an obligation directly through the City  
13 of Moline.

14 HEARING OFFICER WALSH: Thank you.

15 MR. MARSHALL: That's all I have.

16 HEARING OFFICER WALSH: Mr. Silverman,  
17 anything for the city council?

18 MR. SILVERMAN: Yes.

19 CROSS-EXAMINATION

10:42:05AM

20 BY MR. SILVERMAN:

21 Q. We know that the waste transfer  
22 facility's maximum daily load will be 520 tons

1 of waste per day?

2 A. Yes.

3 Q. Based on that maximum number, what is  
4 the maximum number of trucks that will be using  
5 the facility?

6 A. Approximately at 520, it will be about  
7 137 trucks. 20 of those will be transfer  
8 trailers, the larger trucks. And the other 117,  
9 approximately, will be single unit trucks, the  
10 collection trucks, the roll-off trucks.

10:42:40AM

11 Q. And your numbers account for this  
12 maximum daily usage?

13 A. Yes. Yes.

14 Q. Based on your analysis of roadway  
15 capacity in construction standards, is that --  
16 is that load excessive for the design capacity  
17 of those roads?

18 A. No. Particularly, from a capacity  
19 standpoint, all of the roads are working at a  
20 level of service A, B, or C, which is excellent.

10:43:07AM

21 78th Avenue has less than 5,000  
22 vehicles. A two-lane road typically has

1 10,000 vehicles, so it's operating at 50 percent  
2 of its capacity. More importantly, the route  
3 the transfer trailers are taking are only going  
4 to do arterial roadways from Milan Parkway to  
5 Airport Road to I-280. They are only on the  
6 roadway system for -- I think it's three miles.

7 We get them right to I-280, they are on the  
8 freeway, and they are off to that distant  
9 disposal facility. It's located in a great  
10 location. More importantly, we're in a business  
11 industrial park that's been designed to  
12 accommodate this type of traffic.

10:43:41AM

13 Q. Now, we know, too, they are going to  
14 be parking trucks on the property from time to  
15 time. That part of the operation I'm not  
16 completely clear on. But does that amplify the  
17 number of trucks that may be exiting the  
18 property at any one time?

19 A. No. It, actually, reduces the volume  
20 of traffic we generate in the fact that the last  
21 load of the day, the truck can stay there. It  
22 doesn't have to leave to go be parked somewhere

10:44:07AM

1 else. Likewise, in the morning, it just leaves  
2 and comes back. So having truck parking on the  
3 facility actually reduces the amount of traffic  
4 on the roadway system, improves capacity,  
5 reduces that wear and tear on the roadway  
6 system.

7 Q. One last question about wear and tear.  
8 The current conditions of the roads, are they --  
9 is there an immediate need to do repair  
10 beyond -- improvements beyond those that you  
11 have talked about to ensure that they are not  
12 going to degrade rapidly because of the increase  
13 of traffic?

14 A. I'm not a structural engineer. So I  
15 have driven them, they look like they are in  
16 good shape, not a whole lot of potholes or  
17 anything to that extent. All of these roads are  
18 designed to accommodate the type of truck  
19 traffic we're using here. It appears to me they  
20 are in more than sufficient structural shape but  
21 I will qualify that that I'm not a structural  
22 engineer.

10:44:40AM

10:45:10AM

1 appraiser, a real estate consultant, and have  
2 done so for over 40 years. I'm general  
3 certified, which is the highest licensure in the  
4 State of Illinois, also the neighboring states  
5 of Iowa and Wisconsin. I also hold the MAI  
6 designation. And I graduated from University of  
7 Illinois Champaign with a degree in finance,  
8 specialization in urban land --

9 Q. Mr. MaRous, were you retained by  
10 Lakeshore to perform the Criterion 3(b)  
11 evaluation?

12 A. Yes, I was.

13 Q. Did you prepare a report with your  
14 results?

15 A. I did.

16 Q. Is that in the application?

17 A. Yes.

18 Q. Did you also prepare a PowerPoint  
19 presentation, which summarizes and condenses  
20 your report?

21 A. I did.

22 Q. Would you proceed with that, please.

10:46:47AM

10:47:07AM

1 MR. SILVERMAN: I understand. Nothing  
2 else. Thank you.

3 HEARING OFFICER WALSH: Mr. Mueller,  
4 any redirect?

5 MR. MUELLER: No redirect. Thank you.

6 HEARING OFFICER WALSH: Do you have  
7 your next witness here, Mr. Mueller?

8 MR. MUELLER: Yes, he is. If you're  
9 ready, Mr. Walsh, we'll call Michael MaRous.

10 (Witness sworn.)

11 WHEREUPON:

12 MICHAEL MaROUS, MAI, CRE,  
13 called as a witness herein, having been first  
14 duly sworn, was examined and testified as  
15 follows:

16 DIRECT EXAMINATION

17 BY MR. MUELLER:

18 Q. Would you state your full name and  
19 spell your last name for the court reporter.

20 A. Michael S. MaRous, M-a-R-o-u-s.

21 Q. Sir, what do you do for a living?

22 A. I am a professional real estate

10:45:59AM

10:46:02AM

1 A. Sure.

2 HEARING OFFICER WALSH: Again, this  
3 PowerPoint is part of the Applicant's Exhibit  
4 No. 3.

5 BY THE WITNESS:

6 A. So, briefly, I started this  
7 PowerPoint, which the first page is just a  
8 summary of my experience. I have had leadership  
9 positions with the Appraisal Institute, I have  
10 been invited to membership with the Counselors  
11 of Real Estate, sat on their national board, I  
12 have published lectures, seminar instructor, I  
13 have appraised over 12,000 properties, including  
14 SouthPark Mall in the Moline area, along with  
15 some other major properties. I was part of  
16 railroad expansion a few years ago. I've  
17 testified before numerous ZBA and planned  
18 commissions. I'm former mayor of Park Ridge, a  
19 38,000 suburban town in the Chicago metropolitan  
20 area. I prepared over 200 market value impact  
21 studies in my career, and this has to do with  
22 proposed uses for, you know, annexation, new

10:47:40AM

10:48:13AM

1 zoning uses, and it can go from a quarry, it can  
2 go from a landfill, it can go from a church, it  
3 can go from a commercial building, it can go  
4 from an industrial building. I have also been  
5 involved in a lot of renewable energy projects,  
6 major solar, major wind. So I have had  
7 experience in these type of situations.

8 My report, really, was to evaluate  
9 if the facility is located so as to minimize the  
10 effect of the value of the surrounding property.

10:49:32AM

11 Briefly, I was retained by  
12 Lakeshore to perform an independent analysis at  
13 MaRous & Company. We have, I think, eight  
14 full-time employees. We're independent of  
15 Lakeshore. I think it's the first job we have  
16 ever done for them. But to analyze, based on  
17 the application, the various other studies,  
18 including, as you just heard Mr. Werthmann, to  
19 minimize the effect of the value on the

10:49:38AM

20 surrounding property.  
21 So what we did is provide a report  
22 over 50 pages long called "Property Value

1 time. And, then, it's heavily screened with  
2 landscaping fencing, which, you know, has a  
3 basic good use of screening.

4 The uses. I considered the fueling  
5 station. But with waste transfer, it really  
6 goes to how the product goes in and is it an  
7 enclosed building, are all of the services done  
8 in the enclosed building. And then, you know,  
9 they involve the storm water management. And  
10 then the whole traffic issue, which we just  
11 heard before.

10:51:29AM

12 So the proposed operation, again,  
13 in my observation, having looked at numerous of  
14 these facilities over the last ten years or so,  
15 you know, this is basically state of the art,  
16 it's well-designed, it's not tight, it's not an  
17 infill. It's got a very high, very positive  
18 land-to-building ratio. It's very well  
19 screened. Again, the operation takes place  
20 inside the improvement. So -- And, again, I  
21 think you have heard this summary of what I have  
22 here.

10:51:59AM

1 Impact." And we considered and I inspected the  
2 area three times, considered the nature of the  
3 immediate area, the value trends in the area,  
4 also evaluated sales data in the area and the  
5 effect on property. So demographic trends of  
6 development and also looked at match pairs to  
7 another transfer facility to see their impact on  
8 properties and also considered a highest and  
9 best use analysis. The proposed design -- I  
10 believe everybody has heard this -- and kind of  
11 the key points from an evaluation end is this  
12 is, approximately, a ten-acre site and the  
13 improvements are going to be in the low 30,000  
14 per square foot of total building area. So the  
15 land-to-building ratio is over 10-to-1. Typical  
16 industrial is 2 to 3 to 1.

10:50:17AM

17 So what does this mean? It means  
18 it's very low density as far as building  
19 improvements. The other issue is it's built  
20 with basically modern, aesthetically pleasing  
21 industrial, kind of consistent with other modern  
22 industrial development that we look at all the

10:50:49AM

1 The nature of the immediate area,  
2 in my opinion, the dominant use is the Quad  
3 Cities Airport. You know, the subject is an  
4 industrial park. There's several available  
5 industrial sites. The development of this park  
6 has been very slow to evolve. And, you know,  
7 part of the consideration is looking at trends  
8 in the industrial development in the Quad City  
9 area, also, obviously, in Iowa.

10:52:40AM

10 I looked in the mobile home park,  
11 which was developed, probably, 60-plus years  
12 ago. It lies immediately east. Based on my  
13 consultation and evaluation of modern mobile  
14 home parks, this one probably is not the type  
15 that meets the standards of many parks in  
16 competing developments. And then the National  
17 Guard facility is south across from the mobile  
18 home park.

10:53:17AM

19 This slide, which, I apologize, is  
20 a little hard to read, but it basically is  
21 looking at land value in the area. And what we  
22 did here is did research on land sales and,

1 basically, looked at location, looked at when  
 2 they sold, looked at the price, looked at the  
 3 lot size, looked at the price per square foot.  
 4 It's not a real active industrial market. And  
 5 looked at the trends of development.  
 6 And based on these sales, in my  
 7 opinion, the effect on industrial property is  
 8 positive and, clearly, not negative. The effect  
 9 on residential property, because it's so  
 10 designed in an industrial park and it's clearly  
 11 impacted by the proximity of the airport and the  
 12 other industrial uses, the residential uses -- I  
 13 was trying to -- Obviously, I screwed up the  
 14 laser. I apologize.  
 15 Basically, on the bottom of the  
 16 screen, it kind of shows some of the single  
 17 family, which in that area is pretty heavily  
 18 wooded and really isolated from the proposed  
 19 use.  
 20 Matched pair analysis. This,  
 21 basically, is looking to find sales proximate to  
 22 a waste transfer facility or any other

10:54:02AM

10:54:45AM

1 I think you have heard that the revenue  
 2 generated and various tax revenue is quite  
 3 significant. And, in a way, because you're not  
 4 adding school children, you're really not adding  
 5 the strain on public safety that has the similar  
 6 economic return of, let's say, a large big box,  
 7 let's say, a Menards or something like that. So  
 8 there's a significant economic viability.  
 9 So looking at the reasonable  
 10 probability that there is approvals for it, the  
 11 highest value is for the proposed use. So the  
 12 physically possible, again, I just kind of break  
 13 through and analyze each of the characteristics,  
 14 which you have heard, the size, it has utilities  
 15 available, its got access, there's a small  
 16 wetlands, which is not being disturbed.  
 17 Legally permissible. Again, it's  
 18 zoned I-2, so it's in an industrial district.  
 19 Permitted uses are fairly extensive and the  
 20 proposed use would be a special use under the  
 21 applicable zoning provisions.  
 22 Financially feasible. Again,

10:56:39AM

10:57:18AM

1 comparison. Let's say I'm looking at solar, I'm  
 2 looking at wind, I'm looking at a property  
 3 that's close to one of those uses, a similar  
 4 property, generally same school district, same  
 5 age, same characteristics to a property and to  
 6 see if there's any difference in value because  
 7 of the proximity of the use.  
 8 This situation is actually done by  
 9 O'Hare, which is an incredibly busy active  
 10 industrial area, also, to the west of it and  
 11 provided in the report a match pair analysis,  
 12 which indicated no negative impact due to the  
 13 proximity for the addition and the existing use  
 14 of waste transfer.  
 15 Highest and best use, I won't bore  
 16 you, but it's basically the highest and best use  
 17 of the property that can be put, so it goes to  
 18 physically possible. So the site is physically  
 19 possible for the proposed use.  
 20 Legally permissible, that's,  
 21 obviously, based on the decision you will make.  
 22 And the use which is financially feasible, which

10:55:26AM

10:55:44AM

1 significant revenue generated by Lakeshore. It  
 2 is an experienced provider of recycling and  
 3 waste services, adds significant revenue to the  
 4 various taxing bodies.  
 5 So the conclusion, in my opinion,  
 6 is that this proposed use is the highest and  
 7 best use of the site.  
 8 The conclusion, based on the entire  
 9 study, which I know I have gone through quickly,  
 10 is the proposed transfer station is located as  
 11 to minimize the effect on the value on the  
 12 surrounding property.  
 13 Then the basis, you know, it's been  
 14 well located, designed, and proposed to be  
 15 operated to protect the public health, safety,  
 16 and welfare. The design includes, again, the  
 17 extensive buffer, surrounding residential  
 18 property as a buffer by existing industrial  
 19 uses, and there are many sites that are still  
 20 used for agricultural. And the facility has a  
 21 comprehensive operating plan that details waste  
 22 acceptance and handling procedures, nuisance

10:57:56AM

10:58:24AM



1 control, staffing and equipment requirements,  
 2 and cleaning procedures.  
 3 Then, in conclusion, the areas  
 4 surrounding the facilities is industrial in  
 5 nature. The mobile home park to the east is  
 6 situated within the industrial district and is  
 7 significantly affected by the surrounding uses,  
 8 that of the airport. And that mobile home park  
 9 is not fully occupied and, in my opinion, does  
 10 not reflect the modern standards of maintenance  
 11 levels generally displayed by modern mobile home  
 12 parks.

10:59:05AM

13 The industrial nature of the  
 14 immediate area has existed for a significant  
 15 time period and is anticipated to remain in use  
 16 for the foreseeable future. There appears to be  
 17 limited demand for new industrial development in  
 18 the market and, as I just went through, the  
 19 proposed use is considered to be the highest and  
 20 best use.

10:59:39AM

21 In my opinion, the proposed  
 22 facility will not have a negative property

1 two houses that have similar characteristics,  
 2 lot size, building size, function, modernization  
 3 that basically appeal to the same buyer. Then,  
 4 in this situation of a waste transfer station,  
 5 you look at sales, a sale that's proximate to a  
 6 waste transfer facility to one having these  
 7 characteristics and that's what was done here.

11:01:05AM

8 Q. Okay. Is it limited to the same type  
 9 of zoning? So, for example, I noticed in  
 10 your -- in your report that you only evaluated  
 11 industrial properties. Did you do any kind of  
 12 or did you get some comparable or match pairs  
 13 involving residential properties that would be  
 14 affected by a transfer station?

11:01:43AM

15 A. Yes. I -- Yes, I did. But they  
 16 weren't -- The data was not as available but,  
 17 again, going back to the area just west of  
 18 O'Hare Airport would be -- the closest houses  
 19 are, actually, the same distance as, probably,  
 20 to the subject to the south. There's a lot of  
 21 intervening industrial uses --

22 THE COURT REPORTER: I'm sorry. You

1 value, impact on properties in the immediate  
 2 area and on the neighboring properties.

3 Sorry to go so fast.

4 MR. MUELLER: Mr. MaRous, thank you.

5 We'll tender the witness for cross.

6 HEARING OFFICER WALSH: Thank you,

7 Mr. MaRous.

8 Does the city staff have any  
 9 questions?

11:00:00AM

10 MS. ZWICK: No questions.

11 HEARING OFFICER WALSH: Mr. Marshall.

12 CROSS-EXAMINATION

13 BY MR. MARSHALL:

14 Q. Mr. MaRous, how are you?

15 A. Good morning.

16 Q. So you conducted a match pair  
 17 analysis?

18 A. Yes.

19 Q. Could you just explain a little more

11:00:17AM

20 about what the match pair analysis is?

21 A. Basically you try and find -- They are

22 not going to be identical but you try and find

1 are trailing off a little bit.

2 BY THE WITNESS:

3 A. In between the residences and the  
 4 waste transfer facility, so I studied those but  
 5 they really -- that really didn't show any  
 6 indication of impact.

11:02:40AM

7 Q. Did you include those residential  
 8 comparables in your report?

9 A. I did not.

10 Q. So you studied them but did not  
 11 include them in your report?

12 A. That's correct.

13 Q. How about golf courses? There's a  
 14 golf course down the street. Did you run a  
 15 match pair or impact study about what the  
 16 decrease of the value of, say, the golf course  
 17 would be that's located near a transfer station?

11:03:10AM

18 A. It's a very good question. And when  
 19 looking at it, there wasn't, again, pure data.

20 Again, the subject is really -- The subject area  
 21 is more impacted by --

22 THE COURT REPORTER: I'm sorry. You

1 are trailing off again. I'm not hearing you.  
 2 BY THE WITNESS:  
 3 A. -- it is more impacted by the landings  
 4 and takeoffs by the Quad City Airport. So I  
 5 didn't -- I didn't find anything that I would  
 6 say is comparable. But golf course uses and  
 7 having appraised many, I looked at them from a  
 8 real estate standpoint, they have a variety of  
 9 uses that -- you know, it can be heavily  
 10 commercial, it can be heavily industrial,  
 11 proximity to major airports. So, I mean,  
 12 there's really not a clear determination on that  
 13 one.  
 14 Q. Okay. How about to the west? There  
 15 are some commercial properties. I think  
 16 Blackhawk Bank is located there, there's a  
 17 coffee shop. Did you do any impact analysis on  
 18 what the affect of the value would be on those  
 19 kinds of properties?  
 20 A. I looked at the commercial impact and,  
 21 clearly, many waste transfer stations are  
 22 located in proximity to commercial properties.

11:03:49AM

11:04:16AM

1 A. Suburban modern industrial of high  
 2 value properties, yes.  
 3 Q. Is there a reason why you didn't try  
 4 to use an area or region that may be more like  
 5 the Quad Cities than the area you're evaluating?  
 6 So, for example, I ask because the property  
 7 market in and around O'Hare is pretty saturated,  
 8 right, there's not a lot of availability in  
 9 terms of vacant land, it's all being used?  
 10 A. It's heavily built up, correct.  
 11 Q. So, for example, in Chicago or the  
 12 surrounding areas somebody may not have the  
 13 option if they don't like a certain location  
 14 they can go down the street and choose a  
 15 different location; would you agree with that?  
 16 A. Well, that's the situation in almost  
 17 every market, depending on the demands of their  
 18 site selection. Yes, in my opinion, the  
 19 suburban Chicago showed an inferior waste  
 20 transfer facility but located in a very  
 21 desirable industrial area that indicated a  
 22 continual sale/resale and demand for vacant land

11:05:58AM

11:06:33AM

1 That goes to screening control. Commercial  
 2 properties are used to heavy traffic because  
 3 those generally lead to arterials, so I didn't  
 4 find any matched pairs that are conclusive. But  
 5 based on my experience and, particularly, with  
 6 the quality of the design and the low  
 7 land-to-building ratio, I didn't see any impact  
 8 on commercial properties.  
 9 Q. So in terms of the surrounding  
 10 properties, we have identified there's some  
 11 residential, there's commercial, there's a golf  
 12 course. I'm not sure if that's zoned for the  
 13 use. The only data that you included in your  
 14 report is the comparison to industrial  
 15 properties; is that right?  
 16 A. Yes.  
 17 Q. Then I just wanted to talk about using  
 18 data from the Chicago area. The sales were  
 19 all -- I think you said -- in Chicago next to or  
 20 around O'Hare; is that accurate?  
 21 A. They are suburban Chicago, yes.  
 22 Q. Suburban --

11:04:56AM

11:05:22AM

1 and a much higher value of properties that was  
 2 indicated here. Again, when you talk about Quad  
 3 Cities, I didn't think it was fair to go to  
 4 rural Illinois or Iowa to look at examples. I  
 5 thought the Quad Cities had more comparability  
 6 to, let's say, a suburban location than  
 7 something that's extremely rural as some of  
 8 these other waste transfer facilities when you  
 9 get out.  
 10 Q. Aren't there some other areas? For  
 11 example, what about Des Moines or Cedar Rapids?  
 12 Both have the international airports but in  
 13 terms of population density and availability of  
 14 land and such, isn't that the more comparable to  
 15 the Quad Cities than, say, Chicago?  
 16 A. They are smaller markets similar to  
 17 the Quad Cities, so yes, I'm familiar and I have  
 18 done work in both of those markets in the last  
 19 several years. And at a cursory look, I didn't  
 20 see any good example that I could use but I am  
 21 familiar with the markets. The Des Moines  
 22 market is particularly strong in the last three

11:07:14AM

11:07:54AM

1 to four years with exceptional development.  
 2 Q. Did you -- In terms of your analysis  
 3 and the affect of value to property, would you  
 4 agree there would be a difference from property  
 5 that's set, let's say, a mile and a half away  
 6 from the transfer facility or -- transfer  
 7 facility -- sorry -- versus, maybe, right across  
 8 the street?

9 A. It depends on the situation when the  
 10 use is a mile and a half away and the routes of  
 11 traffic; but, clearly, proximity is generally  
 12 more important when they do that analysis.

13 Q. In your report, were you able to  
 14 collect -- I guess, strike that. Rephrase.  
 15 What's the closest comparable  
 16 property in your match pair analysis you used to  
 17 determine the adverse affect on value?

18 A. Can I refer to my report?  
 19 HEARING OFFICER WALSH: Sure. Of  
 20 course. If you're going to read from it, tell  
 21 us what page you're on.  
 22

11:08:48AM

11:09:20AM

1 facility and indication of major investment for  
 2 modern industrial and the addition of the  
 3 positive economics to the community, it would be  
 4 a positive to the development.

5 Quite frankly, there has been very  
 6 little development there within the last decade  
 7 plus, so there's no guarantee it's going to add  
 8 a business but would show some indication of  
 9 life with modern development that hasn't existed  
 10 in the last decade. So that part would be a  
 11 significant positive, rather than these sites  
 12 that just remain undeveloped.

13 Q. The reason I ask that is based on what  
 14 I read in your report, which it sounds like  
 15 you're saying that this area hasn't really been  
 16 developed for a long time, it's planned to have  
 17 been developed, it just hasn't come to fruition,  
 18 so we might as well put a garbage transfer  
 19 station there. That sounds like what you're  
 20 saying.

21 Is that an accurate  
 22 characterization of your testimony?

11:11:42AM

11:12:12AM

1 BY THE WITNESS:

2 A. So on Page 53, Match Pair 1, The  
 3 proximate facility is a quarter mile from the  
 4 transfer station. On Page 56, Match Pair 2, The  
 5 comp the approximate was .7 miles away. Match  
 6 Pair 3 was the same, .75 miles away. None were  
 7 across the street.

8 Q. Would that affect -- If you were  
 9 evaluating the affect on the property value on a  
 10 piece of property that's across the street from  
 11 the transfer station, would that change your  
 12 analysis?

13 A. And, again, looking at the existing  
 14 uses of the subject park and the high quality of  
 15 this proposed facility and the very low  
 16 land-to-building ratio; in my opinion, in this  
 17 situation, no.

18 Q. Is it your opinion that putting a  
 19 transfer facility in this location is more or  
 20 less likely to attract new business to the area?

21 A. In the big picture, in my opinion,  
 22 because of the quality and the aesthetics of the

11:10:19AM

11:10:53AM

1 A. That was a very creative question or  
 2 statement. I would agree with the first part of  
 3 it, that there hasn't been much development.  
 4 But, you know, from having appraised, probably,  
 5 2,000 industrial buildings and looking at  
 6 thousands of comps, you don't always know what  
 7 goes on inside a building. And a lot of times  
 8 that changes.

9 So the way this site is so  
 10 developed, clearly, when you see the trucks  
 11 going in and out, it gives you an indication but  
 12 it's just another modern industrial use. And,  
 13 you know, there's perceptions that some people  
 14 will look at other uses better than others.

15 I was just involved in a deal which  
 16 involved an Amazon grocery store, which you  
 17 would have thought it would have been very  
 18 positive, kind of state of the art. And, you  
 19 know, the community considered that a  
 20 distribution center and was up in arms. So it's  
 21 all perception.

22 And a lot of people don't like any

11:12:43AM

11:13:13AM

1 development. But, then, when nothing is done,  
2 then they wonder what's happened and that is  
3 really -- That gray or uncertainty is a big  
4 negative impact on value. To show millions of  
5 dollars in modern development is very much a  
6 positive.

7 MR. MARSHALL: I don't think I have  
8 anything else.

9 HEARING OFFICER WALSH: Mr. Silverman,  
10 anything for the city council?

11:13:45AM

11 CROSS-EXAMINATION

12 BY MR. SILVERMAN:

13 Q. Mr. Marshall asked a lot of the  
14 questions, but I did have one.

15 Does the density around the O'Hare  
16 site minimize valuation impacts because of the  
17 intensity of the uses; in other words, do those  
18 uses act as a buffer to minimize any potential  
19 valuation impact?

11:14:10AM

20 A. I -- I think density in an industrial  
21 park can have an impact. What it does do is it  
22 kind of amplifies the obsolete buildings.

1 Particularly, when we have tight  
2 land-to-building ratios, a lot of the properties  
3 right around that example have a one-and-a-half  
4 or two-to-one land to building. So for this  
5 type of site, they would probably only have 70  
6 or 80,000 square feet of land, as opposed to  
7 400,000 square feet plus. So it kind of cuts  
8 both ways.

9 Yes, there's more building  
10 blockers, there's more density. It becomes less  
11 attractive, more congested, and more problems  
12 with traffic issues.

11:15:51AM

13 Q. You've done valuation impact studies  
14 for similar types of facilities before?

15 A. Yes.

16 Q. Based upon those studies that you have  
17 done, have these facilities served, in your  
18 experience, as a disincentive for future  
19 investment?

11:15:20AM

20 A. The older ones that are poorly planned  
21 that have a tight land-to-building ratio don't  
22 control the uses inside of buildings that have

1 maintenance issues. Clearly, that's not a  
2 positive use. But the state-of-the-art modern  
3 ones that have the ability for maneuvering,  
4 providing screening, and a high-quality  
5 facility, no, it's not a disincentive.

6 Q. So if LRS does all the site design as  
7 they have testified here -- as their witnesses  
8 have testified here, and operate the facility in  
9 accordance with the various plans, in your  
10 professional estimation, that will ensure that  
11 any negative external affects of the property  
12 are minimized and won't act as a barrier to  
13 future investment?

11:15:59AM

14 A. That is correct.

15 MR. SILVERMAN: Thank you.

16 HEARING OFFICER WALSH: Mr. Mueller,  
17 any redirect?

18 MR. MUELLER: Just a couple.

19 REDIRECT EXAMINATION

11:16:14AM

20 BY MR. MUELLER:

21 Q. Mr. MaRous, you talked about highest  
22 and best use and indicated that you thought

1 development of this site as a transfer station  
2 with the design proposed would constitute a  
3 highest and best use of the property, correct?

4 A. Yes.

5 Q. Does highest and best use suggest also  
6 that that is a use which would minimize adverse  
7 property value impacts?

8 A. Yes. Under the legal portion of  
9 highest and best use, that's correct.

11:16:57AM

10 Q. Now, the criterion is to determine  
11 whether or not the proposed project minimizes  
12 impact on property values, right?

13 A. Yes.

14 Q. So some impact might even be assumed  
15 in the criterion, correct?

16 A. Possibly. I'm not making a legal --  
17 but possibly.

18 Q. In any event, with regard to the  
19 minimization, do you think this site and this  
20 proposed transfer station minimizes the impact  
21 on surrounding property values?

11:17:36AM

22 A. In my opinion, it clearly does.

1 MR. MUELLER: That's all. Thank you.  
2 HEARING OFFICER WALSH: Ms. Zwick?  
3 MS. ZWICK: No questions.

4 RECCROSS-EXAMINATION

5 BY MR. MARSHALL:

6 Q. Mr. MaRous, Mr. Mueller talked about  
7 highest and best use. Now, as an MAI, I'm sure  
8 that you would agree that the Appraisal  
9 Institute, which is the licensed body, is  
10 authoritative in terms of when it comes to the  
11 standards and things for highest and best use.

11:18:13AM

12 Do you agree with that?

13 A. Again, that was a multiple-part  
14 question. So I was chairman of publications for  
15 the Appraisal Institute for many years. I've  
16 cited, I think, four of the last five in the  
17 Appraisal of Real Estate, which is the Bible,  
18 but there is differences of opinion among the  
19 appraisal community but there is consistency in  
20 some articles in the Appraisal Journal, which is  
21 peer-reviewed, have differences of opinion.

11:18:43AM

22 So the clear answer is, generally,

1 yes, but not always.

2 Q. Okay. So the reason I ask is I think  
3 your report says that the highest and best use,  
4 in your opinion, is a transfer station. Does  
5 the Appraisal Institute recognize a transfer  
6 station as a category of property? Don't they?  
7 Isn't highest and best use either industrial or  
8 commercial or residential? It doesn't get down  
9 to those fine, I guess, actual uses of the  
10 property?

11:19:22AM

11 A. That's another good question. So I  
12 have the honor of -- I had the honor of  
13 evaluation of Wrigley Field and, clearly, that's  
14 a one-of-a-kind special-type situation. I value  
15 land. But the highest and best use, because of  
16 the income generated, is for that use.

17 And we're involved now in the Bears  
18 potential stadium in Arlington Heights. It's  
19 another similar unique special type of proposed  
20 use on a site. The highest and best use, if  
21 there is an existing use, really, the analysis  
22 is, is property, as improved, worth more than

11:20:01AM

1 the land as vacant. The transfer station is  
2 just a subcategory of industrial use, I think,  
3 to answer your question.

4 Q. So the highest and best use would be  
5 industrial, not necessarily a transfer station?

6 A. As a general category, that is  
7 correct.

8 Q. Then one more question on the highest  
9 and best use. One of the categories in there to  
10 determine highest and best use is legally  
11 permissible?

11:20:38AM

12 A. That's correct.

13 Q. If there were restrictive covenants on  
14 these laws that prohibited a waste facility,  
15 would that impact your highest and best use  
16 analysis?

17 MR. MUELLER: I'm going to object.  
18 That's beyond the scope of redirect.

19 HEARING OFFICER WALSH: I'll let him  
20 answer.

11:21:00AM

21 Go ahead.

22

1 BY THE WITNESS:

2 A. If it's not legally permissible,  
3 clearly, it would impact highest and best use.  
4 I'm not a judge or an attorney, but that's just,  
5 basically, as an appraiser looking at highest  
6 and best use. If there's some other  
7 restrictions that go beyond the zoning, that's  
8 something that would be considered.

9 Q. In your analysis, did you review the  
10 lots within the plat there to determine whether  
11 or not there would be any restrictive covenants  
12 on those lots?

11:21:29AM

13 MR. MUELLER: I'm going to object.  
14 Land use restrictions are exempt under 39.2(g).

15 HEARING OFFICER WALSH: He asked him a  
16 question about his analysis and creating his  
17 report. I'm going to let him answer it.

18 BY THE WITNESS:

19 A. Can you repeat the question, please?

20 Q. Yes. So in your analysis in  
21 determining the highest and best use of this  
22 property, it's contained within a subdivision

11:21:55AM

1 plat?  
 2 A. Yes.  
 3 Q. Did you review the subdivision plat  
 4 for any restrictive covenants or any other  
 5 ordinances that have restrictive covenants to  
 6 determine whether or not it is permissible --  
 7 legally permissible as part of the highest and  
 8 best uses?  
 9 A. My answer would be my focus was based  
 10 on the siting requirements and not delving into  
 11 other potential legal restrictions that go  
 12 beyond the scope of my report.  
 13 Q. One more question. Mr. Kotecki has a  
 14 pretty good question, I think. So, across the  
 15 street, Group O has corporate headquarters. Why  
 16 isn't a corporate headquarters considered to be  
 17 a higher and better use than a transfer  
 18 facility --  
 19 MR. MUELLER: Objection --  
 20 BY MR. MARSHALL:  
 21 Q. -- if they are industrial?  
 22 MR. MUELLER: -- that's beyond the

11:22:26AM

11:23:13AM

1 not playing lawyer. But, yes, if they -- You  
 2 know, it's just like when we look at leases  
 3 where parties on both sides of the table, they  
 4 can change the terms of the deal. And,  
 5 obviously, with the airport having that control  
 6 and going into a lease, that was my assumption.  
 7 MR. SILVERMAN: Okay.  
 8 HEARING OFFICER WALSH: Mr. Mueller,  
 9 anything else for this witness?  
 10 MR. MUELLER: Nothing else. Thank you.  
 11 HEARING OFFICER WALSH: Thank you,  
 12 Mr. MaRous.  
 13 Anything else, Mr. Mueller?  
 14 MR. MUELLER: No. LRS rests.  
 15 HEARING OFFICER WALSH: Does the city  
 16 staff have any witnesses they want to present?  
 17 MS. ZWICK: No.  
 18 HEARING OFFICER WALSH: Mr. Marshall,  
 19 any witnesses?  
 20 MR. MARSHALL: Mr. Walsh, yes, we would  
 21 like to call Mr. Kevin Kotecki.  
 22 Can we take a quick restroom break?

11:24:23AM

11:24:45AM

1 scope.  
 2 HEARING OFFICER WALSH: That will be  
 3 sustained.  
 4 MR. MARSHALL: Then we have nothing  
 5 further.  
 6 HEARING OFFICER WALSH: Mr. Silverman.  
 7 RE-CROSS-EXAMINATION  
 8 BY MR. SILVERMAN:  
 9 Q. Just to be clear, this property is  
 10 leased from the Airport Authority, correct?  
 11 A. Yes.  
 12 Q. The Airport Authority is the owner of  
 13 the property?  
 14 A. Correct.  
 15 Q. Is it safe -- I'm not sure -- I'm  
 16 going to not ask this question.  
 17 So based on the fact that the  
 18 Airport Authority leased the property to LRS, we  
 19 can take it -- we can assume there's no  
 20 restrictive covenants of the nature that  
 21 Mr. Marshall is concerned about?  
 22 A. That's my assumption but, again, I'm

11:23:26AM

11:23:51AM

1 HEARING OFFICER WALSH: We will return  
 2 in ten minutes.  
 3 (A short break was had.)  
 4 HEARING OFFICER WALSH: Let's come to  
 5 order. Mr. Marshall, call your first witness,  
 6 please.  
 7 MR. MARSHALL: I'd like to call Kevin  
 8 Kotecki.  
 9 (Witness sworn.)  
 10 HEARING OFFICER WALSH: Please remember  
 11 to keep your voice up. Thank you.  
 12 MR. MARSHALL: Thank you, Mr. Walsh.  
 13  
 14  
 15  
 16  
 17 WHEREUPON:  
 18 KEVIN KOTECKI,  
 19 called as a witness herein, having been first  
 20 duly sworn, was examined and testified as  
 21 follows:  
 22 DIRECT EXAMINATION

11:36:00AM

1 BY MR. MARSHALL:

2 Q. Mr. Kotecki, are you currently an  
3 employee?

4 A. I'm the CEO of Group O.

5 Q. How long have you been the CEO of  
6 Group O?

7 A. About 18 months.

8 Q. Could you provide some inside --  
9 describe some of your business experience you  
10 have had prior to Group O?

11:36:24AM

11 A. Prior to Group O, I was CEO of Mike's  
12 Hard Lemonade. Prior to that, I was CEO of  
13 Pabst Brewing Company -- No, I didn't bring any  
14 beer with me. Prior to that, I was CEO of  
15 Conagra Refrigerated Foods, which was the  
16 \$3-million company with a bunch of different  
17 brands. Prior to that, I was CEO of Brach's  
18 Candy, Brach's Confections. I worked for Coors  
19 Brewing Company for a number of years. I worked  
20 for Proctor & Gamble for a number of years.  
21 And, before that, I was in banking. So that's  
22 my background.

11:36:46AM

1 Q. Throughout that extensive experience,  
2 you have gotten -- did you have the opportunity  
3 during that time to participate in divestitures  
4 and sell real estate and those types of things?

5 A. Absolutely. Sale, purchase, closing,  
6 divestiture, all of the above.

7 Q. As a CEO, would you describe what some  
8 of your responsibilities are and some of the  
9 things you do as CEO?

11:37:19AM

10 A. My responsibilities are, really,  
11 twofold. One is to, you know, safeguard and  
12 grow the assets for the owners of the company;  
13 and, two, is to, you know, safeguard and provide  
14 for the communities. And then the people that  
15 live in those communities are employees.

16 Q. We have heard a lot of testimony --  
17 you have been here -- the last two days about  
18 the criteria. And I just want to touch on a  
19 couple of them.

11:37:43AM

20 One of the criteria is about need,  
21 and you heard some testimony about whether or  
22 not this is needed. And as a business owner

1 across the street from the transfer station, do  
2 you agree with that, that it's needed?

3 MR. MUELLER: I'm going to object.

4 He's not qualified to opine on need.

5 HEARING OFFICER WALSH: I'm going to  
6 give him a lot of leeway on this.

7 Go ahead.

8 BY THE WITNESS:

9 A. Well, what I heard yesterday was two  
10 things. One, I heard from a group of big  
11 consultants that do not live in the area, do not  
12 work in the area, that there's a need for this  
13 facility to increase landfill capacity for the  
14 service area.

11:38:11AM

15 I also understand from RICWMA they  
16 feel they have enough capacity in the near term.  
17 And then if there's a need for more capacity in  
18 the long term, they can tap into another  
19 85 years' worth. And, of course, those are  
20 folks who are volunteers, unpaid local community  
21 members whose primary job is to take care of the  
22 citizens in the communities in which they live

11:38:37AM

1 and work. So that creates a question mark in my  
2 mind about, you know, who is right and who is  
3 wrong. The greatest irony, I guess I have from  
4 listening to the testimony yesterday, is that  
5 nothing that LRS is proposing is going to  
6 increase landfill capacity.

7 It's a transfer station. So to  
8 listen to a two-hour presentation about the need  
9 for landfill capacity strikes me as ironic in  
10 this case when the transfer station doesn't  
11 store things permanently. It moves from one  
12 truck to another to a landfill. So I'm a little  
13 bit surprised about the discussion that we had.  
14 That's my thoughts on it.

11:39:10AM

15 Q. As part of the criteria about need, we  
16 have heard a lot about competition and how this  
17 would increase competition. As a business  
18 leader with experience, as CEO for multiple  
19 companies, which, obviously, compete, do you  
20 agree with that, that this --

11:39:42AM

21 MR. MUELLER: Objection. He's not  
22 qualified to opine on competition in the way

1 Mr. Kowalski did. He's not an expert. He's a  
 2 layperson, who happens to work near the site.  
 3 MR. MARSHALL: Mr. Walsh, this goes to  
 4 weight. It doesn't go to admissibility.  
 5 HEARING OFFICER WALSH: Again,  
 6 Mr. Mueller, I understand your objection. I'm  
 7 going to give him a lot of leeway.  
 8 Go ahead.

9 BY THE WITNESS:

11:40:12AM 10 A. Thank you, Mr. Walsh.  
 11 Competition is always a good thing.  
 12 It's a good thing. It helps drive more  
 13 efficient markets and drive prices down for  
 14 consumers in the marketplace. I didn't hear  
 15 anything yesterday, other than an estimate  
 16 provided by one of the witnesses, that would  
 17 suggest the community and citizens are going to  
 18 benefit from lower costs associated with the  
 19 opening of this facility.

11:40:35AM 20 I guess I heard an estimate that we  
 21 might save a dollar a month if everything goes  
 22 well. I haven't heard anybody from LRS to

1 commit to lower prices in the marketplace and  
 2 save money for consumers. So I'm only reacting  
 3 to the information that the expert witnesses  
 4 provided. I'm all for competition. I just  
 5 haven't seen any evidence presented so far that  
 6 this is going to change the economic model for  
 7 the citizens of the area.

8 Q. You also heard as part of the needs  
 9 analysis testimony regarding the benefits that  
 10 would accrue to the city in terms of host fees  
 11 and economic development.

12 In your opinion, do you agree that  
 13 this is going to be economically beneficial to  
 14 the area?

15 MR. MUELLER: Again, same objection.  
 16 He's not qualified. He's not an economist or a  
 17 planner.

18 HEARING OFFICER WALSH: Go ahead and  
 19 answer the question.

11:41:29AM 20 BY THE WITNESS:

21 A. Thank you. I have run billion-dollar  
 22 companies multiple times. I have dealt with a

1 lot of analysis of profit and loss and economics  
 2 in my time.  
 3 While I don't have all of the  
 4 details of the financial arrangements between  
 5 the City of Moline and LRS, it seems to me  
 6 there's an opportunity to make, maybe, 5 to  
 7 \$700,000 a year between property taxes and fees  
 8 that will be charged per ton as a result of  
 9 this.

11:42:00AM 10 But, as a CEO, I can also tell you  
 11 I don't believe anyone is going to move in next  
 12 to a transfer facility in the remaining eight to  
 13 ten lots, which would generate many multiples  
 14 more in property tax revenues down the road, are  
 15 going to be off the table.

16 I can tell you, personally, I was  
 17 looking at expanding into the Moline Business  
 18 Park with a very a large facility before this  
 19 happened. I think I would be very hard-pressed  
 11:42:26AM 20 to recommend to the owner of my company that he  
 21 invest millions and millions of dollars into the  
 22 facility now that the transfer facility proposal

1 is in place. I could be wrong. That's my  
 2 experience over the last 40 years of running big  
 3 companies, none of my peers are interested in  
 4 moving in next to a transfer facility. It  
 5 doesn't seem like a good way to appreciate  
 6 property values.

7 I understand Mr. MaRous thinks it's  
 8 a way to grow property values. I'd like to make  
 9 a deal with him that in the next five years, if  
 10 property values go up around that area, he gets  
 11 to keep the profits; if it goes down, he gets to  
 12 subsidize me for the 10 to 15 percent I'm going  
 13 to lose after this facility goes in.

14 I have tens of millions of dollars  
 15 invested in facilities --

16 MR. MUELLER: There's no question  
 17 pending. He's just off on a tangent.

18 HEARING OFFICER WALSH: Mr. Mueller,  
 19 your witnesses testified at length without  
 11:43:15AM 20 questions being asked of them, and I'm going to  
 21 allow the same for this witness.  
 22



1 BY THE WITNESS:

2 A. Thank you very much, Mr. Walsh.  
3 We have tens of millions of dollars  
4 in property across the street from this  
5 facility. And throughout the entire  
6 presentation that LRS gave, they never mentioned  
7 that those facilities were across the street. I  
8 never saw it in a picture. They talked about  
9 the National Guard, the golf course, the trailer  
10 park. It's almost like we missed these  
11 200,000-square-foot buildings that are exactly  
12 across, one of which is an international  
13 corporate headquarters. That's what concerns me  
14 about this project.

11:43:40AM

15 If I lose 10 to 15 percent in my  
16 property values on these buildings, that's  
17 millions and millions of dollars. Millions of  
18 dollars. That's a very significant hit to the  
19 value of the corporation and its assets.

11:44:03AM

20 Certainly, I'd be wiser to take the  
21 money that I think we're going to lose in that  
22 investment and invest it in, you know, further

1 actions to try and prevent this facility going  
2 in than I would to just sit back and let that  
3 depreciation take place.

4 There's no evidence anywhere that  
5 the values are going to go up if this facility  
6 goes in. My experience is they are going to go  
7 down. It's not the highest and best use if you  
8 can get more corporate headquarters in.

11:44:38AM

9 Corporate headquarters employ more people, they  
10 create a better image and, to me, that's a much  
11 higher and better use than a transfer facility.

12 Q. Mr. Kotecki, you currently lease the  
13 property -- Group O currently leases the  
14 property from the Airport Authority; is that  
15 right?

16 A. Right.

17 Q. If I'm not mistaken, I believe your  
18 lease with the Airport Authority comes up for  
19 renewal in 2027; is that right?

11:45:03AM

20 A. That's accurate.

21 Q. That's accurate. What impact does the  
22 siting of this facility there have on a business

1 decision to renew a lease there?

2 A. Well, we would be foolish to make a  
3 rash decision about the impact of this until we  
4 figure out if it's actually going in and what  
5 the impact is on my ability to hire and retain  
6 employees and maintain the corporate image that  
7 I want for the business.

11:45:32AM

8 Certainly, over time if that  
9 becomes a bigger and bigger issue or more  
10 concern about the safety of the people in the  
11 business that use that area for exercise during  
12 the day, I may have to look somewhere else for  
13 corporate headquarters, which I don't think  
14 would be my first choice; but I would have to  
15 consider the value of the company and the  
16 ability to hire and recruit employees. I guess  
17 it's a little bit of a to-be-determined.

11:46:03AM

18 We have thousands of employees.  
19 Last count, well over 100 lived in the City of  
20 Moline. So there would be a direct impact on  
21 the city and its citizenry if I had to relocate  
22 headquarters if I couldn't retain people as a

1 result of this facility going in.

2 MR. MARSHALL: I'd like to turn to  
3 the -- If you, please, Mr. Walsh, at this time  
4 I'd like to offer our previously submitted  
5 exhibits marked Group O Exhibit 1, Group O  
6 Exhibit 2, and Group O Exhibit 3.

11:46:34AM

7 HEARING OFFICER WALSH: Any objections  
8 to those?

9 MR. MUELLER: Nope.

10 HEARING OFFICER WALSH: So admitted.  
11 (Group O Exhibit Nos. 1, 2  
12 and 3 marked for  
13 identification.)

14 BY MR. MARSHALL:

15 Q. Mr. Kotecki, if you can take a look at  
16 our Group O Exhibit 1, can you describe that  
17 document?

18 A. So this is a lease that was signed in  
19 1997 between the Quad City Industrial Park,  
20 Airport Authority, and Group O.

11:47:02AM

21 Q. Is this lease still currently in  
22 effect?

1 A. Yes, it is.

2 Q. If you would turn to Page 8 of the

3 lease. If you look at letter G, would you read

4 letter G on permitted uses?

5 A. Permitted uses: Lessee covenants and

6 agrees that in no event will it enter into any

7 commercial activity on the airpark, other than

8 those specified in the restrictions and

9 covenants for industrial zones as set forth in

10 Exhibit C.

11 Q. So this lease references Exhibit C.

12 If you would turn to Exhibit C of the lease and

13 Page 2 of that lease. Does Page 2 of that lease

14 indicate that all of the lots within the

15 municipal airpark are subject to the

16 restrictions and covenants contained within

17 these conditions?

18 A. Yes, it does.

19 Q. Then in Article 1, on property,

20 there's a fairly long legal definition of the

21 property that's contained within the airpark

22 plat. I'm going to refer you to Exhibit B of

11:47:40AM

11:48:22AM

1 the lease.

2 Is this Exhibit B --

3 A. Yes.

4 Q. -- of the lease?

5 A. Uh-huh.

6 Q. Is this a copy of the Quad City

7 Industrial Airpark plat that is referenced in

8 the legal definition of the restrictive

9 covenants in Exhibit C?

10 A. Yes, it is.

11 Q. Do these restrictive covenants in

12 Exhibit C also reference that all of these

13 covenants and restrictions -- this is, again, on

14 Page 2 -- all of the conditions, restrictions,

15 and covenants set forth are for the benefit of

16 each tenant and their respective successors and

17 assigns; is that accurate?

18 A. That is accurate.

19 Q. So these covenants come with the land?

20 A. Yes.

21 Q. So I'd like you to turn to Page 7 of

22 the lease -- of Exhibit C, Article 5, under

11:49:04AM

11:49:45AM

1 performance standards.

2 Do these performance standards

3 restrict the use of the lots within the airpark

4 subdivision?

5 A. They do. They do.

6 Q. Are liquid and solid refuse and waste

7 and uses, such as noise, vibration, or shock,

8 smoke, dust, odor, and other forms of pollution

9 prohibited on lots within the airpark?

10 A. Yes.

11 MR. MUELLER: Where are you

12 referencing, Counsel?

13 MR. MARSHALL: This is Page 7,

14 Article 4.

15 BY MR. MARSHALL:

16 Q. Then, if you turn to Page 10 of the

17 covenants -- This is, again, on Exhibit C,

18 Letter I.

19 A. Yes.

20 Q. Could you read Letter I in that

21 restrictive covenant?

22 A. Refuse and trash: No refuse or trash

11:50:30AM

11:50:47AM

1 shall be kept, stored, or otherwise allowed to

2 accumulate on any parcel.

3 Q. And that would be applicable to your

4 parcel and any other parcel within the airpark

5 subdivision; is that accurate?

6 A. That is correct.

7 Q. To your knowledge and belief, is the

8 proposed transfer site located within the

9 airpark subdivision?

10 A. Yes, it is.

11 Q. If you refer to Group O Exhibit 3,

12 this is the plat of survey that was submitted

13 with the applicant's application for siting. If

14 you turn to the second page of that exhibit,

15 does the legal description there reference

16 Lot 21 and all of Lot 22 in the Quad City

17 Industrial Airpark?

18 A. Yes, it does.

19 Q. Again, those lots would be subject to

20 the restrictive covenants contained in the

21 lease?

22 A. Yes, they would.

11:51:19AM

11:52:00AM

1 Q. To the best of your knowledge, are  
2 those restrictive covenants still in force and  
3 effect?

4 A. Yes, they are.

5 Q. Have they been amended?

6 A. No, they have not.

7 MR. MARSHALL: I don't have any other  
8 questions, Mr. Walsh.

9 HEARING OFFICER WALSH: Mr. Mueller.

11:52:23AM

## 10 CROSS-EXAMINATION

11 BY MR. MUELLER:

12 Q. Mr. Kotecki, you have been with  
13 Group O for 18 months; is that correct?

14 A. That's correct. I also was on the  
15 board of directors for, approximately, 10 years.

16 Q. You're not an attorney, are you?

17 A. No, sir.

18 Q. You're not qualified to give legal  
19 interpretations of leases or covenants, are you?

11:52:51AM

20 A. I'm qualified to read from a lease and  
21 understand it.

22 Q. Okay. But you're not qualified to

1 give legal interpretations?

2 A. That's what I have my lawyer for.

3 Q. Let's look at Page 10 of your -- I  
4 think it's Exhibit C to the lease.

5 A. Uh-huh.

6 Q. No refuse or trash shall be kept,  
7 stored, or allowed to accumulate on any parcel,  
8 correct?

9 A. That's what it says.

11:53:26AM

10 Q. Yes. Now, you're aware that the  
11 operations at this transfer station will be  
12 enclosed?

13 A. I have been told it will be enclosed.

14 Q. You're aware that they -- the transfer  
15 station floor is cleaned every evening?

16 A. I listened exactly to what Mr. Moose  
17 said. Very clear presentations.

18 Q. So you're aware it's cleaned every  
19 night?

11:53:52AM

20 A. That's what he said.

21 Q. So we're not storing any refuse on the  
22 property, are we?

1 A. During day there's refuse on the  
2 property. According to the presentation,  
3 there's not going to be in the evening.

4 Q. The refuse is in a building, it's not  
5 on the property itself.

6 A. That is what Mr. Moose described.

7 Q. Can you define legally the term  
8 "parcel," or are you not qualified to do so?

11:54:20AM

9 A. I do not have the legal definition for  
10 the term "parcel."

11 Q. So you're not aware whether the term  
12 "parcel" includes the interior of a building,  
13 correct?

14 A. No, I do not.

15 Q. Now, you testified that Group O could  
16 lose millions of dollars in property value,  
17 right?

18 A. Yes.

19 Q. Did you do an analysis of that?

11:54:40AM

20 A. No. But I have real estate experts  
21 that have been advising me through this process.

22 Q. Do you have any of them to call as a

1 witness?

2 A. They are not here today, no.

3 Q. So the answer is you're not going to  
4 call any of the people that have been advising  
5 you?

6 A. No.

7 Q. Group O doesn't even own the property,  
8 right?

9 A. That's correct. We lease it.

11:55:05AM

10 Q. How do you lose property value if you  
11 don't own the property?

12 A. We own the buildings and equipment and  
13 all of the operations.

14 Q. You don't own any of the real estate,  
15 do you?

16 A. We don't own the land. We own the  
17 buildings and equipment and the business.

18 Q. Those have all already been amortized,  
19 haven't they?

11:55:24AM

20 A. No.

21 Q. How much amortization do you have left  
22 on your buildings?

- 1 A. I'm not at liberty to discuss the  
2 private financial statements of Group O.  
3 Q. You're telling me you're going to lose  
4 millions of dollars on your buildings?  
5 A. That's right.  
6 Q. Which building are you going to lose a  
7 million dollars on?  
8 A. The two buildings together have value  
9 in the tens of millions if I lose 10 to  
10 15 percent of value on any of those buildings.  
11 If I didn't believe that this was something that  
12 was really going to happen, I wouldn't be here  
13 today.  
14 Q. Let's go back to the history of the  
15 industrial park. The lease was signed in '97,  
16 right?  
17 A. Yes.  
18 Q. Group O has been there since then,  
19 right?  
20 A. Uh-huh.  
21 Q. How many other tenants have come into  
22 the industrial park subdivision since then?

11:55:45AM

11:57:30AM

11:56:02AM

11:58:01AM

- 1 Q. Okay. But we don't hear the opinions  
2 of your expert advisers. We -- Lakeshore put  
3 its expert advisers on the witness stand for  
4 cross-examination. Are you going to do that?  
5 A. No. The reason why is because if I  
6 didn't believe it was true, I wouldn't waste my  
7 time. I wouldn't be here in front of you today  
8 if I thought it was going to have no effect on  
9 my business or the real estate values.  
10 Q. We already determined you don't have  
11 any real estate values.  
12 A. Property values. Building values.  
13 Q. You have no land there?  
14 A. We do not own the land.  
15 Q. So you have personal property values?  
16 A. We have values in the buildings, the  
17 equipment, and the operations.  
18 Q. Sir, you said you could lose millions  
19 in real estate values, right?  
20 A. Value of the buildings.  
21 Q. Okay. So you're not going to lose  
22 anything in real estate value, am I correct?

- 1 A. I don't know.  
2 Q. Would the answer be zero?  
3 A. Could be.  
4 Q. So Group O's operation, apparently,  
5 has not stimulated development?  
6 A. I didn't know that was our job.  
7 Q. Well, you said you're hoping you get  
8 more corporate headquarters in the industrial  
9 park?  
10 A. I would hope Moline could attract  
11 highest and best use corporate headquarters.  
12 Q. How many have they attracted in the  
13 last 26 years, since you signed the lease?  
14 A. I would say zero. I have no idea what  
15 efforts were put forth to attract corporate  
16 headquarters to that area.  
17 Q. By the way, your estimate as to what  
18 you're going to lose in value on your buildings  
19 is not based on a study, is it?  
20 A. It's based on the experience of my  
21 expert advisers, just like you base your  
22 opinions.

11:56:29AM

11:58:20AM

11:56:59AM

11:58:45AM

- 1 A. No.  
2 Q. No, I'm not correct?  
3 A. No. We will not lose anything in real  
4 estate values.  
5 Q. You might lose some personal property  
6 values?  
7 A. Yes.  
8 Q. But you can't tell me what your  
9 personal property is worth or how much has been  
10 amortized because that is proprietary  
11 information?  
12 A. Right. I could just tell you our plan  
13 and equipment is worth tens of millions.  
14 Q. How much of it has been amortized?  
15 A. I can't say that. It's private  
16 information.  
17 Q. So there's no way to judge objectively  
18 the accuracy of your statement about losing  
19 value, is there?  
20 A. But amortization of the building has  
21 nothing to do with real estate values. If my  
22 property is worth 50 million today and after

- 1 this goes in, it's worth 45 in terms of its fair  
 2 market value, then it's \$5 million in loss.  
 3 **Q.** Sir, once again, you used real estate  
 4 values?  
 5 **A.** Property values.  
 6 **Q.** You don't have any real estate value?  
 7 **A.** Property values.  
 8 **Q.** You don't have real property values,  
 9 do you?  
 10 **A.** I have property values in the  
 11 building, the equipment, and the business.  
 12 **Q.** Do you understand the difference  
 13 between real property and personal property?  
 14 **A.** Yes.  
 15 **Q.** You have personal property values?  
 16 **A.** Right.  
 17 **Q.** Can that equipment be moved?  
 18 **A.** Not very easily.  
 19 **Q.** By the way, how much do you contribute  
 20 to road maintenance at the site?  
 21 **A.** I don't know, off the top of my head.  
 22 I would have to get it for you.

11:59:12AM

11:59:29AM

- 1 even possible, right?  
 2 **A.** I just know based on the document that  
 3 you provided.  
 4 **Q.** Okay. Then you said you're concerned  
 5 that with regard to need. We didn't really talk  
 6 about the transfer station need. We talked  
 7 about need for disposal capacity.  
 8 **A.** You talked about the need for  
 9 increasing disposal capacity.  
 10 **Q.** Would you agree with me, sir, that if  
 11 you transfer a significant amount of waste  
 12 outside of the service area to a remote  
 13 landfill, you have, effectively, increased the  
 14 remaining capacity of the existing landfills?  
 15 **A.** Only if you assume it can't be  
 16 transferred there today.  
 17 **Q.** Can you answer the question, sir?  
 18 Would you agree that if you  
 19 transfer waste out of the service area to a  
 20 remote landfill, you will, effectively, increase  
 21 the remaining capacity of the existing  
 22 landfills?

12:00:55PM

12:01:35PM

- 1 **Q.** Do you contribute at all to road  
 2 maintenance?  
 3 You're looking for answers. Do you  
 4 know?  
 5 **A.** I do not know.  
 6 **Q.** You do know that Lakeshore has  
 7 committed to contribute their proportionate  
 8 share of road maintenance on 47th?  
 9 **A.** I heard that.  
 10 **Q.** Do you think that's a positive thing?  
 11 **A.** It's great.  
 12 **Q.** Now, you said that RICWMA can tap into  
 13 additional landfill capacity for an additional  
 14 85 years?  
 15 **A.** That's what it said in their memo.  
 16 **Q.** Do you know whether that's even  
 17 realistic?  
 18 **A.** No. I'm not an expert on their  
 19 landfill. I can only go by what they said in  
 20 the document.  
 21 **Q.** So you don't know how easy or hard it  
 22 is to tap into that 85 years or whether it's

11:59:55AM

12:00:23PM

- 1 **A.** If you pull the materials you're  
 2 currently putting into the local landfills and  
 3 move them to another landfill, you could  
 4 increase the capacity and extend the life of the  
 5 existing landfills. If that's your question.  
 6 **Q.** You do agree competition is a good  
 7 thing?  
 8 **A.** Competition is always a good thing.  
 9 **Q.** Then you also agree that Moline has  
 10 the opportunity to make between 500 and \$700,000  
 11 per year from this project?  
 12 **A.** That's the estimate, based on what I  
 13 have heard here.  
 14 **Q.** You think that's also a good thing,  
 15 right?  
 16 **A.** It's always a good thing to increase  
 17 revenues.  
 18 **Q.** So, financially at least, there is an  
 19 obvious and tangible benefit down the road from  
 20 this project, right?  
 21 **A.** If it was me, I would be putting more  
 22 weight into the opportunity cost of what I would

12:02:10PM

12:02:35PM

1 be losing by putting this facility in and less  
2 on what I'm gaining today by putting it in.

3 Q. That brings us back to where we were  
4 before, the lost opportunity clause. You're  
5 indicating other businesses will not want to  
6 come here because of the transfer station?

7 A. That's correct.

8 Q. My question is: How many businesses  
9 have come to that industrial park in the last  
10 26 years, other than yours?

11 A. And I said, I don't know.

12 Q. And the answer is zero, isn't it?

13 A. I don't know. Are you telling me it's  
14 zero?

15 Q. Yes. So how much lost opportunity has  
16 there been over the past 26 years?

17 A. I don't know. I mean, there's nothing  
18 there. I don't know what efforts were put in to  
19 build the airport area, what kind of incentives  
20 were provided, what kind of marketing was done.  
21 I have no idea what effort was put into that. I  
22 just know I'd rather have a bunch of corporate

12:03:04PM

12:03:24PM

1 Q. One of the activities that can be done  
2 on the site is processing and compacting  
3 materials, correct?

4 A. Can you show me where you're looking  
5 at that in the document?

6 Q. I think it's in the covenants.

7 A. Yes. What page?

8 Q. Article 3 -- they are telling me --  
9 Section 6.

12:05:02PM

10 A. Yes. Processing and compounding of  
11 materials.

12 Q. Processing and compounding. Don't you  
13 think that what we do at the transfer station is  
14 consistent with processing and compounding?

15 A. It's more consistent with refuse and  
16 trash for me.

17 Q. Are you storing waste on your property  
18 at Group O?

19 A. No.

12:05:35PM

20 Q. Do you have garbage cans there?

21 A. We do.

22 Q. So there is refuse in those garbage

1 headquarters on my property than transfer  
2 facilities, if I had the choice.

3 Q. I'm sure if we put the Taj Mahal  
4 there, you would like that, too, wouldn't you?

5 A. It would be great. Can you arrange  
6 it? I think if you put it next to the LRS  
7 facility, I'd be okay.

8 Q. So with regard to these covenants,  
9 they were written by the Airport Authority,  
10 weren't they?

11 A. I believe so.

12 Q. And it's the Airport Authority that  
13 entered into this lease with Lakeshore?

14 A. I believe so.

15 Q. Doesn't that indicate to you that they  
16 have made a determination that Lakeshore's  
17 proposed use is consistent with their covenants?

18 MR. MARSHALL: Object as speculation.

19 HEARING OFFICER WALSH: You can answer  
20 the question.

21 BY THE WITNESS:

22 A. Either that, or it's an oversight.

12:03:56PM

12:04:17PM

1 cans, right?

2 A. They are picked up every day, yeah.

3 Q. Well, during the day there's some in  
4 there?

5 A. Uh-huh.

6 Q. We clean up our floor every night.

7 A. Uh-huh.

8 Q. So we're all the same here, aren't we?

12:05:59PM

9 A. That's not a very good quibble. But  
10 in that regard, I guess so.

11 Q. You said also, I think, that your

12 employees would quit if this transfer station  
13 goes in?

14 A. I'm not certain they will but it may  
15 affect their willingness to stay on as  
16 employees.

17 Q. How many have told you that they are  
18 going to quit?

19 A. I haven't discussed it with any of the  
20 employees specifically.

12:07:21PM

21 Q. So the answer is zero have told you,

22 right?

1 A. So far.  
 2 Q. Okay. How many employees do you have  
 3 on the site at Group O?  
 4 A. Within those two buildings, we,  
 5 probably, have about 350.  
 6 Q. Because you said you had thousands of  
 7 employees?  
 8 A. We do have thousands of employees.  
 9 Q. But not on site?  
 10 A. Not on those two buildings.  
 11 Q. So whether or not other companies will  
 12 come into the industrial park, you have no data  
 13 on that, do you?  
 14 A. No.  
 15 Q. Whether or not employees will quit,  
 16 you have no data on that?  
 17 A. No.  
 18 Q. Whether or not you're going to lose  
 19 personal property value, you have no data on  
 20 that, do you?  
 21 A. I have information from my experts.  
 22 Q. Which you're not going to share with

12:07:44PM

12:08:18PM

1 us?  
 2 A. That's correct.  
 3 MR. MUELLER: That's all I have.  
 4 HEARING OFFICER WALSH: Ms. Zwick, do  
 5 you have questions?  
 6 MS. ZWICK: No questions.  
 7 HEARING OFFICER WALSH: Mr. Silverman?  
 8 MR. SILVERMAN: Yes.  
 9 CROSS-EXAMINATION  
 10 BY MR. SILVERMAN:  
 11 Q. Mr. Kotecki, Group O has leased the  
 12 property since 1997 and has used it for  
 13 corporate headquarter purposes is my  
 14 understanding?  
 15 A. Yes. Corporate headquarters is one  
 16 building and the other building is light  
 17 industrial.  
 18 Q. So -- Okay. You have been in the  
 19 industrial park for 27 years or whatever the  
 20 date was that the property was developed. You  
 21 have testified that you are now having to take a  
 22 wait-and-see approach about future investments

12:08:44PM

12:09:11PM

1 in that vicinity, based on the performance of  
 2 the LRS property, to paraphrase?  
 3 A. No. I have to take a wait-and-see  
 4 approach to determine what the impact on -- on  
 5 my ability to accrue and retain employees is.  
 6 It's highly unlikely I would further development  
 7 the Moline Business Park if that facility goes  
 8 in.  
 9 Q. But if the facility never went in,  
 10 Group O is prepared to make investments in the  
 11 airpark?  
 12 A. We're considering making investments  
 13 in the airpark.  
 14 Q. Why now and why not in the last  
 15 27 years?  
 16 A. Because we have business needs that  
 17 need to be met that we didn't 27 years ago.  
 18 Q. Let's say -- Since we are all sitting  
 19 here and having to speculate a little bit about  
 20 the employees and the LRS property, though, they  
 21 have testified to its operation and design to  
 22 ensure that the external negative impacts will

12:09:49PM

12:10:10PM

1 be minimized as much as possible and they have  
 2 testified to that.  
 3 Let's say it does operate like they  
 4 suggest, can Group O, then, go forward  
 5 confidently and make the investments it's  
 6 anticipating in the airpark?  
 7 A. I think perception is reality. No one  
 8 wants to locate next to a garbage facility.  
 9 Bugs, birds, rodents, odors, garbage has a mind  
 10 of its own and tends to get out. Things happen.  
 11 I think you're going to be hard-pressed to find  
 12 people who want to invest next to this facility.  
 13 I can only speak to what I'm willing to do. And  
 14 I'm probably not going to invest millions of  
 15 dollars in a new building next to this facility.  
 16 Q. Notwithstanding everything you have  
 17 heard here in the last -- since yesterday, you  
 18 do not believe the LRS property is going to  
 19 perform at the level we're seeing, you think  
 20 it's all not credible witness testimony?  
 21 A. No. I found Mr. Moose's presentation  
 22 to be very interesting. I hadn't heard it

12:10:45PM

12:11:13PM

1 before. I certainly hope if they move in, it  
2 does. But I think perception is still reality  
3 in the real estate market. People don't want to  
4 be next to a garbage facility.

5 Q. Okay. But we have heard testimony  
6 that waste transfer facilities like this don't,  
7 actually, serve as barriers to future  
8 investment.

9 Did you hear that testimony?

12:11:44PM 10 A. I didn't hear any testimony that made  
11 sense with regard to this location. I heard by  
12 the Chicago airport in the middle of a giant  
13 industrial track, property values over here  
14 didn't change when they put a transfer station  
15 in. I'm not sure how that relates to my  
16 corporate headquarters or my desire to build a  
17 new facility in that property.

18 Q. It does relate because you are  
19 speculating that the operation -- the  
12:12:10PM 20 development and operation of the LRS facility is  
21 going to be a nuisance on a future investment,  
22 not only by Group O, apparently, but by other

1 unknown players?

2 A. I think it will be.

3 Q. Okay. Getting back to that point  
4 about not serving as a barrier, the question I  
5 had asked that witness was you have done these  
6 valuation impact studies for other waste  
7 transfer facilities.

8 At least as I understood the  
9 testimony that was offered, it wasn't limited to  
12:12:39PM 10 the O'Hare site that you referenced. It was  
11 based on other professional engagements that he  
12 has had and based on that professional  
13 experience, it did not serve as a barrier to  
14 future investment.

15 Did you not hear that?

16 A. I heard exactly what he said.

17 Q. But that doesn't change your opinion  
18 here?

19 A. No.

12:13:00PM 20 Q. Okay. So you have a lot of opinion  
21 but no hard facts?

22 A. No.

1 MR. SILVERMAN: Okay. Thank you.

2 HEARING OFFICER WALSH: Thank you.

3 Redirect, Mr. Marshall.

4 MR. MARSHALL: Real quick.

5 REDIRECT EXAMINATION

6 BY MR. MARSHALL:

7 Q. Mr. Kotecki, Mr. Mueller asked you a  
8 lot about whether or not there was an adverse  
9 impact on the real estate values, as opposed to  
12:13:19PM 10 property. The criteria on No. 3 under 39.2, the  
11 facility is located as to minimize  
12 incompatibility with the character of the  
13 surrounding area and minimize the affect on  
14 value of the surrounding property.

15 Does that say "real estate"?

16 A. No.

17 Q. So property, which could include  
18 personal property, your buildings and equipment?

19 A. Yes.

12:13:41PM 20 Q. Now, if you decided not to renew your  
21 lease with the Airport Authority, would that  
22 impact the value of their real estate?

1 A. I would guess so. I would think so.

2 Q. Finally, again, we have talked a lot  
3 about the benefits this is going to bring to the  
4 City of Moline, in terms of host payments and  
5 things like that. Let's talk a little bit about  
6 the benefits Group O provides to the City of  
7 Moline and what they could, potentially, lose.

8 MR. MUELLER: I'm going to -- That's  
9 beyond the scope of cross.

12:12:39PM 10 the O'Hare site that you referenced. It was  
11 based on other professional engagements that he  
12 has had and based on that professional  
13 experience, it did not serve as a barrier to  
14 future investment.

12:14:14PM 10 HEARING OFFICER WALSH: Agreed. That's  
11 sustained.

12 MR. MARSHALL: I don't have anything  
13 else, Mr. Walsh.

14 HEARING OFFICER WALSH: Mr. Mueller.

15 MR. MUELLER: Just briefly to follow up  
16 on Mr. Silverman, in that line.

17 RECROSS-EXAMINATION

18 BY MR. MUELLER:

19 Q. I heard you say bugs, birds, rodents,  
12:14:31PM 20 and odors. Is there evidence that any of those  
21 things are going to result from this enclosed,  
22 modern, state-of-the-art transfer station?



1 A. Is there evidence that they won't? Is  
2 it open? Is it operating? Are you sure it  
3 won't?

4 Q. Well, you heard the testimony of  
5 Mr. Moose, who said it won't happen, didn't you?

6 A. It doesn't exist yet. It's all theory  
7 on paper.

8 Q. So your bugs, birds, odors and rodents  
9 is speculation?

12:15:03PM 10 A. It's a possibility.

11 Q. How many other transfer stations have  
12 you visited?

13 A. I haven't visited any transfer  
14 stations.

15 Q. So you don't know how effective their  
16 bugs, birds, odors, and rodents controls might  
17 be?

18 A. Well, what I can tell you is when I  
19 heard this facility was going in, I took

12:15:27PM 20 15 minutes and went to the LRS website. I found  
21 the locations of all of their facilities, went  
22 to Google Maps, zeroed in on the facilities

1 through satellite and saw garbage laying all  
2 over the yards in open trucks with no tarps all  
3 full of garbage and not full of garbage.

4 Now, this facility may have a  
5 different design from those facilities. I don't  
6 know. But I also don't know what commitments  
7 LRS made to those communities about what would  
8 happen with those facilities.

12:15:57PM 9 Q. You're aware that some facilities are  
10 old open facilities?

11 A. I just conceded, I don't know. You  
12 know, I don't know what happens between the  
13 objective for those facilities.

14 Q. Did you hear Mr. MaRous' testimony  
15 this morning?

16 A. I did.

17 Q. Did you hear him -- When you said  
18 people don't want to be next to a garbage  
19 facility, did you hear Mr. MaRous testify that

12:16:17PM 20 these kinds of industrial uses, you don't even  
21 know what goes on inside them a lot of times?

22 A. You don't know what's going on when

1 there's garbage trucks parked there all day,  
2 when there's 15 garbage trucks parked there  
3 overnight, when there's giant 18-wheeler garbage  
4 haulers coming in and out? No one is going to  
5 know what's going on there?

6 Q. The 18-wheelers are tarped and  
7 covered, right?

8 A. You hope they will be.

9 Q. They are also loaded indoors, right?

12:16:47PM 10 A. That's the plan.

11 Q. So assuming this facility operates as  
12 represented by Lakeshore, do you still have a  
13 problem with it?

14 A. I drive past the LRS facility on  
15 Route 80 all the time. I, actually,  
16 complimented these guys on what it looked like  
17 but I see garbage all over in that area. I

18 don't even think it's from LRS. I think it  
19 could be from the haulers. They go by, the

12:17:15PM 20 tarps come off, and the garbage blows  
21 everywhere. There's inherent risk when you have  
22 trucks coming in and out with garbage all day.

1 Whether LRS is successful at what they say they  
2 would like to do, they cannot control all of the  
3 factors that go into garbage coming in and out  
4 of that facility.

5 Q. Lastly, Mr. Kotecki, you keep talking  
6 about rethinking whether or not you're going to  
7 invest more in this property, right?

8 A. That's correct.

12:17:49PM 9 Q. Are you threatening not to invest  
10 further if this project goes in?

11 A. Of course not.

12 Q. It sounded like a threat to me.

13 A. Well, it wasn't.

14 Q. That's all -- Oh, by the way, one last  
15 thing.

16 Were you here for Carrie Hansen's  
17 presentation?

18 A. I have been here since the beginning,  
19 so yes.

12:18:10PM 20 Q. Are you aware that she, actually,  
21 pictured and identified Group O in her

22 presentation?

1 A. I saw a lot of other pictures. I  
2 didn't see Group O specifically discussed in her  
3 presentation, but it's possible I missed it.

4 MR. MUELLER: That's all.

5 HEARING OFFICER WALSH: City staff,  
6 anything?

7 MS. ZWICK: Couple things.

8 CROSS-EXAMINATION

9 BY MS. ZWICK:

10 Q. So the properties that Group O leases,  
11 those are not located in the City of Moline,  
12 correct?

13 A. That's right.

14 Q. They are unincorporated?

15 A. Right.

16 Q. It's true, is it not, that Group O has  
17 not spoken to the City of Moline about  
18 developing any of the properties in that  
19 business park?

20 A. Not at this point.

21 Q. You also mentioned that the properties  
22 with the leases are across the street from this

1 A. No.

2 Q. And there's intervening lots?

3 A. There is intervening lots.

4 MS. ZWICK: No further questions.

5 HEARING OFFICER WALSH: Mr. Silverman?

6 MR. SILVERMAN: Yes.

7 RE-CROSS-EXAMINATION

8 BY MR. SILVERMAN:

9 Q. Let's talk about what I, actually --

10 Would Group O make a business decision to divest  
11 from that property when its lease expires,  
12 merely based on the fact there's a waste

13 transfer facility operating in accordance with

14 the testimony that's been offered here today and

15 yesterday?

16 A. No. It would be based on our ability  
17 to recruit and retain employees.

18 Q. So it's your opinion that you will  
19 have difficulty retaining and recruiting new

20 employees because of LRS's facility?

21 A. I'm very concerned about it. I'll

22 have to wait and see, if the facility goes in,

1 facility?

2 A. Uh-huh.

3 Q. The properties, they are not located  
4 on 47th Street?

5 A. No. But they are in plain view of the  
6 facility that's going in and there's nothing  
7 there but a cornfield now.

8 Q. There's intervening lots, correct?

9 A. Uh-huh.

10 Q. Well over -- We can pull up the map.  
11 Well over five acres. So it's true, is it not,  
12 that Group O is not leasing property across the  
13 street?

14 A. Across the street or two blocks away.  
15 It doesn't make much difference on the impact of  
16 our company.

17 Q. But your testimony today, I think, is  
18 you're across the street. And that's not true,  
19 is it?

20 A. If you pull up the diagram, you can  
21 see we're in plain view of the facility, so --

22 Q. You're not on 47th Street?

1 what the actual impact is.

2 Q. So we are back to a wait-and-see  
3 because we don't know yet, right?

4 A. Don't know yet.

5 Q. As a general tenant of capitalism, we  
6 agree that competition is good, right, in your  
7 extensive experience as a chief executive  
8 officer for large corporations?

9 A. Yes.

10 Q. Bear with me one second.

11 A. No problem.

12 Q. How important -- Okay. So you have  
13 represented that Group O is at least thinking  
14 about making additional investments in the  
15 airport, correct?

16 A. Yes.

17 Q. Okay. But what is the necessity of  
18 those investment --

19 THE COURT REPORTER: I'm sorry. I  
20 couldn't hear the end. Could you repeat your  
21 question?

22

1 BY MR. SILVERMAN:

2 Q. What is the necessity of those  
3 anticipated future investments being in close  
4 proximity to your current facility?

5 A. You're asking me if I could place them  
6 elsewhere --

7 Q. Yes.

8 A. -- and be just as profitable or  
9 efficient or whatever?

12:22:13PM 10 Q. Yes. Yes.

11 A. There's some benefits to being close  
12 to headquarters because that's where the  
13 officers are located and we can be close by to  
14 see things that happen at the facility, just as  
15 we are with the one next to us. There's  
16 benefits there for sure. I could probably put  
17 it somewhere else as well.

18 Q. So it doesn't -- Okay. So Group O's  
19 potential investments in the City of Moline or

12:22:41PM 20 in the vicinity of Moline is not necessarily  
21 completely foreclosed by virtue of LRS's --

22 A. No. We'd like to support the

1 community. We'd like to support Rock Island  
2 County. We'd like to support Moline. The  
3 company has done a lot of wonderful things for  
4 the City of Moline and its people. And all  
5 factors equal, we'd like to be there.

6 Q. I can tell you, from speaking with my  
7 clients, they would agree with that. But on the  
8 same token, wouldn't you agree that a TIF  
9 district, an industrial park set up to promote  
10 industrial development and warehousing  
11 development, this type of investment -- never  
12 mind what it is, an \$18 million investment is a  
13 significant investment?

12:23:17PM 14 A. It's a significant investment.

15 Q. Since we're kind of thinking about  
16 things hypothetically, it could be a catalyst?

17 A. It's possible. I wouldn't think it  
18 would be based on what it is, but it could be.

19 Q. That's, again, notwithstanding  
20 testimony offered by Mr. Moose that showed it's  
21 typically not --

12:23:45PM 22 A. I can only base it on what I've heard

1 so far.

2 MR. SILVERMAN: Okay. Thank you.

3 HEARING OFFICER WALSH: Mr. Marshall,  
4 anything further?

5 MR. MARSHALL: No. We rest.

6 HEARING OFFICER WALSH: Thank you.

7 Any other witnesses?

8 MR. MARSHALL: Nope.

9 HEARING OFFICER WALSH: Any rebuttal

12:24:01PM 10 witnesses of any sort?

11 MR. MUELLER: Nope.

12 HEARING OFFICER WALSH: We have  
13 exhibits for the Applicant 1 through 6. Is  
14 there any objection to any of those being  
15 admitted?

16 MR. MARSHALL: No.

17 MS. ZWICK: No objection.

18 MR. SILVERMAN: No objection.

19 HEARING OFFICER WALSH: So admitted.

12:24:24PM 20 (Applicant Exhibit Nos. 1  
21 through 5 admitted for  
22 identification.)

1 HEARING OFFICER WALSH: We have  
2 Group O's Exhibits 1 through 4. Any objection  
3 to the admission of those documents,  
4 Mr. Mueller?

5 MR. MUELLER: No objection.

6 MS. ZWICK: No objection.

7 HEARING OFFICER WALSH: Those are so  
8 admitted. We are at the conclusion of the  
9 evidentiary portion of this hearing. We will,  
10 next, take public comment but we will break for  
11 lunch.

12:24:48PM 12 Mr. Mueller, I understand there is  
13 someone that needs to provide public comment at  
14 1:00 or 1:30.

15 (Group O Exhibit Nos. 1  
16 through 4 admitted for  
17 identification.)

18 MR. MUELLER: Our 1:00 o'clock public  
19 commenter, who is the executive director of the  
20 airport, has asked if he could do it now because  
21 then he has to get back to work.

12:25:05PM 22 HEARING OFFICER WALSH: We can do that.

1 Then we'll break for lunch.  
 2 Can we bring the podium up?  
 3 MR. MUELLER: This is Ben we're talking  
 4 about.  
 5 HEARING OFFICER WALSH: Anyone who  
 6 wants to provide public comment at this hearing  
 7 needs to sign this register today because public  
 8 comments will move forward today.  
 9 Who is this person?

12:26:12PM

10 MR. MUELLER: Ben Leischner.

11

12 PUBLIC COMMENTS

13

14 MR. LEISCHNER: My name is Ben  
 15 Leischner. I'm the executive director of the  
 16 Metropolitan Airport Authority of Rock Island  
 17 County, Illinois. Sorry I couldn't be here  
 18 earlier. My time is limited. I'm kind of going  
 19 back and forth between the airport and here.

12:26:54PM

20 I had a chance to listen for a  
 21 couple of minutes to Mr. Kotecki's testimony or  
 22 witness position, and they are a valued tenant

1 of the industrial park. It's no secret there  
 2 hasn't been a lot of activity going on in the  
 3 industrial park for the last 20-plus years.  
 4 I have been the executive director  
 5 of the airport for just over five. And it's  
 6 been part of the mission to market that space  
 7 and especially work with the city and partner  
 8 with that TIF district with the expense of the  
 9 infrastructure being installed to those  
 10 facilities.

12:27:24PM

11 To be honest with you, when  
 12 Lakeshore first reached out to the Airport  
 13 Authority we were very dismissive and our  
 14 position was, sorry, we are not interested in  
 15 having that type of construction or operation  
 16 upon airport property for obvious reasons.  
 17 Hazards and risks associated with wildlife  
 18 attractants are a big one for airports, but also  
 19 that's an area where we want to develop and it's  
 20 zoned light industrial, warehousing,  
 21 headquarters of Group O. It's an area we want  
 22 to have presentable and something we can be

12:27:48PM

1 prideful of.  
 2 However, as we started to engage  
 3 Lakeshore Recycling, we had a list of issues and  
 4 all of those issues were addressed really  
 5 quickly. Ultimately, what it came down to is a  
 6 facility that I did not expect. I thought we  
 7 had enough hurdles in place where, yeah, this  
 8 isn't -- A transfer station is not something you  
 9 want at the airport, period.

12:28:16PM

10 Then what it became was an indoor  
 11 transfer station, which was something that I was  
 12 not familiar with and is -- honestly, I think  
 13 aligns really well with the development of that  
 14 space. I see it. I put a lot of deliberation  
 15 into this.

16 As the director and distributor of  
 17 about 2,500 acres, we contribute right around  
 18 \$700 million of annual economic activity to the  
 19 Quad Cities region, so we don't take these  
 20 things lightly. We look into it very closely.

12:28:41PM

21 We listened to some experts.  
 22 Most importantly, I reached out to

1 other locations where Lakeshore has started to  
 2 go this direction in proximity to airports, and  
 3 people that I trust. I'm used to working with  
 4 developers and a lot of developers will tell you  
 5 what you want to hear, so I trust the data. Not  
 6 conjecture. Not opinion. How have you  
 7 performed in the past and are you capable of  
 8 meeting the requirements, which are set forth  
 9 in, I think, Title 14 of the Code of Federal  
 10 Regulations for airports, as far as this is what  
 11 you must do. The process started to move  
 12 forward and it became more of an obvious -- it  
 13 made a lot more sense.

12:29:07PM

14 I reached out to Group O multiple  
 15 times early on and kind of, hey, this is what  
 16 we're looking at doing, I just want to, like,  
 17 talk about that. Eventually, once it got to the  
 18 point where it was imminent on some of this  
 19 process. Hey, we do need to talk about this.  
 20 Let's talk about this. We're really concerned.  
 21 I felt pretty comfortable with the issues that  
 22 were raised. I was exactly where you are. I

12:29:36PM

1 was there seven months ago, eight months ago.  
 2 I now understand it better. I have  
 3 done research. I feel more comfortable with  
 4 this. Some of my position -- I'm, also, very  
 5 familiar with the property and even closer to  
 6 their headquarters is an open solid waste  
 7 facility for a trailer park. If this doesn't  
 8 bother you or create a detriment, a facility  
 9 that is -- you know, it's off the road, it's got  
 10 berms. You're going to see trash trucks going  
 11 in and out but that's something that's been  
 12 covered, as far as waste pickup, if anything  
 13 blows off. We have personnel five days a week  
 14 that are on the south side of the airport  
 15 picking up trash, doing grounds maintenance. So  
 16 this is something we can, then, turn over to  
 17 Lakeshore to cover. An issue that's already  
 18 there that may get worse but it will be  
 19 addressed and the issue that's there today will  
 20 be taken care of.  
 21 Again, we want to promote all  
 22 development. From the airport's perspective, we

12:30:08PM

12:30:32PM

1 meet those federal requirements that are  
 2 incumbered on the property and the lease.  
 3 I just wanted to share that. I  
 4 will also say, again, I have done a lot of  
 5 research with other organizations that have done  
 6 work with Lakeshore. And some of my early  
 7 feelings and sediments were validated through  
 8 those discussions. I know it is something  
 9 where, yes, it's deemed controversial. A lot of  
 10 perspective is it's something really in the  
 11 airport's industry, which is NIMBY, Not in My  
 12 Backyard. You can see the greater good for it  
 13 in the community, but it's one of those where  
 14 you don't want to be next-door to that.  
 15 I completely respect that. I  
 16 respect Group O's position on what the possible  
 17 impacts could be to their operation and  
 18 facility. It's one where, as the lessor, we're  
 19 completely willing and prepared to stand behind  
 20 those incumbrances and make sure that the  
 21 facility becomes what it is said to become or it  
 22 will not exist for long.

12:31:56PM

12:32:19PM

1 do not see this as being any kind of risk or  
 2 hazard to aviation, which, again, that's our  
 3 primary mission. Yes, we do have an industrial  
 4 airpark, but we want to -- Safety and security  
 5 are No. 1; and No. 2 is promoting congress in  
 6 the region.  
 7 Again, I thought we were setting a  
 8 really high bar of some somewhat unobtainable  
 9 goals. But after talking to experts and looking  
 10 at what they presented, it aligns really well.  
 11 I will also happily say this is  
 12 something that once -- if this does go forward,  
 13 we will be monitoring it every day. The way  
 14 it's structured, we will have personnel every  
 15 several hours going by with public safety or  
 16 maintenance. So we will be monitoring it. If  
 17 there are issues where it's noncompliance  
 18 specifically, there won't be an indoor transfer  
 19 station for long because we will have those  
 20 incumbrances in place where they meet the  
 21 requirements. Regardless of who owns the  
 22 facility or who operates the facility, it has to

12:31:00PM

12:31:27PM

1 Thank you. That's all I wanted to  
 2 share.  
 3 HEARING OFFICER WALSH: Thank you.  
 4 We'll reconvene at 1:30 with continued public  
 5 comment.  
 6 (A lunch break was had.)  
 7 HEARING OFFICER WALSH: Let's continue  
 8 on with the participation by the oral public  
 9 comment portion of the hearing. Is there  
 10 anybody in the audience that would like to make  
 11 a public comment that has not signed up on the  
 12 register? Please see me ASAP.  
 13 We'll start with Dominic Remmes.  
 14 Please come up to the podium here, state your  
 15 name and spell your last name for the record.  
 16 MR. REMMES: Good afternoon. I'm  
 17 Dominic Remmes, R-e-m-m-e-s. I'm a registered  
 18 professional engineer and I work for Waste  
 19 Connections, the parent company for Millennium  
 20 Waste and Quad Cities Landfill.  
 21 Quad Cities landfill is located  
 22 south of Milan, just six miles from the proposed

01:30:45PM

01:31:19PM

1 LRS transfer station. I have worked with that  
 2 landfill since 1998, way back when BFI owned it.  
 3 The LRS siting application before  
 4 us is required by Criterion 8 to be compatible  
 5 with the county solid waste management plan.  
 6 And as Mr. Kowalski testified last night, back  
 7 in the early 1990s, Rock Island Waste Management  
 8 Agency was established. And one of its  
 9 responsibilities is to prepare the five-year  
 10 updates to the plan.

01:31:59PM

11 RICWMA has prepared each and every  
 12 one of those plans. As such, and as the author,  
 13 RICWMA has -- is the definitive authority on the  
 14 Rock Island County Waste Management Plan.  
 15 RICWMA, in its role described in the solid waste  
 16 management plan, specifically considered the LRS  
 17 application back on April 26th. And at that  
 18 meeting, RICWMA passed a resolution stating that  
 19 the LRS proposed transfer station is not  
 20 compatible with the Rock Island County Solid  
 21 Waste Management Plan. There was no distension  
 22 on the vote.

01:32:37PM

1 Now, last night, Mr. Mueller and  
 2 Mr. Kowalski made statements dismissive of  
 3 RICWMA's resolution. They noted that the Moline  
 4 aldermen made site compatibility. And by a gift  
 5 from the law, that may be true, but to dismiss  
 6 the opinion of the authority of the plan on this  
 7 matter would be the height of arrogance. Again,  
 8 the definitive authority on the county waste  
 9 management plan, RICWMA, by resolution, stated  
 10 that the LRS siting application does not meet  
 11 Criterion 8. Failure to meet any of the nine  
 12 criteria renders the entire application a  
 13 failure and should be denied.

01:33:14PM

14 As Mr. Kowalski testified, the  
 15 siting application is required by Criterion 1 to  
 16 demonstrate that the site is necessary for the  
 17 area it is intended to serve. Basically it's  
 18 the crux of the market that was described as the  
 19 area on need.

01:33:43PM

20 The application accurately reports  
 21 there are three existing landfills in the  
 22 market: Scott County Landfill, which has 52

1 years of life remaining; Upper Rock Island  
 2 County Landfill, which has 11 to 14 years of  
 3 life remaining; and our landfill, the Quad  
 4 Cities Landfill, has 36 years of life remaining.

5 On face value, that is an  
 6 embarrassment of the riches for landfill  
 7 capacity in this market. By way of example, if  
 8 tomorrow Upper Rock Island County Landfill  
 9 closed and 100 percent of its waste came to our  
 10 Quad Cities Landfill, we would still have  
 11 23 years of life remaining. By way of another  
 12 example, if both Scott County and Rock Island  
 13 County landfills closed tomorrow and 100 percent  
 14 of the waste from those facilities came to our  
 15 site, we would have 17 years of life remaining.

01:34:20PM

16 Simple math and common sense will  
 17 tell you that another solid waste facility in  
 18 this market is not needed. Now, LRS hired a  
 19 well-known consultant, APTIM, to prepare the  
 20 siting application. APTIM is very competent,  
 21 very clever. I know them well. I have hired  
 22 them for a number of projects in the Chicago

01:34:53PM

1 area.  
 2 Instead of using common sense in  
 3 this case, though, APTIM put together dozens of  
 4 pages and used dozens of citations and dozens of  
 5 documents to support their justification for  
 6 need. If they could have justified need with  
 7 just a couple of pages, I would probably be  
 8 wrong because it would be simple and  
 9 straightforward. But, no, they needed dozens  
 10 and dozens of pages to refute common sense.

01:35:23PM

11 How much capacity is enough for  
 12 heaven's sake? How could we possibly need  
 13 another solid waste facility in this market?  
 14 Common sense, again, dictates that the proposed  
 15 LRS transfer station does not satisfy  
 16 Criterion 1, need.

01:35:56PM

17 Now, the LRS application also  
 18 quotes the US EPA and stated the benefits of  
 19 transfer stations. And among the benefits noted  
 20 by Mr. Kowalski last night is the reduction of  
 21 fuel consumption and collection of vehicle  
 22 maintenance costs, plus the reduction of overall

1 traffic, air emissions, and road wear.  
 2 Now, most transfer stations do  
 3 provide this benefit but not this one. Again,  
 4 common sense must be applied. The customers for  
 5 this proposed facility could, instead of pulling  
 6 into the LRS transfer station, just drive  
 7 another six miles to the Quad Cities Landfill,  
 8 dispose of their load and be done. Instead,  
 9 they are pulling into the Lakeshore transfer  
 10 station, that waste will get dumped on the  
 11 floor, picked up, put in a transfer trailer, a  
 12 semi will then haul the waste 30 miles to  
 13 eastern Henry County. That is not beneficial to  
 14 road wear, it's not beneficial to emissions,  
 15 it's not beneficial to traffic. Nobody sites a  
 16 transfer station six miles from a landfill.  
 17 Again, the LRS application does not  
 18 meet Criterion 8 or Criterion 1 and, therefore,  
 19 should not be approved.  
 20 Just as a final note, specific to  
 21 the criterion in front of us but, you know, the  
 22 county -- Rock Island County itself receives

01:36:28PM

01:37:02PM

1 MR. MAXEINER: Thank you, Mr. Walsh.  
 2 My name is Doug Maxeiner, M-a-x-e-i-n-e-r. I am  
 3 the city administrator for East Moline and  
 4 former city administrator for the City of  
 5 Moline. Mayor Freeman and the City of East  
 6 Moline submitted written comments, concerns, and  
 7 objections to the Mayor Rayapati and City  
 8 Administrator Vitas prior to the January 24th,  
 9 '23 city council meeting where a host agreement  
 10 was approved by LRS. That communication was not  
 11 shared with the city council and I want to make  
 12 sure these concerns are added to the record in  
 13 this public hearing.  
 14 The City of East Moline and our  
 15 Illinois and Iowa neighbors were made aware of  
 16 the LRS proposal for the transfer station rather  
 17 late in the process, January of 2023. We have  
 18 concerns about the proposal and the impact on  
 19 not only our community, but the region as a  
 20 whole.  
 21 First, Republic Service operates  
 22 the Upper Rock Island Landfill located in East

01:38:56PM

01:39:16PM

1 \$0.60 per ton from Quad Cities Landfill, our  
 2 landfill. Now, for every ton that's diverted  
 3 from our landfill to that transfer station, that  
 4 will be a loss of revenue for the county. I  
 5 don't know if LRS or the City of Moline  
 6 considered the concerns for the county per se  
 7 but I have noticed the county could not afford  
 8 any loss of revenue.  
 9 And also, of course, RICWMA  
 10 receives \$1.27 per ton from both Upper Rock and  
 11 Quad Cities Landfill and fees. So any of the  
 12 waste that gets sent to Henry County would be a  
 13 loss of fees for RICWMA. And there was  
 14 discussion about maybe the City of Moline  
 15 sharing or splitting their host fee with RICWMA.  
 16 I don't know where those discussions stand but  
 17 the loss of that would be devastating for RICWMA  
 18 and the recycling efforts here in the county.  
 19 And, again, what about the County of Rock Island  
 20 itself? Thank you.  
 21 HEARING OFFICER WALSH: Thank you.  
 22 Doug Maxeiner.

01:37:42PM

01:38:13PM

1 Moline. Obviously, we have a vested  
 2 self-interest in this. The city owns a dormant  
 3 landfill, previously permitted adjacent to Upper  
 4 Rock Island. Tipping fees at Upper Rock Island  
 5 generate in excess of \$100,000 annually for the  
 6 city, which is used to maintain and meet the  
 7 regulatory requirements of the city-owned  
 8 landfill next-door.  
 9 Upper Rock Island takes in,  
 10 approximately, 500 tons of waste per day. The  
 11 LRS proposal is to divert 520 tons per day to  
 12 the transfer station, which suggests a  
 13 potentially significant reduction in the waste  
 14 stream and revenue at Upper Rock Island with  
 15 negatively impacts financially to East Moline.  
 16 The diversion of waste will also significantly  
 17 impact the Millennium location, as you just  
 18 heard, in unincorporated Rock Island County.  
 19 Second, and perhaps more  
 20 importantly, the LRS proposal will impact the  
 21 Scott County Waste Commission and their  
 22 recycling center, which operates under

01:39:42PM

01:40:05PM

1 longstanding agreements with Midland Davis, a  
 2 Moline company, and several communities in Rock  
 3 Island County. I won't speak for Kathy Morris  
 4 from the Waste Commission, but I want to  
 5 emphasize that the recycling center's budget is  
 6 entirely funded by the fees from the sale of  
 7 commodities collected at their facility. A  
 8 diversion of a significant amount of refuse and  
 9 recycling material will impact the viability of  
 10 the operating model currently in place  
 11 negatively affecting all of Scott County and  
 12 many Rock Island County communities.

01:40:33PM

13 This next comment is really  
 14 directed to the city council. Some of you may  
 15 not know that municipalities of Rock Island and  
 16 Scott County share a no-poaching agreement  
 17 related to attracting economic development  
 18 projects. The intent is to keep one community  
 19 from enticing business to relocate benefitting  
 20 one community at the expense of another.

01:40:57PM

21 While I readily can see that this  
 22 no-poaching agreement has no bearing on this

1 transfer proposal, the effect of the proposal  
 2 does exactly what a no-poaching agreement aims  
 3 to prevent, which is benefitting one community  
 4 while harming the remainder. The harm goes to  
 5 East Moline, Rock Island County, and those  
 6 communities utilizing the Scott County Waste  
 7 Commission facilities.

01:41:24PM

8 As I listened to the engineer's  
 9 testimony last night, he addressed the financial  
 10 gain to the city and the Airport Authority from  
 11 approving this transfer station and labeled it  
 12 "economic development." This financial gain to  
 13 Moline is likely going to offset a portion of  
 14 the debt for the cash-strapped TIF at the  
 15 airport, which is the whole reason to pursue  
 16 this, not to offset waste collection costs,  
 17 which is, to me, a little bit disingenuous.

01:41:44PM

18 What they didn't address is the  
 19 negative impact the transfer station has on  
 20 successfully attracting potential development on  
 21 other parcels in this area. Would you want to  
 22 locate your business next to a garbage transfer

1 station? Sounds to me like Group O doesn't.  
 2 Moline and LRS have stated that the  
 3 transfer station will result in better  
 4 competition resulting in lower costs to  
 5 residents. LRS Vice President K.J. Loerop  
 6 shared at an informational meeting at the Moline  
 7 Public Library on February 16th, that Rock  
 8 Island County enjoys the lowest landfill  
 9 disposal rates in the state. I think the  
 10 attorney for Group O was justified in  
 11 questioning the impact on existing facilities,  
 12 questioning if their existence would continue  
 13 with additional competition.

01:42:14PM

14 In my opinion, this proposal will  
 15 likely make it harder for existing facilities to  
 16 meet their obligations, which, may ultimately  
 17 reduce the competition, which is what I think  
 18 LRS is counting on.

01:42:37PM

19 As you know, Rock Island County  
 20 Waste Management Agency, RICWMA, has a waste  
 21 management plan on file. That was updated in  
 22 summer of 2022. I bring this up because we now

1 know that LRS initially met with Moline in the  
 2 summer of 2022. That was shared last night.  
 3 That was on the proposal for this transfer  
 4 station. However, nowhere in the plan update  
 5 from 2022 is there mention for a need of  
 6 additional landfill capacity or transfer  
 7 station. It seems odd to me that need was  
 8 contemplated -- that need was contemplated or  
 9 recognized when Moline didn't address it in the  
 10 plan update last summer. This lack of  
 11 recognition seemed to support my assertion that  
 12 this is a cash grab by Moline and the  
 13 justification for capacity need was an  
 14 afterthought.

01:43:09PM

15 Furthermore, as a condition for  
 16 siting an additional pollution control facility  
 17 in Rock Island County, RICWMA is required to  
 18 consider whether the siting application is  
 19 consistent with the waste management plan. You  
 20 have been through that ad nauseam last night.

01:43:27PM

21 The neighbors to Moline that make  
 22 up the RICWMA board, 12 of the 13 members were



1 present and voted 11-0-1. 11 saying that it is  
2 not consistent with the plan and need has not  
3 been established, 0 were voting against that,  
4 and one abstained, which was Moline.

5 You heard in my testimony that the  
6 Upper Rock Island Landfill's estimated capacity  
7 is 11 years. In my communications to RICWMA, I  
8 included the fact that a dormant landfill,  
9 previously permitted by the IEPA and adjacent to  
10 Upper Rock Island, could easily increase that  
11 capacity estimate to 85 years.

01:44:03PM

12 Mr. Marshall, your suggestion to  
13 use common sense, from that perspective, this  
14 capacity expansion is logical and worthy of  
15 consideration by RICWMA in their determination  
16 that need has not been established.

17 I also point out that the engineer  
18 for LRS has made a career of manipulating data  
19 to find need, admitting last evening that he has  
20 on only one occasion found that the need  
21 criteria in an application had not been met.

01:44:30PM

22 Finally, in consideration of the

1 impacts on climate change, I ask that you also  
2 take into consideration the impact on the carbon  
3 footprint. LRS has talked about cost savings  
4 utilizing a transfer station. However, to date,  
5 there has been no discussion of the impact on  
6 the carbon footprint of additional trucking of  
7 waste to Atkinson or elsewhere. I know that  
8 Moline's collection fleet is seven trucks of  
9 which five of those are powered by clean burning  
10 natural gas. Moving waste through the transfer  
11 station, we now are in 28 to 30 miles of diesel  
12 fuel consumption per truck one way, which seems  
13 like a move backwards in reducing the carbon  
14 footprint.

01:45:06PM

15 In summary, I believe this proposal  
16 is an attempt by LRS to gain a foothold in the  
17 Quad Cities with the desire to drive out  
18 competitors. As a former city administrator in  
19 Moline, I understand the temptation -- believe  
20 me, I understand the temptation -- to pursue  
21 this proposal for financial gain for a  
22 cash-strapped airport TIF district. However,

01:45:25PM

1 please remain true to our collaborative,  
2 regional approach to government and reject  
3 something that your regional planning partners  
4 have said is not needed and which will be  
5 harmful to your neighboring communities.

6 Thank you.

7 HEARING OFFICER WALSH: Ray Carter?

8 MR. CARTER: I will not be speaking,  
9 Mr. Walsh.

01:45:59PM

10 HEARING OFFICER WALSH: Fred Kissack?

11 UNIDENTIFIED SPEAKER: I don't think  
12 he's here.

13 HEARING OFFICER WALSH: Gena  
14 McCullough?

15 (No response.)

16 Reggie Freeman?

17 MR. FREEMAN: I pass. Thank you.

18 HEARING OFFICER WALSH: Kathy Morris?

19 MS. MORRIS: Hi. I'm Kathy Morris.

01:46:35PM

20 I'm the executive director of the Waste

21 Commission in Scott County.

22 What I really want to talk about

1 today is regional cooperation. You know, in  
2 2015, Scott County had a dual-stream recycling  
3 system. The containers were separated from  
4 paper products, recyclables were collected in  
5 two different streams and processed into  
6 different streams. In working by ourselves we  
7 were only processing 7,000 tons per year at that  
8 time. All of it was from Scott County.

01:47:11PM

9 And to move to single stream and  
10 make the economics work, we knew we had to  
11 increase the tonnage to 14,500 tons before we  
12 could pursue the single-stream facility. We  
13 worked with our partners, both public and  
14 private, to secure the necessary tonnage. And  
15 through that regional cooperation, the tonnage  
16 was secured, modifications were made at the  
17 recycling center to accommodate that  
18 single-stream equipment. This was really  
19 important. It made us all more efficient.

01:47:44PM

20 The communities were able to move  
21 to automated collection of recyclables.  
22 Automated collection is more effective, it's

1 more efficient, it's safer, and we used some  
2 free services from recycling partnerships to,  
3 actually, roll out the carts in Scott County.  
4 And I know that was used in another community or  
5 two as well. We got zero-interest financing  
6 from the Closed Loop Fund. They provide the  
7 loan market rates loans to municipalities and  
8 companies to improve recycling infrastructure.

9 In our case, that meant a

01:48:25PM

10 zero-interest loan for those carts and it was  
11 successful. The communities, working together  
12 here in the Quad Cities, recycle anywhere from  
13 30 to 60 percent more than they did at the  
14 dual-stream process. So less trash was going to  
15 landfills. So that regional cooperation led to  
16 environmental success. More recycling, less  
17 trash. That's what the comprehensive plan is  
18 all about.

19 I'm hopeful that, regardless of the

01:49:02PM

20 decision at hand, as a Quad City Region we can  
21 continue to work together on our current  
22 programs and future environmental successes.

1 Thank you.

2 HEARING OFFICER WALSH: Thank you.

3 Jeff Heuer?

4 MR. HEUER: My name is Jeff Heuer. I'm  
5 with -- that's spelled H-e-u-e-r. I'm with  
6 Hawkeye Commercial Real Estate in Davenport,  
7 Iowa. I have been in business for 46 years in  
8 the Quad Cities, 22 of those years have been  
9 exclusively as a commercial real estate broker.

01:50:08PM

10 My niche in is in land, land  
11 development, and industrial large commercial  
12 developments. I'm very familiar with this  
13 business park that has been spoken about. In  
14 2019, I represented ten different sites within  
15 the Quad Cities Airport for sale and for lease.  
16 One of these locations or sites was the  
17 industrial park.

18 The development of this industrial

01:50:51PM

19 park has been almost nonexistent for the last  
20 20 years, as it's been stated, even with the TIF  
21 incentive in 2011. The proposed transfer  
22 station meets Moline's zoning and comprehensive

1 plan. I could speak to that as far as a  
2 professional real estate agent.

3 In my professional opinion, this is  
4 a low-impact industrial use. It's  
5 self-contained. It will add value, in my  
6 opinion, to the surrounding buildings and be a  
7 seed for future development. There are lots  
8 available that are around this area. I really  
9 look forward to proposing these remaining lots  
10 to prospective developers.

01:51:41PM

11 Thank you much.

12 HEARING OFFICER WALSH: Thank you.

13 JC Millman?

14 MR. MILLMAN: Hi. My name is JC  
15 Millman. I'm a business owner in Moline. I  
16 have three different businesses, including I'm a  
17 real estate broker as well, managing broker with  
18 real estate agents.

01:52:17PM

19 Primarily our job is to manage  
20 properties in and around the Quad Cities. We  
21 have, roughly, 600-plus units in Moline that we  
22 manage. In a lot of talk about competition, we

1 utilize Republic, we utilize Millennium Waste,  
2 we utilize County Waste, and LRS.

3 LRS has been a helpful competition  
4 in the market. They have driven down prices.  
5 They have helped us negotiate with all of those  
6 partners so we could be successful and keep the  
7 price low. I'm not a subject matter expert on  
8 all of the other stuff spoken about today but I  
9 do know business and LRS has been good for our  
10 business.

01:52:58PM

11 So thank you.

12 HEARING OFFICER WALSH: Thank you very  
13 much.

14 Doug and Tammy from Midwest  
15 Roofing?

16 (No response.)

17 Brad and Jim Treiber?

18 (No response.)

19 Kenny Jackson?

01:53:44PM

20 Mr. Jackson: Hi. I'm Kenny Jackson,  
21 former owner of Jackson Disposal, which was  
22 acquired by Lakeshore. The best thing about the

1 transfer station is it's very convenient to all  
2 haulers that choose to utilize it. You stay out  
3 of the mud, the wear and tear of driving on the  
4 trash. And your smaller -- Like your roofers  
5 and your smaller haulers that use the trailers  
6 and stuff, you're on the concrete, you're inside  
7 a building, so the convenience is awesome. And  
8 even the residents of the community that want to  
9 take small stuff in and not drive to a landfill,  
10 there's a huge benefit of a transfer station on  
11 that aspect of it. I have a lot of experience  
12 in it, so the convenience area is wonderful for  
13 many.

01:54:19PM

14 Thank you.

15 HEARING OFFICER WALSH: Thank you,  
16 Mr. Jackson.

17 Matt Lang?

18 (No response.)

19 Joe Gensini?

01:55:05PM

20 MR. GENSINI: Hi. My name is Joe  
21 Gensini, G-e-n-s-i-n-i. I'm the owner of  
22 Gensini Excavating. We're a 25-year-old company

1 here in North Central Illinois and we do several  
2 projects within the municipal and heavy  
3 commercial world as an earth working and site  
4 utilities contractor.

5 I have had an opportunity to work  
6 with the people from Lakeshore for over four  
7 years in the development of their landfill and  
8 new transfer station down in Monmouth, Illinois.

9 I just want to make sure that  
10 everybody is aware how competent they are. The  
11 people are wonderful to work with. Their sites  
12 are clean and managed well. I think this is a  
13 wonderful additional to the Quad City area.

01:55:36PM

14 Thank you.

15 HEARING OFFICER WALSH: Thank you.  
16 Matthew Pivit?

17 MR. PIVIT: I'm going to pass.

18 HEARING OFFICER WALSH: Last call for  
19 the following: Fred Kissack? Fred Kissack?

01:56:02PM

20 Gena McCullough? Gena McCullough?  
21 Doug and Tammy from Midwest  
22 Roofing?

1 Brad or Jim Treiber from Treiber

2 Construction?

3 No?

4 And Matt Lang?

5 (No response.)

6 All right. This is going to

7 conclude those who have registered to provide  
8 oral public comment.

9 Unless there is anything else from  
10 the parties, we will conclude this hearing.

01:57:01PM

11 Mr. Mueller, do you have anything  
12 else?

13 MR. MUELLER: We just need to get a  
14 schedule for written submissions.

15 HEARING OFFICER WALSH: We'll do that.

16 Does the staff have anything else?

17 MS. ZWICK: No.

18 MR. MARSHALL: Nothing from us either.

19 HEARING OFFICER WALSH: All right. So

01:57:24PM

20 the public comment period is going to end. The  
21 written public comment period is for 30 days  
22 after the conclusion of today's hearing, so

1 written public comments, if you want to make  
2 any, have to be filed with the city clerk's  
3 office or postmarked, if you mail it, no later  
4 than July 28th, which is 30 days from today.

5 That will -- That will end the  
6 record and, after that, the parties will provide  
7 proposed findings of fact and conclusions of  
8 law, which I would like to get, pursuant to the  
9 siting ordinance, by August 4th. I hope to have  
10 my report to the city council by August 13th.

01:58:02PM

11 The 180-day requirement for the  
12 city council to act on this application is  
13 August 30th. Mr. Silverman will work with the  
14 city council to determine when the city council  
15 will meet and deliberate. So more to come on  
16 that. That's the schedule.

17 Is there anything further?

18 MR. MARSHALL: Mr. Walsh, when did you  
19 anticipate --

01:58:34PM

20 HEARING OFFICER WALSH: Pardon me?  
21 MR. MARSHALL: When did you say you  
22 would have your report --

1 HEARING OFFICER WALSH: I'm hoping to  
2 have my report to the city council by  
3 August 13th.

4 MR. MARSHALL: Thank you.

5 HEARING OFFICER WALSH: That's my  
6 anticipation. The proposed findings of fact for  
7 the parties is August 4th.

8 All right. I'll conclude this  
9 public hearing on the application portion --  
10 public hearing portion of this application. And  
11 thank you all for coming.

01:58:57PM

12 (Which were all of the  
13 proceedings had in the  
14 above-entitled cause.)

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22

STATE OF ILLINOIS )  
) ss:  
COUNTY OF DU PAGE )

I, KRISTI LANDOLINA, Certified  
Shorthand Reporter, Notary Public in and for the  
County DuPage, State of Illinois, do hereby  
certify that previous to the commencement of the  
examination and testimony of the various  
witnesses herein, they were duly sworn by me to  
testify the truth in relation to the matters  
pertaining hereto; that the testimony given by  
said witnesses was reduced to writing by means  
of shorthand and thereafter transcribed into  
typewritten form; and that the foregoing is a  
true, correct and complete transcript of my  
shorthand notes so taken aforesaid.

IN TESTIMONY WHEREOF I have  
hereunto set my electronic signature this  
17th day of July, A.D. 2023.

/s/ Kristi Landolina  
KRISTI LANDOLINA,  
C.S.R. No. 84-004611,  
Notary Public, DuPage County

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