

TO: David Kozal (via e-mail d.kozal@crystalcitymo.org)
Carl Vogt (via e-mail cmvengin@earthlink.net)

CC: Tom Schilly, Della Selmon, Pam Portell, Ben DeClue, Dan Portell, Jason Eisenbeis,
Debbie McKenna, David Picarella, Terry Laburay

FROM: **Jack Ginnever**

DATE: February 28, 2009

RE: Questions from constituents regarding the conditional use permit
Other issues from Debbie McKenna personally
Additional questions from constituents

Gentlemen, Mayor and members of the City Council,

I have taken the liberty of taking Councilperson Debbie McKenna's previous list of questions and Mr. Niemeier's answers from Alberici Constructors to address my remaining concerns about the Conditional Use Permit submitted for the Wings project.

My main objection to the passage of the Conditional Use Permit by the Planning and Zoning Commission is in the interpretation of the requirements of the zoning ordinances.

In Section 9(E)(2) of the City Ordinances it says "*In considering whether or not such application shall be granted, it shall be the duty of the city planning commission and of the city council to give consideration to the effect of the requested use on health, safety, morals and the general welfare of the residents in the area in the vicinity of the property in question, and the residents of the city generally..*". From the responses that I have seen and that appear below, it appears that the responsibility of this part of the ordinance has been passed on to state and federal agencies or completely ignored.

I also feel that most of the efforts involved in the permissibility of this application have been in the area of making sure that the facility adheres to the building codes and not in the area for which the permit was intended – iron smelting. And all of the answers that were created were done by Bob Niemeier of Alberici Constructors. If we are to believe that the City has done the proper amount of research and diligence to make a determination then the citizens absolutely deserve that these questions be addressed by city officials, city employees and city representatives.

You still have an opportunity to do what's right by specifically considering this part of the ordinance. I speak for many when I say, as per the City ordinances, it is the City's ultimate responsibility and duty to look out for the health, safety, morals and general welfare of the people.

General Questions and Comments:

1. Mr. Niemeier stated there are currently 8 non-union people working at Pea Ridge at the present time. A recent newspaper article said there will be 300 workers at the mine during full operation. Will they be non-union too? Also Wings Enterprises applied to the Department of Economic Development for a tax credit in September of 2008 and attested that there were 25 employees working at the mine. Could you find out why there is a discrepancy in Mr. Niemeier's figures and the Dept of Economic Development's?

Bob Niemeier Answer: *Pea Ridge Mine Employment* - As it is not clear where Crystal City Zoning Ordinances address employment at a business operation outside of the incorporation limits of Crystal City, it would appear this is not an eligible consideration in reviewing the Wings Conditional Use Permit application.

Jack Ginnever Response (02-28-2009) (2-29-2009): If jobs, employment and union labor are not relevant then it should be excluded from all discussions and considerations for this Conditional Use Permit. If we can concede that jobs, employment and union labor are considered to be relevant as per Section 9(E)(2) of the city ordinances then questions like this **should be answered** because they **do** pertain to Crystal City Zoning Ordinances. I expect a response to this concern.

2. Jobs are very important to everyone in our community. Mr. Neimeier stated there will be 100 workers per shift when the plant is operational. Now Kennedy says in the paper there will be 600-700 workers. We assume this is with construction jobs, although that is not the implication. How many full time workers do you estimate for the construction end of each phase and the number of workers who will be hired to work in the completed plant?

Bob Niemeier Answer: *Crystal City Employment* - Per a 2-1-09 communication between the applicant and the Crystal City Building Commissioner/ Engineering Consultant; incomplete information was used in the initial employee accruals. The estimated number of Wings employees at the Crystal City facility when at full production capacity is 650. 200 production related jobs on each of 3-shifts (staggered to accommodate a 7-day per week operation); and 50 administrative personnel working a day shift Monday through Friday. Even though the 200 production shift personnel that cover 7-days will not be on-site at the same time, the City's Engineering Consultant confirmed that 200 production personnel plus 50 administrative personnel at any given time does not place any burden on the municipal water or sewage systems. As previously explained, there are no consecutive constructions phases (the overall job will be started / permitted at the same time) however there are some areas able to be completed earlier than others due to permitting and material it equipment lead times, whereupon the applicant may request Temporary Use & Occupancy of those specific area while the remainder of in-work construction activities are completed and Certificate of Occupancy can be issued for the overall project. However given the absence of any construction design to-date, it is premature to guess the number construction personnel needed at any point in the building process. Additionally as it is not clear where Crystal City Zoning Ordinances address construction employment, it would appear this is not an eligible consideration in reviewing the Wings Conditional Use Permit application.

Jack Ginnever Response (02-28-2009): No more further clarifications are necessary.

3. Parking: Alberici's plans and "Zoning Ordinance Compliance Analysis" indicate "two spaces for every three employees on the maximum shift". "The main parking lot is sized to accommodate a minimum 150 spaces for 100 employees per shift . . ." If there are 100 employees per shift, how will there be a shift change with only 150 parking spaces?

Bob Niemeier Answer: *Parking* - The question of why Crystal City's zoning regulation 8.A.14 stipulates 2-spaces for every 3 employees on the maximum shift would need to be answered by whomever authored the ordinance. However given that the final number of parking spaces need to be adjusted for the revised census noted in the response to question A—2 above and the abundance of land; the quantity of spaces can be increased to a ratio greater than what current zoning requires (not to exceed 1-to-1).

Jack Ginnever Response (02-28-2009): No more further clarifications are necessary.

4. Mr. Niemeier indicated that only Mr. Kennedy can use the port – no one else. That should be included in the conditional use permit.

Bob Niemeier Answer: *Barge dock* - The Conditional Use Permit application requests construction of an iron ore & pig iron plant, and related barge facility which should be ample; especially given the small dock size and restricted access. However non prescriptive language to further clarify it is not a port or public terminal can probably be agreed upon.

Jack Ginnever Response (02-28-2009): I believe the concern is more about the amount of car, truck and rail traffic that could be created if the port were to service other purposes than the iron from the proposed project. Language about whom the customers are and what types of products will be shipped can be vague. This goes back to my earlier question about the maximum car, truck and rail traffic that could be generated if the barge were operating at full capacity. I expect a response to this concern.

5. In the last election, 65% of the people voted for an open honest government. This is being fast tracked through without the information being given to the public. Why can't the public have access to all the written information and maps and have their questions answered before it is rushed to a vote?

Bob Niemeier Answer: *Timeframe of Application Review* - Timing of the application and development of a site plan within Crystal City Zoning ordinances is consistent with the 9-22-08 update provided to the City Council and expectation of the lease. Given that neither variances or rezoning is needed, the current review timeframe for validating this zoning compliance is typical. Additionally the applicant is unaware of any required information which has not been presented.

Jack Ginnever Response (02-28-2009): Given that the technology for the reduction facility is unknown and unproven, that there are no emissions estimates for the technology and that the public has not had the proper forum or time for a proper response to their concerns, I believe that this concern is valid. Mr. Niemeier's comment that "the applicant is unaware of any required information" completely ignores the ordinance in Section 9(E)(2) of the city ordinances. The

public should know what to expect in terms of pollution if there is a proper determination of the effects of the proposed project on the health and safety of the community. I expect a response to this concern.

6. There are over 100 Bald Eagles by the river. There are egrets, heron, various animals and fish in this habitat. Some are endangered. How would a petroleum based coke product affect the flora and fauna if there was an accident like the Tennessee Fly Ash catastrophe? These things do happen!

Bob Niemeier Answer: *Environmental Impact of Coke Storage Breach* - Storm water runoff and / or a breach from the coke storage areas falls under the jurisdiction of the MoDNR in various permits required before construction can commence. Accordingly it does not appear to be a consideration in reviewing the Wings Conditional Use (Zoning) Permit application.

Jack Ginnever Response (02-28-2009): This constituent's concerns over the safety of the coke pile and retention and settlement ponds along the Mississippi River are absolutely justified. The Tennessee Fly Ash catastrophe is too close to home to ignore. And it illustrates how state and federal safeguards are not sufficient to insure the safety of the local community. My recommendation is to have required random tests to confirm the stability of the retention and settlement ponds by a third party agency, paid for by Wings. There should also be tests that are conducted at random intervals to make sure that these ponds are not leaching harmful elements into the ground and water. I expect a response to this concern.

7. We propose that the city allow Mr. Vogt as much time as he requires to investigate any and all issues that are applicable, answer each of these questions and concerns in writing with an opinion and have one last public meeting to address those issues and allow anyone in disagreement the opportunity to rebut those issues.

Bob Niemeier Answer: *Procedure for City Consulting Engineer Review* - Given the amount of opportunity for public comment, there appears to be ample time for the City's Consulting Engineer to address any question relative to verifying compliance of the Wings Conditional Use Permit application with Crystal City zoning ordinances. However the City's Consulting Engineer should not be burdened with addressing concerns that fall under the jurisdiction of other permits / agencies in the regulatory process.

Jack Ginnever Response (02-28-2009): I completely disagree that there has been an appropriate amount of time for public comment. And I disagree with the assessment that compliance to city ordinances does not include Section 9(E)(3) where it specifically outlines concerns for health and safety. It is also my understanding that restrictions imposed by a municipality can not overrule the restrictions imposed by state and federal restriction only in the area of air emissions. I expect a response to this concern.

8. When applying for a conditional use permit it states in the ordinance under Section 9E **“The application shall include a site plan, drawn to scale, of the entire parcel showing dimensions of the parcel, setbacks, and all existing buildings and structures, proposed buildings and parking areas.”** Did Mr. Kennedy submit a site plan drawn to scale when he submitted his application? If the answer is “yes”, why was the public only able to obtain a copy the day of the

01/22 meeting? If the answer is “no”, why was Mr. Kennedy allowed not to abide by our ordinance?

Bob Niemeier Answer: *Availability of Site Development Plan* - A "to-scale" plan was submitted with the Conditional Use (Zoning) Permit application, which has been updated to provide greater clarity following several staff reviews/recommendations. The Applicant is unaware of specific Crystal City policy or past practice, but it is customary in other municipalities that interested members of the public attend presentations to the P&Z Commission for details of a proposed project.

Jack Ginnever Response (02-28-2009): I agree with the constituent’s point and I believe that this particular permitting process has bypassed several necessary requirements in order to get this done quickly.

9. The public wanted to thank all of the labor union for being at one of the meetings. Was that staged? I didn’t see Mr. Velasco at the presentation directed to the council. We just want you all to know we all want jobs – who wouldn’t, but we would ask that you would give us the respect to pursue our right to make sure our children and family have a safe and healthy living environment. We understand Mr. Velasco spoke against the quarry in Barnhart, Missouri. Wouldn’t the quarry create jobs?

Bob Niemeier Answer: *Jefferson County Labor Club Participation* - The applicant is unclear over how this comment is to be considered in verifying compliance with Crystal City zoning Ordinances. Therefore it does not appear to be an eligible concern in reviewing the Wings Conditional Use Permit application.

Jack Ginnever Response (02-28-2009): If jobs, employment and union labor are not relevant then it should be excluded from all discussions and considerations for this Conditional Use Permit. If we can concede that jobs, employment and union labor are considered to be relevant as per Section 9(E)(2) of the city ordinances then questions like this **should be answered** because they **do** pertain to Crystal City Zoning Ordinances. I expect a response to this concern.

10. Councilman DeClue talked about \$800,000 a year in taxes to the city. Can you break that out into how he came up with that calculation?

Bob Niemeier Answer: *Councilman DeClue tax calculation* - The applicant is unclear over how this comment is to be considered in verifying compliance with Crystal City Zoning Ordinances. Therefore it does not appear to be an eligible concern in reviewing the Wings Conditional Use Permit application.

Jack Ginnever Response (02-28-2009): This question may not be relevant to the applicant. But it is unquestionably relevant to the City Council and should be answered. The “general welfare” as determined by Section 9(E)(2) of the city ordinances should be considered in every action passed or rejected by the City Council. I believe that Ben DeClue deserves to answer this question. I expect a response to this concern.

11. Can a member of the public have a sample (like what was in the soda bottle at the presentation) or, in the alternative, can Mr. Vogt get a sample tested to see if the water is as “clean” as stated by Mr. Niemeier? Shouldn’t this “clean water” requirement be a part of the “conditional use”

Bob Niemeier Answer: *Evaluation of bottled water iron sedimentation demonstration* - The demonstration was prepared as a visual aid in attempting to clarify what may have been mis-perceptions of this unique iron ore. Although separation of the solid-granular magnetic iron ore from water is as it appears, the applicant is unclear over how this request is to be considered in verifying compliance with Crystal City Zoning Ordinances because of the jurisdiction / expertise of the MoDNR. Therefore it does not appear to be an eligible concern in reviewing the Wings Conditional Use Permit application.

Jack Ginnever Response (02-28-2009): I believe that the constituent’s question has to do with what we should expect to be the content of the water that will come out of the proposed slurry pipe after the iron is extracted from it. I believe that there are recent MoDNR tests that were done at the Pea Ridge mine that would provide a good baseline for what we should expect. The slurry processing is still a mystery to the public and needs to also be addressed as it may introduce more contaminants into the content of the slurry. I expect a response to this concern.

12. Mr. Neimeier’s presentation was informative, but sounded like a sales presentation paid for by Wings. We would like to ask Mr. Vogt to go through the conditions listed below and present a study on each of the items listed below and present it to the public.

In considering whether or not such application shall be granted, it shall be the duty of the city planning commission and of the city council to give consideration to the effect of the requested use on health, safety, morals and the general welfare of the residents in the area in the vicinity of the property in question, and the residents of the city generally, including the effect on:

- (a) **Traffic in the streets;**
- (b) **Fire hazards;**
- (c) **Overcrowding of land or undue concentration of people;**
- (d) **Fire, police and utility services;**
- (e) **Municipal expenditures;**
- (f) **The character of the district, and the property values in the area; and**
- (g) **The general suitability of the property in question for the proposed use.**

Bob Niemeier Answer: *City Consulting Engineer compliance review of the following: a.) Traffic in the streets b.) Fire hazards c.) Overcrowding of land d.) Fire, police, and utility services e.) Municipal expenditures f.) Character of the district g.) General suitability of property*
- The applicant agrees that the City’s Consulting Engineer should review each item in the

Ordinance Compliance Analysis presented commensurate with what is Crystal City policy and practice, and what is normal and customary for the resumption of property usage consistent with prior operations under the same zoning type.

Jack Ginnever Response (02-28-2009): I would like a definition of “what is Crystal City policy and practice” so that we can better determine the responsibilities of the City Engineer in these matters. I expect a response to this concern.

13. The mayor signed an Estoppel agreement for Mr. Kennedy’s financing. In that agreement it states that the “landlord” shall have copies of all loan documents. The City of Crystal City does not have these documents. Who is Mr. Kennedy’s financial backing? How do we know he can finance this project?

Bob Niemeier Answer: *Estoppel Agreement* The applicant is unclear over how this comment is to be considered in verifying compliance with Crystal City Zoning Ordinances. Therefore it does not appear to be an eligible concern in reviewing the Wings Conditional Use Permit application.

Jack Ginnever Response (02-28-2009): While I agree that this may not be the concern of the applicant, I have to insist that this information be available for the welfare of the City. The original lease agreement between Crystal City and Wings specifies that the lease may be used to secure financing for the project. My interpretation of that is that, if Wings defaults in this project, the entities that provided the financing will own the 100 lease of the Crystal City property. This is directly related to the “general welfare” of the City as written in Section 9(E)(2) of the city ordinances of the City and needs to be revealed. As it stands, the citizens of Crystal City do not know the business and motivations of the lender(s). I expect a response to this concern.

14. Mr. Kozal stated at the last meeting that we can put conditions on a conditional use permit. So we could put in the conditions, for example, that Mr. Kennedy must have a pipeline and if he doesn’t then the conditional use permit is no longer valid? I think this is a great idea so the city can protect itself and make sure that Mr. Kennedy does what he has promised.

Bob Niemeier Answer: *Conditions of the permit* - As approved construction documents are required before any building permits can be awarded and / or work can commence, and those documents have to be prepared in compliance with the terms of the Conditional Use Permit (zoning ordinances); the City has control over that the zoning ordinances are met. As such the applicant is unclear over how this comment is to be considered in verifying compliance with Crystal City Zoning Ordinances; as it does not appear to be an eligible concern in reviewing the Wings Conditional Use Permit application.

Jack Ginnever Response (02-28-2009): I believe that the constituent that wrote this is concerned about the viability of the project. If the slurry pipe is not constructed there will be less construction jobs and the nature of the project changes. My interpretation of the question is that the constituent wants some type of opportunity to control the use of the City owned properties if and when it is determined that a slurry pipe is not feasible. I again submit that this lies within the realm of the “general welfare” of the City as written in Section 9(E)(2) of the city ordinances. I expect a response to this concern.

15. Someone asked at the first meeting and it was not answered about the train frequency as it crosses the road with the whistle blowing. Is there an answer now?

Bob Niemeier Answer: *Train frequency* -The rail improvements shown in the Wings-Site Development plan are on private property controlled by Wings where there is no public access or crossings. The scheduling of trains by the rail companies which have existing right-of-ways in Crystal City that cross public roads are not controlled by Wings; such that timing / frequency of trains scheduled on those tracks is not an issue that Wings can be accountable for. Similarly the blowing of whistles is undoubtedly a public safety requirement and is not an issue that Wings can be accountable for. As such the applicant is unclear over how this comment is to be considered in verifying compliance with Crystal City Zoning Ordinances; as it does not appear to be an eligible concern in reviewing the Wings Conditional Use Permit application.

Jack Ginnever Response (02-28-2009): Although Mr. Niemeier is probably correct that this concern is not in the realm of responsibility of Alberici Constructors, this question is a valid concern and should be addressed in considering traffic disturbances and noise that may result. This should be answered by the City Engineer and the Street Superintendent. I expect a response to this concern.

16. Has a letter that Theresa Adams read from Roger Baker been addressed by Mr. Vogt? If not will it be?

Bob Niemeier Answer: *Roger Baker letter questions* -The applicant is unclear over how this comment is to be considered in verifying compliance with Crystal City Zoning Ordinances. Therefore it does not appear to be an eligible concern in reviewing the Wings Conditional Use Permit application.

Jack Ginnever Response (02-28-2009): The general content of Mr. Baker's letter has to do with the expected production of processed iron and the shipment of unprocessed iron. The reasons for this were two-fold. One, this is in direct relationship to the amount of tonnage tax that would result in revenue for the City and two, it would provide a business plan that the City may review to see if the project is feasible. This is an entirely reasonable request per the consideration of the "general welfare" of the City as per Section 9(E)(2) of the city ordinances. I expect a response to this concern.

17. Let's talk CO2. When explaining this project, Mr. Neimeier stated there will be Expanded Air, or plumes of smoke or gaseous air. WILL THERE BE CO2 and if so please give us an estimate of how much will be released. Why did Mr. Neimeier describe the releases as Expanded Air and plumes of air instead of being upfront with us and saying there will be CO2 emissions? When someone is not upfront with the information it leads me to believe that you are not being upfront with the citizens of CC. Can Mr. Neimeier guarantee that there will be no CO2 emission but only Expanded Air, or plumes of air or gaseous air that does not contain CO2 gas as he talked about at the last meeting? Why is Mr. Neimeier trying to avoid the CO2 emissions issue if it is not going to be bad?

Bob Niemeier Answer: *CO2 Emissions* - In answering questions about the Wings-Site Development Plan, the applicant stated that the specific testing of emissions from with actual the materials & process will be scheduled after a Conditional Use Permit is issued as part of the required procedure in applying for an Air Emissions Permit from the MoDNR. Public review and comment regarding this information is part of the approval process. Therefore whether there are CO2 emissions and how they will conform to the Clean Air Standards in combination with the existing air conditions is presently unknown. As such the applicant is unclear over how this comment is to be considered in verifying compliance with Crystal City Zoning Ordinances because of the jurisdiction /expertise of the MoDNR; and because it does not appear to be an eligible concern in reviewing the Wings Conditional Use Permit application.

Jack Ginnever Response (02-28-2009): The comments from this constituent suggest that the presentations from Alberici were deceptive when addressing concerns about CO2 emissions. I would agree with that comment. Aside from the argument that CO2 emissions may be harmful to the environment I would submit that this is more of a feasibility consideration than anything else. As such, this is an entirely reasonable concern per the consideration of the “general welfare” of the City as per Section 9(E)(2) of the city ordinances. I expect a response to this concern.

18. If we only get the barge port, we only get a few employees. If we get the slurry line, we get a few more employees. If employees don't come from Crystal City and our only income is from shipping material based on the supply and demand of the market, we could be in trouble.

Bob Niemeier Answer: *Employment of Crystal City Residents* - The applicant is unclear over how this comment is to be considered in verifying compliance with Crystal City Zoning Ordinances. Therefore it does not appear to be an eligible concern in reviewing the Wings Conditional Use Permit application.

Jack Ginnever Response (02-28-2009): If jobs, employment and union labor are not relevant then it should be excluded from all discussions and considerations for this Conditional Use Permit. If we can concede that jobs, employment and union labor are considered to be relevant as per Section 9(E)(2) of the city ordinances then questions like this **should be answered** because they **do** pertain to Crystal City Zoning Ordinances. I expect a response to this concern.

BARGE PORT / RAIL CAR UNLOADER / OVERLAND CONVEYOR

19. We were told that this barge port was for Wings private use only. Is that still the case? Do we have something in writing to that effect?

Bob Niemeier Answer: *Barge dock usage* - The Conditional Use Permit application requests construction of an iron ore & pig iron plant and related barge facility. Given the small dock size and restricted access, the applicant is unclear over how this comment is to be considered in verifying compliance with Crystal City Zoning Ordinances; as it does not appear to be an eligible concern in reviewing the Wings Conditional Use Permit application.

Jack Ginnever Response (02-28-2009): There are no Conditional Use Permit considerations for barge ports in the Crystal City Zoning Ordinances. This is because the City did not update the 40 year old Comprehensive Plan that is presently in effect prior to entering into the agreements with Wings. And the City did not have any riverfront properties that were zoned properly for barge port use prior to the zoning that was changed in January of 2008. My point is that the use of Crystal City riverfront properties to be used for barge ports should have been part of the Conditional Use Permit considerations in the Crystal City Ordinances.

Additionally, there are concerns that additional customers may increase traffic flows via car, truck and rail to the barge port facility if Wings is allowed to ship other products from other businesses.

As such, this is an entirely reasonable concern per the consideration of the “general welfare” of the City as per Section 9(E)(2) of the city ordinances. I expect a response to this concern.

20. The trucking and train capacity was quoted only for Wings iron ore product. True? So will there be calculations for other products? (There was an ad that Kennedy ran saying people could pre-buy barge shipping contracts.)

Bob Niemeier Answer: *Trucking and train capacity* -The Conditional Use Permit application requests construction of an iron ore & pig iron plant. In addition to the iron ore and pig iron pellets; the limestone / calcium silicate cement additive (which is the by-product from the iron ore refinement process) will be sold / shipped by railcar. Other mineral products originating from the Wings—Pea Ridge mine will be directly shipped from that facility. As such, the applicant is unclear over how this comment is to be considered in verifying compliance with Crystal City Zoning Ordinances; as it does not appear to be an eligible concern in reviewing the Wings Conditional Use Permit application.

Jack Ginnever Response (02-28-2009): I believe that the constituent’s concern is the additional amount of traffic that may occur due to materials other than the iron ore from the Wings mine in Sullivan. There have been no restrictions made to date on any other materials that may be shipped to the Crystal City site. The constituents comment about “Kennedy’s ad” comes directly from the Wings website. It appears that the company is promoting the use of the barge port more than the iron reduction facility.

The only comments that were made by Mr. Niemeier are that there will be “approximately” two semi-trucks per day delivering other materials to the site. What types of guarantees do we have that this will be the only traffic related to shipment of products from Wings or anyone else?

This pertains directly to traffic concerns per the city ordinances. I expect a response to this concern.

21. Trains are 100 cars long. When they go through Crystal City what streets will be blocked and for how long? Can you show a plan for that throughout Crystal City?

Bob Niemeier Answer: *Train plan/effect throughout city* - The rail improvements shown in the Wings Site Development plan are on private property controlled by Wings where there is no public access or crossings. The scheduling of trains by rail companies which have existing right-of-ways

in Crystal City that cross public roads are not controlled by Wings; such that timing / frequency of trains scheduled on those tracks is not an issue that Wings is accountable for. As such the applicant is unclear over how this comment is to be considered in verifying compliance with Crystal City Zoning Ordinances; as it does not appear to be an eligible concern in reviewing the Wings Conditional Use Permit application.

Jack Ginnever Response (02-28-2009): This concern may not be the responsibility of the applicant. But this pertains directly to traffic concerns per the city ordinances. I contend that it is the responsibility of the City Engineer and Street Superintendent. I expect a response to this concern.

22. Granite City has an ordinance that trains cannot block intersections for longer than 20 minutes. Residents there say that many trains are 40 minutes long. If a train blocked any of our roads, there would be a major traffic jam. Shouldn't a condition be put into place to deter this from happening?

Bob Niemeier Answer: *Train blocking intersections* - The operation of trains by rail companies which have existing right-of-ways in Crystal City that cross public roads are not controlled by Wings; such that movement of trains scheduled on those tracks is not an issue that Wings can be accountable for. As such the applicant is unclear over how this question is to be considered in verifying compliance with Crystal City Zoning Ordinances; as it does not appear to be an eligible concern in reviewing the Wings Conditional Use Permit application.

Jack Ginnever Response (02-28-2009): This concern may not be the responsibility of the applicant. But this pertains directly to traffic concerns per the city ordinances. I contend that it is the responsibility of the City Engineer and Street Superintendent. I expect a response to this concern.

23. What areas will need to be filled in and to what elevations? Where will the fill come from?

Bob Niemeier Answer: *Increasing elevation of some site areas* - In acquiring the required permits from State of Missouri and Army Corps of Engineers, the details of how to construct items noted in the Site Development Plan will be carefully evaluated and designed per all prevailing requirements of those agencies. As such, the applicant is unclear over how this question is to be considered in verifying compliance with Crystal City Zoning Ordinances (as it is the jurisdiction MoDNR and / or ACOE) and does not appear to be an eligible concern in reviewing the Wings Conditional Use Permit application.

Jack Ginnever Response (02-28-2009): I believe that the constituent's concern is about what type of fill may be used in the elevation of the some of the site areas. We have recently seen that the fill being used for a new bridge being constructed in Herculaneum is from the byproducts of the lead smelting facility which may contain very high levels of lead. The citizens of Crystal City deserve to know what may be used as fill to get some site locations above the flood plain. This concern pertains directly to the health and safety issues specified in Section 9(E)(2) of the Crystal City Ordinances. I expect a response to this concern.

24. You show on the map clearly the areas of flood way. Can you provide a map of the flood plain?

Bob Niemeier Answer: *Flood plain map* - The floodway was generally referenced in the Site Development plan to help explain conceptual layout of improvements versus a requirement for review of the Conditional Use Permit application. In as much as the floodplain could also be depicted, it is not needed because of what will be detailed construction documents required for various other permits from the State of Missouri and Army Corps of Engineers. As such, the applicant is unclear over how this question is to be considered in verifying compliance with Crystal City Zoning Ordinances (as it is the jurisdiction MoDNR and / or ACOE) and does not appear to be an eligible concern in reviewing the Wings Conditional Use Permit application.

Jack Ginnever Response (02-28-2009): I believe that the constituent's concern is about the vicinity of the flood way. This may not be the responsibility of the applicant. But this pertains directly to the health and safety issues specified in Section 9(E)(2) of the Crystal City Ordinances. I expect a response to this concern.

25. You have two settling ponds near #7 and #8. Those ponds are in the flood way. Is this allowed? What are they for? What is the capacity of these ponds? What happens to the water and waste in those ponds during floods?

Bob Niemeier Answer: *Settling ponds near plan mark items #7 & #8* - The floodway was generally referenced in the Site Development plan to help explain conceptual layout of improvements versus a requirement for review of the Conditional Use Permit application. However field verification of existing conditions and detailed construction documents for improvements required for various other permits from the State of Missouri and Army Corps of Engineers will be developed accordingly; which includes Storm Water runoff and National Pollution Discharge Elimination permits. As such, the applicant is unclear over how this question is to be considered in verifying compliance with Crystal City Zoning Ordinances (as it is the jurisdiction MoDNR and / or ACOE) and does not appear to be an eligible concern in reviewing the Wings Conditional Use Permit application.

Jack Ginnever Response (02-28-2009): I believe that the constituent's concern is that the site plan shows these ponds to be within the flood plain as mapped out in the current plan sheet for the site. It is a valid concern to know what types of materials and elements are being retained in these ponds if there is any chance that they may be flooded. The ponds by the coke pile are elevated presumably for a reason. What is the reason that the ponds near items #7 and #8 are not? This pertains directly to the health and safety issues specified in Section 9(E)(2) of the Crystal City Ordinances. I expect a response to this concern.

26. Much of the wetlands area behind City Hall on the north side of the Railroad tracks is under water right now. How high will you bring it out of flood plain?

Bob Niemeier Answer: *Wetlands behind City Hall* - The property controlled by Wings where the 2 rail tracks are located is at (or above) the 100-year floodplain per the survey drawings. However verification of existing conditions and detailed construction documents for improvements on that parcel as required for various permits from the State of Missouri and Army Corps of Engineers will be developed accordingly. As such, the applicant is unclear over how this question is to be considered in verifying compliance with Crystal City Zoning Ordinances (as it is the jurisdiction

MoDNR and / or ACOE) and does not appear to be an eligible concern in reviewing the Wings Conditional Use Permit application.

Jack Ginnever Response (02-28-2009): The applicant may not know that there has recently been a large ditch that has been dug just north of the railroad tracks that connects current flood areas in Crystal City to the Platin Creek basin. This looks very suspicious especially in relation to the current designation of the Wetlands in that area. Regardless, the constituent's concern should be addressed as this directly pertains to the "general welfare" of the citizens of Crystal City. The disturbance of Wetlands directly impacts the use of land within the city limits of Crystal City that may be of use to citizens of the city. I expect a response to this concern.

27. How much in cubic yards of fill will be needed to raise the level of the ground by 40'?

Bob Niemeier Answer: *Quantity of fill needed to raise surface elevation 40'* - The quantity of fill needed to raise the elevation of any space is determined by knowing the square area of the footprint. However detailed construction documents for improvements are required for the various permits from the State of Missouri and Army Corps of Engineers, and will be developed accordingly. As such, the applicant is unclear over how this question is to be considered in verifying compliance with Crystal City Zoning Ordinances (as it is the jurisdiction MoDNR and / or ACOE) and does not appear to be an eligible concern in reviewing the Wings Conditional Use Permit application.

Jack Ginnever Response (02-28-2009): I believe that the constituent's issue is that they are concerned about the amount of extra traffic that will come through the streets of Crystal City to supply the fill. If there are reasonable production estimates available for the facility, there should be reasonable expectations for the size and amount of fill that will be required. A worst and best case scenario is the least that would be expected as this would be required for a reasonable business plan. This pertains to the "general welfare" of the City as specified in Section 9(E)(2) of the Crystal City Ordinances. I expect a response to this concern. .

28. Will the train tracks from City Hall to the Mississippi River need to be built up above the flood plain? How high will the tracks need to be?

Bob Niemeier Answer: *Elevation of the river rail tracks* – The survey documents indicate that the area where the new tracks will be installed from the City water tower to the Mississippi River are at (or above) flood plain. However field verification of existing conditions and detailed construction documents for these improvements are required for various permits from the State of Missouri and Army Corps of Engineers. As such, the applicant is unclear over how this question is to be considered in verifying compliance with Crystal City Zoning Ordinances (as it is the jurisdiction MoDNR and /or ACOE) and does not appear to be an eligible concern in reviewing the Wings Conditional Use Permit application.

Jack Ginnever Response (02-28-2009): I believe that the constituent's issue is that they are concerned about the amount of extra traffic that will come through the streets of Crystal City to supply the fill. If there are worst and best case elevation scenarios available, this would dictate the

expected amount of truck traffic related to fill. This pertains to the “general welfare” of the City as specified in Section 9(E)(2) of the Crystal City Ordinances. I expect a response to this concern.

29. This part of the project will need heavy rock filled trucks. How will our streets handle trucks weighing 60,000 pounds? Can you get the engineer to give us a figure in writing about how many trucks would be required?

Bob Niemeier Answer: *Impact of trucks carrying fill material on the site* -As the majority of improvements to the site will be constructed on essentially the existing grade (which are at or above the 100-year flood plain), a significant quantity of fill is not anticipated opposite balance of the spoils from various excavations. However if the concern is vehicle weights during construction, Bailey Road designated as a HS2O roadway; meaning it is rated for 80,000# Gross Vehicle Weights.

Jack Ginnever Response (02-28-2009): I believe that the constituent’s issue is that they are also concerned about the amount of extra traffic (specifically, the number of trucks) that will come through the streets of Crystal City to supply the fill. Please provide an estimate of the number of trucks that will be necessary to provide fill to the site. Also describe the route that would be used.

This pertains to the “general welfare” of the City as specified in Section 9(E)(2) of the Crystal City Ordinances. I expect a response to this concern.

30. MODOT says it is requiring a traffic flow study for this project. The streets cannot handle the weight of the construction trucks even for phase 1. Can we get approval in writing from our engineer stating it is advisable to move ahead with this project without requiring a traffic flow study knowing that Jefferson County is requiring one?

Bob Niemeier Answer: *MODOT traffic study* - The applicant is unaware that MoDOT or Jefferson County is requiring a traffic study concerning the roads they own, operate, and maintain. Please forward the written notice. However if the concern is vehicle weights during construction, all of the commercial thoroughfares leading to the site are designated as at least HS2O roadways; meaning they rated for at least 80,000# Gross Vehicle Weights.

Jack Ginnever Response (02-28-2009): I believe that it is reasonable for the constituent to request that MODOT state the requirements for a facility like this and that MODOT make them publicly available. Is that the responsibility of the citizen to request this? I request that the city authorities responsible for street use and traffic fulfill this request of the constituent. This pertains to the “general welfare” of the City as specified in Section 9(E)(2) of the Crystal City Ordinances. I expect a response to this concern.

31. Can we get in writing the capacity of the project? A lot of numbers are being thrown around but nothing is in writing. How much tonnage will be produced in each of the phases? How much will be trucked? In and out? Shipped by rail, in and out? Shipped by barge, in and out?

Bob Niemeier Answer: *Tonnage of material processed* - The facility is being designed to process 4 million tons of iron ore per year. As it is premature to speculate over the amount of product which could potentially be shipped as interim areas of the project are completed during the

overall building process. The applicant is unclear over how this question is to be considered in verifying compliance with Crystal City Zoning Ordinances; as it does not appear to be an eligible concern in reviewing the Wings Conditional Use Permit application.

Jack Ginnever Response (02-28-2009): I believe that the constituent's question is two-fold. One, they want to know what type of revenue to expect via "tonnage tax" for Crystal City. The other aspect is in the amount of traffic that can be expected via truck, rail and barge. Given the speculative nature of the slurry pipe this is a very reasonable question to ask. Shipping the ore from Pea Ridge to Crystal City via truck or rail may be the only way that it is ever shipped. There are no guarantees otherwise. This pertains to the "general welfare" of the City as specified in Section 9(E)(2) of the Crystal City Ordinances. I expect a response to this concern.

32. We would like those numbers to be given to our engineer so he can tell us if they coincide with the amount of trains and trucks. Are they verifiable?

Bob Niemeier Answer: *Verification of train and truck activity* - As raw material is delivered by underground pipeline and shipments are by barge and rail, truck activity is for delivery of supply items. It anticipated 75% of the pig iron pellets will be shipped by barge versus rail. However the applicant is unclear over how this question is to be considered in verifying compliance with Crystal City Zoning Ordinances; as it does not appear to be an eligible concern in reviewing the Wings Conditional Use Permit application.

Jack Ginnever Response (02-28-2009): I believe that the constituent wants more accountability for the estimates that are being given in regard to train and truck traffic. A written statement from the City Engineer that agrees with a written traffic study will provide a lot more credibility from the public's perspective. Please provide a written traffic study along with verification from the City Engineer. This pertains to the traffic impact in the City as specified in Section 9(E)(2) of the Crystal City Ordinances. I expect a response to this concern.

33. Have you ever heard a shaker unload a train car onto a conveyor? What would the noise decibel be for that operation?

Bob Niemeier Answer: *Noise level of rail car shaker* - A rail car shaker is not needed (or planned). If iron ore is received by rail prior to operation of the pipeline, it is a granular (sand like) substance; and the refined pellets to be shipped are essentially self leveling during the loading process. However despite the absence of a "shaker", the applicant is unclear over how this question is to be considered in verifying compliance with Crystal City Zoning Ordinances; as it does not appear to be an eligible concern in reviewing the Wings Conditional Use Permit application.

Jack Ginnever Response (02-28-2009): I would like some type of guarantee that a rail car shaker will not be used. This pertains to the "general welfare" of the City as specified in Section 9(E)(2) of the Crystal City Ordinances. I expect a response to this concern.

34. Mr. Niemeier stated that the abandoned rail line from Pea Ridge to Cadet, Missouri is already under construction to handle the rail cars coming out of Pea Ridge. Are these Union Pacific tracks? Does Mr. Kennedy have a contract with Union Pacific to rebuild these tracks? What is the timeline for Union Pacific to complete this work so rail cars can move iron ore from Pea Ridge to Crystal City?

Bob Niemeier Answer: *Pea Ridge mine rail spur status* - As it is not clear where Crystal City Zoning Ordinances address activities at a business operation outside of the incorporation limits of Crystal City, it would appear this is not an eligible consideration in reviewing the Wings Conditional Use Permit application.

Jack Ginnever Response (02-28-2009): I believe that the constituent is concerned about the feasibility and timeline of the project. If construction has not yet begun, the probability of success will be less. This pertains to the “general welfare” of the City as specified in Section 9(E)(2) of the Crystal City Ordinances. I expect a response to this concern.

PLANT

35. In the Jan 22nd meeting when Alberici was doing the fly over it showed an uncovered slag pile not shown on the site plans. It appeared to be around #32, but he was moving fast so I am not sure.

Bob Niemeier Answer: *Uncovered slag pile* - If "slag" refers to the limestone / calcium silicate cement additive produced during ore refinement, it is intended to be loaded directly into rail cars on alternating spurs for shipment. However plan mark item # 31 is a storage location for the cement additive in the event of an unforeseen delay in returning the empty rail cars. Because the cement additive product does not require weather protection and would only be staged for a matter of days in the event of an unforeseen rail delay; it is not covered.

Jack Ginnever Response (02-28-2009): The proposed plan seems to be based on a best case scenario. We have been told repeatedly that the cement additive amounts will be small and that there will be a ready buyer for the product. This question pertains to other scenarios where the amount of limestone / calcium silicate may become too plentiful. Specifically, how long can the plant operate before the storage capacity is exceeded if there is no movement in the cement additive product? And will the plant quit production if the storage capacity is met? An answer that "there will always be movement of the product" is not acceptable. This pertains to the "general welfare" of the City as specified in Section 9(E)(2) of the Crystal City Ordinances. I expect a response to this concern.

36. Where in the US is this facility already in production. How does that project compare to this one in terms of acreage, proximity to homes. I have heard that it is being used for lead production. Can we put in place protections so that not only would it prevent "lead smelting" but it would prevent any lead processing or shipping from the site?

Bob Niemeier Answer: *Lead production* - The Conditional Use Permit application is for iron ore shipment and processing. However the owner has previously provided correspondence to the City stipulating that lead will not be on the property.

Jack Ginnever Response (02-28-2009): Lead concerns were addressed to a certain extent in the conditions set out by the Planning and Zoning Commission. The question about acreage and proximity to homes was not addressed. This pertains to the health and safety of the City as specified in Section 9(E)(2) of the Crystal City Ordinances. I expect a response to this concern.

37. Mr. Niemeier talked about another project like this going online later on this year. Where is this project? How close is it to homes? How many acres of land is it on? Will it have smokestacks? What type of CO2 emission will it have? Are they using Pet Coke?

Bob Niemeier Answer: *Location of similar facilities* - In answering questions about the Wings-Site Development Plan, the applicant stated that the specific testing of emissions with actual materials & process will be scheduled after a Conditional Use Permit is issued as part of the required procedure in applying for an Air Emissions Permit from the MoDNR. Public review and comment regarding this information is part of the approval process. Accordingly space allocation

and utility design parameters were provided as needed to prepare the Site Development Plan. As such the applicant is unclear over how these questions are to be considered in verifying compliance with Crystal City Zoning Ordinances because they do not appear to be an eligible concern in reviewing the Wings Conditional Use Permit application.

Jack Ginnever Response (02-28-2009): This response does not answer the constituent's questions. At the very least, a "not to exceed" estimate of emissions should be stated. Anything less than that is an admission of a lack of required research and/or an admission that the information from Wings is still a secret. Also, a comparable location of any type of plant of this sort should be submitted for review for the same reasons. This pertains to the safety, health, morals and general welfare of the City as specified in Section 9(E)(2) of the Crystal City Ordinances. I expect a response to this concern.

38. Some constituents would like to visit a coke unloading facility and a transfer facility to get an idea of what is being proposed. Where can they see one in action?

Bob Niemeier Answer: *Coke unloading facility* - A voluntary 'to-scale' rendering of the coke unloading facility was presented with the site development plan where the overall dimensioning are within regulatory guidelines. As such the applicant is unclear over how this question is to be considered in verifying compliance with Crystal City Zoning Ordinances because it does not appear to be an eligible concern in reviewing the Wings Conditional Use Permit application.

Jack Ginnever Response (02-28-2009): The question presented by the constituents asked for a real facility that is similar to the proposed facility. A 3D rendering of a coke unloading and transfer facility does not present a true to life facility. Some areas of particular interest are (a) the appearance, smell and general intrusion into the surrounding areas of the retention and settlement ponds, (b) the noise (not necessarily the decibels) related to the facility and (c) dust concerns. As an example, a large scoop was being used by the train rail yards on the proposed facility on 2/26 and 2/27. The noise was prevalent and shook my house and houses in the River Hills subdivision. A simulation does not create these effects.

This pertains to the safety, health, morals and general welfare of the City as specified in Section 9(E)(2) of the Crystal City Ordinances. I expect a response to this concern.

39. "I have trucked petroleum coke straight off a barge." Do you think the citizens of Crystal City will be safe during this process? "I have witnessed first hand and this is a very nasty process."

Bob Niemeier Answer: *Safety of unloading coke* -The safe handling of all materials on site is regulated by a variety of permits from state agencies having jurisdiction in these operations. As such, the applicant is unclear over how this comment is to be considered in verifying compliance with Crystal City Zoning Ordinances because it does not appear to be an eligible concern in reviewing the Wings Conditional Use Permit application.

Jack Ginnever Response (02-28-2009): This constituent obviously has real life experience with the handling of petroleum coke. A response mentioning the permitting and handling of these materials does not alleviate the concerns that it will be generally bad for the community. I would

suggest that a visit to a similar facility by the people that will decide on the outcome of the Conditional Use Permit would help them determine the effects of such a facility.

This pertains to the safety, health, morals and general welfare of the City as specified in Section 9(E)(2) of the Crystal City Ordinances. I expect a response to this concern.

40. The 1/22 presentation said that using petroleum coke was in the trial stages. If petroleum coke does not meet expectations, would coal then be used instead? If not coal, then what other product? Since we are told that this will not be a coal burning facility and will have no smokestacks, this should be part of the “conditional use permit”.

Bob Niemeier Answer: *Usage of coke alternatives* - In answering questions about the Wings-Site Development Plan, the applicant stated that the specific testing of emissions with the actual materials & process will be scheduled after a Conditional Use Permit is issued as part of the required procedure in applying for an Air Emissions Permit from the MoDNR. This includes validating the type of coke to be used. Coal is not an option because it contains oxygen. Usage of the closed induction ovens to liquefy the ore / coke mixture avoids a combustion process combustion typically needed to heat a furnace and eliminates the need for "stacks". As such, the applicant is unclear over how this comment is to be considered in verifying compliance with Crystal City Zoning Ordinances because it does not appear to be an eligible concern in reviewing the Wings Conditional Use Permit application.

Jack Ginnever Response (02-28-2009): The constituent wants some type of guarantee that coal will not be used in the process. It is required that the facility use the BACT (Best Available Control Technology). The applicant seems to be evaluating the most economical source of carbon for the project. The City should determine the best source of carbon that has the least amount of health affects. I would think that it would be a simple matter to include this in the list of conditions for the Conditional Use Permit.

This pertains to the safety, health, morals and general welfare of the City as specified in Section 9(E)(2) of the Crystal City Ordinances. I expect a response to this concern.

41. Does petroleum coke have an odor? It is being stored uncovered, what kind of dust would blow off the product in the wind? What damage would it do to homes in the area? What odor will emanate in our town?

Bob Niemeier Answer: *Characteristics of stored coke* - The coke sample circulated at both the 1-22-09 P&Z and 1-26-09 City Council meetings is a gummy substance; which is the specific product to be validated during the emission testing of the refinement process. As noted, that sample is essentially odorless. Because a limited quantity of coke is mixed with the iron ore prior to liquefied in a closed chamber induction oven as catalysis to separate the iron from the lime / calcium silicate in the ore; the potential for odor is minimal, Additionally both the refined pig iron and the cement additive by-product are essentially odorless. The unloading, storage, and handling of the coke is permitted / monitored under various environmental, health, and safety regulations from their corresponding agencies. As such, the applicant is unclear over how these comments are to be

considered in verifying compliance with Crystal City Zoning Ordinances because they do not appear to be an eligible concern in reviewing the Wings Conditional Use Permit application.

Jack Ginnever Response (02-28-2009): As mentioned in his presentation, Mr. Niemeier said that “odor” is a subjective term that is generally not regulated. Dust concerns are also mentioned. A comparable facility that could be visited by the decision makers in this process would allow for them to make an informed decision about this concern.

This pertains to the safety, health, morals and general welfare of the City as specified in Section 9(E)(2) of the Crystal City Ordinances. I expect a response to this concern.

42. Chuck Banks has told citizens that there will be a traffic study for the smelter. Are they moving forward with an engineer to draw up the traffic study and, if so, who is that traffic engineer? If roadway improvements are required after the study is complete, who will pay for those improvements?

Bob Niemeier Answer: *Traffic study* - The applicant is unaware of the need for a traffic study.

Jack Ginnever Response (02-28-2009): The absence of admission of responsibility by Alberici Constructors does not alleviate the need for a publicly available traffic study. At this date (2/29/2009) I am not aware of any traffic study that has been done except for a mention of one that has been done by the Street Superintendent, Karry Friedmeyer. The question also remains about who will be required to make road improvements if they are required.

This pertains to the safety, health, morals and general welfare of the City as specified in Section 9(E)(2) of the Crystal City Ordinances. I expect a response to this concern.

43. We entered into this lease agreement with the promise of jobs for our City residents. If we approve this Conditional Use Permit, I want to know how many jobs will go to Crystal City residents.

Bob Niemeier Answer: *Jobs for Crystal City residents* - As it is not clear where Crystal City Zoning Ordinances address conditions of a lease or resident employment requirements, it would appear this is not an eligible consideration in reviewing the Wings Conditional Use Permit application.

Jack Ginnever Response (02-28-2009): If jobs, employment and union labor are not relevant then it should be excluded from all discussions and considerations for this Conditional Use Permit. If we can concede that jobs, employment and union labor are considered to be relevant as per Section 9(E)(2) of the city ordinances then questions like this **should be answered** because they **do** pertain to Crystal City Zoning Ordinances. I expect a response to this concern.

44. On Thursday night, Mr. Velasco said 100% of the jobs will be Union. Is that true? Is he only referring to construction jobs? If not, how many?

Bob Niemeier Answer: *Union jobs* - The applicant is unaware of what Mr. Velasco is referring to. Alberici is in the process of executing a labor agreement (which includes the Crystal City site) that stipulates only building trade construction workers will be used. However it is not clear how this comment is to be considered in verifying compliance with Crystal City Zoning Ordinances because

it does not appear to be an eligible concern in reviewing the Wings Conditional Use Permit application.

Jack Ginnever Response (02-28-2009): If jobs, employment and union labor are not relevant then it should be excluded from all discussions and considerations for this Conditional Use Permit. If we can concede that jobs, employment and union labor are considered to be relevant as per Section 9(E)(2) of the city ordinances then questions like this **should be answered** because they **do** pertain to Crystal City Zoning Ordinances. I expect a response to this concern.

45. Mr. Niemeier didn't explain the movement of the Petroleum Coke? We were told it would be loaded into the silo down by the barge. How is it dumped into this silo? How will it be transported and loaded into the smelter? Mr. Vogt, can you include some studies on Pet Coke in your presentation because from what I have read it is a lot cheaper and dirtier than coal. It also seems to contain a lot more minerals including sulfur – will this be a problem with smell?

Bob Niemeier Answer: *Material handling of the coke* - Coke is unloaded from a barge with machinery designed for that purpose, and "stacked" into a pile at the barge dock area. Coke needed for the refinement process will be extracted from the "pile" and transported via covered overland conveyors to silo structures adjacent to the Electric Induction Process Building. Controlled amounts of the coke is pulled from the silo, mixed with the iron ore, and fed into closed chamber induction ovens. The coke sample circulated at both the 1-22-09 P&Z and 1-26-09 City Council meetings is essentially odorless. Because coke is liquefied via induction current (versus burned as a product of combustion) the detectable odor is not expected to change. However it is not clear how this comment is to be considered in verifying compliance with Crystal City Zoning Ordinances because it does not appear to be an eligible concern in reviewing the Wings Conditional Use Permit application.

Jack Ginnever Response (02-28-2009): As mentioned in his presentation, Mr. Niemeier said that "odor" is a subjective term that is generally not regulated. A comparable facility that could be visited by the decision makers in this process would allow for them to make an informed decision about this concern.

This pertains to the safety, health, morals and general welfare of the City as specified in Section 9(E)(2) of the Crystal City Ordinances. I expect a response to this concern.

46. Will there be CO₂ emissions? Can you give us even a little idea of what emissions we are talking about?

Bob Niemeier Answer: *CO₂ emissions* - in answering questions about the Wings - Site Development Plan, the applicant stated that the specific testing of emissions with the actual materials & process will be scheduled after a Conditional Use Permit is issued as part of the required procedure in applying for an Air Emissions Permit from the MoDNR. Public review and comment of this information is part of this approval process. Therefore whether there are CO₂ emissions and how they will conform to the Clean Air Standards in combination with the existing air conditions is presently unknown. As such the applicant is unclear over how this comment is to be considered in verifying compliance with Crystal City Zoning Ordinances because of the

jurisdiction/expertise of the MoDNR; and because it does not appear to be an eligible concern in reviewing the Wings Conditional Use Permit application.

Jack Ginnever Response (02-28-2009): The current political conditions indicate that carbon taxes and carbon emission standards are eminent. Plants of this sort are the single most contributors to greenhouse gases. CO2 considerations can not be ignored or brushed aside. The cost of dealing with these emissions may far outspend any other single consideration of this proposed facility. As such, along with the highly speculative slurry pipe, the number of jobs and overall viability of the project will be in question.

This pertains to the safety, health, morals and general welfare of the City as specified in Section 9(E)(2) of the Crystal City Ordinances. I expect a response to this concern.

47. If the city grants this conditional use permit, what guarantee do we have to make sure Wings does everything that he promised, like moving the train with an indexer and no CO2 emissions just expanded air, plumes of air and gaseous fumes?

Bob Niemeier Answer: *Guarantees with use permit* - "Indexing" of rail cars was discussed as the method in which the owner will move a "unit train" of cargo cars once delivered to their property. However it does not include the railroad companies moving the "unit train" of cargo cars on or off the property. Whether there are CO2 emissions and how they will conform to the Clean Air Standards in combination with the existing air conditions will not be known until an Air Permit application is pursued through the MoDNR. As the owner is unable to guarantee issues outside of their control, the applicant is unclear over how this comment is to be considered in verifying compliance with Crystal City Zoning Ordinances because it does not appear to be an eligible concern in reviewing the Wings Conditional Use Permit application.

Jack Ginnever Response (02-28-2009): I believe that the constituent wants to know if there are binding agreements that are associated with this Conditional Use Permit. For example, will Wings be **required** to use an indexer if an indexer is in the project plan.

This pertains to the safety, health, moral and general welfare of the City as specified in Section 9(E)(2) of the Crystal City Ordinances. I expect a response to this concern.

48. Where will the slag be dried? Since Mr. Niemeier stated there will be no waste and all byproducts will be immediately sold, can you step me through the transporting of the slag from where it is dried to where it will be shipped out-what kind of dust can we expect? Also, can you provide the names of the cement plants that are on board for buying this byproduct?

Bob Niemeier Answer: "*Slag*" drying - If "slag" refers to the limestone / calcium silicate cement additive produced during ore refinement, it will be solidified from a liquid separated in an induction oven through a cooling process and bulk loaded directly into rail cars on alternating spurs east of the Electric Induction Building for shipment. Accordingly the applicant is unclear over how purchaser information is needed to consider verifying compliance with Crystal City Zoning

Ordinances because it does not appear to be an eligible concern in reviewing the Wings Conditional Use Permit application.

Jack Ginnever Response (02-28-2009): I believe that the constituent also wants to know what commitments are in place to guarantee that the “slag” will not produce a large stockpile on the proposed project site. Some type of statement that can be submitted in writing that guarantees commitments with cement plants along with the projected amount of “slag” that would be produced would satisfy this request.

This pertains to the safety, health, moral and general welfare of the City as specified in Section 9(E)(2) of the Crystal City Ordinances. I expect a response to this concern.

49. Mr. Niemeier said there would be 300 employees – what will their road access be to get to the smelter? You talked about around 500 or 600 workers during the construction phase – what will their road access be? Will Mr. Vogt have a feasibility study done to see if 300 more cars and 2 semis on Bailey a day and around 500 or 600 cars and trucks a day during construction is feasible?

Bob Niemeier Answer: *Number of employees* - It is intended that Wings employees working at the Crystal Facility would access the property from Bailey Road; which appears commensurate with prior usage of the property under the same Zoning. Construction access would be the same unless Crystal City policy and past practice dictate otherwise.

Jack Ginnever Response (02-28-2009): Please describe what constitutes “Crystal City policy”. Past practice also had the use of County Road which is no longer available. Also, there is a care center next to the proposed site with residents that are often unsupervised on Bailey Road. And there is a family residence on the opposite side of the road next to the proposed site. These conditions did not exist with the prior usage of the property.

This pertains to the safety, health, moral and general welfare of the City as specified in Section 9(E)(2) of the Crystal City Ordinances. I expect a response to this concern.

50. Mr. Niemeier told us there will be 2 semis on Bailey a day. Are these semis to haul the byproduct to a cement plant or will they bring in minerals from the mine? Can you tell us exactly what will be brought in or out on those trucks?

Bob Niemeier Answer: *Semi truck traffic* - As raw material to be processed is delivered by underground pipeline & barge, and finished good shipments leave by barge and rail; truck activity is for delivery of supply items typical of supporting this type production operation.

Jack Ginnever Response (02-28-2009): I believe that the constituent wants some type of guarantee that there will be no other minerals or materials brought in by semi truck into Crystal City other than iron ore. Can you specify exactly what types of “products” will be brought in by truck? Also is there a guarantee that no more than two semi trucks a day will be bring materials into Crystal City. Can it be stated that there will never be more than two semi trucks per day?

This pertains to the safety, health, moral and general welfare of the City as specified in Section 9(E)(2) of the Crystal City Ordinances. I expect a response to this concern.

51. Why in the world is there a bath house – Mr. Niemeier told us if the workers get dirty – how will the workers get dirty? If this is such a clean facility – can you explain that to me again?

Bob Niemeier Answer: *Bath house* - The term "Bath House" is indigenous to mining and metal production operations (probably because it is also an MSHA term); where the other industrial facilities would simply call it a locker / shower room. Although this refinement process is environmentally cleaner than historically methods; it is still a heavy industrial plant with lots machinery needing constant preventative maintenance where employees will get dirty and are to be provided appropriate clean-up facilities, However it is not clear how this question is to be considered in verifying compliance with Crystal City Zoning Ordinances because It does not appear to be an eligible concern in reviewing the Wings Conditional Use Permit application.

Jack Ginnever Response (02-28-2009): I believe that the constituent is more concerned about what the environment will be like in the general vicinity of the plant. Reports from the Holcim operation just to our south are that the vehicles and workers are caked with dust on a daily basis. Can we expect workers to experience dirt and dust from the limestone/calcium silicate and coke? What types of scheduled maintenance of the machinery (e.g. the enclosed conveyor) can be expected that relate to dirt and dust from the environment? This will help us to get an idea for the amount of dirt and dust will be moved around and that may become airborne.

This pertains to the safety, health, moral and general welfare of the City as specified in Section 9(E)(2) of the Crystal City Ordinances. I expect a response to this concern.

52. Where is the power coming from? (80MW facility according to Mr. Niemeier. Rush Island produces 1,181 MW). Do we have written confirmation that Ameren can provide the necessary electricity to power this plant?

Bob Niemeier Answer: *Origination of electrical power* -The applicant has been in conversation with AmerenUE regarding electrical power requirements at this property. The high voltage "grid" (which the Rush Island Generation Station is one of many contributors to) has the capacity for this demand. However it is not clear how this question / request for AmerenUE confirmation is to be considered in verifying compliance with Crystal City Zoning Ordinances because it does not appear to be an eligible concern in reviewing the Wings Conditional Use Permit application.

Jack Ginnever Response (02-28-2009): I believe that the constituent is concerned about additional infrastructure that will be required to supply the large amount of electricity that this facility would require. Will new power lines and stations be constructed? Where will those lines come from? How tall will these new electrical structures be?

There is also a concern that there may be high voltage areas that will be considered a safety hazard. How close will these areas be to nearby residences? Can these areas be detailed and specified in the site plan?

This pertains to the safety, health, moral and general welfare of the City as specified in Section 9(E)(2) of the Crystal City Ordinances. I expect a response to this concern.

53. What about wetlands? Isn't the barge facility being built on wetlands?

Bob Niemeier Answer: *Barge facility impact on wetlands* - Other than the dock proper on the river bank, the majority of the barge facility is located at (or above) the 100-year floodplain per the survey drawings. However verification of existing conditions and detailed construction documents for improvements on that parcel (including any structure that may need to be in a wetland) are required for various permits from the State of Missouri and Army Corps of Engineers. As such, the applicant is unclear over how this question is to be considered in verifying compliance with Crystal City Zoning Ordinances (as it is the jurisdiction MoDNR and /or ACOE) and does not appear to be an eligible concern in reviewing the Wings Conditional Use Permit application.

Jack Ginnever Response (02-28-2009): I believe that the constituent is concerned about how much wetlands will be given up to construct this facility. The general character of the community is something that should be considered in any type of zoning change and conversion of land. The lack of a current comprehensive plan by the City to support these latest changes also points to a lack of required due process.

There have also been recent questionable actions in the wetlands area of the proposed site. A large ditch has been dug near the north side of the railway which could significantly change the nature of the surrounding wetlands.

This is more of a concern for the city officials and employees than it is for the applicant and should be addressed by the people responsible for the rezoning of the land and the conversion of the wetlands. Why was the new ditch dug and how does the conversion of these wetlands into an industrial facility fit in with the City's current comprehensive plan?

This pertains to the safety, health, moral and general welfare of the City as specified in Section 9(E)(2) of the Crystal City Ordinances. I expect a response to this concern.

54. The coke storage silo on the river will be on top of 35 feet of fill. How will the wetlands be replaced?

Bob Niemeier Answer: *Coke storage impact on wetlands* - A portion of proposed coke storage appears to be in the wetland; such that it will need to be elevated. As part of the permitting with the State of Missouri and Army Corps of Engineers, these details will be developed and approved prior to the commencement of this work. As such, the applicant is unclear over how this question is to be considered in verifying compliance with Crystal City Zoning Ordinances (as it is the jurisdiction MoDNR and /or ACOE) and does not appear to be an eligible concern in reviewing the Wings Conditional Use Permit application.

Jack Ginnever Response (02-28-2009): I believe that the constituent has concerns that I wrote about in the previous question concerning the displacement of existing wetlands with industrial facilities. There is also a concern of how this facility will affect the remaining fragile wetlands. What types of guarantees do we have that a large coke pile such as this will not breach the retention and settlement ponds that will have to be located on the elevated portion of the facility? These ponds will have to be elevated above the flood plain levels and will require a very large amount of fill to properly secure them from the surrounding water.

I mentioned in a previous answer that a condition should be made to require periodic, random inspections to test the stability of the containing structures and to measure the surrounding water and soil for possible contaminants that could be leaching from these ponds.

This pertains to the safety, health, moral and general welfare of the City as specified in Section 9(E)(2) of the Crystal City Ordinances. I expect a response to this concern.

55. Where does the slag go? How does it get there? How does it get from the furnace to the shipping facility? Mr. Kennedy once told the citizens that “there will be no slag”. Will there?

Bob Niemeier Answer: *"Slag" material handling* - If "slag" refers to the limestone / calcium silicate cement additive produced during ore refinement, it will be solidified from a liquid separated in an induction oven through a cooling process and loaded directly into rail cars on alternating spurs east of the Electric induction Building for shipment. There is no solid waste product from the refinement process. However the applicant is unclear over how this question is to be considered in verifying compliance with Crystal City Zoning Ordinances because it does not appear to be an eligible concern in reviewing the Wings Conditional Use Permit application.

Jack Ginnever Response (02-28-2009): The constituent has valid concerns about “slag” as Mr. Niemeier defined it in his answer above. This is one of the most significant byproducts of the iron reduction process and it must be dealt with in a very careful and deliberate manner to protect the environment and health of the surrounding community. I would like to correct Mr. Niemeier on his description of the material handling. I could be wrong but I believe that there is also a staging area (structure #31 on the site plan) for this slag if it cannot be loaded directly into rail cars. So my assumption is that the “slag” would load directly into this staging facility if a rail car is not available and that the “slag” in the staging facility will be loaded into rail cars if there is any “slag” in the staging facility. Could you please verify my assumptions?

This pertains to the safety, health, moral and general welfare of the City as specified in Section 9(E)(2) of the Crystal City Ordinances. I expect a response to this concern.

56. What contracts do you have to buy and sell material – e.g. slag, coke, iron?

Bob Niemeier Answer: *Contracts to buy and sell material* - The applicant is unclear over how information regarding the owner’s agreements to buy and sell material to is to be considered in verifying compliance with Crystal City Zoning Ordinances, because it does not appear to be an eligible concern in reviewing the Wings Conditional Use Permit application.

Jack Ginnever Response (02-28-2009): The constituent has valid concerns about who will buy the products from this facility. This is important for two reasons, (1) the viability of the project which directly affects the number of available jobs and (2) how much the applicant will “stockpile” products on the facility. If the applicant is allowed to store large amounts of product on the facility it will directly affect the surrounding environment and general health of the community.

What are the storage limits of Wings’ products and will the facility stop operations if those storage limits are exceeded? An answer of “that will not happen” is not acceptable.

The same types of questions can be asked about the incoming material that is needed. Specifically, it may be economically advantageous for Wings to buy a large quantity of coke. Is there a storage limit for that material? Is there also a storage limit for the incoming slurry from the Pea Ridge Mine? Will the slurry pipe shut down if there is a problem with the furnace?

This pertains to the safety, health, moral and general welfare of the City as specified in Section 9(E)(2) of the Crystal City Ordinances. I expect a response to this concern.

57. How does the coke get from the storage silo on the river up to the furnace? Is there an enclosed conveyor for that? Is it in the plan?

Bob Niemeier Answer: *Coke material handling* - The coke is unloaded from a barge with machinery designed for that purpose, and the coke will be "stacked" in a pile at the barge dock. Coke needed for the refinement process will be extracted from the "pile" and transported via covered overland conveyors to silo structures adjacent to the Electric Induction Process Building. Limited quantities of the coke is pulled from the silo, mixed with the iron ore, and fed into closed chamber induction ovens. However it is not clear how this question is to be considered in verifying compliance with Crystal City Zoning Ordinances because it does not appear to be an eligible concern in reviewing the Wings Conditional Use Permit application.

Jack Ginnever Response (02-28-2009): The constituent has valid concerns about the exposure of coke to the environment. Will these covered overland conveyors be inspected for leaks on a periodic basis? What tolerance for coke spillage will there be for these conveyors? Are there any controls in the area of the coke pile such that the transfer from the barge to the coke pile and the transfer of coke from the coke pile to the conveyor will not cause dust or spillage to the surrounding areas? Is there a perimeter around the coke pile that will be measured for exposure to coke? How big is that perimeter? What are the parameters for measuring exposure?

This pertains to the safety, health, moral and general welfare of the City as specified in Section 9(E)(2) of the Crystal City Ordinances. I expect a response to this concern.

58. How will the COKE be brought into the City or Area? Will it be by train or barge? If it is brought in by rail, through what cities will it pass?

Bob Niemeier Answer: *Coke delivery to the property* - Coke will be delivered by barge. However the applicant is unclear over how this question is to be considered in verifying compliance with Crystal City Zoning Ordinances because it does not appear to be an eligible concern in reviewing the Wings Conditional Use Permit application.

Jack Ginnever Response (02-28-2009): The constituent has valid concerns about the transportation of coke to the facility. If the coke is delivered by rail or truck it can create a hazard to surrounding residences if it is not covered and dealt with properly. Does the City have any guarantees that the coke will only come into the facility via barge?

This pertains to the safety, health, moral and general welfare of the City as specified in Section 9(E)(2) of the Crystal City Ordinances. I expect a response to this concern.

59. What type of Coke will be used? Will it be Petroleum Coke or Coke made from coal? Petroleum Coke is a refining waste product that contains higher levels of numerous pollutants including Sulfur, heavy metals and organic compounds (VOC'S) and as such poses concerns for air, water quality as well as health.

Bob Niemeier Answer: *Type of coke* - The type of coke to be used will be validated during the required emissions testing of with actual materials & process; which is part of the required procedure in applying for an Air Emissions Permit from the MoDNR. Public review and comment regarding this information is part of the approval process. Storm water runoff and / or a breach from the coke storage areas falls under the jurisdiction of the MoDNR and ACOE in various other permits required before construction can commence. Accordingly the applicant is unclear over how this question is to be considered in verifying compliance of the Conditional Use application with Crystal City Zoning Ordinances given the jurisdiction of other regulators in these matters.

Jack Ginnever Response (02-28-2009): The constituent has valid concerns about the type of coke that will be used. The applicant's choice of coke could, and most probably will, be more related to financial gain than to the health effects of the material. The City should understand the differences in the types of coke and should seriously consider making a condition on the most efficient and least polluting material.

This pertains to the safety, health, moral and general welfare of the City as specified in Section 9(E)(2) of the Crystal City Ordinances. I expect a response to this concern.

60. Is Algae going to be used to eliminate the amount of CO₂, if so where will this process take place, how much will it remove and what % of it that will not be removed and will be released into the surrounding atmosphere?

Bob Niemeier Answer: *Algae elimination of CO₂* - In answering questions about the Wings-Site Development Plan, the applicant stated that the specific testing of emissions from what will ultimately be the materials & process will be scheduled after a Conditional Use Permit is issued as part of the required procedure in applying for an Air Emissions Permit from the MoDNR. Therefore whether there are CO₂ emissions and how they will conform to the Clean Air Standards in combination with the existing air conditions is presently unknown. As such the applicant is unclear over how this comment is to be considered in verifying compliance with Crystal City Zoning Ordinances because of the jurisdiction /expense of the MoDNR; and because it does not appear to be an eligible concern in reviewing the Wings Conditional Use Permit application.

Jack Ginnever Response (02-28-2009): The constituent has valid concerns about how the CO₂ will be dealt with. If there is a carbon source (like coke) and iron ore, there will be CO₂ – and lots of it. The City Council should consider (1) the effect that CO₂ remediation will have on the facility because it will directly relate to the number of jobs produced and (2) the amount of greenhouse gases that will be emitted if there are no standards in place at the time of the permitting process.

This pertains to the safety, health, moral and general welfare of the City as specified in Section 9(E)(2) of the Crystal City Ordinances. I expect a response to this concern.

61. At this point in time is there presently an Induction Furnace Iron ore plant that has the capacity of production or greater smelting Iron in the United States or anywhere in the world? If so where is it located? If not are we going to be the first to test an Induction Furnace for Iron of this size?

Bob Niemeier Answer: *Existence of similar sized induction furnace* - information regarding the induction oven manufacturer and current operating / test facilities will be submitted to the regulatory authorities having jurisdiction (MoDNR) when the specific design and testing work is completed following approval of the CUP; where public review and comment is part of the Air Permit approval process. The applicant was provided design parameters with regard to the utility and building shell requirements as needed to prepare the Conditional Use (Zoning Compliance) Permit application. That information was engineered into the Site Development Plan showing compliance with Crystal City Zoning Ordinances. Additionally the applicant voluntarily prepared a 'to-scale' 3-D model which provides an interactive rendering of the site improvements and perspective over how the various structures will look on the site. As such the applicant is unclear over how this question is to be considered in verifying compliance with Crystal City Zoning Ordinances because it does not appear to be an eligible concern in reviewing the Wings Conditional Use Permit application.

Jack Ginnever Response (02-28-2009): The constituent has valid concerns about how the furnace technology that is being proposed. Building compliance does not constitute a thorough consideration of all the city ordinances. There is an absolute obligation by the city officials and employees to know this technology that will be used. Without any emissions estimates it is impossible to say that the city officials have done their due diligence in considering the health, moral and general welfare of the City. The unknown electrical requirements could also pose a risk to the City.

This pertains to the safety, health, moral and general welfare of the City as specified in Section 9(E)(2) of the Crystal City Ordinances. I expect a response to this concern.

62. Will the process contain or have a Channel or a Medium Frequency Induction Furnace?

Bob Niemeier Answer: *Type of induction furnace* - Details including the induction ovens will be submitted to the regulatory authorities having jurisdiction (MoDNR) when the specific design and testing work is completed following approval of the CUP. Public review and comment of this information is part of the Air Permit approval process. As such the applicant is unclear over how this question is to be considered in verifying compliance with Crystal City Zoning Ordinances because it does not appear to be an eligible concern in reviewing the Wings Conditional Use Permit application.

Jack Ginnever Response (02-28-2009): I believe that the constituent is concerned about what type of noise that the proposed furnace may emit. From my reading, the type of frequency determines the pitch of the "whine" that will come from the furnace. A constant "whine" at a certain pitch can be more disturbing to residents than the decibel level of a noise. The constituent has a valid concern and an answer needs to be given such that the city council can determine if this furnace will produce any annoying noises.

This pertains to the safety, health, moral and general welfare of the City as specified in Section 9(E)(2) of the Crystal City Ordinances. I expect a response to this concern.

63. Will the plant use one or more Induction Furnaces?

Bob Niemeier Answer: *Number of induction furnaces* - Details including the induction ovens will be submitted to the regulatory authorities having jurisdiction (MoDNR) when the specific design and testing work is completed following approval of the CUP. Public review and comment of this information is part of the Air Permit approval process. As such the applicant is unclear over how this question is to be considered in verifying compliance with Crystal City Zoning Ordinances because it does not appear to be an eligible concern in reviewing the Wings Conditional Use Permit application.

Jack Ginnever Response (02-28-2009): If the applicant does not have enough planning done to give a good estimate on the number of furnaces that will be needed then I seriously question the feasibility of this proposed facility. The number of furnaces relates directly to the amount of throughput that can be expected per unit and to the expected amount of production in the facility. The expected amount of production in the facility is critical to the viability of the business. If the applicant does not know the throughput of one furnace then I seriously doubt that it will be ready for production within the allotted time (3.8 years).

I believe the constituent's concern is valid and needs to be answered to pass this permit.

This pertains to the safety, health, moral and general welfare of the City as specified in Section 9(E)(2) of the Crystal City Ordinances. I expect a response to this concern.

64. At what voltage will the Induction Furnace operate and will it be Alternating Current or Direct Current? (AC or DC)

Bob Niemeier Answer: *Voltage I current type of induction furnaces* - Details including the induction ovens will be submitted to the regulatory authorities having jurisdiction (MoDNR) when the specific design and testing work is completed following approval of the CUP. Public review and comment of this information is part of the Air Permit approval process. As such the applicant is unclear over how this question is to be considered in verifying compliance with Crystal City Zoning Ordinances because it does not appear to be an eligible concern in reviewing the Wings Conditional Use Permit application.

Jack Ginnever Response (02-28-2009): The constituent's question relates directly to the type of electrical infrastructure that will be required to support a furnace with this technology. It also relates to whether or not high voltage will be present in certain locations. This should be considered for health and safety reasons.

This pertains to the safety, health, moral and general welfare of the City as specified in Section 9(E)(2) of the Crystal City Ordinances. I expect a response to this concern.

65. Will the Induction Furnace in any way require the use of Refractory brick or like material in it use?

Bob Niemeier Answer: *Will induction furnace require refractory brick or like material* –Details including the induction ovens will be submitted to the regulatory authorities having jurisdiction (MoDNR) when the specific design and testing work is completed following approval of the CUP. Public review and comment of this information is part of the Air Permit approval process. As such the applicant is unclear over how this question is to be considered in verifying compliance with Crystal City Zoning Ordinances because it does not appear to be an eligible concern in reviewing the Wings Conditional Use Permit application.

Jack Ginnever Response (02-28-2009): The site being considered for this permit is littered with firebrick and the community has used firebrick in many of the yards, landscaping and buildings. As a result the community understands the concerns about the health and safety with regard to firebrick. No characteristics have been given about this electric induction furnace except the required number of watts. The constituent deserves an answer to this simple question.

This pertains to the safety, health, moral and general welfare of the City as specified in Section 9(E)(2) of the Crystal City Ordinances. I expect a response to this concern.

66. Operating frequencies of Induction Furnaces range from (50 to 60 Hertz) to 10,000 Hertz, the higher the frequency the faster to melt a charge, at what frequency will the Furnace operate?

Bob Niemeier Answer: *Operating frequency of induction furnace* - Details including the induction ovens will be submitted to the regulatory authorities having jurisdiction (MoDNR) when the specific design and testing work is completed following approval of the CUP. Public review and comment of this information is part of the Air Permit approval process. As such the applicant is unclear over how this question is to be considered in verifying compliance with Crystal City Zoning Ordinances because it does not appear to be an eligible concern in reviewing the Wings Conditional Use Permit application.

Jack Ginnever Response (02-28-2009): The lack of any information about this type of furnace raises serious questions about how close this technology is to a production ready system. This is a simple question that should have an answer at this point in time if this technology is to be used within 3.8 years. The only conclusion would be that the applicant refuses to give out any details about the technology. The constituent deserves an answer to this simple question.

This pertains to the safety, health, moral and general welfare of the City as specified in Section 9(E)(2) of the Crystal City Ordinances. I expect a response to this concern.

67. What type of conductive medium (usually a metal) will the furnace have?

Bob Niemeier Answer: *Type of furnace conductive medium* - Details including the induction ovens will be submitted to the regulatory authorities having jurisdiction (MoDNR) when the specific design and testing work is completed following approval of the CUP. Public review and comment of this information is part of the Air Permit approval process. As such the applicant is unclear over how this question is to be considered in verifying compliance with Crystal City Zoning Ordinances because it does not appear to be an eligible concern in reviewing the Wings Conditional Use Permit application.

Jack Ginnever Response (02-28-2009): The lack of any information about this type of furnace raises serious questions about how close this technology is to a production ready system. This is a simple question that should have an answer at this point in time if this technology is to be used within 3.8 years. The only conclusion would be that the applicant refuses to give out any details about the technology. The constituent deserves an answer to this simple question.

This pertains to the safety, health, moral and general welfare of the City as specified in Section 9(E)(2) of the Crystal City Ordinances. I expect a response to this concern.

68. At what pitch or decibel (dB) will the whine or hum (due to the MAGNETOSTRICTION) be while the furnace is in use?

Bob Niemeier Answer: *Pitch of MAGNETOSTRICTION when furnace is in use* -Details including the induction ovens will be submitted to the regulatory authorities having jurisdiction (MoDNR) when the specific design and testing work is completed following approval of the CUP. Public review and comment of this information is part of the Air Permit approval process. As such the applicant is unclear over how this question is to be considered in verifying compliance with Crystal City Zoning Ordinances because it does not appear to be an eligible concern in reviewing the Wings Conditional Use Permit application.

Jack Ginnever Response (02-28-2009): The lack of any information about this type of furnace raises serious questions about how close this technology is to a production ready system. This is a simple question that should have an answer at this point in time if this technology is to be used within 3.8 years. The only conclusion would be that the applicant refuses to give out any details about the technology. The constituent deserves an answer to this simple question especially since it could be a significant nuisance to nearby residents.

This pertains to the safety, health, moral and general welfare of the City as specified in Section 9(E)(2) of the Crystal City Ordinances. I expect a response to this concern.

SLURRY PIPE

69. Until the slurry is completed, and until the rail line is rebuilt from Pea Ridge to Crystal City, how many trucks will be coming across the streets of Crystal City?

Bob Niemeier Answer: *Truck traffic before rail and pipeline is complete* - If this question refers to trucks transporting iron ore to the Crystal City location, the answer is none. If this question refers to trucks related to construction activities, it is pre-mature to estimate until construction plans can be developed following approval of the CUP.

Jack Ginnever Response (02-28-2009): I believe that the constituent is concerned about the former condition in Mr. Niemeier's answer. Will the rail be the only way that the iron ore is transported into Crystal City except for the two semi trucks a day? Will production depend entirely on the ability of Wings to ship the iron ore via rail and/or slurry pipe or will there be trucks that will be used prior to that?

The construction traffic is also a concern. Some type of estimate in the traffic should be required.

This pertains to the safety, health, moral and general welfare of the City as specified in Section 9(E)(2) of the Crystal City Ordinances. I expect a response to this concern.

70. If that pipe breaks, what kind of damage would it cause? It sounds like the Ameren Taum Sauk fiasco.

Bob Niemeier Answer: *Damage if pipe breaks* - A break in the 12" slurry pipeline would be similar to a water main break with the exception there are controls which will sense this condition and cease pumping the slurry. However as it is unclear over how this question is to be considered in verifying compliance with Crystal City Zoning Ordinances, it does not appear to be an eligible concern in reviewing the Wings Conditional Use Permit application.

Jack Ginnever Response (02-28-2009): I believe that the constituent deserves a more detailed answer to this question. What is the average slurry pressure within the pipe compared to a public water supply? How much water/slurry will spill before the pumps will cease? What is the concentration of iron to water? These are questions that would be easily answered if this is a feasible project.

This pertains to the safety, health, moral and general welfare of the City as specified in Section 9(E)(2) of the Crystal City Ordinances. I expect a response to this concern.

71. The map shows the slurry pipe coming from the direction of Ward One Hickey White Park. What is the extension of this map? Does it extend through the park?

Bob Niemeier Answer: *Does pipeline extend through Hickey White Park* -The applicant is unaware of the specific pipeline routing. However as it is unclear over how this question is to be

considered in verifying compliance with Crystal City Zoning Ordinances, it does not appear to be an eligible concern in reviewing the Wings Conditional Use Permit application.

Jack Ginnever Response (02-28-2009): I believe that the constituent deserves a more detailed answer to this question. The question is asking about a pipeline coming directly through a public city park. There have been rumors and no confirmation that the park will have to be moved. The citizens deserve information about the use of city property. I will add the question - what city properties will be affected by the slurry pipe and what exact route is being proposed?

This pertains to the safety, health, moral and general welfare of the City as specified in Section 9(E)(2) of the Crystal City Ordinances. I expect a response to this concern.

72. The map shows the slurry pipe coming from the direction of the levee. How does the slurry pipe get around the levee?

Bob Niemeier Answer: *How does slurry pipe get around the levee* - The applicant is unaware of the specific pipeline routing. However as it is unclear over how this question is to be considered in verifying compliance with Crystal City Zoning Ordinances, it does not appear to be an eligible concern in reviewing the Wings Conditional Use Permit application.

Jack Ginnever Response (02-28-2009): This is a simple question that deserves to be answered. The stability of the levee is critical to the safety of certain parts of Crystal City. If the slurry pipe is to come through or over it the citizens deserve to know how that will be done.

This pertains to the safety, health, moral and general welfare of the City as specified in Section 9(E)(2) of the Crystal City Ordinances. I expect a response to this concern.

73. Does the National Utility Lane come through the park and levee?

Bob Niemeier Answer: *Does National Utility Lane come through the park & levee* - The applicant is not familiar with a National Utility Lane. However as it is unclear over how this question is to be considered in verifying compliance with Crystal City Zoning Ordinances, it does not appear to be an eligible concern in reviewing the Wings Conditional Use Permit application.

Jack Ginnever Response (02-28-2009): I believe that the constituent is asking how the facility will tap into existing utilities and what type of new infrastructure will be required. They would also like to know where the new infrastructures will be located and what these structures will look like.

This pertains to the safety, health, moral and general welfare of the City as specified in Section 9(E)(2) of the Crystal City Ordinances. I expect a response to this concern.

74. How close does the National Utility Lane come to the site?

Bob Niemeier Answer: *How close does the National Utility lane come to the site* - The applicant is not familiar with a National Utility Lane. However as it is unclear over how this question is to be considered in verifying compliance with Crystal City Zoning Ordinances, it does not appear to be an eligible concern in reviewing the Wings Conditional Use Permit application.

Jack Ginnever Response (02-28-2009): I believe that the constituent is asking how the facility will tap into existing utilities and what type of new infrastructure will be required. They would also like to know where the new infrastructures will be located and what these structures will look like.

This pertains to the safety, health, moral and general welfare of the City as specified in Section 9(E)(2) of the Crystal City Ordinances. I expect a response to this concern.

75. How will you get from the National Utility Lane to the site?

Bob Niemeier Answer: *How does pipe get from National Utility Lane to site* -The applicant is not familiar with a National Utility Lane and is unaware of the specific pipeline routing. However as it is unclear over how this question is to be considered in verifying compliance with Crystal City Zoning Ordinances, it does not appear to be an eligible concern in reviewing the Wings Conditional Use Permit application.

Jack Ginnever Response (02-28-2009): I believe that the constituent is asking how the facility will tap into existing utilities and what type of new infrastructure will be required. They would also like to know where the new infrastructures will be located and what these structures will look like.

This pertains to the safety, health, moral and general welfare of the City as specified in Section 9(E)(2) of the Crystal City Ordinances. I expect a response to this concern.

76. We have heard the National Utility Lane is for public utilities, not for private enterprise. Can you provide a letter from the proper authorities giving you authorization to use this lane? We would like to see something in writing.

Bob Niemeier Answer: *Private enterprise authorization for National Utility Lane* - The applicant is not familiar with a National Utility Lane. However as it is unclear over how this question is to be considered in verifying compliance with Crystal City Zoning Ordinances, it does not appear to be an eligible concern in reviewing the Wings Conditional Use Permit application.

Jack Ginnever Response (02-28-2009): I believe that the constituent is referring to a letter that was received from MoDOT that informed Jim Kennedy that the National Utility Lanes could not be used to construct the slurry pipe from Pea Ridge to Crystal City. The letter implies that Wings was relying on the use of the National Utility Lane for this pipeline. Will the National Utility Lane be used? If it is, then is there evidence that gives Wings the authority to use it? If the National Utility Lane is not going to be used then what path will the slurry pipe take?

This relates directly to the viability of the project which directly influences the expected number of jobs that may be created.

This pertains to the safety, health, moral and general welfare of the City as specified in Section 9(E)(2) of the Crystal City Ordinances. I expect a response to this concern.

77. How many private properties do you need to secure to get from the Pea Ridge mine to the site?

Bob Niemeier Answer: *How many private properties are crossed from Pea Ridge to site* - The applicant is unaware of the specific pipeline routing. However it is unclear over how this question is

to be considered in verifying compliance with Crystal City Zoning Ordinances because it does not appear to be an eligible concern in reviewing the Wings Conditional Use Permit application.

Jack Ginnever Response (02-28-2009): The constituent's concern directly relates to the possibility of the City and other government agencies to invoke the use of eminent domain to acquire the rights to run the proposed slurry pipe. Will the use of eminent domain be necessary? What private properties will need to be crossed to run the slurry pipeline?

This pertains to the safety, health, moral and general welfare of the City as specified in Section 9(E)(2) of the Crystal City Ordinances. I expect a response to this concern.

78. How many years will it take to get easements?

Bob Niemeier Answer: *Years to get pipeline easements* - The applicant is unaware of specific pipeline development activities but was provided overall completion estimates which were included in the milestone completion schedule previously provided. However as it is unclear over how this question is to be considered in verifying compliance with Crystal City Zoning Ordinances, it does not appear to be an eligible concern in reviewing the Wings Conditional Use Permit application.

Jack Ginnever Response (02-28-2009): I believe that the constituent is questioning the feasibility of the construction of the slurry pipeline due to the long process that would be necessary to acquire the necessary property rights for it. The construction of the pipeline relates directly to the viability of the project and the possibility for the creation of jobs.

This pertains to the safety, health, moral and general welfare of the City as specified in Section 9(E)(2) of the Crystal City Ordinances. I expect a response to this concern.

79. If one or two or three private parties say no to the slurry pipe, how will you continue? Will you need to enforce eminent domain?

Bob Niemeier Answer: *Will eminent domain be used for pipeline installation* - The applicant is unaware of specific pipeline development activities. However as it is unclear over how this question is to be considered in verifying compliance with Crystal City Zoning Ordinances, it does not appear to be an eligible concern in reviewing the Wings Conditional Use Permit application.

Jack Ginnever Response (02-28-2009): The constituent's concern directly relates to the possibility of the City and other government agencies to invoke the use of eminent domain to acquire the rights to run the proposed slurry pipe. Will the use of eminent domain be necessary? What private properties will need to be crossed to run the slurry pipeline?

This pertains to the safety, health, moral and general welfare of the City as specified in Section 9(E)(2) of the Crystal City Ordinances. I expect a response to this concern.

80. How much water will come through the slurry pipe? Please tell us in writing, the quantity of water and by what process it is cleaned?

Bob Niemeier Answer: *Pipeline water volume and cleaning process* - Approximately 1,200 gpm of water (which originates from a drinkable aquifer in the Pea Ridge mine) will flow through the

pipeline. Details involving the minimal clarification needed will be evaluated by the regulatory authorities having jurisdiction when specific design and testing work is completed /submitted to those agencies following approval of the CUP. As such the applicant is unclear over how this question is to be considered in verifying compliance with Crystal City Zoning Ordinances because it does not appear to be an eligible concern in reviewing the Wings Conditional Use Permit application.

Jack Ginnever Response (02-28-2009): The fact that the slurry water originates from a drinkable aquifer does not constitute that the slurry is “clean”. The remaining question about how the water will be cleaned is instrumental to the health of the water quality of the Crystal City site. At a rate of 1,200 gpm there must be a very efficient means of dealing with the incoming water.

This pertains to the safety, health, moral and general welfare of the City as specified in Section 9(E)(2) of the Crystal City Ordinances. I expect a response to this concern.

81. After it gets to the site, where does it go?

Bob Niemeier Answer: *Where does pipeline water go on site* - Usage of the "pipeline" water for various process (non-potable) purposes and ultimate discharge from the site will be determined as part of the permitting process with the regulatory authorities having jurisdiction following approval of the CUP. As such the applicant is unclear over how this question is to be considered in verifying compliance with Crystal City Zoning Ordinances because it does not appear to be an eligible concern in reviewing the Wings Conditional Use Permit application.

Jack Ginnever Response (02-28-2009): If the slurry pipe operates at a continuous rate it will dump over 1.7 millions gallons of liquid on to the Crystal City site per day. The constituent deserves an answer to this question based on several factors of which viability, health and safety are foremost.

This pertains to the safety, health, moral and general welfare of the City as specified in Section 9(E)(2) of the Crystal City Ordinances. I expect a response to this concern.

82. We see a settling pond on the map. Assuming this is where the water goes, can we see the calculations in writing that show the settling pond has enough capacity to hold that amount of water?

Bob Niemeier Answer: *Is settling pond used for pipeline water* - No.

Jack Ginnever Response (02-28-2009): This narrows down how the slurry water will be dealt with. Please answer the question as to how the water will be cleaned and introduced back into the environment.

This pertains to the safety, health, moral and general welfare of the City as specified in Section 9(E)(2) of the Crystal City Ordinances. I expect a response to this concern.

83. After filling the settling pond, we assume the water will go into Plattin Creek. How long will the water be allowed to settle before being released into Plattin Creek?

Bob Niemeier Answer: *Time of water in settling pond before release* - The duration of how long storm water runoff is in the settling ponds before relieving into the retention ponds is determined by the amount rain and snowfall. Permits to control and discharge storm water from the site will be submitted following approval of the CUP. As such the applicant is unclear over how this question is to be considered in verifying compliance with Crystal City Zoning Ordinances because it does not appear to be an eligible concern in reviewing the Wings Conditional Use Permit application.

Jack Ginnever Response (02-28-2009): I believe that the constituent's question assumes that the settling pond would be used for the slurry pipe. Please answer the previous questions about cleaning and discharging of the slurry water.

84. Have you gotten preliminary approval from MDNR and the Corps of Engineers to release that much water into Plattin Creek? Can we see a copy of that approval?

Bob Niemeier Answer: *Preliminary approvals for water released into Plattin Creek* -The discharge of any water from the site (except sanitary sewage) will be determined as part of the permitting process with the regulatory authorities having jurisdiction following approval of the CUP. As such the applicant is unclear over how this question is to be considered in verifying compliance with Crystal City Zoning Ordinances because it does not appear to be an eligible concern in reviewing the Wings Conditional Use Permit application.

Jack Ginnever Response (02-28-2009): I believe that the constituent is implying that there should have been some type of study or preliminary data that suggests the feasibility of the slurry pipeline and its possible compliance with rules imposed by regulatory authorities. Can you provide preliminary data about how this will be accomplished?

This pertains to the safety, health, moral and general welfare of the City as specified in Section 9(E)(2) of the Crystal City Ordinances. I expect a response to this concern.

85. What happens when Plattin Creek is in flood stage? Will the Slurry line have to cease operation?

Bob Niemeier Answer: *What happens to water discharge in flood stage* - The discharge of any water from the site (except sanitary sewage) will be determined as part of the permitting process with the regulatory authorities having jurisdiction following approval of the CUP. As such the applicant is unclear over how this question is to be considered in verifying compliance with Crystal City Zoning Ordinances because it does not appear to be an eligible concern in reviewing the Wings Conditional Use Permit application.

Jack Ginnever Response (02-28-2009): This is a simple question that should have a simple answer and it suggests that, (a) no preliminary studies have been done, (b) the respondent does not have any knowledge of the subject or (c) the information is being withheld. Please answer the question.

This pertains to the safety, health, moral and general welfare of the City as specified in Section 9(E)(2) of the Crystal City Ordinances. I expect a response to this concern.

86. If the slurry is shut down, then what is the plan for moving the ore being processed from Pea Ridge to Crystal City?

Bob Niemeier Answer: *If slurry is down, what is plan to move ore from mine to site* - If the length of any interruption in the slurry system exceeds the capacity of iron ore stored between the dewatering and refinement operations, the refinement operation will need to cease. However it is unclear over how this question is to be considered in verifying compliance with Crystal City Zoning Ordinances because it does not appear to be an eligible concern in reviewing the Wings Conditional Use Permit application.

Jack Ginnever Response (02-28-2009): What is considered to be the “capacity of iron ore stored between the dewatering and refinement operations”? Will the storage be allowed to exceed the 75 foot dewatered product storage silo (#16 in the site plan)? If so, where will the iron be stored?

This pertains to the safety, health, moral and general welfare of the City as specified in Section 9(E)(2) of the Crystal City Ordinances. I expect a response to this concern.

87. At what point when the creek is rising, will it put pressure on the levee? Can the engineer do calculations?

Bob Niemeier Answer: *When is levee affected by rising creek* -The applicant is unaware of any need to provide this calculation as part of the Conditional Use (Zoning) Permit application. As such the applicant is unclear over how this question is to be considered in verifying compliance with Crystal City Zoning Ordinances because it does not appear to be an eligible concern in reviewing the Wings Conditional Use Permit application.

Jack Ginnever Response (02-28-2009): I believe that the constituent is implying that there will be some type of levee needed to keep flood waters from coming up to nearby facilities on the site. Is this true? This is probably also assuming that the 1.7 million gallons of water per day introduced into the Plattin Creek from the slurry pipe will make the water level rise. If so, can you give us any details about the levee?

This pertains to the safety, health, moral and general welfare of the City as specified in Section 9(E)(2) of the Crystal City Ordinances. I expect a response to this concern.

88. Has any study been done to show how the release of that much water will affect our levee? Can we get it in writing that there will be no effect before we proceed?

Bob Niemeier Answer: *Study for release of water affecting levee* - The applicant is unaware of any need to provide this calculation as part of the Conditional Use (Zoning) Permit application. As such the applicant is unclear over how this question is to be considered in verifying compliance with Crystal City Zoning Ordinances because it does not appear to be an eligible concern in reviewing the Wings Conditional Use Permit application.

Jack Ginnever Response (02-28-2009): I believe that the constituent is asking how the 1.7 million gallons of water per day introduced into the Plattin Creek from the slurry pipe will make the water level rise and how that will affect the exiting levees.

This pertains to the safety, health, moral and general welfare of the City as specified in Section 9(E)(2) of the Crystal City Ordinances. I expect a response to this concern.

89. The settling pond and retention pond are near where the slurry pipe enters the property that are shown on a Voluntary Cleanup Program area protected by rules of MDNR. One of the rules is that nothing is to be built on that area. Can you give us a letter from MDNR saying that it is acceptable for the ponds to be located on a Voluntary Cleanup Program area?

Bob Niemeier Answer: *Settling pond on voluntary clean-up area* - The applicant is aware of multiple site usage restrictions due to soil contamination, and is prepared to execute all required abatement measures in accordance with the permitting process from the regulatory authorities having jurisdiction following approval of the CUP. As such the applicant is unclear over how this question is to be considered in verifying compliance with Crystal City Zoning Ordinances because it does not appear to be an eligible concern in reviewing the Wings Conditional Use Permit application.

Jack Ginnever Response (02-28-2009): The constituent is referring to MDNR conditions that exist on the land towards the south of the site. There is a large dump there that has been capped with clay that cannot be disturbed. The question is how the applicant is planning on dealing with these environmental conditions especially in light of the close proximity of the ponds and the slurry pipe. If this project is feasible this concern should have been addressed and the constituent deserves an answer. This directly relates to the viability of the project.

This pertains to the safety, health, moral and general welfare of the City as specified in Section 9(E)(2) of the Crystal City Ordinances. I expect a response to this concern.

90. I want to know that all of the necessary easements for the rail and the slurry line are in place before we sign off. If it doesn't work are we not in trouble?

Bob Niemeier Answer: *Predicate CUP approval on rail / pipeline easements* - The applicant is unclear over how this comment is to be considered in verifying compliance with Crystal City Zoning Ordinances. Therefore it does not appear to be an eligible concern in reviewing the Wings Conditional Use Permit application.

Jack Ginnever Response (02-28-2009): The constituent is concerned that significant parts of the project may never happen for the simple reason that easements and properties should be secured before a shovel hits the dirt. If these easements and properties are not already secured it does not seem likely that a slurry pipe or rail will be constructed. This directly relates to the viability of the project and the possibility of the creation of jobs for our community.

This pertains to the safety, health, moral and general welfare of the City as specified in Section 9(E)(2) of the Crystal City Ordinances. I expect a response to this concern.

91. What if the pipeline doesn't come to fruition what is the backup plan? Will more trucks have to come up the city streets? If not, shouldn't that prohibition be part of the permit?

Bob Niemeier Answer: *Project impact if no pipeline* - The applicant is unclear over how this comment is to be considered in verifying compliance with Crystal City Zoning Ordinances.

Therefore it does not appear to be an eligible concern in reviewing the Wings Conditional Use Permit application.

Jack Ginnever Response (02-28-2009): The constituent's concern is that the absence of a slurry pipe will probably require alternate transportation for the project to be viable. This is a request to limit the amount of truck traffic that will be allowed on the city streets. To date I have not seen a restriction on truck traffic. We don't even know what would be a reasonable amount of truck traffic for the tenant of the property to continue operation without a slurry pipe.

This concern needs to be a condition of the conditional use permit.

This pertains to the safety, health, moral and general welfare of the City as specified in Section 9(E)(2) of the Crystal City Ordinances. I expect a response to this concern.

Unprocessed Product

92. Map also shows the ability for the product to go from the Dewatered Product Silo directly to the barge port. It also show the train spur going to that silo. If the product is shipped before being turned into Pig Iron Pellets, is Crystal City going to get paid for that product?

Bob Niemeier Answer: *Payment for non Pig Iron shipments* - The applicant is unclear over how this comment is to be considered in verifying compliance with Crystal City Zoning Ordinances. Therefore it does not appear to be an eligible concern in reviewing the Wings Conditional Use Permit application.

Jack Ginnever Response (02-28-2009): The constituent is asking if the City will receive a “tonnage tax” on the iron ore that is dewatered from the slurry pipe and sent directly to the barge port. The lease agreement and amended lease agreement specify that unprocessed iron will be taxed. The constituent wants the applicant to agree with his/her statement so that it is clear.

This pertains to the safety, health, moral and general welfare of the City as specified in Section 9(E)(2) of the Crystal City Ordinances. I expect a response to this concern.

Easement

93. Crystal City is involved in a lawsuit over an easement to the Fiesta Corp project. What number is the easement on the site map?

Bob Niemeier Answer: *Identification of Fiesta lawsuit easement on site map* - The applicant is unclear over how this question is to be considered in verifying compliance with Crystal City Zoning Ordinances. Therefore it does not appear to be an eligible concern in reviewing the Wings Conditional Use Permit application.

Jack Ginnever Response (02-28-2009): The issue of Fiesta's easement is mentioned in the "Written Report to the City Council on the Conditional Use Permit Application of Wings Enterprises, Inc." that was presented to the City Council on Monday, February 23. So the City is aware of this issue. This concern relates to the feasibility of the project as the settlement and retention ponds and the slurry pipe appear to be on the southern side of the Fiesta Corporation easement and runoff from the site and the slurry pipe itself will have to cross the easement. As the constituent also mentions, there is an active lawsuit about this easement that would have to be settled before a serious effort to move forward could happen.

This pertains to the safety, health, moral and general welfare of the City as specified in Section 9(E)(2) of the Crystal City Ordinances. I expect a response to this concern.

94. Have you checked the cities' Title Policy to see if you have access over or under Fiesta Corp's easement? What does the Title Policy say?

Bob Niemeier Answer: *Ability to cross over or under Fiesta easement* - The applicant is unclear over how this question is to be considered in verifying compliance with Crystal City Zoning Ordinances. Therefore it does not appear to be an eligible concern in reviewing the Wings Conditional Use Permit application.

Jack Ginnever Response (02-28-2009): This issue is similar to the previous one except that it inquires about the Title Policy to see if the City has access over the Fiesta easement. This is a simple question that deserves a simple answer. This concern relates to the feasibility of the project and the possible creation of jobs.

This pertains to the safety, health, moral and general welfare of the City as specified in Section 9(E)(2) of the Crystal City Ordinances. I expect a response to this concern.

95. Have you spoken to the Title Company about this matter? What did they say?

Bob Niemeier Answer: *Has title company commented on ability to cross over or under Fiesta Easement* - The applicant is unclear over how this question is to be considered in verifying compliance with Crystal City Zoning Ordinances. Therefore it does not appear to be an eligible concern in reviewing the Wings Conditional Use Permit application.

Jack Ginnever Response (02-28-2009): This issue is similar to the previous one except that it inquires about whether or not someone has spoken with the Title Company to see if the City has access over the Fiesta easement. This is a simple question that deserves a simple answer. This concern relates to the feasibility of the project and the possible creation of jobs.

This pertains to the safety, health, moral and general welfare of the City as specified in Section 9(E)(2) of the Crystal City Ordinances. I expect a response to this concern.

96. Can we get something in writing from the Title Company giving us authorization to proceed without first settling this lawsuit?

Bob Niemeier Answer: *Title company authorization to proceed with pending lawsuit* - The applicant is unclear over how this question is to be considered in verifying compliance with Crystal City Zoning Ordinances. Therefore it does not appear to be an eligible concern in reviewing the Wings Conditional Use Permit application.

Jack Ginnever Response (02-28-2009): This issue is similar to the previous one except that it asks about any written authorization from the Title Company to see if the City has access over the Fiesta easement. This is a simple question that deserves a simple answer. This concern relates to the feasibility of the project and the possible creation of jobs.

This pertains to the safety, health, moral and general welfare of the City as specified in Section 9(E)(2) of the Crystal City Ordinances. I expect a response to this concern.

JOBS

On the construction side:

97. How many jobs will Alberici guarantee to Crystal City residents?

Bob Niemeier Answer: *How many jobs will Alberici guarantee to Crystal City residents* -The applicant is unclear over how this question is to be considered in verifying compliance with Crystal City Zoning Ordinances. Therefore it does not appear to be an eligible concern in reviewing the Wings Conditional Use Permit application.

Jack Ginnever Response (02-28-2009): If jobs, employment and union labor are not relevant then it should be excluded from all discussions and considerations for this Conditional Use Permit. If we can concede that jobs, employment and union labor are considered to be relevant as per Section 9(E)(2) of the city ordinances then questions like this **should be answered** because they **do** pertain to Crystal City Zoning Ordinances. I expect a response to this concern.

98. Will they have to be a Union member to get a job?

Bob Niemeier Answer: *Will they have to be a union member to get a job* - The applicant is unclear over how this question is to be considered in verifying compliance with Crystal City Zoning Ordinances. Therefore it does not appear to be an eligible concern in reviewing the Wings Conditional Use Permit application.

Jack Ginnever Response (02-28-2009): If jobs, employment and union labor are not relevant then it should be excluded from all discussions and considerations for this Conditional Use Permit. If we can concede that jobs, employment and union labor are considered to be relevant as per Section 9(E)(2) of the city ordinances then questions like this **should be answered** because they **do** pertain to Crystal City Zoning Ordinances. I expect a response to this concern.

99. Will the jobs go to senior members before new members, so that our residents lose out because of lack of seniority? How many senior workmen would be in front of our residents?

Bob Niemeier Answer: *Does union seniority affect who is hired* - The applicant is unclear over how this question is to be considered in verifying compliance with Crystal City Zoning Ordinances. Therefore it does not appear to be an eligible concern in reviewing the Wings Conditional Use Permit application.

Jack Ginnever Response (02-28-2009): If jobs, employment and union labor are not relevant then it should be excluded from all discussions and considerations for this Conditional Use Permit. If we can concede that jobs, employment and union labor are considered to be relevant as per Section 9(E)(2) of the city ordinances then questions like this **should be answered** because they **do** pertain to Crystal City Zoning Ordinances. I expect a response to this concern.

100. What qualifications will they need to build the induction process machinery?

Bob Niemeier Answer: *Qualifications to build induction process machinery* - The applicant is unclear over how this question is to be considered in verifying compliance with Crystal City Zoning Ordinances. Therefore it does not appear to be an eligible concern in reviewing the Wings Conditional Use Permit application.

Jack Ginnever Response (02-28-2009): If jobs, employment and union labor are not relevant then it should be excluded from all discussions and considerations for this Conditional Use Permit. If we can concede that jobs, employment and union labor are considered to be relevant as per Section 9(E)(2) of the city ordinances then questions like this **should be answered** because they **do** pertain to Crystal City Zoning Ordinances. I expect a response to this concern.

101. What qualifications will be needed to build: Rail Lines? Conveyors? Dock Facility? Reservoirs? Dewatering? Slurry Pipeline? Roads & Parking? Storage Silos?

Bob Niemeier Answer: *Qualifications needed to build other areas of project* - The applicant is unclear over how this question is to be considered in verifying compliance with Crystal City Zoning Ordinances. Therefore it does not appear to be an eligible concern in reviewing the Wings Conditional Use Permit application.

Jack Ginnever Response (02-28-2009): If jobs, employment and union labor are not relevant then it should be excluded from all discussions and considerations for this Conditional Use Permit. If we can concede that jobs, employment and union labor are considered to be relevant as per Section 9(E)(2) of the city ordinances then questions like this **should be answered** because they **do** pertain to Crystal City Zoning Ordinances. I expect a response to this concern.

At the Plant:

102. Are the jobs Union?

Bob Niemeier Answer: *Are the jobs union-* The applicant is unclear over how this question is to be considered in verifying compliance with Crystal City Zoning Ordinances. Therefore it does not appear to be an eligible concern in reviewing the Wings Conditional Use Permit application.

Jack Ginnever Response (02-28-2009): If jobs, employment and union labor are not relevant then it should be excluded from all discussions and considerations for this Conditional Use Permit. If we can concede that jobs, employment and union labor are considered to be relevant as per Section 9(E)(2) of the city ordinances then questions like this **should be answered** because they do pertain to Crystal City Zoning Ordinances. I expect a response to this concern.

103. What are the qualifications?

Bob Niemeier Answer: *What are the qualifications -* The applicant is unclear over how this question is to be considered in verifying compliance with Crystal City Zoning Ordinances. Therefore it does not appear to be an eligible concern in reviewing the Wings Conditional Use Permit application.

Jack Ginnever Response (02-28-2009): If jobs, employment and union labor are not relevant then it should be excluded from all discussions and considerations for this Conditional Use Permit. If we can concede that jobs, employment and union labor are considered to be relevant as per Section 9(E)(2) of the city ordinances then questions like this **should be answered** because they do pertain to Crystal City Zoning Ordinances. I expect a response to this concern.

104. How many workers on the first shift? _____ Administration? _____ Labor? _____

Bob Niemeier Answer: *Breakdown of 1st shift workers -* The applicant is unclear over how this question is to be considered in verifying compliance with Crystal City Zoning Ordinances. Therefore it does not appear to be an eligible concern in reviewing the Wings Conditional Use Permit application.

Jack Ginnever Response (02-28-2009): If jobs, employment and union labor are not relevant then it should be excluded from all discussions and considerations for this Conditional Use Permit. If we can concede that jobs, employment and union labor are considered to be relevant as per Section 9(E)(2) of the city ordinances then questions like this **should be answered** because they do pertain to Crystal City Zoning Ordinances. I expect a response to this concern.

105. How many workers on the second shift? _____ Administration? _____ Labor? _____

Bob Niemeier Answer: *Breakdown of 2nd shift workers -* The applicant is unclear over how this question is to be considered in verifying compliance with Crystal City Zoning Ordinances.

Therefore it does not appear to be an eligible concern in reviewing the Wings Conditional Use Permit application.

Jack Ginnever Response (02-28-2009): If jobs, employment and union labor are not relevant then it should be excluded from all discussions and considerations for this Conditional Use Permit. If we can concede that jobs, employment and union labor are considered to be relevant as per Section 9(E)(2) of the city ordinances then questions like this **should be answered** because they **do** pertain to Crystal City Zoning Ordinances. I expect a response to this concern.

106. How many workers on the third shift? _____ Administration? _____ Labor? _____

Bob Niemeier Answer: *Breakdown of 3rd shift workers* - The applicant is unclear over how this question is to be considered in verifying compliance with Crystal City Zoning Ordinances. Therefore it does not appear to be an eligible concern in reviewing the Wings Conditional Use Permit application.

Jack Ginnever Response (02-28-2009): If jobs, employment and union labor are not relevant then it should be excluded from all discussions and considerations for this Conditional Use Permit. If we can concede that jobs, employment and union labor are considered to be relevant as per Section 9(E)(2) of the city ordinances then questions like this **should be answered** because they **do** pertain to Crystal City Zoning Ordinances. I expect a response to this concern.

107. How many guaranteed to Crystal City residents?

Bob Niemeier Answer: *Quantity of jobs guaranteed to Crystal City residents* - The applicant is unclear over how this question is to be considered in verifying compliance with Crystal City Zoning Ordinances. Therefore it does not appear to be an eligible concern in reviewing the Wings Conditional Use Permit application.

Jack Ginnever Response (02-28-2009): If jobs, employment and union labor are not relevant then it should be excluded from all discussions and considerations for this Conditional Use Permit. If we can concede that jobs, employment and union labor are considered to be relevant as per Section 9(E)(2) of the city ordinances then questions like this **should be answered** because they **do** pertain to Crystal City Zoning Ordinances. I expect a response to this concern.

108. Projected start date?

Bob Niemeier Answer: *Protected start date* -- The applicant is unclear over how this question is to be considered in verifying compliance with Crystal City Zoning Ordinances. Therefore it does not appear to be an eligible concern in reviewing the Wings Conditional Use Permit application.

Jack Ginnever Response (02-28-2009): If jobs, employment and union labor are not relevant then it should be excluded from all discussions and considerations for this Conditional Use Permit. If we can concede that jobs, employment and union labor are considered to be relevant as per

Section 9(E)(2) of the city ordinances then questions like this **should be answered** because they **do** pertain to Crystal City Zoning Ordinances. I expect a response to this concern.

Barge Facilities & Barge Dock

109. Are the jobs Union?

Bob Niemeier Answer: *Are the jobs union* - The applicant is unclear over how this question is to be considered in verifying compliance with Crystal City Zoning Ordinances. Therefore it does not appear to be an eligible concern in reviewing the Wings Conditional Use Permit application.

Jack Ginnever Response (02-28-2009): If jobs, employment and union labor are not relevant then it should be excluded from all discussions and considerations for this Conditional Use Permit. If we can concede that jobs, employment and union labor are considered to be relevant as per Section 9(E)(2) of the city ordinances then questions like this **should be answered** because they **do** pertain to Crystal City Zoning Ordinances. I expect a response to this concern.

110. What are the qualifications?

Bob Niemeier Answer: *What are the qualifications* -The applicant is unclear over how this question is to be considered in verifying compliance with Crystal City Zoning Ordinances. Therefore it does not appear to be an eligible concern in reviewing the Wings Conditional Use Permit application.

Jack Ginnever Response (02-28-2009): If jobs, employment and union labor are not relevant then it should be excluded from all discussions and considerations for this Conditional Use Permit. If we can concede that jobs, employment and union labor are considered to be relevant as per Section 9(E)(2) of the city ordinances then questions like this **should be answered** because they **do** pertain to Crystal City Zoning Ordinances. I expect a response to this concern.

111. How many workers on the first shift?_____ Administration?_____ Labor?_____

Bob Niemeier Answer: *Breakdown of 1st shift workers* - The applicant is unclear over how this question is to be considered in verifying compliance with Crystal City Zoning Ordinances. Therefore it does not appear to be an eligible concern in reviewing the Wings Conditional Use Permit application.

Jack Ginnever Response (02-28-2009): If jobs, employment and union labor are not relevant then it should be excluded from all discussions and considerations for this Conditional Use Permit. If we can concede that jobs, employment and union labor are considered to be relevant as per Section 9(E)(2) of the city ordinances then questions like this **should be answered** because they **do** pertain to Crystal City Zoning Ordinances. I expect a response to this concern.

112. How many workers on the second shift?_____ Administration?_____ Labor?_____

Bob Niemeier Answer: *Breakdown of 2nd shift workers* - The applicant is unclear over how this question is to be considered in verifying compliance with Crystal City Zoning Ordinances. Therefore it does not appear to be an eligible concern in reviewing the Wings Conditional Use Permit application.

Jack Ginnever Response (02-28-2009): If jobs, employment and union labor are not relevant then it should be excluded from all discussions and considerations for this Conditional Use Permit. If we can concede that jobs, employment and union labor are considered to be relevant as per Section 9(E)(2) of the city ordinances then questions like this **should be answered** because they **do** pertain to Crystal City Zoning Ordinances. I expect a response to this concern.

113. How many workers on the third shift? _____ Administration? _____ Labor? _____

Bob Niemeier Answer: *Breakdown of 3rd shift workers* - The applicant is unclear over how this question is to be considered in verifying compliance with Crystal City Zoning Ordinances. Therefore it does not appear to be an eligible concern in reviewing the Wings Conditional Use Permit application.

Jack Ginnever Response (02-28-2009): If jobs, employment and union labor are not relevant then it should be excluded from all discussions and considerations for this Conditional Use Permit. If we can concede that jobs, employment and union labor are considered to be relevant as per Section 9(E)(2) of the city ordinances then questions like this **should be answered** because they **do** pertain to Crystal City Zoning Ordinances. I expect a response to this concern.

114. How many guaranteed to Crystal City residents?

Bob Niemeier Answer: *Quantity of jobs guaranteed to Crystal City residents* - The applicant is unclear over how this question is to be considered in verifying compliance with Crystal City Zoning Ordinances. Therefore it does not appear to be an eligible concern in reviewing the Wings Conditional Use Permit application.

Jack Ginnever Response (02-28-2009): If jobs, employment and union labor are not relevant then it should be excluded from all discussions and considerations for this Conditional Use Permit. If we can concede that jobs, employment and union labor are considered to be relevant as per Section 9(E)(2) of the city ordinances then questions like this **should be answered** because they **do** pertain to Crystal City Zoning Ordinances. I expect a response to this concern.

115. Projected start date?

Bob Niemeier Answer: *Projected start date* - The applicant is unclear over how this question is to be considered in verifying compliance with Crystal City Zoning Ordinances. Therefore it does not appear to be an eligible concern in reviewing the Wings Conditional Use Permit application.

Jack Ginnever Response (02-28-2009): If jobs, employment and union labor are not relevant then it should be excluded from all discussions and considerations for this Conditional Use Permit. If we can concede that jobs, employment and union labor are considered to be relevant as per Section 9(E)(2) of the city ordinances then questions like this **should be answered** because they **do** pertain to Crystal City Zoning Ordinances. I expect a response to this concern.

Rail Facilities

116. Are the jobs Union?

Bob Niemeier Answer: *Are the jobs union* - The applicant is unclear over how this question is to be considered in verifying compliance with Crystal City Zoning Ordinances. Therefore it does not appear to be an eligible concern in reviewing the Wings Conditional Use Permit application.

Jack Ginnever Response (02-28-2009): If jobs, employment and union labor are not relevant then it should be excluded from all discussions and considerations for this Conditional Use Permit. If we can concede that jobs, employment and union labor are considered to be relevant as per Section 9(E)(2) of the city ordinances then questions like this **should be answered** because they **do** pertain to Crystal City Zoning Ordinances. I expect a response to this concern.

117. What are the qualifications?

Bob Niemeier Answer: *What are the qualifications* -The applicant is unclear over how this question is to be considered in verifying compliance with Crystal City Zoning Ordinances. Therefore it does not appear to be an eligible concern in reviewing the Wings Conditional Use Permit application.

Jack Ginnever Response (02-28-2009): If jobs, employment and union labor are not relevant then it should be excluded from all discussions and considerations for this Conditional Use Permit. If we can concede that jobs, employment and union labor are considered to be relevant as per Section 9(E)(2) of the city ordinances then questions like this **should be answered** because they **do** pertain to Crystal City Zoning Ordinances. I expect a response to this concern.

118. How many workers on the first shift? _____ Administration? _____ Labor? _____

Bob Niemeier Answer: *Breakdown of 1st shift workers* - The applicant is unclear over how this question is to be considered in verifying compliance with Crystal City Zoning Ordinances. Therefore it does not appear to be an eligible concern in reviewing the Wings Conditional Use Permit application.

Jack Ginnever Response (02-28-2009): If jobs, employment and union labor are not relevant then it should be excluded from all discussions and considerations for this Conditional Use Permit. If we can concede that jobs, employment and union labor are considered to be relevant as per Section 9(E)(2) of the city ordinances then questions like this **should be answered** because they **do** pertain to Crystal City Zoning Ordinances. I expect a response to this concern.

119. How many workers on the second shift? _____ Administration? _____ Labor? _____

Bob Niemeier Answer: *Breakdown of 2nd shift workers* - The applicant is unclear over how this question is to be considered in verifying compliance with Crystal City Zoning Ordinances.

Therefore it does not appear to be an eligible concern in reviewing the Wings Conditional Use Permit application.

Jack Ginnever Response (02-28-2009): If jobs, employment and union labor are not relevant then it should be excluded from all discussions and considerations for this Conditional Use Permit. If we can concede that jobs, employment and union labor are considered to be relevant as per Section 9(E)(2) of the city ordinances then questions like this **should be answered** because they **do** pertain to Crystal City Zoning Ordinances. I expect a response to this concern.

120. How many workers on the third shift? _____ Administration? _____ Labor? _____

Bob Niemeier Answer: *Breakdown of 3rd shift workers* - The applicant is unclear over how this question is to be considered in verifying compliance with Crystal City Zoning Ordinances. Therefore it does not appear to be an eligible concern in reviewing the Wings Conditional Use Permit application.

Jack Ginnever Response (02-28-2009): If jobs, employment and union labor are not relevant then it should be excluded from all discussions and considerations for this Conditional Use Permit. If we can concede that jobs, employment and union labor are considered to be relevant as per Section 9(E)(2) of the city ordinances then questions like this **should be answered** because they **do** pertain to Crystal City Zoning Ordinances. I expect a response to this concern.

121. How many guaranteed to Crystal City residents?

Bob Niemeier Answer: *Quantity of jobs guaranteed to Crystal City residents* - The applicant is unclear over how this question is to be considered in verifying compliance with Crystal City Zoning Ordinances. Therefore it does not appear to be an eligible concern in reviewing the Wings Conditional Use Permit application.

Jack Ginnever Response (02-28-2009): If jobs, employment and union labor are not relevant then it should be excluded from all discussions and considerations for this Conditional Use Permit. If we can concede that jobs, employment and union labor are considered to be relevant as per Section 9(E)(2) of the city ordinances then questions like this **should be answered** because they **do** pertain to Crystal City Zoning Ordinances. I expect a response to this concern.

122. Projected start date?

Bob Niemeier Answer: *Projected start date* - The applicant is unclear over how this question is to be considered in verifying compliance with Crystal City Zoning Ordinances. Therefore it does not appear to be an eligible concern in reviewing the Wings Conditional Use Permit application.

Jack Ginnever Response (02-28-2009): If jobs, employment and union labor are not relevant then it should be excluded from all discussions and considerations for this Conditional Use Permit. If we can concede that jobs, employment and union labor are considered to be relevant as per Section 9(E)(2) of the city ordinances then questions like this **should be answered** because they **do** pertain to Crystal City Zoning Ordinances. I expect a response to this concern.

Conveyor Facilities

123. Are the jobs Union?

Bob Niemeier Answer: *Are the jobs union* - The applicant is unclear over how this question is to be considered in verifying compliance with Crystal City Zoning Ordinances. Therefore it does not appear to be an eligible concern in reviewing the Wings Conditional Use Permit application.

Jack Ginnever Response (02-28-2009): If jobs, employment and union labor are not relevant then it should be excluded from all discussions and considerations for this Conditional Use Permit. If we can concede that jobs, employment and union labor are considered to be relevant as per Section 9(E)(2) of the city ordinances then questions like this **should be answered** because they **do** pertain to Crystal City Zoning Ordinances. I expect a response to this concern.

124. What are the qualifications?

Bob Niemeier Answer: *What are the qualifications* -The applicant is unclear over how this question is to be considered in verifying compliance with Crystal City Zoning Ordinances. Therefore it does not appear to be an eligible concern in reviewing the Wings Conditional Use Permit application.

Jack Ginnever Response (02-28-2009): If jobs, employment and union labor are not relevant then it should be excluded from all discussions and considerations for this Conditional Use Permit. If we can concede that jobs, employment and union labor are considered to be relevant as per Section 9(E)(2) of the city ordinances then questions like this **should be answered** because they **do** pertain to Crystal City Zoning Ordinances. I expect a response to this concern.

125. How many workers on the first shift? _____ Administration? _____ Labor? _____

Bob Niemeier Answer: *Breakdown of 1st shift workers* - The applicant is unclear over how this question is to be considered in verifying compliance with Crystal City Zoning Ordinances. Therefore it does not appear to be an eligible concern in reviewing the Wings Conditional Use Permit application.

Jack Ginnever Response (02-28-2009): If jobs, employment and union labor are not relevant then it should be excluded from all discussions and considerations for this Conditional Use Permit. If we can concede that jobs, employment and union labor are considered to be relevant as per Section 9(E)(2) of the city ordinances then questions like this **should be answered** because they **do** pertain to Crystal City Zoning Ordinances. I expect a response to this concern.

126. How many workers on the second shift? _____ Administration? _____ Labor? _____

Bob Niemeier Answer: *Breakdown of 2nd shift workers* - The applicant is unclear over how this question is to be considered in verifying compliance with Crystal City Zoning Ordinances.

Therefore it does not appear to be an eligible concern in reviewing the Wings Conditional Use Permit application.

Jack Ginnever Response (02-28-2009): If jobs, employment and union labor are not relevant then it should be excluded from all discussions and considerations for this Conditional Use Permit. If we can concede that jobs, employment and union labor are considered to be relevant as per Section 9(E)(2) of the city ordinances then questions like this **should be answered** because they **do** pertain to Crystal City Zoning Ordinances. I expect a response to this concern.

127. How many workers on the third shift? _____ Administration? _____ Labor? _____

Bob Niemeier Answer: *Breakdown of 3rd shift workers* - The applicant is unclear over how this question is to be considered in verifying compliance with Crystal City Zoning Ordinances. Therefore it does not appear to be an eligible concern in reviewing the Wings Conditional Use Permit application.

Jack Ginnever Response (02-28-2009): If jobs, employment and union labor are not relevant then it should be excluded from all discussions and considerations for this Conditional Use Permit. If we can concede that jobs, employment and union labor are considered to be relevant as per Section 9(E)(2) of the city ordinances then questions like this **should be answered** because they **do** pertain to Crystal City Zoning Ordinances. I expect a response to this concern.

128. How many guaranteed to Crystal City residents?

Bob Niemeier Answer: *Quantity of jobs guaranteed to Crystal City residents* - The applicant is unclear over how this question is to be considered in verifying compliance with Crystal City Zoning Ordinances. Therefore it does not appear to be an eligible concern in reviewing the Wings Conditional Use Permit application.

Jack Ginnever Response (02-28-2009): If jobs, employment and union labor are not relevant then it should be excluded from all discussions and considerations for this Conditional Use Permit. If we can concede that jobs, employment and union labor are considered to be relevant as per Section 9(E)(2) of the city ordinances then questions like this **should be answered** because they **do** pertain to Crystal City Zoning Ordinances. I expect a response to this concern.

129. Projected start date?

Bob Niemeier Answer: *Projected start date* - The applicant is unclear over how this question is to be considered in verifying compliance with Crystal City Zoning Ordinances. Therefore it does not appear to be an eligible concern in reviewing the Wings Conditional Use Permit application.

Jack Ginnever Response (02-28-2009): If jobs, employment and union labor are not relevant then it should be excluded from all discussions and considerations for this Conditional Use Permit. If we can concede that jobs, employment and union labor are considered to be relevant as per Section 9(E)(2) of the city ordinances then questions like this **should be answered** because they **do** pertain to Crystal City Zoning Ordinances. I expect a response to this concern.

Dewatering Facility

130. Are the jobs Union?

Bob Niemeier Answer: *Are the jobs union* - The applicant is unclear over how this question is to be considered in verifying compliance with Crystal City Zoning Ordinances. Therefore it does not appear to be an eligible concern in reviewing the Wings Conditional Use Permit application.

Jack Ginnever Response (02-28-2009): If jobs, employment and union labor are not relevant then it should be excluded from all discussions and considerations for this Conditional Use Permit. If we can concede that jobs, employment and union labor are considered to be relevant as per Section 9(E)(2) of the city ordinances then questions like this **should be answered** because they **do** pertain to Crystal City Zoning Ordinances. I expect a response to this concern.

131. What are the qualifications?

Bob Niemeier Answer: *What are the qualifications* -The applicant is unclear over how this question is to be considered in verifying compliance with Crystal City Zoning Ordinances. Therefore it does not appear to be an eligible concern in reviewing the Wings Conditional Use Permit application.

Jack Ginnever Response (02-28-2009): If jobs, employment and union labor are not relevant then it should be excluded from all discussions and considerations for this Conditional Use Permit. If we can concede that jobs, employment and union labor are considered to be relevant as per Section 9(E)(2) of the city ordinances then questions like this **should be answered** because they **do** pertain to Crystal City Zoning Ordinances. I expect a response to this concern.

132. How many workers on the first shift? _____ Administration? _____ Labor? _____

Bob Niemeier Answer: *Breakdown of 1st shift workers* - The applicant is unclear over how this question is to be considered in verifying compliance with Crystal City Zoning Ordinances. Therefore it does not appear to be an eligible concern in reviewing the Wings Conditional Use Permit application.

Jack Ginnever Response (02-28-2009): If jobs, employment and union labor are not relevant then it should be excluded from all discussions and considerations for this Conditional Use Permit. If we can concede that jobs, employment and union labor are considered to be relevant as per Section 9(E)(2) of the city ordinances then questions like this **should be answered** because they **do** pertain to Crystal City Zoning Ordinances. I expect a response to this concern.

133. How many workers on the second shift? _____ Administration? _____ Labor? _____

Bob Niemeier Answer: *Breakdown of 2nd shift workers* - The applicant is unclear over how this question is to be considered in verifying compliance with Crystal City Zoning Ordinances.

Therefore it does not appear to be an eligible concern in reviewing the Wings Conditional Use Permit application.

Jack Ginnever Response (02-28-2009): If jobs, employment and union labor are not relevant then it should be excluded from all discussions and considerations for this Conditional Use Permit. If we can concede that jobs, employment and union labor are considered to be relevant as per Section 9(E)(2) of the city ordinances then questions like this **should be answered** because they **do** pertain to Crystal City Zoning Ordinances. I expect a response to this concern.

134. How many workers on the third shift? _____ Administration? _____ Labor? _____

Bob Niemeier Answer: *Breakdown of 3rd shift workers* - The applicant is unclear over how this question is to be considered in verifying compliance with Crystal City Zoning Ordinances. Therefore it does not appear to be an eligible concern in reviewing the Wings Conditional Use Permit application.

Jack Ginnever Response (02-28-2009): If jobs, employment and union labor are not relevant then it should be excluded from all discussions and considerations for this Conditional Use Permit. If we can concede that jobs, employment and union labor are considered to be relevant as per Section 9(E)(2) of the city ordinances then questions like this **should be answered** because they **do** pertain to Crystal City Zoning Ordinances. I expect a response to this concern.

135. How many guaranteed to Crystal City residents?

Bob Niemeier Answer: *Quantity of jobs guaranteed to Crystal City residents* - The applicant is unclear over how this question is to be considered in verifying compliance with Crystal City Zoning Ordinances. Therefore it does not appear to be an eligible concern in reviewing the Wings Conditional Use Permit application.

Jack Ginnever Response (02-28-2009): If jobs, employment and union labor are not relevant then it should be excluded from all discussions and considerations for this Conditional Use Permit. If we can concede that jobs, employment and union labor are considered to be relevant as per Section 9(E)(2) of the city ordinances then questions like this **should be answered** because they **do** pertain to Crystal City Zoning Ordinances. I expect a response to this concern.

136. Projected start date?

Bob Niemeier Answer: *Projected start date* - The applicant is unclear over how this question is to be considered in verifying compliance with Crystal City Zoning Ordinances. Therefore it does not appear to be an eligible concern in reviewing the Wings Conditional Use Permit application.

Jack Ginnever Response (02-28-2009): If jobs, employment and union labor are not relevant then it should be excluded from all discussions and considerations for this Conditional Use Permit. If we can concede that jobs, employment and union labor are considered to be relevant as per Section 9(E)(2) of the city ordinances then questions like this **should be answered** because they **do** pertain to Crystal City Zoning Ordinances. I expect a response to this concern.

Induction Furnace/Smelter

137. Are the jobs Union?

Bob Niemeier Answer: *Are the jobs union* - The applicant is unclear over how this question is to be considered in verifying compliance with Crystal City Zoning Ordinances. Therefore it does not appear to be an eligible concern in reviewing the Wings Conditional Use Permit application.

Jack Ginnever Response (02-28-2009): If jobs, employment and union labor are not relevant then it should be excluded from all discussions and considerations for this Conditional Use Permit. If we can concede that jobs, employment and union labor are considered to be relevant as per Section 9(E)(2) of the city ordinances then questions like this **should be answered** because they **do** pertain to Crystal City Zoning Ordinances. I expect a response to this concern.

138. What are the qualifications?

Bob Niemeier Answer: *What are the qualifications* -The applicant is unclear over how this question is to be considered in verifying compliance with Crystal City Zoning Ordinances. Therefore it does not appear to be an eligible concern in reviewing the Wings Conditional Use Permit application.

Jack Ginnever Response (02-28-2009): If jobs, employment and union labor are not relevant then it should be excluded from all discussions and considerations for this Conditional Use Permit. If we can concede that jobs, employment and union labor are considered to be relevant as per Section 9(E)(2) of the city ordinances then questions like this **should be answered** because they **do** pertain to Crystal City Zoning Ordinances. I expect a response to this concern.

139. How many workers on the first shift?_____ Administration?_____ Labor?_____

Bob Niemeier Answer: *Breakdown of 1st shift workers* - The applicant is unclear over how this question is to be considered in verifying compliance with Crystal City Zoning Ordinances. Therefore it does not appear to be an eligible concern in reviewing the Wings Conditional Use Permit application.

Jack Ginnever Response (02-28-2009): If jobs, employment and union labor are not relevant then it should be excluded from all discussions and considerations for this Conditional Use Permit. If we can concede that jobs, employment and union labor are considered to be relevant as per Section 9(E)(2) of the city ordinances then questions like this **should be answered** because they **do** pertain to Crystal City Zoning Ordinances. I expect a response to this concern.

140. How many workers on the second shift?_____ Administration?_____ Labor?_____

Bob Niemeier Answer: *Breakdown of 2nd shift workers* - The applicant is unclear over how this question is to be considered in verifying compliance with Crystal City Zoning Ordinances.

Therefore it does not appear to be an eligible concern in reviewing the Wings Conditional Use Permit application.

Jack Ginnever Response (02-28-2009): If jobs, employment and union labor are not relevant then it should be excluded from all discussions and considerations for this Conditional Use Permit. If we can concede that jobs, employment and union labor are considered to be relevant as per Section 9(E)(2) of the city ordinances then questions like this **should be answered** because they **do** pertain to Crystal City Zoning Ordinances. I expect a response to this concern.

141. How many workers on the third shift? _____ Administration? _____ Labor? _____

Bob Niemeier Answer: *Breakdown of 3rd shift workers* - The applicant is unclear over how this question is to be considered in verifying compliance with Crystal City Zoning Ordinances. Therefore it does not appear to be an eligible concern in reviewing the Wings Conditional Use Permit application.

Jack Ginnever Response (02-28-2009): If jobs, employment and union labor are not relevant then it should be excluded from all discussions and considerations for this Conditional Use Permit. If we can concede that jobs, employment and union labor are considered to be relevant as per Section 9(E)(2) of the city ordinances then questions like this **should be answered** because they **do** pertain to Crystal City Zoning Ordinances. I expect a response to this concern.

142. How many guaranteed to Crystal City residents?

Bob Niemeier Answer: *Quantity of jobs guaranteed to Crystal City residents* - The applicant is unclear over how this question is to be considered in verifying compliance with Crystal City Zoning Ordinances. Therefore it does not appear to be an eligible concern in reviewing the Wings Conditional Use Permit application.

Jack Ginnever Response (02-28-2009): If jobs, employment and union labor are not relevant then it should be excluded from all discussions and considerations for this Conditional Use Permit. If we can concede that jobs, employment and union labor are considered to be relevant as per Section 9(E)(2) of the city ordinances then questions like this **should be answered** because they **do** pertain to Crystal City Zoning Ordinances. I expect a response to this concern.

143. Projected start date?

Bob Niemeier Answer: *Projected start date* - The applicant is unclear over how this question is to be considered in verifying compliance with Crystal City Zoning Ordinances. Therefore it does not appear to be an eligible concern in reviewing the Wings Conditional Use Permit application.

Jack Ginnever Response (02-28-2009): If jobs, employment and union labor are not relevant then it should be excluded from all discussions and considerations for this Conditional Use Permit. If we can concede that jobs, employment and union labor are considered to be relevant as per Section 9(E)(2) of the city ordinances then questions like this **should be answered** because they **do** pertain to Crystal City Zoning Ordinances. I expect a response to this concern.

Council Member Terry Laburay's List of Conditional Uses

144. No lead (smelting or otherwise)

Bob Niemeier Answer: No lead (smelting or otherwise) The Conditional Use Permit application is for iron ore shipment and processing. However the owner has previously provided correspondence to the City stipulating that lead will not be on the property.

Jack Ginnever Response (02-28-2009): A condition was added to the Conditional Use Permit that attempts to address this concern. I will respond to that in a separate document.

145. No scrap iron on the premises

Bob Niemeier Answer: No scrap iron on the premises - There is no need for scrap iron on the premises.

Jack Ginnever Response (02-28-2009): Carl Vogt suggested that this condition be put on the list during the P & Z meeting of Thursday, February 19. At that same meeting there were votes for each of the conditions and this one was skipped. Can you address why this happened?

146. No coal

Bob Niemeier Answer: No coal - (since this will be an electric arc furnace), there will be no need for coal on premises.

Jack Ginnever Response (02-28-2009): Carl Vogt suggested that this condition be put on the list during the P & Z meeting of Thursday, February 19. At that same meeting there were votes for each of the conditions and this one was skipped. Can you address why this happened?

147. No "stacks" on the buildings

Bob Niemeier Answer: No "stacks" on the buildings - There is no need for "stacks" on the buildings.

Jack Ginnever Response (02-28-2009): A condition was added to the Conditional Use Permit that attempts to address this concern. I will respond to that in a separate document.

Questions posed by Mr. Vogt at initial Alberici review meeting

148. Permit Status from Corps of Engineers – 404 Permit / Wetlands – Public Notice

Bob Niemeier Answer: *Corps of Engineers* - Following issuance of the Conditional Use Permit, applications for required ACOE permits will be submitted as noted in the 1-26-09 presentation materials.

149. Permit Status from EPA

Bob Niemeier Answer: *EPA* - The Missouri Department of Natural Resources is responsible for enforcing EPA regulations.

150. Permit Status DNR – 401 certification

Bob Niemeier Answer: *DNR* -Following issuance of the Conditional Use Permit, applications for all necessary MoDNR permits will be submitted as noted in the 1-26-09 presentation materials.

151. Permit Status Phase One Environmental Site Assessment

Bob Niemeier Answer: *Phase one environmental* -A Phase-1 Site Environmental Assessment was performed as part of purchasing the property from PPG. However following issuance of the Conditional Use Permit, an updated Phase-1 and a Phase-2 Site Environmental Assessment will be performed as required for various regulatory and building permits.

152. Permit Status Section 106 of the National Historic Preservation Act

Bob Niemeier Answer: *National Historic Preservation Act* - The Missouri Department of Natural Resources is responsible for enforcing the National Historic Preservation Act. Following issuance of the Conditional Use Permit, applications for all necessary MoDNR permits will be submitted as noted in the 1-26-09 presentation materials.

153. Permit Status Underground storage tanks clearance

Bob Niemeier Answer: *Underground storage tanks* -There is no need for underground storage tanks currently anticipated. However all necessary permits will be secured if it is later determined that an underground tank is required.

154. Permit Status Hazardous waste – Superfund site

Bob Niemeier Answer: *Hazardous waste* - Superfund site The Missouri Department of Natural Resources is responsible for enforcing the Federal Waste programs. Following issuance of the Conditional Use Permit, applications for all necessary MoDNR permits will be submitted as noted in the 1-26-09 presentation materials.

155. Permit Status Land Disturbance Permits

Bob Niemeier Answer: *Land Disturbance* - Following issuance of the Conditional Use Permit, applications for all necessary MoDNR permits will be submitted as noted in the 1-26-09 presentation materials.

156. Permit Status Railroad Permits / Insurance

Bob Niemeier Answer: *Railroad / Insurance* - Conversations are on-going with both the Union Pacific and BNSF Rail Companies. Given that they are private enterprises are no "permits"; however there will be a series of contractual agreements regarding the construction of spurs connected to their systems and the routing of conveyors, etc. across their right of way. Wings Enterprises currently maintains insurance on the property per the terms of their lease with Crystal City; and Alberici will list Crystal City as an additional insured when actual construction activities under Alberici's control are being performed on-site.

Quality Control

157. Testing of soil

Bob Niemeier Answer: *Soil testing* - Commensurate with Alberici's state contractors license and ISO certification all required soils testing will be performed by licensed independent engineers throughout the construction process.

158. Testing of concrete

Bob Niemeier Answer: *Concrete testing* - Commensurate with Alberici's state contractors license and ISO certification all required pre-pour verifications and concrete materials testing will be performed by licensed independent engineers throughout the construction process.

159. Testing of steel

Bob Niemeier Answer: *Steel testing* - Commensurate with Alberici's state contractors license and ISO certification all required verifications of structural steel field anchoring & connections will be performed by licensed independent engineers throughout the construction process.

160. Is there a Geo-technical Report?

Bob Niemeier Answer: *Geo-technical report* -Following issuance of the Conditional Use Permit, all necessary Geotechnical Samplings and reports will be prepared for subsequent design of site improvements.

161. Siltation Control - Treatment of storm Water Runoff

Bob Niemeier Answer: *Siltation Control* - Following issuance of the Conditional Use Permit, applications for all necessary MoDNR permits will be submitted as noted in the 1-26-09 presentation materials.

162. Detention Ponds for storm water

Bob Niemeier Answer: *Detention Ponds for storm water* - As noted on the Site Development Plan submitted with the Conditional Use Permit application, provisions have been accrued for storm water sedimentation and retention; even though it is not a current requirement of Crystal City ordinances. Following issuance of the Conditional Use Permit, applications for all necessary MoDNR permits will be submitted as noted in the 1-26-09 presentation materials whereupon final calculations / designs will be validated.

163. Connection to City sewer system for sanitary wastes only – No process water Estimate flows: No. of workers x 20 gal/day

Bob Niemeier Answer: *Connection to City sewer for sanitary wastes only — No process water Estimated flows: # of workers x 20 gal/day* - Connection to the municipal sewer system is for

sanitary purposes only. Per previous communications with the City's consulting engineer, there is ample system capacity for the anticipated census.

164. Connection to City water system for potable water - Any city water uses in the process?

Bob Niemeier Answer: *Any city water uses in the process* - No

165. Connection to City water system for potable water - Estimated quantity per day?

Bob Niemeier Answer: *Estimated quantity per day* - Connection to the municipal water system is for potable purposes only. Per previous communications with the City's consulting engineer, there is ample system capacity for the anticipated census.

166. Fire Protection

Bob Niemeier Answer: *Fire Protection* - Fire Protection water (if determined to be needed) shall originate from self contained systems, and shall not be connected to the municipal water system.

Excerpts from 10-22-07 correspondence from Mayor Schilly regarding the proposed Wings development

Finally, below are excerpts from a letter written to me by Mayor Schilly dated October 22, 2007 in reply to a letter I wrote to the Mayor and Council Members dated October 6, 2007. Please note the emphasis Mayor Schilly placed on the importance of the “conditional use” permit process. If you need a complete copy of my letter and the answers, I will be happy to forward them to each of you.

167. **Tom Schilly’s comment:** It is common for political subdivisions to own property and hold it for future development in order to better serve its citizens. It was the opinion of the council moving forward with this project that for the City to purchase this property gives the City the best continuing oversight and involvement in its future development. It should be further noted that any improvements of the property not owned by the City are taxed and that it is not uncommon for a business enterprise to be assessed an annual payment in lieu of taxes to support public entities. It also should be remembered that the development of this project has been done in conjunction with City ordinances which, under the proposed use, would require a **"conditional use" permit** and would require a preliminary plan for the development and that a complete review of all appropriate protections in accordance with the zoning ordinances and a final plan to be approved by the planning and zoning commission before issuance of a conditional use permit.

Bob Niemeier Answer: *A "conditional use" permit is required to assure the project has been done in conjunction with city ordinances that includes approval of a plan by the planning and zoning commission before issuance of a conditional use permit* - The applicant is unclear over how this comment is to be considered in verifying compliance with Crystal City Zoning Ordinances. Therefore it does not appear to be an eligible concern in reviewing the Wings Conditional Use Permit application.

Jack Ginnever Response (02-28-2009): My interpretation of Tom Schilly’s letter is that he is assuring Mrs. McKenna that the city officials will do the proper research and diligence to make a proper determination. I believe that a good start would be for Tom Schilly to answer all of the questions in this document to declare those duties fulfilled.

168. **Tom Schilly’s comment :** The development of the PPG site is the third (3rd) phase of a **"three-phase” project** by Wings enterprises that include the extraction and processing of surface iron ore from the mine it owns in Washington County, Missouri (Phase I), the reopening of the mine and the development of a cost efficient system to transport the ore to Crystal City (Phase II), and the construction of a facility to process the ore in Crystal City (Phase III).

The lease agreement with Crystal City provides for five (5) years to complete the construction of the facility and to begin production. Considering the scope, complexity and beginning stage of the project, it is in our opinion unreasonable to mandate that Wings present at this time a complete and detailed final business/development plan for the PPG site.

As mentioned above, the proposed project cannot go forward until it has presented such a completed development plan to the Planning and Zoning Commission in an application for a **“conditional use” permit**.

Bob Niemeier Answer: *The proposed project cannot go forward until it has presented a completed development plan to the Planning & Zoning Commission in an application for a "conditional use" permit.* - The applicant is unclear over how this comment is to be considered in verifying compliance with Crystal City Zoning Ordinances. Therefore it does not appear to be an eligible concern in reviewing the Wings Conditional Use Permit application.

Jack Ginnever Response (02-28-2009): In the absence of more details about the furnace technology that will be used or the estimated hazardous emissions I don't believe that it is even debatable that a “complete and detailed final business/development plan” was delivered. The lack of answers to the questions in this document also shows the lack of “completeness” and “detail” . I believe that a good start would be for Tom Schilly to answer all of the questions in this document to declare those duties fulfilled.

169. **Tom Schilly's comment :** Any improvements made to this site would be the sole responsibility of the tenant and any burden on City utilities would be managed by the tenant pursuant to its **"conditional use" permit** that were required under the City's zoning ordinance. The City is of the opinion that it has substantial and ongoing input and oversight - if not control - over this project under the many permitting process, City, State and Federal that the developer will be required to address.

Bob Niemeier Answer: *Site improvements are the sole responsibility of the tenant and any burden on City Utilities would be managed by the tenant pursuant to its "conditional use" permit that were required under the City's zoning ordinance. The City is of the opinion that it has substantial and on-going input and oversight- if not control - over this project under the many permitting process, City, State, and Federal that the developer will be required to address.* - The applicant is unclear over how this comment is to be considered in verifying compliance with Crystal City Zoning Ordinances. Therefore it does not appear to be an eligible concern in reviewing the Wings Conditional Use Permit application.

Jack Ginnever Response (02-28-2009): All of the answers to our questions need to be supplied to begin the process of providing “substantial and ongoing input and oversight – if not control” of this project.

170. **Tom Schilly's comment :** All environmental issues will be carefully scrutinized and monitored on an ongoing basis by DNR and EPA - the expert on such issues. Further, terms and conditions of any **conditional use permit** will be carefully and continually monitored depending upon the application and the information presented as to the proposed specific development. It is the City's belief that there will be no on-site contamination on the property as expressly set forth in the lease agreement.

Bob Niemeier Answer: *All environmental issues will be carefully scrutinized and monitored on an on-going basis by DNR and EPA - the expert on such issues. Further, terms and conditions of any conditional use permit will be carefully and continually monitored depending upon the*

application and the information presented as to the proposed specific development. It is the City's belief that there will be no on-site contamination on the property as expressly set forth in the lease.- The applicant is unclear over how this comment is to be considered in verifying compliance with Crystal City Zoning Ordinances. Therefore it does not appear to be an eligible concern in reviewing the Wings Conditional Use Permit application.

Jack Ginnever Response (02-28-2009): The City needs to be the expert in knowing where the oversight of the DNR, EPA and other regulatory agencies begin and end. These agencies have their usefulness but the City is ultimately responsible and cannot just rely on the knowledge of these agencies to entirely protect the citizens. The City's job is even harder than the other agencies in this respect. Time and effort need to be supplied in great quantities to ensure that everything is done properly. I believe that a good start would be for Tom Schilly to answer all of the questions in this document to declare those duties fulfilled.

Additional Constituent Questions

171. Settlement and Retention Ponds – There are three sets of ponds in the site plan (#33 and #34). My presumption is that these settlement and retention ponds by the coke pile are there to capture any coke runoff that may occur. Is this true? This pertains to the safety, health, moral and general welfare of the City as specified in Section 9(E)(2) of the Crystal City Ordinances. I expect a response to this concern.
172. There are also a set of settlement and retention ponds to the south of the induction furnace and dewatering facility buildings. My presumption is that these settlement and retention ponds are for the emissions from the induction furnace. Is this true? This pertains to the safety, health, moral and general welfare of the City as specified in Section 9(E)(2) of the Crystal City Ordinances. I expect a response to this concern.
173. There are a set of settlement ponds near the rail car storage (#10) location. What are these ponds there for? This pertains to the safety, health, moral and general welfare of the City as specified in Section 9(E)(2) of the Crystal City Ordinances. I expect a response to this concern.
174. How will these ponds be cleaned? How often will the ponds be cleaned? This pertains to the safety, health, moral and general welfare of the City as specified in Section 9(E)(2) of the Crystal City Ordinances. I expect a response to this concern.
175. Where will the contents of the ponds be taken or disposed of when they are cleaned? How will it be transported? This pertains to the safety, health, moral and general welfare of the City as specified in Section 9(E)(2) of the Crystal City Ordinances. I expect a response to this concern.
176. Since we now have a condition that allows for “incidental lead” will there be a possibility that there may be lead in the southern or any other ponds? If so, how long will it be allowed to sit in the ponds and how is that removed? This pertains to the safety, health, moral and general welfare of the City as specified in Section 9(E)(2) of the Crystal City Ordinances. I expect a response to this concern.
177. The southern ponds are very close to Hickey White Park. Will that park have to be move? This pertains to the safety, health, moral and general welfare of the City as specified in Section 9(E)(2) of the Crystal City Ordinances. I expect a response to this concern.
178. Why have we not been consulting with the engineering firm that is responsible for the slurry pipe? Can we have a consulting session with them to answer our concerns about the slurry pipe? Alberici has made it clear that they are not responsible for that part of the project. This pertains to the safety, health, moral and general welfare of the City as specified in Section 9(E)(2) of the Crystal City Ordinances. I expect a response to this concern.
179. If the limestone / calcium silicate is such a valuable product, shouldn't the City of Crystal City receive a tonnage tax on it as it does the iron ore and reduced iron ore? This pertains to the safety, health, moral and general welfare of the City as specified in Section 9(E)(2) of the Crystal City Ordinances. I expect a response to this concern.

180. In Mr. Niemeier's presentation on 01/22/2009 he said "There are other minerals that will be extracted at the mine at the same time that they're excavating for the iron ore – it sorta comes out with it at the same time so to speak. The intent is to sell those other minerals actually from Pea Ridge but there is a lot of those are sold in a sack or a sack that's stacked on a pallet it is something that will go by a truck. They would like to keep a reserved quantity of that material on site here just from a logistical stand point to take care of emergency needs with clients. But it's as you'll see in other parts of the report the truck traffic at this point is estimated to be 10 trucks a week or 2 per day this is a bulk facility that building is left as just an auxiliary purpose if you will".

What will be in those sacks brought in on the two semis per day? Will the City get paid for it? Is Magnetite Iron Ore the only material that will be in the sacks on these semis?

This pertains to the safety, health, moral and general welfare of the City as specified in Section 9(E)(2) of the Crystal City Ordinances. I expect a response to this concern.

181. We would like some type of estimate on the traffic that will be related to the construction phases of the project. If there is a site plan and we know approximately how much fill will be needed, it is reasonable to assume that some type of estimate can be provided so that we can anticipate the effect it will have on the streets and the traffic.

This pertains to the safety, health, moral and general welfare of the City as specified in Section 9(E)(2) of the Crystal City Ordinances. I expect a response to this concern.

182. It was mentioned in one of the presentations that there would be an upstream and a downstream staging area for the barges that are docked at the Wings barge port. Where are these staging areas? This pertains to the safety, health, moral and general welfare of the City as specified in Section 9(E)(2) of the Crystal City Ordinances. I expect a response to this concern.