

BOONE COUNTY ZONING BOARD OF APPEALS

MEETING

Tuesday, May 8, 2018

County Board Room

1212 Logan Avenue

Belvidere, IL 61008

ROLL CALL:

Members Present:

Brian Van Laar, Chairman
Tony Savino
Steve Schabacker
Joan Krumm

Staff Present:

Hilary Rottmann, Land Use
Planner
Drew Bliss, Senior Building
Inspector
Attorney Karla Maville
Ken Terrinoni, Boone County
Administrator

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1 CHAIRMAN VAN LAAR: Let's call this
2 meeting to order. Let's stand up and say the
3 Pledge of Allegiance and remain standing for the
4 invocation.

5 (Whereupon, the Pledge of
6 Allegiance was recited and an
7 invocation given.)

8 CHAIRMAN VAN LAAR: Roll call.

9 MS. ROTTMANN: Rhode?

10 (No response.)

11 MS. ROTTMANN: Schabacker?

12 MR. SCHABACKER: Here.

13 MS. ROTTMANN: Savino?

14 MR. SAVINO: Here.

15 MS. ROTTMANN: Krumm?

16 MS. KRUMM: Yes.

17 MS. ROTTMANN: Van Laar?

18 CHAIRMAN VAN LAAR: Krumm, are you here?

19 MS. KRUMM: Yes, I said.

20 CHAIRMAN VAN LAAR: Okay. Yes, Van Laar
21 is here as well.

22 Minutes. We all received either a
23 photocopy or a hard copy or an email copy. If you
24 guys had a reasonable time to go over them, if you

1 have, I'll take a motion to accept them.

2 MR. SAVINO: So moved.

3 MS. KRUMM: Second.

4 CHAIRMAN VAN LAAR: Moved, motion by
5 Savino, seconded by Krumm. Any discussion?

6 (No response.)

7 CHAIRMAN VAN LAAR: All in favor say aye.

8 (Whereupon, all the ayes were
9 heard.)

10 CHAIRMAN VAN LAAR: All opposed?

11 (Whereupon, no nays were heard.)

12 CHAIRMAN VAN LAAR: Motion carries.

13 A couple of things. Well, one thing.

14 Please make sure your cell phones are on silent.

15 And, second, is there any public comment, not
16 regarding this case, but public comment regarding
17 something that must be on your mind to tell the
18 public?

19 (No response.)

20 CHAIRMAN VAN LAAR: Seeing none, we will
21 move on to unfinished business, and that is Case No.
22 4-2018. The meeting -- the public hearing is still
23 open, and that's where we had left it a couple of
24 weeks ago, and there are still a few people that

1 would like to present some evidence. If you are
2 presenting and/or thinking that you may
3 cross-examine, please fill out the little piece of
4 paper here on the front table and the sign-in sheet,
5 please.

6 And I have -- before me I have a Sid.
7 Is Sid in the room? Why don't you go first. And if
8 you would, please, raise your right hand and state
9 your name and address for the record.

10 MR. MOATE: Sure. Sid Moate, 5881 Latham
11 Road, Rockford, Illinois, and I'm here on behalf of
12 Winnebago County -- Winnebago/Boone County Farm
13 Bureau.

14 (Mr. Moate was sworn.)

15 CHAIRMAN VAN LAAR: Very good. If you
16 could raise the mic up in to your -- closer to your
17 mouth, we should all be able to hear you.

18 The floor's all yours.

19 MR. MOATE: Good evening. Thank you.

20 I've got a couple of things. At one
21 time, the Winnebago/Boone County Farm Bureau had
22 read into evidence a letter that was sent to Carl
23 Johnson, the chairman of the board. I could read
24 that or forego that and just present that as

1 evidence since it's already been read in once
2 before, so I'll leave that to your discretion.

3 CHAIRMAN VAN LAAR: That's fine.

4 MR. MOATE: Okay. First of all, I'd like
5 to say thank you for the time and the opportunity to
6 allow us to speak today or this evening. I'd also
7 like to say as we go over the Power Point, the
8 Boone/Winnebago County Farm Bureau is not
9 necessarily against solar panels or what solar array
10 fields have to offer, but what we do object to is
11 not -- utilizing prime tillable farmland until all
12 other sites have been exhausted; that there is a
13 minimal impact to the rural communities; and the
14 County, Boone County specifically, should not bear
15 the risk.

16 At the State level, the Illinois Farm
17 Bureau, and I will read this because it's important.
18 The Illinois Farm Bureau out of Bloomington, Ray
19 Payne, who is our senior director of business and
20 regulatory affairs, governmental affairs committee,
21 had two recommendations that have come out and that
22 they've been working on at a state level for the
23 Illinois Farm Bureau. It says, as a condition of
24 receiving a permit from the County, the company must

1 pay the cost of hiring an Illinois registered
2 professional engineer to provide a certified
3 estimate of decommissioning cost exclusive of any
4 salvage value. The company will provide
5 decommissioning security funds in the amount
6 determined by the engineer. Security financing must
7 be in the form of an irrevocable letter of credit or
8 a cash escrow unless the county board in its sole
9 discretion agrees to accept a performance bond. The
10 decommissioning cost estimate will be reviewed and
11 revised when needed, but estimate must occur at
12 least ten years, every ten years.

13 And the second item that I'd like to
14 point out the Illinois Farm Bureau recommends is the
15 company must provide an Agricultural Impact
16 Mitigation Act, or AIMA, signed by the company and
17 the Illinois Department of Agriculture prior to the
18 issuance of a permit to construct from the County
19 and must certify that it will comply with all of the
20 terms in the agreements. Nothing in the
21 agricultural impact mitigation agreement will
22 preclude the County; i.e., Boone County, from
23 establishing any standards that exceed those
24 contained in the agreement.

1 As you take a review -- excuse me.
2 As you take a look at the Boone County comprehensive
3 plan, you know, some of the items that I'd like to
4 highlight is the plan reflects the community support
5 to retain its most rural characteristics, and
6 recently the mission statement for the update is
7 proactively working to preserve agricultural land.

8 As you -- you can't see it there. As
9 you look at a couple of things, you know, to protect
10 and enhance the unique identity of Boone County. As
11 you look at the unique identity of Boone County,
12 you're more apt to see the agricultural area A-1 as
13 compared to industrial areas such as what you see on
14 the lower right-hand corner out in the community.
15 Well, what is the impact of agricultural for Boone
16 County specifically? Some of the latest census
17 reports say, you know, in '92 there were 500 farms,
18 and in 2012, which is the most recent Census Bureau
19 information, 479 farms, so just a little less than
20 400 acres that were lost over 20 years. That's a
21 great, great reflection of what the community or the
22 county of Boone County has.

23 If you take a look at the
24 contributions agricultural has specifically for

1 Boone County, it brings in 361 million dollars of
2 revenue to the county, and Boone County farmers
3 spend more than 86 million dollars on their crop and
4 farm inputs.

5 If you look at the impact of
6 agriculture in the state of Illinois, ag commodities
7 reflect 19 billion dollars direct. There are
8 billions of more dollars related to ag industry,
9 such as John Deere, CNH, Caterpillar, Archer Daniels
10 Midland. It goes on and on. You can see that
11 there's 8.2 billion dollars of ag commodities that
12 were shipped overseas, and the average size is about
13 358 acres, less than what Borrego Systems have
14 provided or look to do in the state of Illinois.

15 The question what does Borrego have
16 as far as solar on the state of Illinois, from what
17 I understand and what we've read and what we've
18 learned, Borrego is a foreign parent company of
19 Walsin Lihwa of Taiwan. And forgive me for my
20 pronunciation. There's a majority of foreign
21 investors, foreign solar panels, foreign inverters,
22 quite a bit of foreign input into a local community.

23 You take a look at -- what happened?
24 I think you skipped one.

1 Take a look at the U.S. Agricultural
2 acreage conversion. It's stated that 1.5 million
3 acres of productive farmland are lost every year to
4 urbanization. What does that mean? That's about
5 two acres every minute. There was a recent farm
6 bill that intended to keep these highly productive
7 areas from being overtaken by urbanization, and
8 that's coming out of the Illinois -- Northern
9 Illinois University line there.

10 Winnebago/Boone County Farm Bureau
11 opposes siting solar utilities on prime tillable
12 acreage prior to the utilization of marginal or
13 underused facilities, brownfields, commercial or
14 industrial sites. Today there's no evidence that
15 this applicant has tried to do that whatsoever.
16 Winnebago/Boone County Farm Bureau supports the
17 Boone County comprehensive plan that seeks to
18 protect prime farmland in the county, and most
19 importantly, Winnebago/Boone County Farm Bureau has
20 a concern that the developers ease of the project is
21 not necessarily the best for Boone County.

22 A couple of things that we'd like to
23 point out. On an industrial solar electric power
24 generation plant, it is not compatible with rural

1 life unless the following conditions are met:

2 A solar site should have a definite
3 lifespan and at the end of life when it returns to
4 productive farmland, be put back into rural
5 agriculture. As noted in the very opening of the
6 statement through the Illinois Farm Bureau and what
7 we, the Winnebago/Boone County Farm Bureau propose,
8 is a fully complete decommission plan, and most
9 importantly, it must take into account the
10 neighbors' rights and health, safety and welfare are
11 not impacted without just compensation.

12 If you as the ZBA board cannot ensure
13 that these three conditions are met, then it is our
14 opinion the industrial solar electric power
15 generation plant should not be sited in an A-1
16 district but rather in an industrial-zoned area.

17 Coming into the concern of
18 decommission, the major concern's not only for the
19 landowners, for the neighbors, but for Boone County.
20 Why? Solar energy, is it sustainable without some
21 of the governmental mandates? Who or what country,
22 not what company, what country will own the project?
23 What is the integrity of the commercial solar owner
24 if and when Borrego decides to sell this facility?

1 Another concern is land ownership.
2 Some contracts give the solar company the right to
3 buy the land, but in most contracts that I've heard
4 of, the solar company has no desire to own the land
5 whatsoever. What if the panels, the inverters are
6 hazardous? What are the EPA regulations for e-waste
7 or landfill use? When you recycle the panel at the
8 end of the decommissioning period, is that a cost
9 liability or an asset at the time of
10 decommissioning? At the time of decommissioning,
11 does the landowner have the skills and finances
12 necessary to decommission it or in a worst case,
13 does Boone County have the manpower, finances to
14 decommission the site? And we look at future
15 salvage values when you talk of a decommission
16 statement.

17 Some information presented earlier
18 talks about the inverter and the solar panels and
19 disposal of that specifically. From the plan it
20 says they're going to use a Sungrow 125 inverter and
21 from that, it talks about proper disposal of the
22 inverter in the manual and then talks about some
23 components that in there are not environmentally
24 friendly and have to be disposed of in a proper

1 manner. Today, that proper manner is taking it to a
2 recycling center that charges \$1.29 a pound. If
3 each inverter weighs 158 pounds, that's \$3,275 that
4 someone has to pay to get rid of this product at the
5 end of life.

6 Worst yet, you talk about the solar
7 panels or the PV panels. On this site there's
8 approximately 6800 panels, 58 pounds per panel, 79
9 cents cost of recycling, that's over \$311,000 plus a
10 loading and shipping cost, and that's coming from
11 the dynamic e-recycling.com that we looked into.

12 We talk why should Boone County
13 enforce decommissioning funding? At the time of
14 negotiation of the contract, if the solar company
15 and the landowner do not come to a reasonable or
16 amicable discussion and agreement, the landowner,
17 who may be ignorant or unaware of his
18 decommissioning concerns, will be left with the
19 bill. If the landowner cannot afford to
20 decommission the project or the project ends up in a
21 delinquent tax sale because of the failure to pay
22 taxes, the County will own the site. And if the
23 County owns the site or this remote site has solar
24 waste on it, who wants to come in and decommission

1 that or do some development to that where the cost
2 of that project or that parcel is simply financially
3 not responsible or feasible due to the
4 decommissioning costs?

5 Down at the State, there's some
6 pending solar tax assessment issues. Senate Bill
7 0486 was just passed in the Senate May 4th, and is
8 now in the House, is trying to define how and what
9 manner are the facilities taxed. And so at a
10 two-megawatt they've talked about a \$20,000 tax, a
11 \$60,000 tax. The tax assessors at the local
12 community do not know exactly how to tax assess the
13 property at the moment, which still needs to be
14 resolved. Right now the lobbying groups for the
15 solar companies are far superior to what the tax
16 assessors are doing, so they have the hand on it.
17 So what they're trying to do is come in at the
18 lowest possible assessment as possible. When you're
19 talking taxing and other things, the land tied to
20 the solar project, the land under the solar project
21 is to be acquired, surveyed and severed from the
22 rest of the parcel. A new tax PIN will be assigned.
23 It will be tied to that solar property; however, it
24 would be sold together if a tax sale due to

1 delinquency or failure to pay taxes would be
2 required. The landowner has the right to pay those
3 delinquent taxes prior to the sale to get his land
4 back, but the cost of decommissioning or other
5 expenses associated with that land may forego the
6 right to go and buy that land. And on a
7 decommission tax sale it says, notwithstanding --
8 and this is coming out of the Senate bill right here
9 verbatim -- notwithstanding the foregoing, the owner
10 of the land upon which a commercial solar energy
11 system is installed may pay any unpaid taxes of the
12 commercial solar energy system parcel prior to the
13 initiation of a tax sale. So that comment is in the
14 Senate bill, but it doesn't necessarily bode well
15 for the farmer or the landowner who is upside down,
16 let's say, with the facility.

17 When decommissioning occurs or is
18 complete, the underlying land will return to
19 farmland and will be reassessed and taxed at the
20 farmland assessment law. But it's critical, should
21 the landowner go through a decommissioning process,
22 that it happens in a timely manner because until
23 that point of decommissioning occurs, that parcel of
24 farmland will remain on the tax levy as assessed as

1 a commercial solar array field.

2 One scenario that we have a concern
3 about is if the project is no longer profitable or
4 the solar owner flees or fails to pay taxes, what
5 would happen to the project. And where a case in
6 Montana the solar energy was not financially
7 competitive to what the current means of energy
8 generation was, so they went to the Supreme Court in
9 Montana to have the fair assessment of the
10 electrical charges for the kilowatt raised such that
11 the solar company in Montana would be financially
12 competitive with the other alternative methods.

13 Another concern is the -- as to what
14 we've seen, the incomplete decommissioning plan
15 costs that Borrego has presented in their
16 application, fully not in line with some of the
17 numbers that we have seen, what we believe, and so
18 we would request, you know, as the State of Illinois
19 has for the Farm Bureau and what the Counties of
20 Winnebago/Boone has requested, that there be a
21 decommissioning plan set by a third party and that
22 funds be set aside appropriately, because otherwise,
23 the burden and the risk, the applicant's word is not
24 necessarily evidence of a promise. The concern is

1 Borrego is a real estate developer or property
2 developer, and they really don't have a lot of sense
3 of long-term ownership of the facility. So if
4 there's a decommission plan between the current
5 landowner and Borrego, there is no evidence of
6 covenants to transfer that that decommission plan
7 would carry over to a subsequent owner without --
8 without some sort of stipulation. And there's
9 speculation also that there's a salvage value of the
10 panels 20 years from now, whether it be profitable
11 or as what some of the information received, that
12 the panels today would be considered electronic
13 waste or e-waste, and that would have to be
14 decommissioned and a cost associated with that.

15 Most importantly, we believe that the
16 applicant must bear the financial burden and the
17 risk of the decommissioning. We ask that the farm
18 owner or the landowner in this particular case, we
19 hope they've got a good contract, but whether that
20 is not the question. Most importantly, as part of
21 the ag impact mitigation act, we vehemently require
22 or request that there be a third-party audit and
23 funds in an escrow account set aside.

24 I've talked about the AIMA, the ag

1 impact mitigation act, and that's a part that's
2 working through the Bureau of Land and Water
3 Resources working with the various utility companies
4 to ensure that the agricultural community and the
5 land that is affected by the construction of a solar
6 facility in this case has the assurance that it will
7 be properly cared for during the construction, the
8 management and the decommission of the facility.
9 The clarification is the Department of Agriculture
10 makes a final decision of what to include in an
11 AIMA. They do so after taking input from all
12 stakeholders, including Borrego in this case as the
13 solar company.

14 The current AIMA does not entirely
15 reflect the will of the Illinois Farm Bureau, and
16 that was noted in the opening presentation material.
17 Illinois Farm Bureau believes that it must be a cash
18 escrow to protect the landowner, and more
19 importantly, Boone County at best.

20 And I've got a couple of methods that
21 we talked about financial assurance, and I'd like to
22 just present that as clarification, and I'll go
23 through the top one, and that is from the Illinois
24 Farm Bureau legal counsel. We talked about an

1 escrow account, and this is a method of prepayment
2 requiring deposit of funds to the start of the
3 project. The deposit must be made to an account
4 outside the administrative control of the licensee
5 in an amount sufficient to pay decommissioning
6 costs. These accounts are generally set up at a
7 local financial institution under the control of the
8 County or a designated party. This is the best way
9 to guarantee funds will be there as needed.

10 Continuing on, the AIMA focuses on
11 the restoration aspects and the impacts of the major
12 utilities coming through, whether it be wind, solar
13 in this case, or other types, gas, pipeline. AIMAs
14 are negotiated with various utility companies prior
15 to the start of any construction, and that's most
16 importantly before any construction, special use
17 permit, building permit is granted, you must have
18 the ag impact mitigation agreement signed. Why? A
19 case out in the Massachusetts area where Borrego was
20 penalized by the EPA \$90,000 for allowing storm
21 water runoff into -- and they failed to follow some
22 EPA guidelines, and that caused the result of a
23 \$90,000 penalty where silt and other construction
24 processes caused water to carry solid material,

1 silting and other things into wetlands.

2 You know, we may have faith in
3 Borrego, but we have no idea who will be the owner
4 at the time of decommissioning. So you have to
5 protect yourself 20, 25, 30 years out, whatever the
6 contract is, or heaven forbid, at the point where
7 the solar field is no longer financially feasible,
8 the owner at that time walks away from the facility
9 and the poor landowner is stuck with all the
10 decommissioning charges or he defaults on a tax bill
11 which will be his responsibility, and then Boone
12 County has a solar waste yard to contend with.

13 The proposed solar litigation would
14 require signed AIMAs with the landowner before a
15 special use permit is even applied for. We're a
16 little bit ahead of that because it hasn't been
17 fully agreed on, so this process needs to come up to
18 that point in time. The AIMA minimum standards does
19 not prevent a county from being more restrictive or
20 more conservative in protecting the community in the
21 event of a decommissioning area.

22 We take a look into the precedence
23 that Boone County set in for the Peaker Plant, and I
24 want to point out specifically the Peaker Plant

1 ordinance, there in the conditions it talked about
2 what's already established for them is a landscape
3 plan in accordance with Section 5.4 of the Boone
4 County Zoning Ordinance. The Winnebago/Boone County
5 Farm Bureau feels that the Borrego should they be
6 entitled to a special use permit, follow the
7 regulations and the requirements that have already
8 been pre-established for the Peaker Plant ordinance
9 for Boone County.

10 We talked about landscape provisions
11 already in there, and so that's already on record
12 and on file. We talked about property value
13 guarantee conditions, and we talked about an
14 assessment for the application and those in the
15 community surrounding that there is no negative
16 impact to their appraisal of their property and
17 that, you know, this is coming out of the Peaker
18 Plant legislation. So, you know, that's already
19 precedent established by Boone County. And in the
20 event that a neighbor property experiences a loss of
21 property value as a result of a bona fide
22 third-party sale, we would ask that the applicant
23 make up the difference between the sale price and
24 the appraised baseline value.

1 Finally, a couple of things I'd like
2 to talk about also is if the solar company wants to
3 be a good neighbor, they should agree to the
4 following conditions without a problem. Doing
5 everything they can without any or minimal impact to
6 the neighboring properties. This includes use of
7 highest setback possible, use of vegetative borders
8 and screens. They must have an agreement to the
9 AIMA to protect the present agricultural practices,
10 and they must have an agreement to a cash escrow
11 account for decommissioning.

12 One of the last things we want to
13 talk about is the access road. In their plan they
14 have an access road of 14 feet. Curiosity, is this
15 width sufficient for emergency vehicles? If one
16 vehicle was parked in the lane, could another or a
17 second or third vehicle get around it? Another
18 question is in an emergency situation, who would
19 maintain the road? Or in the third case, could this
20 lane or road be a public nuisance?

21 As we look at the requested
22 conditions, the solar company once again must enter
23 into an AIMA with the landowner and the Department
24 of Agriculture before a special use is granted,

1 including the County conditions that need to be met.
2 Once again, from the Illinois Farm Bureau, in
3 seeking support and legislation for the AIMA, the
4 act, it suggests that the state legislators -- and
5 we can read it there -- will comply to the
6 requirements, and this was put into the Senate bill.

7 As I conclude, some of the last
8 concerns we have are an established nox box or a
9 lockbox with an emergency key for emergency
10 personnel to have access for ingress or egress to
11 the facility in case of an emergency and that they
12 must have a disclosure of any hazardous material
13 on-site, that the design should take into account
14 the light, the noise, the setback requirements as to
15 not impact the neighborhood, the community or the
16 rural families' health, safety and welfare. Both
17 the solar panels and the inverters must be
18 considered in the decommissioning account and go as
19 a recycled component e-waste as compared to a
20 valuable asset. And most importantly, the County
21 will have the right to collect from the applicant
22 reasonable costs and attorney fees incurred in
23 successfully enforcing any provisions of the
24 ordinance that you guys choose to make directions

1 on.

2 Any questions? Comments?

3 (No response.)

4 Thank you.

5 CHAIRMAN VAN LAAR: Does the board have
6 any questions for Mr. Moate?

7 MR. SCHABACKER: I do.

8 CHAIRMAN VAN LAAR: Yes.

9 MR. SCHABACKER: That was interesting, the
10 information that you provided us. I enjoyed
11 listening to that.

12 Winnebago -- do you do Winnebago and
13 Boone County?

14 MR. MOATE: Right. About six, eight years
15 ago, Winnebago and Boone County combined their Farm
16 Bureau districts, so the two of us are collectively
17 as one group. So it's Boone/Winnebago County Farm
18 Bureau.

19 MR. SCHABACKER: Okay. Solar farms,
20 Winnebago. Do they have them over there?

21 MR. MOATE: They are going through the
22 process. Tomorrow night Borrego, Cypress Creek and
23 another group will be coming through at their ZBA
24 meeting tomorrow night.

1 MR. SCHABACKER: Do you know whether or
2 not Winnebago has solar farms?

3 MR. MOATE: They do not have any at the
4 current time, no.

5 MR. SCHABACKER: Yes, they do. They have
6 one south of the airport.

7 MR. MOATE: I apologize. Yes, they do at
8 the airport where they make solar panels. Yes,
9 you're right.

10 MR. SCHABACKER: Did you have any input?
11 Did you have any input --

12 MR. MOATE: Not at the time.

13 MR. SCHABACKER: -- for that?

14 MR. MOATE: No, we did not.

15 MR. SCHABACKER: Why not?

16 MR. MOATE: I can't answer that.
17 Dereliction of duty? I don't know.

18 MR. SCHABACKER: Okay. Do you know that
19 they have any decommissioning?

20 Can you hear me okay?

21 MR. MOATE: I can barely hear you.

22 MR. SCHABACKER: Do you want me to speak
23 up?

24 MR. MOATE: Please.

1 MR. SCHABACKER: Okay. And do you know
2 whether they have any decommissioning information
3 for Winnebago on their solar farm?

4 MR. MOATE: I do not know that, no.

5 MR. SCHABACKER: That's all I have. Thank
6 you. Thanks.

7 CHAIRMAN VAN LAAR: Any other comments or
8 questions from the board at this time?

9 MS. KRUMM: Not at this time.

10 CHAIRMAN VAN LAAR: That solar facility
11 that's south of the airport, is that -- did I hear
12 you say something, that's where they make solar
13 panels?

14 MR. MOATE: There is a solar panel
15 producer in Winnebago County down in that region,
16 yes.

17 CHAIRMAN VAN LAAR: Okay. So you don't
18 know if they own that land?

19 MR. MOATE: I do not know the particulars
20 of that facility.

21 CHAIRMAN VAN LAAR: And that would
22 probably have quite a bit of difference as opposed
23 to if they own that land. Would you say they have
24 quite a bit of difference if they own that land

1 whether or not they have decommissioning or anything
2 like that since it's the solar panel manufacturer
3 who owns that land that's -- has that farm down
4 there?

5 MR. MOATE: Yeah, I would only speculate,
6 so I couldn't answer that. So, no.

7 CHAIRMAN VAN LAAR: Any -- no more further
8 questions from the board?

9 MS. KRUMM: No, not at this time.

10 CHAIRMAN VAN LAAR: Any questions from the
11 audience?

12 ATTORNEY MASSEY: May we request a brief
13 recess so that we can consult before asking any
14 questions from the applicant standpoint? Is that
15 appropriate?

16 CHAIRMAN VAN LAAR: You can convene now
17 while I take other --

18 ATTORNEY MASSEY: We'll do that then.
19 Thank you.

20 CHAIRMAN VAN LAAR: -- other questions
21 here.

22 You may step up. Please -- yeah,
23 over here. You know the drill. Speak into the mic,
24 and if you would, please, state your name and

1 address for the record, and I will swear you in.

2 MS. KIEDAISCH: Excuse me, I have a
3 question for the Farm Bureau speaker.

4 CHAIRMAN VAN LAAR: Yeah, if you would --
5 thank you. If you could speak into the mic, please,
6 and state your name and address for the record.

7 MS. KIEDAISCH: Yes. My name is Laura
8 Kiedaisch. I live at 4167 Hunter Road, Poplar
9 Grove.

10 (Ms. Kiedaisch was sworn.)

11 CHAIRMAN VAN LAAR: Thank you much.

12 MS. KIEDAISCH: No problem.

13 Sir, at one point you cited 400 acres
14 are being considered for the development of solar
15 farms in this county?

16 MR. MOATE: No, in the state of Illinois.

17 MS. KIEDAISCH: In the state of Illinois.
18 Okay. Of those 400 acres, how many of them are on
19 ag property?

20 MR. MOATE: I can't answer that.

21 MS. KIEDAISCH: Okay. So we don't know
22 how many acres would be lost to agriculture based on
23 the number of 400. Okay, because my next question
24 was what are the LESA ratings of the lands that are

1 being considered, but if you don't know how much of
2 it's farmland, you wouldn't know the ratings either?

3 MR. MOATE: Right.

4 MS. KIEDAISCH: Can you explain to me what
5 the breadth of the LESA scale is from zero to what
6 in terms of evaluating farmland?

7 MR. MOATE: Well, as you look at the LESA
8 score, we in Winnebago County are looking at is it
9 consistent with the planning and agreements. The
10 LESA score is in the 100 to 200 range, whichever we
11 talk about. The higher the LESA score, the more
12 appropriate the farmland is, and so as you get into
13 brownfields and other things like that, they do not
14 necessarily come into a LESA score impact in this
15 case.

16 MS. KIEDAISCH: Okay, but on ag property,
17 what's the highest LESA score available?

18 MR. MOATE: I can't answer that. I
19 apologize.

20 MS. KIEDAISCH: Are you aware that the
21 useful life of solar panels may well go beyond the
22 contract of the 20-year leasing?

23 MR. MOATE: There's -- that may be a
24 possibility.

1 MS. KIEDAISCH: The useful life of the
2 panels. Okay, it has been tested and proven, just
3 FYI.

4 So in terms of decommissioning, it
5 wouldn't be something that we can see 20 years down
6 the road. It may 40, 50, 60 years down the road.
7 There are early generation solar panels on marine
8 buoys that are still in operation.

9 CHAIRMAN VAN LAAR: Is this testimony?

10 MS. KIEDAISCH: No, sir. I'm just helping
11 with the --

12 CHAIRMAN VAN LAAR: No, you don't need to.
13 Ask questions, please.

14 MS. KIEDAISCH: -- Farm Bureau gentleman
15 realize the breadth of the situation.

16 CHAIRMAN VAN LAAR: Just ask questions,
17 please.

18 MS. KIEDAISCH: Okay. Oh, you mentioned
19 that there was some curiosity about what country
20 would own the solar farm?

21 MR. MOATE: Correct.

22 MS. KIEDAISCH: Okay. How is that any
23 different than Fiat owning Chrysler?

24 MR. MOATE: It's no different, but you

1 have all the, you know, the majority of revenue is
2 created here in -- you know, in Racine, Wisconsin,
3 the CNH tractors. You have, you know, workers that
4 come in that go into Racine, Wisconsin, for CNH
5 tractors that are -- or Fiat in this case.

6 MS. KIEDAISCH: On the inverter disposal
7 regulations, requirements, there are also disposal
8 requirements for things like compact fluorescent
9 lightbulbs, all the way down to flashlight
10 batteries. Why would inverters be considered any
11 differently than other consumer commodities?

12 MR. MOATE: As you look at the manuals for
13 that, it talks specifically about the inverter, and
14 in there it talks about recycling and e-waste, and
15 that's what it would be considered.

16 MS. KIEDAISCH: Okay. So same as a TV
17 then?

18 MR. MOATE: Correct.

19 MS. KIEDAISCH: Okay. In terms of a
20 14-foot road for access for emergency vehicles, what
21 types of emergencies do you foresee on the solar
22 farm?

23 MR. MOATE: I can't answer that, but if
24 there was an individual that scaled the fence and

1 got electrocuted, or if there was a worker that was
2 doing something there that got electrocuted doing
3 maintenance, you know, there -- there could be other
4 issues that go on. I can't foresee what natural
5 event may occur or unnatural event may occur in the
6 future. But should there be an issue where there
7 needs to be emergency responders, there needs to be
8 a viable method of ingress and egress out of the
9 facility such that all are protected.

10 MS. KIEDAISCH: Okay. And in your
11 experience, how wide is the average farm road or
12 driveway?

13 MR. MOATE: It can range from -- in my
14 case, I've got equipment that's 35 feet wide folded
15 up, and so you can have ranges from 16 feet on a
16 narrow road, to 30 feet minimal.

17 MS. KIEDAISCH: Okay. That's the land
18 that -- or the area that would be taken by the
19 equipment is my understanding of what you just said.
20 How wide is the actual lane going into the property?

21 Are you a farmer, sir?

22 MR. MOATE: Yes, I am.

23 MS. KIEDAISCH: Okay. On your land, how
24 wide is the access point for your farm equipment?

1 MR. MOATE: Well, it's unlimited because I
2 have no fence, and I can go right through my road in
3 the ditch and I can go the width of my road.

4 MS. KIEDAISCH: Okay. Do you have a
5 driveway?

6 MR. MOATE: Do I have a driveway? Yes, I
7 do.

8 MS. KIEDAISCH: Okay. And the width?

9 MR. MOATE: Driveway, my width is 12 feet.

10 MS. KIEDAISCH: Okay. Well, ideally, I
11 hope emergency vehicles can get there.

12 One of your slides showed a
13 40-decibel noise level. At what distance from the
14 source was that to be determined?

15 MR. MOATE: That was at their property
16 line of what has been presented by Borrego in past
17 presentations. That wasn't addressed at that time.

18 MS. KIEDAISCH: Could you pull that slide?
19 Oh, there it is. Okay.

20 Requested conditions, that makes it
21 sound as though it's your request?

22 MR. MOATE: Correct, for the benefit of
23 the County, yes, and the adjacent landowners.

24 MS. KIEDAISCH: Okay. So 40 decibels at

1 the end of the site property at the perimeter of the
2 site property is what you're proposing?

3 MR. MOATE: Correct. And that's what
4 Borrego has made in presentations before.

5 MS. KIEDAISCH: That's fine. I have no
6 problem with Borrego's presentation. I was just
7 clarifying for my understanding what you were
8 talking about, at what distance from the actual
9 sound source.

10 MR. MOATE: That was at the property line,
11 so where they establish the sound source, that's up
12 to their direction or guidance or their design, but
13 at the property line, the ZBA requirements should
14 not exceed the 40 DBA.

15 MS. KIEDAISCH: Thank you.

16 Oh, there was something about
17 neighbors' rights, health, safety and welfare.
18 Property owners' rights are not part of this
19 discussion?

20 MR. MOATE: I said should be under
21 consideration, yes.

22 MS. KIEDAISCH: Okay. I must have missed
23 the fact that they should be under consideration,
24 because owning the land I would think would give us

1 the right to use it.

2 Thanks. I appreciate the
3 clarification.

4 CHAIRMAN VAN LAAR: Any other questions?

5 Any other questions from the
6 audience? Yes, Mr. Funfsinn.

7 Would you please raise your right
8 hand, state your name and address for the --

9 MR. FUNFSINN: Aaron Funfsinn, address is
10 14200 Laube Road, Durand, Illinois. Farm is 4951
11 North Boone School Road.

12 (Mr. Funfsinn was sworn.)

13 CHAIRMAN VAN LAAR: Okay.

14 MR. FUNFSINN: The Winnebago solar plant,
15 I was curious, is that by the sewer treatment plant
16 in Rockford?

17 MR. MOATE: Define "by." Do you mean
18 within a stone's throw or within a ten-mile radius?

19 MR. FUNFSINN: No, it would be within a
20 stone's throw, I guess.

21 MR. MOATE: The airport and the solar
22 facility and the sewer and water treatment is within
23 a mile of each other by the crow flies.

24 MR. FUNFSINN: Because I remember seeing

1 on the news back years ago, and I remember it was in
2 that area. I think there was even a small --

3 CHAIRMAN VAN LAAR: Questions, please.

4 MR. FUNFSINN: I understand.

5 I had a question. Do you know how
6 close the solar plant that we talked about in Boone
7 County was to the Rockford Airport?

8 MR. MOATE: I don't have a good estimate
9 of the distance, no.

10 MR. FUNFSINN: But is it in very close
11 proximity?

12 MR. MOATE: I can't define what "very
13 close" is.

14 MR. FUNFSINN: Within a mile?

15 MR. MOATE: It's within a mile.

16 MR. FUNFSINN: So it is within a mile?

17 MR. MOATE: I would say so, yes.

18 MR. FUNFSINN: Do you know if that
19 property was zoned ag or was it zoned industrial or
20 some other mixed use?

21 MR. MOATE: I can't -- I don't know. I
22 can't speak to that.

23 MR. FUNFSINN: About the access driveway,
24 that was interesting that was brought up. Were you

1 aware of the Manhattan Fire District telling the
2 Will County Planning Commission that the access
3 driveway should be 18 feet?

4 MR. MOATE: No, I was not.

5 MR. FUNFSINN: And were you aware that
6 Borrego, that they consented to that in Will County?

7 MR. MOATE: Don't know that.

8 MR. FUNFSINN: Okay. That's the last
9 question.

10 CHAIRMAN VAN LAAR: Thank you.

11 Any other questions from the
12 audience?

13 Does Borrego have any questions for
14 cross-examining?

15 ATTORNEY MASSEY: We do not have any.
16 Thank you.

17 CHAIRMAN VAN LAAR: All right. Any other
18 questions from the board? Yes.

19 MR. SCHABACKER: I'd just like to thank
20 you, Sid, for bringing that information to us. I
21 enjoyed listening to it, so I just want to say thank
22 you.

23 MR. MOATE: Okay. And then I do have the
24 hard copies for you of all the presentation material

1 and then the evidence material being supported for
2 that.

3 CHAIRMAN VAN LAAR: Okay. Bring that up.

4 You may sit down.

5 We have three other individuals here
6 that would like to speak regarding -- to present
7 evidence. And I have a Jerry Terry. Is he in the
8 audience?

9 MR. TERRY: Jeff Terry.

10 CHAIRMAN VAN LAAR: Sorry, I read it
11 wrong. Yes, Jeff Terry, if you would come up over
12 here (indicating) to this mic and raise your right
13 hand and state your name and address for the record,
14 I will swear you in.

15 MR. TERRY: I'm Jeff Terry, professor of
16 physics at the Illinois Institute of Technology.
17 The address there is 3101 South Dearborn Street in
18 Chicago, Illinois, and my home address is 1421 Ridge
19 Road, just across the border in Munster, Indiana.

20 (Mr. Terry was sworn.)

21 CHAIRMAN VAN LAAR: All right. Thank you
22 for showing up.

23 MR. TERRY: Thank you. I appreciate the
24 opportunity.

1 CHAIRMAN VAN LAAR: You almost have to eat
2 these things.

3 MR. TERRY: All right. Well, thank you so
4 much for allowing me to speak today. I do research
5 in energy policy, and so some things I look at are
6 the effect of solar in the U.S., nuclear in the
7 U.S., wind in the U.S. Unfortunately, in the U.S.
8 we don't have a dedicated national energy policy.
9 That is a problem because when we do come to a
10 situation like this, we have no set guidance on what
11 to do going forward. Hopefully, that is something
12 that will change in the future. States have started
13 to try to do things. The State of Illinois has
14 recently passed the tax credits for bulk renewable
15 energy, wind, solar and nuclear. Part of the
16 reasons for that, though, or that that was
17 necessary, was because the power plants that operate
18 all the time have been suffering financial problems.
19 So our lack of a comprehensive energy policy has
20 caused us to have to pay more in some areas for the
21 price of electricity. These are things that aren't
22 always necessarily bad. We may, as a society,
23 decide that to us it's worth having to pay more for
24 electricity in order to have cleaner electricity,

1 for example.

2 Now, is the U.S. or the State ever
3 going to get to the point where it gives
4 comprehensive guidance to the local level? Probably
5 not. Probably not in my lifetime at least. So the
6 question is, how do you as a zoning board take this
7 into account? What should you do to make sure that
8 you're not adding to the problem? In fact, oddly
9 enough, zoning boards are one of the few government
10 agencies that actually do take long-term views on
11 where to site long-term projects, where to put sewer
12 lines. So this is one of the few bodies that does
13 think beyond a two-year election time frame, and
14 that's a good thing. But if we look at electricity
15 in the state of Illinois, and I'm sorry, I didn't
16 get this presentation to you earlier, but in 2016,
17 the last year that the numbers are available,
18 Illinois had demand for 141 million megawatt hours
19 of electricity, yet Illinois generated 187 megawatt
20 hours. So the question is, why would somebody want
21 to put in more generation into a state where there's
22 already an excess generation? Would you build a car
23 manufacturing plant in a place where no one was
24 purchasing cars? Well, one of the reasons for that

1 is because the State has passed subsidy laws, and
2 the generator is going to get paid for generating
3 that solar electricity whether it's used here or
4 not. So that is something that you want to be
5 concerned about.

6 Now, what are the effects of this
7 solar generation? Well, solar generation has caused
8 what is known as the duck curve. And I can show you
9 this (indicating) image if you would like afterwards
10 and maybe we can figure out how to put it on the
11 board if you would like to see it. But the duck
12 curve has basically eaten the generation or the
13 demand for electricity during the middle of the day
14 where power cross used to be highest. And so this
15 has been a big problem in the state of California
16 because now they come to night, so as we get closer
17 to night, solar starts to decline, and something has
18 to ramp up rapidly to meet this energy demand. And
19 so the shape of what conventional generation has to
20 provide now looks like a duck. So it's high in the
21 morning before the sun comes down (sic), it drops as
22 solar rises in the middle of the day, and then as
23 solar starts to decline in the late afternoon, and
24 it shoots back up again. So that's a problem

1 because we use mainly electromechanical means. We
2 boil water, spin the turbine, things like that.
3 There are limits to how long, high fast I can boil
4 water. There are limits to how fast a turbine can
5 spin before it spins and shakes itself apart. These
6 are now issues that are being faced in California
7 because they have built too much solar generation
8 and didn't prepare to deal with this problem after
9 the fact. So this is an interesting problem.

10 How do you solve this problem? Well,
11 obviously, I can't boil water any faster than I can
12 by heating it up, so now I have to turn on my gas
13 turbine plants ahead of time, when the sun is still
14 out and I'm still getting solar generation, but
15 they're not producing electricity. They're just
16 heating the water, turning it to steam, getting
17 ready to generate electricity. So what has happened
18 now is some of these solar -- some of the natural
19 gas generators have said, I'm not getting paid for
20 this, but I'm burning natural gas. You should pay
21 me to be ready to generate the instant the sun goes
22 down or as the sun's going down. That also
23 increases the cost of electricity.

24 Now, New York has recently ordered

1 two Exelon plants to stay on line. They were going
2 to close two natural gas plants. Natural gas is one
3 of the few things that can ramp fast enough to deal
4 with this duck curve. And so Exelon said, we're
5 losing money on these, we're going to shut them down
6 because we get no benefit, you're costing our
7 shareholders money, and so they were ordered, for
8 reliability of the grid, to keep those on. So now
9 the grid operator has to pay those plants to stand
10 there and be on standby and ready to go. That's
11 going to increase the price of electricity.

12 The duck curve is not a
13 California-only scenario. For the first time the
14 duck curve hit last month in April in New England.
15 So it hit on a weekend day. It's not a normal
16 occurrence like it is in California, but it is
17 coming when you build an over generation in a manner
18 that's not planned for.

19 So are there things that you as a
20 zoning board can do to mitigate this duck curve?
21 Well, absolutely. One of the things you can do is
22 mandate that the solar panels track the sun so that
23 they will provide electricity later and later into
24 the day when the demand goes highest, when people go

1 home in the summer and turn on their home
2 air-conditioning. So that is one way that one can
3 go about mitigating the duck curve.

4 Another thing that people can do is
5 face the solar panels to the west. Most solar
6 installations face due south because that's where
7 you get the maximum amount of generation, and that's
8 something that somebody chasing subsidies would
9 want, the maximum amount of generation, because they
10 get paid per kilowatt hour. A group concerned with
11 clean energy generation would point west to help
12 mitigate the duck curve. And so that's something
13 you can do, mandate that a set amount of panels face
14 west so it shifts the generation peak to when the
15 demand curve is.

16 Another thing you could do is mandate
17 for them to have the solar panel put in that they
18 have to have some amount of storage, four hours
19 worth of equivalent storage so you can push the
20 demand curve back -- or push the generation curve
21 back to meet the demand curve.

22 These are all very useful policies.
23 Now, should this be something that falls on a local
24 zoning board? I don't know. Probably not. These

1 should be federal policies, but I don't see any
2 chance of that happening in the near future. But as
3 a forward-looking board, this is something you can
4 due to make the situation better.

5 I would strongly recommend in
6 addition that you do take decommission and
7 demolition costs into account. The National
8 Renewable Energy Laboratory basically uses about
9 one percent degradation a year. So you're going to
10 drop down to 80 percent in 20 years, and that really
11 probably is the maximum useful life. Even if it's a
12 little less than that, in 20 years there'll be
13 better solar panels that somebody is going to want
14 to replace the current batch with, so you should
15 make sure there's some path forward for
16 decommissioning the site.

17 Solar and electronic waste is a
18 problem. It needs to be taken care of, and there is
19 a tremendous amount of it. So making sure there is
20 some decommissioning plan is something that I would
21 urge you to take care of. I don't know if I would
22 need it to be all paid for in advance. That's not
23 the way they do it in the nuclear industry where
24 they take and set aside for a set amount per

1 kilowatt hour. That's certainly a very effective
2 way to do it and let the amount build up over time.
3 So I don't know if I totally agree with one of the
4 earlier speakers that it has to be paid for upfront,
5 but it does have to be considered, and the agreement
6 should definitely have that.

7 So as we go forward, I expect we'll
8 see more of these things and more of these problems
9 coming up. We don't always in advance figure out
10 all the problems. That's one of the reasons why
11 it's a little difficult to be on the leading edge of
12 this, but there's nothing wrong to being on the
13 leading edge. If you make wise decisions and make
14 sure you protect yourself for 20 years down the
15 line, there should be no long-term harm from a solar
16 farm in your local area.

17 Now, one can argue whether putting a
18 solar farm on prime cropland is a wise decision.
19 There are plenty in northern Illinois homes that a
20 company could go and approach the homeowner and say,
21 I'll put solar panels on top of your house. The
22 reason I assume most don't do that is because then
23 they would have to share some of the profit with the
24 homeowner. But that, in my opinion, if I was trying

1 to come up with a clean energy environment for the
2 state of Illinois, is where I would go first before
3 covering up cropland. Put solar panels on all of
4 Chicago, all of Rockford and do significant
5 generation and improve clean energy.

6 So those are my concerns. Those are
7 the things that I was hoping to speak to you about,
8 and if you have any questions, I'll be happy to try
9 and answer them.

10 CHAIRMAN VAN LAAR: Thank you, Mr. Terry.

11 Does the board here have any
12 questions for Mr. Terry? Yes, Steve.

13 MR. SCHABACKER: Yeah, you had mentioned
14 about we had plenty of electricity, and maybe I've
15 got to put it in my own words, but Illinois is
16 producing enough electricity; am I correct?

17 MR. TERRY: Yes, Illinois is a net
18 exporter, so it has lots of electricity.

19 MR. SCHABACKER: Why would they want --
20 well, hasn't it kind of been pushed on some electric
21 companies by the State that they need 25 percent of
22 energy renewable?

23 MR. TERRY: That is a political choice.

24 MR. SCHABACKER: I thought that was

1 regulation.

2 MR. TERRY: And energy is an
3 interesting -- interesting business. So we pass
4 these renewable laws that we just passed for the
5 subsidies, but we didn't require in that law that
6 they close coal generation, for example.

7 MR. SCHABACKER: Uh-huh. (Affirmative
8 response.)

9 MR. TERRY: And so anything that's added
10 without closing anything just increases the surplus.

11 MR. SCHABACKER: Maybe you can help me
12 with this, or did I misunderstand?

13 MR. TERRY: No, you were correct. The
14 State has mandated that 25 percent be --

15 MR. SCHABACKER: So you ask why would they
16 want to produce more electricity is my point, right?

17 MR. TERRY: Oh, yeah, okay.

18 MR. SCHABACKER: And, again, I'm just
19 discussing with you because I'm trying to learn.
20 Well, one of the reasons is because they're, I
21 think, being more or less forced to, or again am
22 I --

23 MR. TERRY: The State has currently
24 requested that 25 percent go for clean energy.

1 MR. SCHABACKER: So I think this might
2 have been what kind of kicked it in gear.

3 MR. TERRY: This has certainly kicked it
4 in gear, but, again, the State hasn't mandated that
5 anything close.

6 MR. SCHABACKER: And then I've got another
7 question.

8 MR. TERRY: So that's -- that's the
9 problem. I totally agree that it's good to build
10 clean energy in the state, although it should have
11 the mandate with it that dirty energy be closed.

12 MR. SCHABACKER: Sure.

13 MR. TERRY: But adding more without
14 closing the other, especially in a state where
15 demand is flat and decreasing, causes problems.

16 MR. SCHABACKER: And, you know, you talked
17 about solar is, you know, just pretty much in the
18 daytime. Have you heard of any -- because this
19 would be in your field, I would think, of any new
20 technology for battery storage that they're
21 developing?

22 MR. TERRY: I certainly do battery
23 research as well. Unfortunately, battery research
24 is chemical, and chemical storage is roughly fixed.

1 So do I think battery storage is really going to
2 solve the electricity problem? Probably not. There
3 are other types of storage that might. So, for
4 example, you can use electricity and what's known as
5 the Sabatier process to make synthetic natural gas.
6 We know how to store natural gas, so that's another
7 means. But the question is when are these
8 processes, when are these new batteries going to
9 come out? Are they going to come out over the next
10 20 years during the lifetime of the solar plant?
11 Probably.

12 MR. SCHABACKER: That's why I thought to
13 at least kind of ask you, because I've heard some,
14 you know, a little bit. I do a little reading, and
15 I saw something on new technology for some battery
16 storage for the -- because of the issues that you
17 brought up, the solar. That's why I thought you'd
18 have some information maybe, and I'd just, you know,
19 run it by you, see what you thought.

20 MR. TERRY: No. For better or for worst,
21 most of the battery experts don't think there's
22 going to be tremendous breakthroughs where you're
23 going to get an order of magnitude in storage. You
24 might get a factor of two; if you're really lucky, a

1 factor of three, but these are all kind of small
2 changes. And so the scale of the problem, being
3 able to time shift electricity, for the demand in
4 the U.S. really the best storage mechanisms we have
5 right now are pumped hydro. So, for example,
6 Missouri has huge pumped hydro, and so they can
7 basically have an artificial lake at the top of a
8 hill, and so as the electricity isn't used at night,
9 they pump water back up the hill, and that is our
10 best storage right now. That is far better than
11 batteries. My guess is that's going to be far
12 better than batteries for all of our lifetimes.

13 MR. SCHABACKER: Thank you, Jeff. That
14 little part you just gave me is interesting about
15 the pumping of the water. I'd never heard of that
16 one.

17 MR. TERRY: No, pumped hydro is by far the
18 largest amount of storage we have for energy right
19 now.

20 MR. SCHABACKER: Thank you, Jeff.

21 CHAIRMAN VAN LAAR: Any other questions
22 from the board?

23 MS. KRUMM: Yes. I'm just trying to
24 figure out, and you talked about your dips and

1 everything.

2 MR. TERRY: Would it help to show you the
3 curve? I have it right here.

4 MS. KRUMM: Okay. Thank you.

5 CHAIRMAN VAN LAAR: Looks like the back of
6 a duck.

7 MR. TERRY: It really does.

8 CHAIRMAN VAN LAAR: From the tail to the
9 head, right?

10 MR. TERRY: That is it, yes. So this
11 (indicating) is the duck curve.

12 MS. KRUMM: Oh, yeah.

13 MR. TERRY: And so in 2012 before they
14 built a lot of solar -- and I'll try and hold this
15 (indicating) up. I'm so sorry I didn't get this
16 connected, everybody, but -- so this was what --

17 MS. KRUMM: Do you want to come and see,
18 Steve?

19 MR. SCHABACKER: Sure.

20 MR. TERRY: It's easier for me to move.

21 MR. SCHABACKER: Oh, yeah. It looks more
22 like a goose.

23 MR. TERRY: Yep.

24 MR. SCHABACKER: I can see that now.

1 MR. TERRY: No, as it's going down, it
2 does look more -- it started off as a duck where it
3 was smaller.

4 MS. KRUMM: Okay. So --

5 MR. TERRY: But this is the problem. So
6 as solar generation increases, the conventional
7 generators lose out in the middle of the day. So
8 this (indicating) is the curve at night. It comes
9 down. They have to ramp down because you can't over
10 generate because you have to use electricity because
11 we -- we really don't have storage.

12 MS. KRUMM: So that's what I'm trying
13 figure out. We're getting all this extra -- we're
14 getting all this extra electricity that we don't
15 need, and you can't store it. So we're really
16 getting solar for selling to somebody else.

17 MR. TERRY: Yes, that is correct, because
18 Illinois --

19 MS. KRUMM: And is that supposedly going
20 to make us wealthier if we do this? Is that why we
21 do it?

22 MR. TERRY: The problem is you have to
23 find somebody to buy it. And so the problem --

24 MS. KRUMM: Who buys it?

1 MR. TERRY: Well, that is the problem
2 because other states in the area don't have --

3 CHAIRMAN VAN LAAR: Can those in the
4 audience please keep your comments very quiet,
5 please?

6 MR. TERRY: I'm sorry, I can walk back to
7 the microphone if that would help.

8 All right. So the question basically
9 is what happens to the solar electricity if there's
10 over generation, and so there are two choices. You
11 can do what's called curtailment where you can just
12 basically do nothing with the electricity, and that
13 is very commonly done with wind turbines. It's very
14 easy to turn a wind turbine off. You just feather
15 the blade so it won't spin. So curtailment is one
16 way. You can just not use the electricity that's
17 generated.

18 The other thing you can do is send it
19 somewhere else where they do need it. So that is a
20 possibility, but that is a harder possibility. And
21 almost certainly that is not something that you can
22 control, because the only way to do that is to build
23 power lines capable of transporting this long
24 distances to somebody who does need it.

1 Unfortunately, power line siting is a nontrivial
2 matter right now. People are -- so from a local
3 standpoint, really if you want to do something about
4 this, you can point the solar panels to delay the
5 peak of generation. You can mandate storage because
6 that's something that can be done. Transmission is
7 a national and an interstate problem because you
8 have to ship. The closest state that has net energy
9 imports is Indiana, so Indiana is probably a hundred
10 miles from here, so you'd have to build at least a
11 hundred-mile transmission line.

12 MS. KRUMM: This -- so what you're saying,
13 if we have too much and we can't use it, then we --

14 MR. TERRY: You curtail it.

15 MS. KRUMM: -- we just don't do anything.
16 So why should we have this? I mean, are we in Boone
17 County located in a good spot to have this kind of
18 electricity that would go someplace else?

19 MR. TERRY: So there are certainly power
20 lines around here. There's no question. So there's
21 certainly a path. As to how congested they are, how
22 close to the maximum they can handle, I don't know
23 for this exact area. But that is certainly a
24 concern is can you take the energy that you're

1 generating and ship it some distance.

2 MS. KRUMM: So then the reason for having
3 these or building these solar things in Boone County
4 right now is because there's this mandate by 2020
5 something or other --

6 CHAIRMAN VAN LAAR: '25.

7 MS. KRUMM: -- that we have the
8 25 percent.

9 MR. TERRY: I can't speak for the company,
10 because I don't know their motives, but if I was --

11 MS. KRUMM: No, I'm not talking about the
12 company.

13 MR. TERRY: If I was building a solar farm
14 in Illinois, it would be for the mandates,
15 absolutely, for the subsidies. There's no question
16 that's why I would build it, because the demand
17 isn't here, and I don't -- as an individual if I
18 were building solar, I don't have the means to buy a
19 coal plant and shut it down. There's no requirement
20 to shut the coal plant down.

21 MS. KRUMM: So where in Illinois is a
22 better spot where they need it?

23 MR. TERRY: There is nowhere in Illinois
24 that is lacking for electricity right now.

1 MS. KRUMM: Thank you.

2 MR. TERRY: Indiana, on the other hand,
3 has been a net energy importer recently. Putting it
4 there may help.

5 MS. KRUMM: Do they want solar farms
6 there? I mean, are the --

7 MR. TERRY: They are building solar farms
8 mainly around Indianapolis, but these are more in
9 industrialized areas. So they have not done quite
10 as much by replacing farmland. So one of the
11 biggest solar farms that just opened in Indiana is
12 right outside of the Indianapolis airport. That, in
13 my opinion, is a very good spot to put solar farms,
14 you know, brownfield sites, old industrial sites
15 around Chicago, I would welcome pretty much all the
16 solar farms you want, because eventually that will
17 push coal out and --

18 MS. KRUMM: So this is kind of like
19 superfluous. We don't really need it.

20 MR. TERRY: Yeah, that's what I would say.
21 I would say generation is not needed to meet demand
22 over a shorter time frame.

23 MS. KRUMM: Thank you so much.

24 CHAIRMAN VAN LAAR: With excess energy

1 being produced, have you heard or would you be
2 afraid of energy dumping, basically grounding it
3 into the ground if the lines can't take it?

4 MR. TERRY: Sure, curtailment certainly
5 happens. I mean, usually it's done with wind first
6 because it's easier to just stop it. Dumping
7 electricity in the ground is not usually the best --

8 CHAIRMAN VAN LAAR: I understand. I
9 understand.

10 MR. TERRY: -- the best way to deal with
11 it. So if you can stop somebody else, it's better
12 to do that, and it's very easy to shut them down.
13 They don't like being shut down because then they're
14 not getting their generation subsidies.

15 So there are tradeoffs to all of
16 these things. This is why I would argue that there
17 really needs to be a more comprehensive energy
18 policy preferably on the national level, certainly
19 on the state level, but I don't see that happening
20 soon.

21 CHAIRMAN VAN LAAR: Okay. Yeah, Steve.

22 MR. SCHABACKER: Yeah, Jeff, you're not
23 from the area here; am I correct?

24 MR. TERRY: No, I just heard about the

1 meeting.

2 MR. SCHABACKER: So I'm just curious, what
3 brings you to the meeting? And I mean that in a
4 very nice way. Just what brings you here? Is it
5 informational on your part or you've been asked or
6 why is it that you come here?

7 MR. TERRY: So, in general, I was told
8 about the meeting, and anytime I can inform people
9 who make policy decisions, I try and do that. So
10 you may not have heard about the Bulletin of the
11 Atomic Scientists, but it's a big publication. I
12 write for them. I write for them because I try to
13 educate as many people as I possibly can.

14 MR. SCHABACKER: So you're just here kind
15 of on your own behalf just to bring in some
16 information; is that correct?

17 MR. TERRY: Yeah, that's correct.

18 MR. SCHABACKER: All right. Thank you.

19 CHAIRMAN VAN LAAR: And you are a teacher,
20 instructor?

21 MR. TERRY: I am a professor at the
22 Illinois Institute of Technology.

23 CHAIRMAN VAN LAAR: Okay.

24 MR. TERRY: So my main area is energy

1 research, so I try and figure out how to make better
2 solar panels, better batteries, better materials for
3 nuclear plants. And the outgrowth of that has to be
4 how do you use these things in the most effective
5 manner in order to provide this clean electricity
6 supplies. So that's -- these are all things that
7 I've done. I also have to work on how cost
8 effectively you can make the energy supply, and it's
9 like economic forecasting as well. So that is one
10 of the things that scares me. It's very easy to set
11 up a system where you have to continuously pile
12 subsidy on subsidy if you don't do this properly.
13 So that is a big concern of mine. We're already
14 seeing that in many cases. Whereas, if you look at
15 New York over this winter, New York and New England
16 has a big problem where they refuse to build
17 pipelines. I understand why people are scared of
18 pipelines. I understand people don't like natural
19 gas. I understand people don't like oil. But the
20 fact of the matter is right now we use a lot of
21 natural gas. We use a lot of oil. We have to get
22 it to people who need to use it.

23 So in New York and New England they
24 have refused to build pipelines because people don't

1 want to put them by their house. That's a big
2 problem because in the winter, people's homes are
3 heated with natural gas, and they build natural gas
4 plants to match up with the renewable power plants
5 to help with the ramping needed. Now, in the
6 winter, the pipelines are filled with gas going to
7 heat people's homes, and you have to, right? We all
8 agree that you have to heat people's homes first
9 before you send natural gas to a power plant because
10 people will die freezing in their homes. But the
11 problem with this, if you don't build more pipelines
12 to deal with this, then the electricity supply
13 becomes at risk, and that happened in New York. So
14 in New York they had to burn diesel fuel, and they
15 actually even had a ship bringing diesel fuel from
16 Russia. They had a ship full of natural gas, a ship
17 full of diesel fuel coming from Russia to power the
18 power plants in New England because we didn't have
19 the means to get fuel there so they could burn
20 because they closed most of their nuclear coal
21 plants already in an effort to be greener.

22 So this is a problem. If you don't
23 take a big long-term picture, it's very easy to put
24 yourself into a bad spot. And so in the Midwest, I

1 would prefer we learn from the mistakes that other
2 people have and make sure we don't repeat those. So
3 that's why I try and speak to as many bodies like
4 this as I can.

5 CHAIRMAN VAN LAAR: Thank you very much.

6 Any other questions from the board?

7 MR. SAVINO: One more.

8 CHAIRMAN VAN LAAR: Yes, Mr. Savino.

9 MR. SAVINO: Are solar panels an efficient
10 way to get electricity?

11 MR. TERRY: Well, that's an interesting
12 question. I guess the answer is efficient compared
13 to what?

14 MR. SAVINO: Yeah, I see what you mean.
15 Is it cost effective?

16 MR. TERRY: The capacity factor of solar
17 is somewhere between 10 and 25 percent. So from
18 that standpoint, no. And one of the big reasons for
19 that is obviously night. You have half the day when
20 solar panels aren't generating.

21 The efficiency of solar panels can
22 go -- among the best of the best, you could probably
23 get a solar panel to have about 50 percent
24 efficiency. So that's not bad for direct conversion

1 of electricity. It's cheap. So the problem with
2 solar isn't cost of generation. It's the cost of
3 making it match up with the way we use electricity.
4 Because we don't use electricity just during the
5 periods when the sun is out, then we have to add
6 things like storage, or we have to have natural gas
7 plants that have the capability of rapidly ramping
8 up, and that costs money. And currently in the U.S.
9 that cost isn't attributed to the cost of the solar
10 plant. It's attributed to the cost of the natural
11 gas plant or the battery storage facility. And so
12 there are other countries where that isn't
13 necessarily the case.

14 So in Australia and South Australia,
15 what recently happened there was they have a
16 state -- so the country of South Australia is almost
17 entirely wind generation, and so they have three
18 feeder lines that go to other parts of the country,
19 other states that are coal generated. And so they
20 rely on the coal generation to stabilize their grid
21 when the wind isn't blowing or when it's ramping up
22 or down. Well, unfortunately, what happened there
23 is a tornado hit these three feeder lines and took
24 them down in multiple places. And so when that

1 happened, the wind turbines didn't have enough
2 spinning mass to keep the grid frequency stable.
3 And so in the U.S. our grid frequency is 60 hertz.
4 You may have heard about 60 hertz, 60 hertz flicker.
5 In Australia, it's 50 hertz. They just picked a
6 different standard. But what happens is when the
7 generators get out of pace, then you can effectively
8 short the generators between each other and cause
9 all kinds of problems, and that happened in South
10 Australia, so they shut their entire state
11 generation down because they didn't have the coal
12 plants to keep it in check. When that happened, the
13 whole state was without power for multiple days. It
14 was horrific on industry because South Australia is
15 the big industrial region of Australia. So they had
16 aluminum smelters where the aluminum froze solid in
17 the smelting system, and that was a multimillion
18 dollar loss basically. It's not totally clear if
19 they'll ever come back from that.

20 That same thing actually happened in
21 Missouri, too, at the Noranda site where they lost
22 power for multiple days, and that smelter did shut
23 down, but they finally reopened about a year ago.

24 But these are not uncommon problems,

1 and we should make sure we learn from them so we
2 don't have to duplicate them here.

3 CHAIRMAN VAN LAAR: Thank you, Jeff.

4 Any questions from the audience?

5 Yes, in the back. I've already sworn you in, Laura,
6 so you can go ahead and ask your questions.

7 MS. KIEDAISCH: We're going to be on a
8 first name basis by the end of the night, huh?

9 Electricity is a commodity; is that
10 correct?

11 MR. TERRY: That is correct.

12 MS. KIEDAISCH: And as such, it's marketed
13 nationwide and even across international lines as a
14 commodity?

15 MR. TERRY: It is marketed and sold over
16 the regions that each independent system operator
17 can push the electricity through. Not all of them
18 have the capability of going international. Not all
19 of them having the capability of going very long
20 distance.

21 MS. KIEDAISCH: Okay. But as the global
22 grid is being recreated, the infrastructure being
23 improved, technology is headed in that direction?

24 MR. TERRY: I have no idea where the

1 global grid is going. I doubt anybody else does.

2 MS. KIEDAISCH: I guess my biggest
3 question is, if you have just received close to a
4 half million dollar grant from the Department of
5 Energy for nuclear materials research, is your
6 interest more vested in the continuation of nuclear
7 as a power source than solar?

8 MR. TERRY: Absolutely not. In fact, I
9 like what Georgia is doing where they're mixing
10 nuclear and solar. I think Georgia has the best
11 energy policy in the U.S. right now. That's
12 certainly the best way to go clean in areas that
13 don't have hydro. So what happens is you have solar
14 that can help fill batteries during the day. The
15 nuclear obviously works better in constant output.
16 So if you want a very clean grid, you could go with
17 nuclear and then have solar based on top of that
18 filling batteries or pumped hydro which would be
19 even better or more likely through the Sabatier
20 process using stored natural -- synthetic natural
21 gas. And you can use that to match the peaking. So
22 I think solar combined with nuclear is the absolute
23 best way for most of the U.S. where you don't have
24 hydro generation. And Illinois doesn't have a lot

1 of hydro just because of the lack of mountains.

2 So, no, I think solar is a great
3 thing. Like I said, I would put solar on every
4 rooftop in the city of Chicago, probably put it on
5 every rooftop in Rockford. My question is, is the
6 best use for it being put onto prime farmland?
7 That's not a decision I personally would make. But,
8 yeah, I would love to see more -- in fact, I would
9 welcome anybody who wanted to come to Chicago and
10 put solar on every building in the city. I think
11 that would be a great use of resources.

12 MS. KIEDAISCH: Thank you.

13 CHAIRMAN VAN LAAR: Anybody else that
14 would like to cross-examine Mr. Terry? Yes.

15 MR. FUNFSINN: I had a couple of
16 questions.

17 CHAIRMAN VAN LAAR: I've sworn you in,
18 Mr. Funfsinn, so go ahead, please.

19 MR. FUNFSINN: I had read a bit about the
20 peak solar hours, and I was wondering -- which are
21 not obviously daylight hours. What -- how many peak
22 solar hours would there be in this region?

23 MR. TERRY: Well, that's -- that's an
24 interesting question. I was looking up numbers.

1 This area gets a little bit more sun here than
2 Chicago does. I'm more familiar with Chicago.
3 Chicago is not well known for its sun. We get about
4 60 days of good sunshine per year. An excellent
5 year it goes up to about 80, and you get into the
6 hundreds of days with some sun. What I was looking
7 at here, it was a little bit higher, probably closer
8 to 100 to 120 days of sun. I don't know how
9 accurate those numbers are. I'm sure you would have
10 a much better idea than I how often it's sunny out
11 here, because I don't make it out here as often,
12 but -- so it strongly depends on that. But,
13 obviously, it's going to be better in the -- you're
14 going to get more generation in the summer than in
15 the winter just because of the height of the sun.
16 So the bulk of your generation from your solar
17 panels are going to be here in the summer, and there
18 are a number of cloudy days in the summer in Chicago
19 at least.

20 On the other hand, the nice thing
21 about this is wind generation in the Midwest craters
22 in the summer. So wind is nonexistent -- we all are
23 familiar with calm summer days, and so the solar
24 generation really helps with that in terms of the

1 summer because wind disappears. You get almost no
2 wind generation in July, August and September.

3 MR. FUNFSINN: Is Georgia an exporter or
4 an importer of electricity?

5 MR. TERRY: Georgia right now is right at
6 the border. And so the difference with Georgia is
7 people are moving there, and so the demand is
8 forecast to increase. Obviously, the difficulty
9 with demand projections are who knows what's going
10 to happen in the future, but my guess is I expect
11 people to continue moving out from the northern
12 Midwest where it's cold and probably still going to
13 the south. So I expect that Georgia will need the
14 extra power in the near future.

15 MR. FUNFSINN: I had read someplace,
16 several places, but there was a study that solar --
17 that compared on, I guess, a per kilowatt hour basis
18 with like nuclear, that it's 300 times more toxic
19 than nuclear because of the electronic waste and
20 also the manufacturing specifically in Asia or
21 China. I think there's a gas that's 17,000 times
22 more potent than CO2. So I guess the question I had
23 was, would you be able to address that?

24 MR. TERRY: So one of the problems that

1 the popular press has is they're not very good at
2 translating actual scientific results into
3 headlines, and they tend to put interesting what
4 I'll call click bait to get hits on their articles
5 to get you to read them. Having spent a lot of time
6 making both solar plants and nuclear -- not solar
7 plants -- solar panels for research and nuclear
8 fuels, I'm not going to eat either one of them.
9 Both have very highly toxic materials that get used.
10 That doesn't mean we can't handle them safely.
11 There are people who have studied and trained all
12 their lives to handle these things.

13 Do some places do a worse job of it
14 than others? Absolutely. China, not very good with
15 its environmental quality control, there's no doubt
16 about that. There are toxic lakes that basically
17 have had almost everything in them killed because --

18 CHAIRMAN VAN LAAR: So is there -- yeah,
19 just answer the question between the two, between
20 the two energy producers.

21 MR. TERRY: Is it 300 -- is one 300 times
22 worse than the other? No. Absolutely not.

23 CHAIRMAN VAN LAAR: Okay. Next question.

24 MR. FUNFSINN: I guess based on -- with

1 respect to manufacture in China, I know that there
2 are manufacturers in the U.S., some manufacturers in
3 Europe. In the U.S. they were just boosted, I
4 believe, by tariffs on the Chinese panels.

5 CHAIRMAN VAN LAAR: A question.

6 MR. FUNFSINN: Would you recommend a
7 particular source for solar panels versus the U.S.
8 and China or Europe if they're ecologically more
9 concerned as far as toxicity and pollution?

10 MR. TERRY: From an ecological impact
11 statement, you're better off buying from within the
12 U.S. because the U.S. has much better environmental
13 laws on how to handle the waste stream. I don't
14 know if there's any easy way that one could actually
15 verify that though. I mean, you could certainly
16 monitor the suppliers in the U.S. It would be very
17 hard to see what's happening in China.

18 MR. FUNFSINN: If the manufacturer or a
19 manufacturer of solar panels in China asserted that
20 panels were free of lead or free of toxins, is
21 that -- is that very trustworthy? Is that very
22 accepted in the industry that it would be free of
23 lead and toxins?

24 MR. TERRY: I haven't analyzed any solar

1 panels for lead, so I have no idea.

2 MR. FUNFSINN: I just asked that because I
3 remember that there was an issue.

4 CHAIRMAN VAN LAAR: He didn't talk about
5 toxicity.

6 MR. FUNFSINN: One last question about the
7 Future Energy Act. This is the last question. It's
8 very fascinating about the power plants and the lack
9 of closures, the lack of requirements. Now I used
10 to, you know, read about Northern Illinois nuclear,
11 Southern Illinois coal, and politically that there's
12 a lot of politics that goes on between Northern
13 Illinois and Southern Illinois. And I was
14 wondering, if your opinion of the Future Energy Jobs
15 Act, which is -- that has spurred this growth of
16 solar, would you say that that is more than anything
17 a work of politics to try to be green, I guess, to
18 try to be --

19 MR. TERRY: Almost all energy policy,
20 laws, rules, regulations, have a strong political
21 component in them. There's no way to hide that.
22 That's the way the U.S. policy works. Is the Jobs
23 Act the law I would have written? Absolutely not.
24 I would have allowed for the addition of clean

1 energy supply and made it commensurate with the
2 closing to keep the energy balanced here in the
3 state of Illinois.

4 MR. FUNFSINN: Thank you.

5 So just one clarification. So it's
6 your opinion that there wasn't a lot of thoughtful
7 consideration as far as the market --

8 CHAIRMAN VAN LAAR: That's really an
9 opinion from that standpoint.

10 MR. TERRY: Well, I was involved with it,
11 so I will say there was a lot of thoughtful
12 consideration that went into that law. They
13 deliberated very hard and to get something done in
14 time to ensure a relatively clean future in
15 Illinois. I think they did the best that they
16 could. It's not what I would have wanted, but, you
17 know, in politics you don't always get what you
18 want. You get the best outcome. So having spent a
19 lot of time down there discussing with people, yeah,
20 they certainly deliberated very significantly. So I
21 wouldn't want to imply that they did not. It's just
22 not the one I would have liked to have seen. I
23 think it could have been -- from a scientific
24 standpoint, it could have been better. From a

1 political standpoint, it was probably as good as it
2 was going to get.

3 MR. FUNFSINN: Thank you.

4 CHAIRMAN VAN LAAR: Any other questions?
5 Yes, could you come forward, please. State your
6 name and address for the record, please, and let me
7 swear you in.

8 MS. DUTCH: Deb Dutch (phonetic), 6750
9 Blaine Road, Poplar Grove, Illinois.

10 (Ms. Dutch was sworn.)

11 MS. DUTCH: I just got one question,
12 actually two. Were you reimbursed to come here
13 tonight, and if you were, by who?

14 MR. TERRY: Nope.

15 MS. DUTCH: All on your own?

16 MR. TERRY: All on my own. I was out at
17 Fermilab before coming here. It was an easy jaunt
18 over.

19 CHAIRMAN VAN LAAR: Any other questions
20 from the audience? Yes. I'll swear you in this
21 time again. Name and address, please.

22 MR. DOWNES: Brennan Downes, One North
23 State Street, Chicago, Illinois.

24 (Mr. Downs was sworn.)

1 MR. DOWNES: Okay. Just a clarification
2 on a couple of issues only because you asked a
3 question, and I didn't think it got answered the way
4 it should have. Not your fault, it just was passed
5 over.

6 CHAIRMAN VAN LAAR: You can ask the
7 question.

8 MR. DOWNES: Sorry. When you talk about
9 curtailing and you said do nothing with the energy,
10 you were not -- were you suggesting it's going into
11 the ground?

12 MR. TERRY: No.

13 MR. DOWNES: Okay.

14 MR. TERRY: No. In fact, that's a
15 terrible thing to do.

16 MR. DOWNES: Okay. Have you ever heard
17 of -- I mean, that's not a common practice?

18 MR. TERRY: I don't know anybody who would
19 do such a thing.

20 MR. DOWNES: Okay.

21 MR. TERRY: I can't say it's never
22 happened, but that would be an incredibly dangerous
23 thing to do.

24 MR. DOWNES: So do you know how it would

1 typically be done for a solar project?

2 MR. TERRY: For solar it's typically
3 disconnected from the grid.

4 MR. DOWNES: So I just wanted to clarify
5 that point. And were you -- you weren't suggesting
6 a whole new transmission line was going to be built
7 to Indiana from this site?

8 MR. TERRY: No, no. I don't think you
9 could possibly site that.

10 MR. DOWNES: Right. You were talking
11 about --

12 MR. TERRY: It would be nice if you want
13 to do it, but -- sure.

14 MR. DOWNES: You would want to do a whole
15 line for a small 2-megawatt?

16 MR. TERRY: We're going to at some point
17 have to connect all these small things. And so,
18 yes, that's going -- I can't imagine that this would
19 be the only solar plant built in Illinois.

20 MR. DOWNES: Right.

21 MR. TERRY: And so, yes, if you're going
22 to build one, you know, obviously no one is going to
23 do that, but I can't imagine you would only build
24 one. Maybe your company, I don't want to slight

1 your company, but ultimately there will be more than
2 one of these solar plants built, and that's going to
3 require transmission to get it to where it's needed.

4 MR. DOWNES: So when a project is
5 interconnected, they have to go through an
6 interconnection process. Would you imagine that
7 when they go through an interconnection process,
8 that they're paying for upgrades that are needed to
9 make sure that the electricity goes where --

10 MR. TERRY: Who in particular?

11 MR. DOWNES: The project owner.

12 MR. TERRY: That's a good question. One
13 could easily imagine a scenario where that fell onto
14 the project owner. One could imagine a scenario
15 since -- I think that would be a very tough sell for
16 most project owners unless they have multiple sites.
17 But if you have a bunch of individual project
18 owners, I think eventually it's going to have to be
19 that there's a national transmission infrastructure.

20 MR. DOWNES: I'm talking about at a local
21 level.

22 MR. TERRY: On a local level?

23 MR. DOWNES: To interconnect, that you
24 have to pay to interconnect.

1 MR. TERRY: To interconnect to some
2 hypothetical new interstate transmission, sure, that
3 could easily be done by the local entity.

4 MR. DOWNES: All right. And --

5 MR. TERRY: Although I could make a case
6 for it being paid for by the transmission entity,
7 but I expect that would be done locally.

8 MR. DOWNES: Okay. And you do know that
9 this project is a tracker project?

10 MR. TERRY: Uh-huh. (Affirmative
11 response.)

12 MR. DOWNES: Okay. So when you suggested
13 that it should be a tracker project, you were --

14 MR. TERRY: Just saying that that, at a
15 minimum, is -- well, at a minimum facing west,
16 tracking is much better.

17 MR. DOWNES: Okay.

18 CHAIRMAN VAN LAAR: You all set?

19 MR. DOWNES: Yeah.

20 CHAIRMAN VAN LAAR: Very good.

21 Anybody else from the audience? Yes.

22 MS. FUNFSINN: Beth Funfsinn.

23 CHAIRMAN VAN LAAR: Address, please.

24 MS. FUNFSINN: 14200 Laube Road, Durand,

1 Illinois.

2 (Ms. Funfsinn was sworn.)

3 CHAIRMAN VAN LAAR: Thank you, Beth.

4 MS. FUNFSINN: If there should a fire at
5 this facility, how dangerous is it for the
6 firefighters to go in? What do they need to know?

7 MR. TERRY: So that's an interesting
8 problem. Fire is a much bigger issue for rooftop
9 solar.

10 CHAIRMAN VAN LAAR: Excuse me. Beth, that
11 was not part of his -- what he talked about. So
12 it's hard to cross-examine something that he did not
13 talk about.

14 MS. FUNFSINN: Okay.

15 CHAIRMAN VAN LAAR: Okay. I'm sorry, but
16 that's --

17 MS. FUNFSINN: That's fine.

18 CHAIRMAN VAN LAAR: -- the way it is.

19 MS. FUNFSINN: Okay. Thank you.

20 CHAIRMAN VAN LAAR: Anybody else? Any
21 more from the board?

22 MR. TERRY: Going once.

23 CHAIRMAN VAN LAAR: Thank you very much
24 for your time.

1 MR. TERRY: Thank you. I appreciate you
2 listening.

3 MS. KRUMM: Thank you.

4 CHAIRMAN VAN LAAR: I have two more up
5 here for evidence. I have -- I saw Susan had walked
6 out. Do you know if she may be in the restroom
7 or --

8 Why don't we -- I think, Beth, you're
9 up for evidence?

10 MS. FUNFSINN: Yes.

11 CHAIRMAN VAN LAAR: All right. Why don't
12 you step over here (indicating) and I'll swear you
13 in.

14 MS. FUNFSINN: Okay. Do you want me over
15 here (indicating) or over there?

16 CHAIRMAN VAN LAAR: Over here
17 (indicating).

18 MS. FUNFSINN: I need to pass out these
19 (indicating) things to you guys. There's a packet
20 for each one of you, and then one there.

21 CHAIRMAN VAN LAAR: Okay. I swore you in,
22 so you're all set.

23 MS. FUNFSINN: Okay. First I want to talk
24 about this graph. This is from the American

1 Institute of Health, and this shows a power line
2 with 765-kilovolts of line, and then it shows the
3 effects at a distance away from that power line.
4 Now, these solar panels they told us would be
5 two-megawatt, which would be two -- two million
6 watts. Okay, so distance, you'll see on your graph
7 there, of distance of 50 meters all the way up to
8 2,000 meters. 2,000 meters -- a meter is
9 39.7 inches for each meter. That would be
10 6,666 feet. Now, the solar panels from the distance
11 coming from the Highway 76 to the field line behind
12 that was 1435 feet. I believe that's at the halfway
13 mark of the mile. I believe that the distance
14 between the 76 and Poplar Grove Road is one mile
15 distance. So you're talking 1435 feet to that
16 half-mile mark, then the distance of a half mile,
17 and it's 6,666 feet is going to put the effects of
18 this solar farm right at the North Boone School and
19 have the North Boone High School and the junior
20 high, I believe, and there's 799 students and staff
21 at school with -- well, 799 students and teachers.
22 That doesn't include all the working staff. So I
23 wanted you to be aware of what the health effects
24 are. So 2,000 meters would be 6,666 feet. And I

1 put it right in the building. This is the graph.

2 This is from the American Institute of Health.

3 Okay. And then in the packet. There
4 just aren't very many solar plants in Illinois. The
5 only one that we know of and that's still in the
6 state and not next to a sewer treatment plant is
7 outside of Streator, and as you will hear, there's a
8 lot of distinctions between that plant, its
9 location, and this proposed site in Boone County.
10 Unfortunately, there are very few people in this
11 state or Wisconsin who have direct experience with
12 living by a solar plant, and possibly no one whose
13 property can be studied to assess exactly what close
14 proximity to a solar plant does to property values.
15 This is why it has been so hard to find anybody who
16 can come to these meetings to speak on this topic or
17 present evidence, and that has been true in all of
18 the other counties in Illinois that we're aware of
19 that have to deal with this issue in the last few
20 weeks or months.

21 When Borrego presented here a month
22 ago, there were a couple, maybe two pictures in
23 their presentation of a solar plant in Streator.
24 You can see that there was no hedge of evergreen

1 trees around the solar plant to screen the view
2 protecting property values. What you didn't see in
3 those pictures or what was very hard to see, if at
4 all, were the industrial wind turbines just across
5 the street from the project. It's impossible to
6 assess what the Streator solar plant did to property
7 values that the industrial wind turbines a few
8 hundred feet away hadn't already done. And you'll
9 see pictures there with the solar panels and then
10 the windmills close by. As you can see from this
11 view, an evergreen buffer would have been all but
12 moot in Streator. Every adjacent or adjoining
13 property was already in the view shared dozens and
14 dozens of industrial wind turbines. And you'll see
15 a picture of that.

16 In this panoramic view, you can
17 see -- this is on the third page. In this panoramic
18 view, you can see on the right side, the other side
19 of the road is a pond and wet areas. There's also a
20 pond and wet areas on the other side of the solar
21 plant. This property adjoins ponds and wet areas.
22 How this proximity relates to drainage tile is
23 significantly different than the site in Boone
24 County where water may end up within feet of the

1 Streator project, even directly adjoining it within
2 hundreds of feet of Otter Creek. They have an otter
3 creek down there. Ruptured or damaged field tile
4 may be moot in Streator and natural drainage is
5 within feet. This solar plant is also within a half
6 mile, even possibly a third of a mile, from prairies
7 and from very active railroad tracks down this heavy
8 gravel road on the other side of the pond, marsh and
9 creek. This again hinders the possibility of
10 assessing property values and what contributed to
11 this glitch. This site is also many miles away from
12 Streator, and there are no schools within close
13 proximity.

14 Will County, the planning commission,
15 was unable to answer whether there would be any
16 impact on property values because there simply are
17 no projects for comparison that are in the immediate
18 region or even state of Illinois or Wisconsin.

19 This is the first that we've read of
20 pilings being driven seven feet deep into the ground
21 and tile rerouting. Because of the 60 to 70 foot of
22 tile that the project in Boone County will overlay
23 and its proximity to my farm and surface drainage
24 patterns, I'm very concerned. Piles will be screwed

1 or driven into the ground.

2 The number of useful hours per day of
3 solar plant on any given day of the year is far less
4 than the total number of hours of daylight during
5 that day.

6 The first paragraph here before the
7 graphs is a more scientific explanation of peak
8 solar hours. Take a moment to read it. As you can
9 see in the graph, many hours of the day, even after
10 surface -- or even after sunrise and before sunset,
11 aren't particularly useful at a solar plant. This
12 is compounded even further during the solar winter
13 which spans like the 45 days before and after the
14 day of winter. In those months the sun angles
15 particularly low; think long shadows instead of
16 short. Long angles cause sunlight to travel through
17 our atmosphere which filters the sun. The hours
18 that aren't useful at a solar plant are far closer
19 to solar noon in the solar winter months.

20 Cloudiness and fog obviously compound that further.

21 Chicago averages 3.14 hours of solar
22 hours per day. Chicago barely cracks four hours on
23 any day of the year. Presumably at just around the
24 summer solstice, Chicago doesn't even crack an hour

1 and a half on its shortest or darkest days of the
2 year.

3 Thank you.

4 CHAIRMAN VAN LAAR: Thank you,
5 Ms. Funfsinn.

6 Any questions from the board?

7 (No response.)

8 CHAIRMAN VAN LAAR: Any questions from the
9 audience?

10 MR. DOWNES: I have a question.

11 CHAIRMAN VAN LAAR: Sure. If you'd step
12 over here (indicating), Brennan.

13 MR. DOWNES: Thank you.

14 Do you know what the voltage of this
15 project is?

16 MS. FUNFSINN: Are you guys at
17 two megawatts?

18 MR. DOWNES: That's -- that's capacity.
19 The voltage of the project is 12KV versus the 760
20 that you're talking about. I just wanted to make
21 sure that was a point of clarification. That's all.

22 MS. FUNFSINN: Well, we had asked before
23 what was the daily, and they said it was the
24 two million every day.

1 MR. DOWNES: That's the energy. That's
2 not the voltage. It's different.

3 MS. FUNFSINN: Okay. All right.

4 MR. DOWNES: It's an absolutely different
5 measurement.

6 MS. FUNFSINN: Okay. Thank you.

7 CHAIRMAN VAN LAAR: That's the power
8 rating that -- voltage is part of it but not the
9 whole factor of power.

10 MR. DOWNES: It's nowhere near the number
11 that was presented.

12 CHAIRMAN VAN LAAR: Anything else you want
13 done, Brennan?

14 MR. DOWNES: Thank you.

15 CHAIRMAN VAN LAAR: Anybody else? Okay,
16 Joan.

17 MS. KRUMM: I forgot, on these
18 (indicating) pictures of that power plant that is
19 shown here, how -- and I remember when you brought
20 this up before. How far away are we from this? I
21 know you stated that. Anybody remember? In this
22 picture, how many feet are we talking about?

23 MR. DOWNES: That's not our picture.

24 MS. BLUM: That's not our picture, so I'm

1 not sure.

2 MS. KRUMM: No, but you have a picture
3 like it without any turbines, that exact place.

4 MS. BLUM: I don't know if that's an exact
5 place.

6 CHAIRMAN VAN LAAR: Yeah, it doesn't --

7 MS. BLUM: I'd ask you to bring up all our
8 pictures again if you'd like to see them.

9 CHAIRMAN VAN LAAR: Joan.

10 MS. KRUMM: This right here (indicating).

11 CHAIRMAN VAN LAAR: Right. Here, I can
12 show you the exact picture.

13 MS. KRUMM: Okay. Hold on. I want to see
14 the picture.

15 CHAIRMAN VAN LAAR: It's a -- I had it
16 marked out.

17 MS. ROTTMANN: Is this (indicating) it?
18 Or no. Is this it?

19 MS. BLUM: There are two. There's that
20 one and the one above it.

21 MR. SAVINO: There you go. That's the
22 one.

23 MS. KRUMM: Okay.

24 MR. SAVINO: 750 feet.

1 MS. KRUMM: That's 750 feet? Yes.

2 CHAIRMAN VAN LAAR: The one after that or
3 before that is like a thousand or so, yes.

4 MS. ROTTMANN: Correct.

5 MS. KRUMM: Okay. Good. All right. I
6 thought it was the same one. Thank you. I can see
7 it right here on the board in color.

8 CHAIRMAN VAN LAAR: Any other questions
9 for Ms. Funfsinn?

10 (No response.)

11 CHAIRMAN VAN LAAR: You may sit down,
12 ma'am, thank you.

13 Oh, was there another one?

14 MR. FUNFSINN: I just have one.

15 MS. FUNFSINN: This is going to be a tough
16 one. We debate this all the time at home.

17 MR. FUNFSINN: Did you just visit that
18 solar plant?

19 MS. FUNFSINN: Yes, we did.

20 MR. FUNFSINN: And what day was that?

21 MS. FUNFSINN: Oh, I can't remember. It
22 was Saturday.

23 MR. FUNFSINN: That's all.

24 MS. FUNFSINN: Okay. Thank you.

1 CHAIRMAN VAN LAAR: Anybody is else?

2 (No response.)

3 CHAIRMAN VAN LAAR: Ma'am, you may sit
4 down. Thank you.

5 MS. FUNFSINN: Thank you.

6 MS. KRUMM: I'd like to know how many feet
7 this picture was taken, but she doesn't know, does
8 she?

9 CHAIRMAN VAN LAAR: Is Susan Silverhorn in
10 the audience? She was, and she left?

11 UNIDENTIFIED: I think she left.

12 CHAIRMAN VAN LAAR: All right. We do have
13 some here for opinions. Since there's no more
14 evidence to be submitted, the evidence portion of
15 the hearing is completed, and we are going to go
16 into the -- give everybody a chance to have an
17 opinion.

18 MS. KRUMM: I have a question.

19 CHAIRMAN VAN LAAR: Yes, ma'am.

20 MS. KRUMM: Is this letter from Mr. Miller
21 evidence?

22 CHAIRMAN VAN LAAR: It is evidence.

23 MS. KRUMM: Then we aren't done yet.

24 CHAIRMAN VAN LAAR: Okay. Would you like

1 it read?

2 MS. KRUMM: Yes, I would.

3 CHAIRMAN VAN LAAR: It is evidence, so it
4 should all be submitted. It should all be spoken
5 into evidence.

6 MS. ROTTMANN: All right. So we received
7 a letter dated May 4th, 2018. Dear Mr. Chairman Van
8 Laar, my name is Brad Miller. My wife, Sandy, and
9 family live with me at 18360 Highway 76, directly
10 west of the proposed solar farm. We have --

11 UNIDENTIFIED: Excuse me, could you use
12 the microphone?

13 MS. ROTTMANN: I'm sorry. Is that better?
14 Sorry.

15 My name is Brad Miller. My wife,
16 Sandy, and my family live with me at 18360 Highway
17 76, directly west of the proposed solar farm. We
18 have raised five children and have resided at the
19 address since September of 1992. My wife and I have
20 been born and raised in Boone County. My father
21 farmed on Rockton Road. My wife's father was a
22 carpenter in Poplar Grove, and we both graduated
23 with the North Boone class of '76. I'm aware that a
24 zoning hearing is to be held this Tuesday, the 8th.

1 I will not attend this meeting. I have another
2 commitment on Tuesday nights. We are Jehovah
3 Witnesses and have attended Tuesday night meetings
4 at the Belvidere Kingdom Hall for 32 years. Please
5 respect my choice. I have nothing against attending
6 the meeting, but given the choice of which to
7 attend, my family and I choose the Kingdom Hall.

8 As regards -- as regards to my
9 conversation with Mr. Brennan Downes, he presented
10 himself well, but the conversation was not as much
11 concerning my approval of the project, but rather it
12 centered on what the County might or might not
13 approve. Although we moved from Belvidere in 1992
14 for the cornfields to view and not solar farms, if
15 the County decides that, number one, a solar farm is
16 the correct use for prime farmland; number two, that
17 an individual landowner has the right to build such
18 next to his neighbor's fence line, both mine and
19 another property, and not next to his own buildings;
20 and, three, and that a solar farm is in Boone
21 County's best interest, then so be it. The County
22 has been granted the authority and responsibility to
23 weigh the pros and cons and make such decisions. We
24 will respect the decisions made; however, if the

1 decision is to allow for the solar farm to lessen
2 the impact on the country standard of life, it would
3 seem reasonable to request a 500-foot setback and a
4 conifer barrier to absorb both the sound and light.
5 Respectfully, Brad Miller.

6 CHAIRMAN VAN LAAR: That was just read
7 into the record.

8 ATTORNEY MASSEY: Mr. Chair, if I may,
9 we're wondering in the context of any kind of
10 rebuttal evidence, will we have that opportunity?

11 CHAIRMAN VAN LAAR: As an applicant, I
12 will give you that. I'll give you time for
13 rebuttal.

14 ATTORNEY MASSEY: Thank you.

15 CHAIRMAN VAN LAAR: Just make it -- make
16 it --

17 ATTORNEY MASSEY: We want to do that as
18 well.

19 CHAIRMAN VAN LAAR: -- short and sweet and
20 to the point, please. You may do that now before
21 the opinions.

22 Name and address, please.

23 ATTORNEY MASSEY: My name is Mike Massey.
24 Address is 115 Northwest Third Avenue, Galva,

1 Illinois.

2 (Attorney Massey was sworn in.)

3 MS. BLUM: Margaret Blum with
4 GreenbergFarrow, 21 South Evergreen, Arlington
5 Heights, 60005.

6 (Ms. Blum was sworn in.)

7 MS. BLUM: We did want to introduce as
8 evidence a property value impact study recently
9 completed, not for this particular project, but it
10 is something that as of -- I think it was completed
11 May 1st. It was very recent, and it was put
12 together for a similar project in Winnebago County.

13 And just to -- so very briefly, there
14 were five existing solar panel farms studied in both
15 Illinois and Indiana. There were interviews with
16 local real estate brokers, and those brokers
17 supported the report conclusions that there were no
18 difference in price in terms of land value and no
19 impact to time to sale on these properties. The
20 interviews with market participants, including
21 county and township assessors in how the market
22 valuates farmland with views of solar farms, they
23 found no impact. Single-family homes with views of
24 solar farms, they found no impact, and basically the

1 conclusion is the study indicates no measurable
2 impact to adjacent properties in terms of range of
3 sale price, differences in unit sale prices,
4 conditions of sale or overall marketability. And
5 these conclusions were also found in the study that
6 we provided that had been done by Kirkland Appraisal
7 that had been included with our original
8 information. Just thought it would be best to
9 provide something that is more local, and that was
10 something that was brought up this evening.

11 In addition to that, we did want to
12 address the letter that was just read in as
13 evidence, and I guess, you know, a couple of things
14 there. The abutter there indicated their opinion as
15 to what they feel would be an adequate setback, and
16 I have a bit of concern. I guess, my view of both
17 staff and individuals within this community have put
18 a lot of time and effort into establishing the
19 parameters of your draft solar ordinance, and that
20 reflects an established setback of 250 feet from an
21 existing residence. And, you know, this project not
22 only meets the existing ordinance setback which
23 would not require a significant setback, but it does
24 actually exceed the setback requirements of that

1 draft. And I think allowing one person's opinion to
2 sort of dictate a special setback requirement in one
3 instance can actually open up other problems. I
4 mean, I do think that it would seem to me that you
5 all have put a great deal of time and investment
6 into that draft ordinance, and I think, you know,
7 Borrego as an organization has tried to, you know,
8 take that into account in terms of setting this. We
9 are establishing the layout of the solar field in
10 excess of the setbacks.

11 You know, with respect to any sort of
12 screening, there is no screening required by the
13 code, so, you know, we would -- if that is something
14 that is absolutely a requirement, I think Borrego
15 would be willing to work with the abutter to provide
16 potentially some screening on their property. But I
17 think what we tried to demonstrate here is that
18 there's a significant setback. There will be row
19 crops between that abutter and the solar field.
20 They will still see corn, and I think the pictures
21 that we've shown -- and we brought some others as
22 well. I think there was a question about if we had
23 a picture from 250 feet, and we did bring that. If
24 you want to hand me the roll there, we can -- the

1 closest image of the fence is a 250-foot view. If
2 you want to provide that. Just the top copy is the
3 250.

4 But it's our opinion that, you know,
5 when the corn is down, really these facilities do
6 sort of blend into the horizon. They're not red,
7 they're not yellow. They sort of blend in with the
8 bare earth that you see. So we did want to provide
9 you with that picture as well.

10 MS. ROTTMANN: The amount is 250, right,
11 the distance for the picture?

12 MS. BLUM: Yes.

13 MS. ROTTMANN: Okay. I just wanted to
14 make sure.

15 ATTORNEY MASSEY: And I'd like to address
16 the AIMA dynamics to some extent, but for the
17 record -- which is the agriculture impact mitigation
18 agreement. For the record, I was part of that
19 process and that negotiation where there was a
20 balancing of the interests of -- for the Department
21 of Ag, for the Farm Bureau and from the standpoint
22 of the solar companies as well. And a great deal of
23 progress was made in that area.

24 For the record, you're aware that the

1 decommissioning offer that was made was based on
2 that -- on an AIMA approach through the Department
3 of Ag. And so, you know, you have a process in
4 terms of the bond, things of that sort. That's fine
5 as well, but we did offer and -- the context of the
6 approach that was used and negotiated with
7 Department of Ag, with the Farm Bureau as it relates
8 to decommissioning. So that is on the record, and
9 that's what was presented earlier in this case.

10 I also want to talk some about the
11 assessment area as well because I was involved with
12 that also in the context of this thing, and the
13 language -- some language that was left out of the
14 presentation was language specifically drafted by
15 the Farm Bureau in terms of protecting farmland
16 owners. And that is the language that was used in
17 the assessment act -- in the assessment proposal
18 that's before us. So the Farm Bureau language, as
19 it relates to protecting the landowner in terms of
20 real estate taxes, is, in fact, in the proposed
21 legislation. Now it's not passed at this point, but
22 that's one that's being advocated by the Farm
23 Bureau, by the solar companies and working with the
24 assessor.

1 So for the record, we are ready and
2 willing to do AIMA as it relates to decommissioning
3 if that's what you choose to do, or -- and we're
4 also fine with the bond approach that you -- that's
5 part of the condition as it relates now. So I
6 wanted you all to be aware that that's where we are
7 as well.

8 So that's all we want to present.
9 Thank you.

10 CHAIRMAN VAN LAAR: Thank you.

11 Now, for those who wish to express
12 their opinion, we will listen to opinions for three
13 minutes, and I have four people signed up. I'm not
14 sure if they're all -- I think two are here, but I
15 need to call them out. Is Jeff Carlisle here? I do
16 not see him.

17 Brad Stark? I do not see him.

18 I see Jessica, if you want to come
19 forward and have up to a three-minute opinion, you
20 certainly have the time.

21 MS. MUELLNER: Thank you. Here
22 (indicating)?

23 CHAIRMAN VAN LAAR: Please. And I will --
24 it's so easy to throw in evidence once again in a

1 thing, so just if you would bear with me. Give us
2 your name and address, and I'll have to swear you
3 in.

4 MS. MUELLNER: If I'm just giving my
5 opinion, do I still need to be sworn in?

6 CHAIRMAN VAN LAAR: If I hear -- then if I
7 hear evidence, I will shut you out. You can go
8 either way.

9 MS. MUELLNER: Okay. My name is Jessie
10 Muellner. I live at 903 Garfield, Belvidere,
11 Illinois.

12 (Ms. Muellner was sworn.)

13 CHAIRMAN VAN LAAR: Okay.

14 MS. MUELLNER: I've lived in Boone County
15 for a little over 10 years. I really love Boone
16 County. I love its rural character. Because I come
17 to these meetings and I advocate for solar
18 development and I advocated for wind development, I
19 guess there's a perception that I don't see the
20 value and I don't understand the gravity that we
21 have all this beautiful farmland here, but I really
22 do.

23 What I want to just emphasize with my
24 time here is that Boone County is almost 200,000

1 acres of real estate and about -- when you subtract,
2 if you look over at the map over Ken's shoulder,
3 when you subtract out all the areas that are
4 developed with residential and commercial and
5 industrial, it's still about 170,000 acres of
6 beautiful prime farmland in this county, and I'm not
7 suggesting that we put solar panels on every piece
8 of that farmland. That's ridiculous. When you're
9 talking about 170,000 acres of farmland, taking a
10 thousand acres just, you know, for a number, and
11 using it for development of green energy
12 technologies that benefit our children and future
13 generations that add to the tax base in this county,
14 the benefits I think outweigh any deductions that
15 may have come up.

16 I think that from what we've heard,
17 that this company and this field in general is very
18 safe. And forward thinking and recognizing that the
19 whatever maybe just, you know, whatever things that
20 need to be more fully realized, I think they're
21 looking forward to like recycling. They're looking
22 forward to, you know, expanding those technologies
23 and improving on the systems that they've got. I
24 think this is a great direction that we need to go

1 in, and green energy is not something that we can
2 afford to ignore. That's why these subsidies are
3 there, because we need to encourage green energy
4 development. We need to move that way. And
5 sometimes you don't work all the kinks out until
6 you're doing it. But I think we have a good plan,
7 and I think we need to move forward with it, and
8 that I hope the board sees that. I hope that you
9 see that we're all using good information and making
10 a good decision to move forward with this, and it's
11 going to be a benefit to everyone. It's going to
12 add to our tax base, which is huge, because property
13 taxes -- I work in assessment, by the way, and so I
14 know. I sit on the phone every day -- that's my
15 job. I sit on the phone every day and listen to
16 people tell me, what do we have to do? They ask me,
17 what are we going to have to do to control our
18 property taxes? This is crazy. Illinois has kind
19 of become a joke about that, right? Our property
20 taxes are out of control. This is a little bit of
21 the answer --

22 CHAIRMAN VAN LAAR: Thank you.

23 MS. MUELLNER: -- is diversify the way
24 that we pay our -- you know, diversify our tax base.

1 That's a small part of the answer.

2 CHAIRMAN VAN LAAR: Thank you, Jessica.

3 I have one more up here. Beth, you
4 testified. Do you want to have three minutes for
5 opinion or are you all set?

6 MS. FUNFSINN: I'll talk for just a couple
7 minutes.

8 CHAIRMAN VAN LAAR: All right, Beth.

9 MS. FUNFSINN: Okay. One of the things
10 they said when they first came and talked with
11 everybody was that they were looking for an area
12 that was not heavily residential. And then we asked
13 if they knew that there was a school in the area,
14 and they said, no, they did not know that. I'm
15 really thinking we need to protect those two
16 schools. If there's any chance of any stray
17 electricity or anything, they could bother those
18 kids at that school. They deserve our protection.
19 And we've really got to be careful here what we do
20 and where we place these things.

21 So thank you very much.

22 CHAIRMAN VAN LAAR: Thank you, Beth.

23 Aaron Funfsinn.

24 MR. FUNFSINN: I have a few -- a few

1 thoughts and opinion. The first is, this is money,
2 you know, throwing good money after bad. It's
3 China, if anybody is aware, China is the main --
4 it's going to be the main threat to the United
5 States, and, frankly, that's very concerning. You
6 know, I've seen -- you know, there are pictures
7 everywhere of these giant pits of waste in China. I
8 don't understand what's so environmental about these
9 pits of all different manufacturing materials. You
10 know, the fact that it's -- that it's the result of
11 a program, a State initiative, you know, I don't
12 think that this County should follow Illinois off
13 the edge of the cliff.

14 I think it's very fascinating the
15 priorities in Illinois. The priorities aren't
16 there. There's so many rooftops in Illinois,
17 there's so many other places that are not prime
18 farmland, which is just amazing. It's such an
19 amazing fact that nothing is being taken offline.
20 There's no national priority.

21 You know, as far as an evergreen
22 hedge, you know, I just find it fascinating that
23 property values -- you know, we're told even though
24 we have comparisons to suburban Indianapolis, which

1 is growing -- unlike Illinois, it's growing very
2 fast. You know, why not put a property value
3 protection plan in place then, like the Farm Bureau
4 suggested? Why not put it in the plan? Why is
5 there so much resistance to that if it's not going
6 to have any effect on property values? Especially
7 if there's not an evergreen hedge. I would prefer
8 an evergreen hedge, frankly. I think that's
9 perfectly suitable for that. The view shed of that
10 would be sufficient.

11 I find it very fascinating the mill
12 works. All the drain tile situation. 60 to 70 feet
13 of the drain tile, which the natural flow goes
14 towards the back of our farm, 60 to 70 feet of drain
15 tile is still covered in this project. You know,
16 the seven-foot deep pilings, you know, that's just
17 very troubling. The rerouting, the talk about the
18 rerouting of the tile. That was in Will County
19 planning this, the same company. And why is it
20 significant, tile? You know, you have a higher
21 setback, and they talk about, you know, we moved it.
22 Why wouldn't they move it 50 feet more to be clear
23 of the tile? It's like the fence, the eight-foot
24 high fence. They want seven feet. All the other

1 projects in Illinois it's seven feet. You know,
2 what's the issue of moving it to eight feet? Why is
3 the hesitancy? Is it the materials are already
4 acquired?

5 You know, the access drive, it is 18
6 feet. That's one the fire district -- you know, I
7 brought it up already, so these things are already
8 brought up as far as evidence. The Manhattan Fire
9 District, I would presume, in a case fire equipment
10 broke down or if something happened of that nature,
11 I would presume -- I don't know, I'm not an expert
12 in fire, but it's 18 feet, not 14 feet, and Borrego
13 agreed to that in Will County.

14 CHAIRMAN VAN LAAR: All right. Thank you,
15 Aaron. The three minutes are up.

16 Now, it's up to the board. Evidence
17 has been submitted. Evidence is before us. We've
18 listened to hours of testimony, a lot of
19 cross-examining, opinions, and now it's up to us.
20 So if we close the public hearing now, which I would
21 say we can, we may be here until 11:00 o'clock.
22 Joan's not here until 11:00 o'clock. Can we make
23 fast -- can we make fast work of this? That's the
24 issue here.

1 So the rule is, if we close the
2 public hearing, the board, county board must decide
3 on it within 30 days. And so if we close the public
4 hearing now, there's a PZB meeting setup for
5 tomorrow --

6 MS. ROTTMANN: Thursday.

7 CHAIRMAN VAN LAAR: Thursday. Sorry,
8 thank you. And there is a county board meeting set
9 up for next week, Wednesday. So we can -- if we
10 close the public hearing, we have to finish the job
11 tonight.

12 So I will entertain a motion to close
13 the public hearing.

14 MR. SAVINO: I'll make a motion to close
15 the public hearing.

16 CHAIRMAN VAN LAAR: Closing the public
17 hearing, a motion was made by Savino.

18 MR. SAVINO: So if it's seconded, we've
19 still got to vote on it.

20 CHAIRMAN VAN LAAR: Is there a second?

21 MR. SCHABACKER: Yep. I'll second that.

22 CHAIRMAN VAN LAAR: Seconded by
23 Schabacker. Any discussion?

24 (No response.)

1 findings of fact?

2 MR. SCHABACKER: I'll make that motion.

3 CHAIRMAN VAN LAAR: Motion by Schabacker.

4 MR. SAVINO: Second.

5 CHAIRMAN VAN LAAR: Seconded by Savino.

6 Any discussion?

7 MS. KRUMM: I would like to have them
8 read.

9 CHAIRMAN VAN LAAR: Basically it will be A
10 through F. We will not do the recommendations,
11 because that will be something we will have to
12 discuss after this.

13 MS. ROTTMANN: No. 1. The proposed
14 structure or use of the particular location
15 requested is necessary or desirable to provide a
16 service or facility which is in the interest of the
17 public and will contribute to the general welfare of
18 the neighborhood or community.

19 The proposed special use supports the
20 statewide renewable energy initiatives and promotes
21 the Future Energy Jobs Act and the State's Renewable
22 Portfolio. In addition, the proposed development
23 will provide economic benefits in the form of local
24 investments, creation of jobs and tax revenue to the

1 County, as well as grid stability and an option to
2 utilize alternative energy that's currently absent.
3 The site has been selected because it meets the
4 requirements for solar development. This includes
5 relatively little change to the topography with
6 minimal environmental impacts or challenges.
7 Impacts to surrounding properties will be minimized
8 as there is very low-population density surrounding
9 the subject property.

10 Two: The proposed structure or use
11 will not have a substantial adverse effect upon the
12 adjacent property -- adjacent properties, the
13 character of the neighborhood, traffic conditions,
14 utility facilities and other matters affecting the
15 public health, safety and general welfare.

16 As a development with low impacts on
17 the existing land, minimal maintenance and
18 operational needs, and with no access required to
19 utilities such as natural gas, water or sanitary
20 sewer, the proposed use will not have a substantial
21 adverse effect on adjacent property owners. The
22 proposed development does not generate additional
23 public expense for fire protection, rescue or relief
24 as the solar panels are not flammable, nor do they

1 present any risk -- any increased risk of fire. In
2 addition, no pesticides, herbicides or fertilizers
3 will be used which will contribute positively to the
4 surrounding public health and general welfare.

5 Three: The proposed structure or use
6 will be designed, arranged and operated so as to
7 permit the development and use of neighboring
8 property in accordance with the applicable district
9 regulations.

10 The development and supporting
11 operations will continue to permit the surrounding
12 properties to operate in accordance with the
13 applicable district regulations. The proposed
14 development will be of little impact to area
15 traffic. The property will be enclosed with a
16 seven-foot-tall perimeter fence which will be
17 protected with equipment. The structures and --
18 which will protect -- perimeter fence which will
19 protect the equipment.

20 The structures themselves are of low
21 profile and comply with height requirements.
22 Suspension over the ground will allow free flow of
23 air and light through the site and into adjacent
24 properties. The panels themselves are treated with

1 an antiglare and antireflective coating so as not to
2 negatively impact the surrounding area. In
3 addition, minimal noise will be generated by the
4 inverter which is approximately 460 feet from the
5 property line. This will not generate noise beyond
6 existing ambient noise levels.

7 Four: Such other standards and
8 criteria as are established by the ordinance for a
9 particular special use set aside in Section 2.7.4
10 and as applied to planned developments as set forth
11 in Section 2.10, shall apply to the property for as
12 long as the special use permit is in effect.

13 The proposed development has designed
14 in accordance with the development requirements
15 found in the Boone County Ordinance and have
16 incorporated comments from staff and project
17 stakeholders when provided. Development standards
18 and criteria established in Section 2.7.4 will be
19 applied as long as the special use permit is in
20 effect. Conditions and restrictions to
21 nonoperational requirements will be satisfied by way
22 of a final inspection prior to commencement of the
23 special use. All conditions, restrictions and
24 guarantees will be satisfied within a time period

1 agreed upon by the County.

2 Five: The special use shall, in all
3 other respects, conform to the applicable
4 regulations of the district in which it is located,
5 except as such regulations may in each instance be
6 modified by the County board pursuant to the
7 recommendations of the Zoning Board of Appeals.

8 The proposed development generally
9 meets the applicable district regulations, design
10 standards and development criteria, including
11 compliance with setback requirements to surrounding
12 properties.

13 Seven: The potential public benefits
14 of the special use outweigh any potential adverse
15 impacts of the special use after taking into
16 consideration the applicant's proposal and any
17 requirement recommended by the applicant to
18 ameliorate such impacts.

19 The proposed development represents a
20 low-impact development opportunity on the existing
21 land and surrounding landowners. The unique nature
22 of the use being proposed offers the County, its
23 resident and landowners positive economic benefits,
24 including local investment, job creation and

1 additional tax revenue. Additionally, the proposed
2 use will contribute to statewide advancement of
3 renewable energy goals and allow the County to
4 declare its position as a leader in environmental
5 stewardship in the region.

6 Do you want to point out that we need
7 to address that fencing thing?

8 CHAIRMAN VAN LAAR: Yes.

9 MS. ROTTMANN: We'll have to either amend
10 it or take it out or something.

11 CHAIRMAN VAN LAAR: Yes.

12 MS. KRUMM: What was six again? I missed
13 six.

14 CHAIRMAN VAN LAAR: There was no --

15 MS. ROTTMANN: It's F.

16 MR. SAVINO: She started saying one
17 through --

18 CHAIRMAN VAN LAAR: F, yes.

19 MS. ROTTMANN: F: The potential public
20 benefits of the special use outweigh any potential
21 adverse impacts of the special use after taking into
22 consideration the applicant's proposal and any
23 requirement recommended by the applicant to
24 ameliorate such impacts.

1 The proposed development represents a
2 low-impact development opportunity on the existing
3 land and surrounding landowners. The unique nature
4 of the use being proposed offers the County, its
5 resident and landowners, positive economic benefits,
6 including local investment, job creation and
7 additional tax revenue. Additionally, the proposed
8 use will contribute to a statewide advancement of
9 renewable energy goals and allow the County to
10 declare its position as a leader in environmental
11 stewardship in the region.

12 CHAIRMAN VAN LAAR: Well, that and I would
13 like to point out another item that would need a
14 quick correction regarding -- in addition, no
15 pesticides, herbicides or fertilizer will be used
16 which contribute -- which will contribute
17 positively. That, I don't think, is correct.

18 MS. ROTTMANN: We can omit that sentence
19 if you want.

20 CHAIRMAN VAN LAAR: Or the herbicides
21 should be used as needed if there are invasive
22 weeds. They have to be used or our farmers are
23 going to have to take care of them themselves.

24 MS. ROTTMANN: Okay.

1 CHAIRMAN VAN LAAR: So if you want guys
2 want to omit that or correct it as saying as needed
3 for invasive weed issues, it would be up to you
4 guys, but I think to be correct, something's got to
5 be said regarding invasive weeds.

6 MR. SAVINO: If we took out the word "no,"
7 is that what you're saying?

8 CHAIRMAN VAN LAAR: I'm just saying in
9 addition, pesticides, herbicides and fertilizers
10 will be used.

11 MS. ROTTMANN: As needed.

12 CHAIRMAN VAN LAAR: As needed. Okay?

13 MS. ROTTMANN: So taking out "no" and
14 adding "as needed" after the words "used" and
15 "which".

16 CHAIRMAN VAN LAAR: But then how does it
17 become a -- there's no adverse effect? I guess if
18 it's as needed, it should be no adverse effect, so
19 I agree with you. I understand.

20 Okay with that?

21 MS. ROTTMANN: Sure. So taking out "no"
22 and adding "as needed"?

23 CHAIRMAN VAN LAAR: Yes.

24 MS. ROTTMANN: Okay.

1 MR. SAVINO: So one more thing on the
2 findings on that one. If you look up right under
3 line B where it says, "proposed structure or use
4 will not have a substantial adverse effect upon the
5 adjacent property, the character of the
6 neighborhood." Does anybody think this changes the
7 character of the neighborhood? I think it will
8 change the character of the neighborhood, and I
9 would like to add a sentence saying something about
10 it can or will, but we will address the
11 recommendation.

12 MS. ROTTMANN: Which one?

13 MR. SAVINO: The same one we were still
14 working on. So up in the very top line it says,
15 "the proposed structure will not have a substantial
16 adverse effect upon the adjacent property, the
17 character of the neighborhood." To me, it changes
18 the character going from a farm field to a solar
19 farm, so I would like to add something in that says
20 it can or will.

21 CHAIRMAN VAN LAAR: Or it may?

22 MR. SAVINO: Yes. But I don't know how to
23 word that, but I would like to address that in the
24 recommendations. You know what I mean? Because if

1 we don't put it in the finding, I'm saying yes, I
2 agree, it's not going to change, but then all of a
3 sudden the findings -- or in the recommendations
4 there is something.

5 MR. SCHABACKER: Like the immediate
6 neighborhood?

7 MR. SAVINO: Yeah.

8 CHAIRMAN VAN LAAR: Adjacent properties.

9 MR. SCHABACKER: Yeah, contiguous or --

10 MS. ROTTMANN: Say what you want it to say
11 again.

12 MR. SAVINO: I don't know what I want it
13 to say. It can, it will, somehow change the
14 character of the neighborhood, but we will address
15 in the recommendations.

16 MS. KRUMM: What number is this?

17 MR. SAVINO: B.

18 MS. KRUMM: B? I thought --

19 MR. SAVINO: Right here (indicating).

20 MS. KRUMM: I understand. I know, but --

21 MR. SAVINO: That's what we were just
22 talking about.

23 MS. KRUMM: I understand, but the
24 finding --

1 MR. SAVINO: Correct.

2 MS. KRUMM: Okay, got it. Go on. I'm
3 there.

4 MR. SAVINO: Can you do your magic and
5 come up with something for me?

6 MS. ROTTMANN: I'm trying to think, if you
7 put it in just like right after low impact -- that's
8 going to change if you -- this will --

9 (Inaudible conversation between
10 board members.)

11 CHAIRMAN VAN LAAR: Well, if we don't mess
12 Hilary up with talking, the last one, letter F, how
13 can we reconcile that with the LESA score? Because
14 doesn't it say something about -- with the LESA a
15 score of 225.72, I think that's got a problem.

16 MS. KRUMM: Me, too.

17 MS. ROTTMANN: Can you say that again?
18 Sorry.

19 CHAIRMAN VAN LAAR: Yeah. I think -- the
20 proposed development represents a low impact
21 development opportunity on the existing land.

22 MR. SAVINO: Are we on F now?

23 CHAIRMAN VAN LAAR: Yes.

24 MS. KRUMM: Letter --

1 CHAIRMAN VAN LAAR: Letter F, look at the
2 top line of the answer.

3 MS. KRUMM: I know. I know.

4 CHAIRMAN VAN LAAR: The proposed
5 development represents a low impact development
6 opportunity on the existing land and surrounding
7 landowners. On the existing land, to me it has a --
8 it doesn't have a low impact because the LESA score
9 says it belongs in ag. So it has a high impact on
10 farming.

11 MR. SAVINO: I guess I agree with what
12 you're saying. What would be the difference if we
13 had a hundred-acre field and you were putting a
14 house and septic field on it, taking that out?
15 What's the difference? I'm just trying to
16 understand.

17 CHAIRMAN VAN LAAR: Right, right. No, I
18 just -- I'm not -- I'm just --

19 MR. SAVINO: Right.

20 CHAIRMAN VAN LAAR: I'm just throwing it
21 out there because my conscience has to clear this.

22 MR. SAVINO: Yeah.

23 CHAIRMAN VAN LAAR: Okay?

24 MS. ROTTMANN: When we say use, you know,

1 we're taking the intended use of the property. I
2 understand what you're saying about, yeah, this
3 isn't an ag use. Basically we're looking at the
4 content of the land or the LESA score, but if we
5 look at it against other land uses, this is lower on
6 the totem pole. I'm not saying it's the lowest type
7 of land use, but comparative to other things that
8 are higher traffic and are -- just have a greater
9 impact on other resources around it, such as like
10 utilities and public services, you know, that that
11 property would need, that this requires less of
12 that. So an impact on that perspective, so just
13 looking at it from a different lens or with that
14 also.

15 MR. SAVINO: And does this project, being
16 a temporary one with the possibility of being done
17 in 20, 25, 30 years --

18 CHAIRMAN VAN LAAR: Maximum, 40.

19 MR. SAVINO: Right. So really in 40 years
20 it can go back to being farmland.

21 CHAIRMAN VAN LAAR: Would this, being low
22 impact, would that be defined as this property would
23 be -- it will able to be recommissioned back to ag
24 better than if it was a --

1 MR. SAVINO: Factory.

2 CHAIRMAN VAN LAAR: Or something.

3 MR. SAVINO: Right.

4 CHAIRMAN VAN LAAR: A high industrial --

5 MS. KRUMM: You're stretching it now.

6 CHAIRMAN VAN LAAR: I'm just -- I'm
7 looking for -- I'm looking for suggestions regarding
8 that.

9 MS. ROTTMANN: So I was looking up the
10 definition of a low impact development or use, and
11 development which has low negative environmental
12 impact as an enhancer or does not significantly
13 diminish environmental quality. That's just one
14 aspect of the low impact use. Low impact land use.

15 MR. SAVINO: For a development purpose,
16 I'd say this is a low impact personally.

17 CHAIRMAN VAN LAAR: Okay. So you guys are
18 fine with the way it is?

19 MS. KRUMM: I'll never be fine with it, so
20 I'll vote no for that unless we can figure something
21 out.

22 MR. SAVINO: What would you say?

23 MS. KRUMM: I don't know, because it's
24 225.72, and how else -- I mean, that's -- that's the

1 basis for which we make our decisions and has been
2 for a long time. And I imagine this is going to be
3 a problem all the way through, not just with this
4 land. I mean except for the landfill.

5 CHAIRMAN VAN LAAR: Landfill or rooftops.

6 MS. KRUMM: Yeah.

7 MR. SCHABACKER: What do you do when a
8 subdivision comes in on the land that has a high
9 LESA score?

10 MS. KRUMM: Well, a lot of those are zoned
11 differently, too.

12 CHAIRMAN VAN LAAR: Yes. They're zoned
13 residential.

14 MR. SCHABACKER: The zoning, but you're
15 talking about the LESA score, right?

16 CHAIRMAN VAN LAAR: Right.

17 MS. KRUMM: Yeah, but they'll have a high
18 LESA score in a high -- in a residential, and
19 they'll accept that. But this is prime ag land.

20 CHAIRMAN VAN LAAR: See, this is
21 considered ag.

22 MS. KRUMM: This is high prime land.

23 CHAIRMAN VAN LAAR: If this was considered
24 -- if this was zoned industrial, the LESA score

1 wouldn't really make a difference, but it's zoned
2 ag.

3 MR. SAVINO: So I'm on the regional
4 planning commission where we compared this to the
5 comprehensive plan, and part of the concern was
6 taking out farmland, but if we look through, and I
7 forget where it is in my notes, but if you'll give
8 me a second to find it, there's a lot of them in the
9 key community vision which was preservation of ag
10 land. There was all these different pages that
11 listed objective, protect prime ag land. Another
12 objective, require strict adherence to comp plan
13 when re-zoning to minimize the number of variances.
14 Those are all things for it. But then, if I can
15 find my note, there are also -- if you're going to
16 develop, it was to find areas that were along main
17 thoroughfares, either on the ends of towns, or kind
18 of like off by itself. One of the things we talked
19 about, too, was this was a smaller project. This
20 was 12 acres, 14 acres total. So it was basically
21 just taking out of a small part of it, too. So that
22 was part of the comprehensive plan, backing it up
23 that it wasn't that much -- not that much taken out
24 of that. So that was part of the reason that the

1 regional planning commission said yes. So we knew
2 that, too, that it was prime farmland, but we
3 thought this was a small parcel coming out for
4 somebody else's land use that they wanted to use.
5 There wasn't many houses around it, it wasn't
6 affected, so that's why --

7 MS. KRUMM: That goes to precedence,
8 though.

9 MR. SAVINO: What's that?

10 MS. KRUMM: Precedence to take these
11 spots. I'm always against spot zoning, and this is
12 kind of like what it is.

13 MR. SAVINO: That's what special uses are.

14 MS. KRUMM: I understand, but this is a
15 real -- the only thing you said, it is on a major
16 thoroughfare.

17 MR. SAVINO: Yes.

18 MS. KRUMM: But the other two things you
19 mentioned were not applicable.

20 MR. SAVINO: Okay. So I guess as far
21 as -- so back to ours.

22 MS. KRUMM: Ours.

23 CHAIRMAN VAN LAAR: This letter F. So
24 Tony, if I hear you right, the regional planning

1 considered it a low impact because it was -- it was
2 relatively small?

3 MR. SAVINO: Correct.

4 CHAIRMAN VAN LAAR: It was on a main
5 thoroughfare?

6 MR. SAVINO: Correct.

7 MS. ROTTMANN: We weren't changing zoning.
8 It was still A-1.

9 MR. SAVINO: Yes, and that was part of
10 that.

11 CHAIRMAN VAN LAAR: So it will go back to
12 A-1, and it will stay A-1.

13 MR. SAVINO: It can be turned back into
14 farmland.

15 MS. KRUMM: But it's still not zoned, and
16 it's opening up a can of worms in the long run if
17 you do that.

18 MR. SAVINO: Why do you say that?

19 MS. KRUMM: Because I've watched it happen
20 for 20 years or however long. Whenever you set
21 something like this in a small -- you know, we'll
22 let it go through this time, and it's happened here
23 that it just gets stretched a lot.

24 MR. SAVINO: So you think 14 acres becomes

1 25 becomes --

2 MS. KRUMM: No, I'm saying it happens in
3 lots of places, over and over, because, well, I
4 have -- I have 20 acres, maybe I could put it on my
5 20 acres. You know? I mean, it just -- every
6 single time you go that far -- this is a long way
7 from -- this LESA score is a long way.

8 CHAIRMAN VAN LAAR: But isn't that what
9 special use is --

10 MS. KRUMM: Yes, it is.

11 CHAIRMAN VAN LAAR: -- to look at each
12 project or each special use on its own and vote on
13 it on its own merits or demerits?

14 MS. KRUMM: And every time you set a
15 precedence, you have to live with it. And we're
16 going to have to live with it if we do it, and I'd
17 rather see us rezone that property. That's how much
18 I believe in this LESA thing.

19 MS. ROTTMANN: What would you want it
20 rezoned to?

21 MS. KRUMM: Whatever we could get it in
22 on. It would have to maybe A-2 -- I mean I-2. I
23 don't know.

24 MR. SAVINO: I-1 would be more of a little

1 industrial. I mean, it's temporary, so if it is
2 going to pass as one, why not pass it back --

3 MS. KRUMM: Okay, but your temporary can
4 go 30 or 40 years, and we've got little tiny things
5 going on all over the county. It's more spot
6 zoning. We haven't had it, but look at McHenry
7 County.

8 MR. SAVINO: All right. So as far as
9 letter F, I know Joan doesn't like it. Is there any
10 other wording you would want to change?

11 CHAIRMAN VAN LAAR: Steve?

12 MR. SCHABACKER: No.

13 CHAIRMAN VAN LAAR: Do you -- represents a
14 low impact regarding, what you said, regarding
15 environmental impact.

16 MS. ROTTMANN: Right, comparative to like
17 other types of developments that are more strenuous
18 on environmental and facilities and utilities and
19 things like that, that they're --

20 CHAIRMAN VAN LAAR: So we have two
21 changes, right? Actually, three.

22 MS. ROTTMANN: Wait, wait. Can I read --

23 MR. SAVINO: Okay, so we're not changing
24 F, correct? Because the seven-foot fence or

1 whatever --

2 CHAIRMAN VAN LAAR: Seven-foot fence.

3 Then the two in letter -- C is it, or B up top?

4 MR. SAVINO: Yes.

5 MS. KRUMM: We're going to keep it
6 seven-foot fence?

7 MS. ROTTMANN: Okay. So let's go back.
8 So we're at B, and the changes we're making was
9 remove "no," add "as needed," and then the last
10 sentence that I have crafted is, any additional
11 impact will be addressed through conditions of
12 approval. Does that --

13 MR. SAVINO: Yeah, that's fine.

14 MS. ROTTMANN: Okay. And then put
15 seven-foot -- I just want to take -- say property
16 will be enclosed with a permanent fence.

17 CHAIRMAN VAN LAAR: Yes.

18 MS. ROTTMANN: So we'll omit it, and we'll
19 worry about the recommendations more when we get
20 there.

21 CHAIRMAN VAN LAAR: And the fence height
22 would be taken in consideration in the
23 recommendations.

24 MS. ROTTMANN: Conditions of approval.

1 CHAIRMAN VAN LAAR: Yeah, conditions.

2 MS. ROTTMANN: Okay. So I'm omitting
3 just -- property will be enclosed, permanent fence.
4 I'm taking out seven-foot-tall fence.

5 CHAIRMAN VAN LAAR: So we have before us
6 the amended -- or I guess the findings of fact as
7 amended --

8 MR. SAVINO: Yes.

9 CHAIRMAN VAN LAAR: -- to what was
10 originally presented.

11 MR. SAVINO: I'll amend my motion to
12 include these changes.

13 CHAIRMAN VAN LAAR: Okay. And will you
14 second that?

15 MR. SCHABACKER: I'll second that.

16 CHAIRMAN VAN LAAR: Okay. So Mr. Savino
17 will amend his motion to include this, and
18 Mr. Schabacker seconds it. Any further discussion?

19 All in favor say aye.

20 (Whereupon, the ayes were
21 heard.)

22 CHAIRMAN VAN LAAR: All opposed?

23 (Whereupon, no nays were heard.)

24 CHAIRMAN VAN LAAR: Motion carries.

1 Findings of fact are approved.

2 MR. SAVINO: Mr. Chairman, did you want to
3 go down the recommendations, and if somebody has
4 something, they can just say it?

5 CHAIRMAN VAN LAAR: What I would like to
6 put before you at this point is to -- regarding the
7 recommendations, if Hilary would be so kind as to
8 let us know where the draft ordinance stopped in
9 the -- in this recommendation.

10 MS. ROTTMANN: Okay. So changes in the
11 recommendations, so --

12 CHAIRMAN VAN LAAR: Just where the draft
13 ordinance stopped, because I thought -- wasn't there
14 additional recommendations?

15 MS. ROTTMANN: Oh, yeah, yeah, yeah. One
16 second. I believe that -- I think it was 45 -- no,
17 44 would be correct. So 44 through --

18 CHAIRMAN VAN LAAR: 49.

19 MS. ROTTMANN: -- 49 were the new ones
20 that are -- that we added specifically to this
21 project and were not of the draft ordinance shell.

22 CHAIRMAN VAN LAAR: Okay. So what I would
23 propose to begin the discussion here is the draft,
24 what we have here, number -- basically, if I'm not

1 mistaken, No. 1 through No. 43 is the County's draft
2 ordinance with --

3 MS. ROTTMANN: The planning department.

4 CHAIRMAN VAN LAAR: -- the planning
5 department's recommendations. So what I would --
6 what I'm suggesting is that we just start with the
7 original ordinance as is, with none of the planning
8 department's recommendations.

9 MR. SAVINO: Okay.

10 CHAIRMAN VAN LAAR: Okay? And what that
11 does, there's basically two items, No. 7, you go
12 back to the original 250 feet setback instead of the
13 150. And, it impacts No. --

14 MS. ROTTMANN: 11.

15 CHAIRMAN VAN LAAR: -- 11. Then if we
16 don't like these, then we can correct these -- my
17 thinking is correct these with further rec- -- or
18 start crossing things out, but we need to start with
19 a base. And I thought the base of the -- what we
20 received as a draft ordinance from the County should
21 be the base we start with.

22 MR. SAVINO: Okay.

23 MS. KRUMM: Are you going to start with
24 that now with 15 minutes?

1 CHAIRMAN VAN LAAR: We have to finish it.

2 MS. KRUMM: No, we still have the meeting
3 at the end of the month.

4 CHAIRMAN VAN LAAR: That -- even if it
5 was, they -- it would be 30 days --

6 MS. KRUMM: From then.

7 CHAIRMAN VAN LAAR: -- plus -- we have to
8 get this to the county board within 30 days.

9 MS. KRUMM: Because we closed it?

10 CHAIRMAN VAN LAAR: 30 days from today.

11 MS. KRUMM: Oh, boy. Well, okay.

12 CHAIRMAN VAN LAAR: So that's why --

13 MS. KRUMM: We're going to be here all
14 night.

15 CHAIRMAN VAN LAAR: That's what I was
16 hinting at. So --

17 MS. KRUMM: I told you.

18 CHAIRMAN VAN LAAR: So are you guys okay
19 with starting with that as a base?

20 MR. SAVINO: Yes.

21 MR. SCHABACKER: Yes.

22 CHAIRMAN VAN LAAR: All right. So --

23 MS. ROTTMANN: Starting at seven, right?

24 CHAIRMAN VAN LAAR: You have that. We're

1 starting with the original draft ordinance, right?

2 MS. ROTTMANN: Right.

3 CHAIRMAN VAN LAAR: So seven would
4 basically be 250 feet, right?

5 MS. ROTTMANN: Right. I can amend that if
6 you want to amend that.

7 CHAIRMAN VAN LAAR: Yes.

8 MS. ROTTMANN: Okay. So setback --
9 75 feet from right-of-way. Do you -- you guys want
10 40 feet from all property lines?

11 CHAIRMAN VAN LAAR: As a waiver?

12 MS. ROTTMANN: No, no, no, sorry. 75 feet
13 from right-of-way, and then we're going to change 40
14 to 250, is that what --

15 CHAIRMAN VAN LAAR: That's from all
16 equipment excluding --

17 MR. SCHABACKER: That's from all property.

18 MS. ROTTMANN: That's from all property?

19 CHAIRMAN VAN LAAR: Yes, yes.

20 MS. ROTTMANN: I'm sorry, can you guys let
21 me know which numbers?

22 MS. KRUMM: Are we on seven?

23 CHAIRMAN VAN LAAR: We're on seven. And
24 do we have the draft ordinance up here? I think

1 that would be -- and then we have our words.

2 MR. SAVINO: Basically, in your mind,
3 you're saying put the draft ordinance and then --

4 CHAIRMAN VAN LAAR: Put the draft
5 ordinance in place here, and let's start working
6 with that.

7 MR. SAVINO: Which doesn't change their
8 layout.

9 CHAIRMAN VAN LAAR: It does not change
10 their thing, but I needed -- I wanted something that
11 the County had already come to us with.

12 MR. SAVINO: Right.

13 MS. ROTTMANN: I'll keep this going.

14 CHAIRMAN VAN LAAR: And then the other
15 item, I think, was No. 10, is that solar
16 developments with equipment and structures located
17 at least 250 feet away from residential-zoned
18 property -- no, that was -- basically -- this is why
19 I want the --

20 MS. ROTTMANN: So you want the setback
21 section and screening, that's where we're at right
22 now.

23 CHAIRMAN VAN LAAR: Okay. Right here,
24 Joan. It's up there (indicating), setbacks.

1 MS. KRUMM: So it's 250 feet --

2 CHAIRMAN VAN LAAR: Yeah, I'm proposing
3 that we just put this back in because this follows
4 our -- the draft ordinance, okay? And I am
5 proposing that we basically put this screening and
6 fencing in that.

7 MS. KRUMM: Instead of this here.

8 CHAIRMAN VAN LAAR: Instead of this
9 screening and fence, which falls under 8, 9, 10 and
10 11 of what's here.

11 MR. SAVINO: Real quick question I have on
12 the eight feet. I know they mentioned seven. I
13 don't know if it comes in seven-foot rolls or
14 eight-foot rolls, but does seven or eight feet
15 really matter?

16 CHAIRMAN VAN LAAR: That's what we were
17 going to. That was my next suggestion is we start
18 going through Borrego's -- you know, their concerns
19 based off from a base that we have, okay?

20 MR. SAVINO: So this replaces 7, 8, 9, 10
21 and 11. Is that all of them?

22 CHAIRMAN VAN LAAR: Some of them may be
23 the same, but, yes, the setback section and the
24 screening and fencing section.

1 MR. SAVINO: Right, okay.

2 CHAIRMAN VAN LAAR: Right?

3 MS. ROTTMANN: Right. So that's what I
4 have. Seven through 11 we're putting this language
5 in here, and we're looking at this currently.

6 CHAIRMAN VAN LAAR: Right.

7 MS. ROTTMANN: Okay. And then now we're
8 moving on to looking at the Borrego recommendations.

9 CHAIRMAN VAN LAAR: Now, what I'd like to
10 do is, remember last time Borrego gave us a number
11 of concerns, and the first one, Tony --

12 MR. SAVINO: Yeah.

13 CHAIRMAN VAN LAAR: -- goes into -- they
14 were concerned with -- they said seven-foot --

15 MS. ROTTMANN: Hold on. Can we start at
16 the beginning? They started at No. 4.

17 CHAIRMAN VAN LAAR: They start at No. 4?

18 MS. ROTTMANN: Yeah, if you don't mind.

19 CHAIRMAN VAN LAAR: No, thank you.

20 MS. ROTTMANN: They asked if we could
21 remove that, and I'm in favor of that because they
22 have already completed that section in the middle.
23 They provided us with a drain tile survey already,
24 and they've worked with Soil and Water already, so I

1 want to know if you guys are okay with red-lining
2 that and removing it.

3 CHAIRMAN VAN LAAR: Yeah, that's fine.

4 MS. ROTTMANN: All right. Omit 4.

5 CHAIRMAN VAN LAAR: So 4 is X'd.

6 MS. ROTTMANN: Four is omitted.

7 And then we went -- then it starts
8 at 8.

9 CHAIRMAN VAN LAAR: And then letter -- or
10 No. 8, screening and fencing here. They asked for a
11 seven-foot fence as opposed to an eight. Now, that,
12 Tony, comes to your question.

13 MR. SAVINO: Yeah. To me, personally, a
14 seven-foot chain link or eight-feet, one foot, I
15 don't think it matters. I don't know what the
16 benefit of having one more foot would be is what I'm
17 saying.

18 MS. ROTTMANN: I can put it in a little
19 bit of context. So when we were creating our
20 ordinance and I created this giant spreadsheet of
21 like what I found about what each -- everybody --
22 they both decided that they liked Iroquois and
23 Kankakee the best, and that's what they had was
24 eight feet. And Borrego was saying seven because

1 that's what the electrical says, and that's what
2 their model is. So when they make projects, that's
3 what they're using, but they can tell you how it is
4 that -- the statistics of how it's weathering, so
5 that's the -- both sides of that, the Borrego side
6 and the County side.

7 MS. KRUMM: How do you think we will go
8 when we do a text amendment? Will we want to
9 have -- I mean, will we want to have seven or eight?
10 Or will we say not at all?

11 MR. SAVINO: I have no -- seven or eight
12 to me, you're going to stand back a hundred feet and
13 you wouldn't notice a difference unless they're next
14 to each other. I don't know what that one foot
15 does. So, to me, unless there's a reason, I don't
16 see what the reason is. You know what I mean?

17 MS. ROTTMANN: And also the text amendment
18 is still open. It can be edited and changed, so we
19 can -- you know, we all have the opportunity when we
20 bring that case up again to manipulate it and make
21 changes.

22 MS. KRUMM: I still say back to precedence
23 again though. It's all what we decide now is really
24 going to make an impact.

1 MS. ROTTMANN: I know, and I'm not saying
2 we're approving that. I'm just saying the
3 discussion of what we end up working on, and eight
4 was just a number, and that's how we got to that
5 number. It really had no significance.

6 MS. KRUMM: I understand.

7 MR. SAVINO: Do you remember what the
8 reason was for going to seven, that they wanted
9 seven?

10 MS. KRUMM: They wanted --

11 MR. SCHABACKER: That was per the National
12 Electric Code or something.

13 CHAIRMAN VAN LAAR: Yeah, that was the
14 minimum of the National Electric Code.

15 MR. SCHABACKER: That was the standard.

16 MS. ROTTMANN: And what their protocol for
17 their type of development goes.

18 MR. SAVINO: Yeah, I didn't know if there
19 was some other reason. I, personally, am fine with
20 seven. If you guys want to make it eight, it
21 wouldn't hurt my feelings either way.

22 CHAIRMAN VAN LAAR: Joan?

23 MS. KRUMM: I would like it eight, because
24 I think we'll actually go with eight probably.

1 CHAIRMAN VAN LAAR: If I say eight, I'm in
2 trouble.

3 MS. KRUMM: They said if we wanted eight,
4 they would do it, so I don't see what the problem
5 is.

6 CHAIRMAN VAN LAAR: Yeah, they did say
7 that. They did say that.

8 MS. ROTTMANN: You want come back to this
9 one?

10 MR. SAVINO: I think, like you said, their
11 reason for whatever --

12 MR. SCHABACKER: No, we need to make a
13 decision and keep moving.

14 CHAIRMAN VAN LAAR: The only reason I
15 would go -- it doesn't matter to me, but if I was to
16 think of a reason for it, I would have to say that
17 it's in the current -- it's in the draft ordinance,
18 and it was a request from Borrego. They said they
19 would do it. So, you know, it, to me, it
20 shouldn't -- shouldn't -- yeah, doesn't really
21 matter.

22 MR. SCHABACKER: Let's make it seven and
23 move on.

24 CHAIRMAN VAN LAAR: I'm fine with seven.

1 MS. KRUMM: I'm not, but you go ahead, and
2 I'll vote no again.

3 MR. SCHABACKER: Okay, you vote no, we're
4 going to have it at seven.

5 MS. KRUMM: I've done that before.

6 MR. SCHABACKER: All right. So what have
7 we got next?

8 CHAIRMAN VAN LAAR: I had something
9 about -- still under nine, that the plant mix does
10 not exceed leading edge of panel. And what I would
11 like to do is come back to the plant mix --

12 MS. ROTTMANN: Okay. We'll come back to
13 that.

14 CHAIRMAN VAN LAAR: -- okay, because I
15 think we should -- we should specify in another
16 recommendation that Borrego and the conservation
17 district get together to determine the best plant
18 mix for this county.

19 MS. KRUMM: And leave out evergreens?

20 CHAIRMAN VAN LAAR: I'm not saying that.
21 This is -- this is the grassy, weedy, flowery stuff.

22 MS. KRUMM: Okay, okay.

23 CHAIRMAN VAN LAAR: Okay?

24 I have something under 11 which now

1 doesn't really matter because we took that out.

2 MS. ROTTMANN: Well, so that's -- there's
3 two parts to that. They -- when you look at my
4 recommendations, this is not applicable to them, but
5 if you're putting in the text amendment that the
6 county board submitted, this is applicable. So 11
7 is part of that.

8 CHAIRMAN VAN LAAR: Part of what's up
9 there?

10 MS. ROTTMANN: Correct.

11 CHAIRMAN VAN LAAR: So it is applicable.

12 MR. SAVINO: We're basically erasing 7
13 through 11 --

14 MS. ROTTMANN: For right now. I don't
15 know if that's --

16 CHAIRMAN VAN LAAR: For right now, if
17 that's where we're going to end up.

18 MR. SAVINO: Right.

19 MS. ROTTMANN: Moving on.

20 CHAIRMAN VAN LAAR: Moving on.

21 MS. ROTTMANN: We'll come back to that.

22 CHAIRMAN VAN LAAR: Yeah, because I want
23 to suggest something regarding the conifers or
24 regarding that perimeter stuff.

1 Lighting was something that they had.
2 They had requested that --

3 MS. ROTTMANN: This be omitted, that 12 be
4 omitted.

5 CHAIRMAN VAN LAAR: -- 12 be omitted.

6 MS. ROTTMANN: Because they're only doing
7 one light --

8 MS. KRUMM: Not if what they said --

9 MS. ROTTMANN: Okay. So then are you okay
10 with omitting 12, because that's not --

11 MS. KRUMM: I am.

12 MS. ROTTMANN: Okay.

13 CHAIRMAN VAN LAAR: They said under oath
14 they'd have one light.

15 MS. KRUMM: And a motion sensor.

16 CHAIRMAN VAN LAAR: And on a larger
17 project, I'm sure there'd be more lights.

18 MS. KRUMM: Usually.

19 MS. ROTTMANN: So we're omitting 12.

20 CHAIRMAN VAN LAAR: Omitting 12, and
21 they've also asked us to omit 14.

22 MS. ROTTMANN: Because this project is on
23 an IDOT road, so it would -- they would go through
24 the State and not necessarily any of the local

1 County or Township jurisdictions or City municipal
2 roads. So they wanted to know if they could
3 eliminate that. I'm of the opinion that that's
4 correct, that they're going to use the most direct
5 route to get there, and that it's going to be State
6 routes.

7 MR. SAVINO: That's fine.

8 CHAIRMAN VAN LAAR: I would agree with
9 that, but what if that road is closed for some
10 reason? I mean --

11 MS. KRUMM: How would they get there?

12 MR. SCHABACKER: There's no other way to
13 get to it.

14 MS. KRUMM: They're not going to close it.

15 CHAIRMAN VAN LAAR: I mean, to submit
16 something that is already -- that they have
17 already -- I guess my thinking is, if they have a
18 path that they're going to use, and it's all IDOT,
19 just simply submit it us. It's simple. Because
20 they're already going to have to get it from IDOT.
21 And then we know the path they're going to take.
22 That's all.

23 MR. SAVINO: So do you want --

24 CHAIRMAN VAN LAAR: I mean, 14 should be a

1 simple slam dunk for them because they're --

2 MR. SAVINO: They already have it.

3 CHAIRMAN VAN LAAR: They will already have
4 it, and it should be in our file that these are the
5 roads that they're going to take.

6 MR. SAVINO: That's fine.

7 CHAIRMAN VAN LAAR: Are you okay with
8 that, Steve?

9 MR. SCHABACKER: Yeah.

10 CHAIRMAN VAN LAAR: I mean, it's just --
11 it's kind of redundancy, I understand.

12 MR. SCHABACKER: Yeah, that's what I was
13 thinking, too. So if they're already going to do
14 it, that shouldn't be an issue.

15 MS. ROTTMANN: Okay. Who are we
16 submitting it to, the building department or are we
17 submitting this to the highway commission -- or the
18 engineer, highway engineer?

19 MR. SAVINO: Do you normally get it?

20 MR. BLISS: It should come to me.

21 MS. ROTTMANN: Okay. So I'm just going to
22 say we're changing -- omitting -- or we're
23 completely crossing out 14 and rewriting it to say
24 applicant must submit route of construction to

1 building department.

2 CHAIRMAN VAN LAAR: And IDOT's approval.

3 With IDOT's approval.

4 MS. ROTTMANN: Applicant must submit route
5 of construction with IDOT's approval to building
6 department.

7 CHAIRMAN VAN LAAR: Okay. Now we are on
8 23 and 24. Basically it was presented that it's the
9 same language.

10 MR. SAVINO: Because in the end it talks
11 about the restoration of soil and vegetation, same
12 condition as prior to construction, and No. 24 is
13 that the plan includes the cost to restore basically
14 equivalent to land prior to development. So it's
15 kind of the same thing.

16 CHAIRMAN VAN LAAR: It's saying the same
17 thing, I agree. I mean, we can omit one or leave it
18 in. Once again, they will have to --

19 MR. SAVINO: So basically if we eliminate
20 24, 23 will cover it because it says restoration of
21 soil and vegetation.

22 CHAIRMAN VAN LAAR: Sure.

23 MS. ROTTMANN: You know that they asked
24 for the phrasing to be changed, though, correct, on

1 23?

2 CHAIRMAN VAN LAAR: Yes.

3 MS. ROTTMANN: Are we okay with the
4 phrasing changes or do you guys want to not --

5 MS. KRUMM: Which is -- what?

6 CHAIRMAN VAN LAAR: Restoration of soil
7 and vegetation to the same condition, change it to
8 condition equivalent prior to construction.

9 MR. SAVINO: What's the difference?

10 ATTORNEY MAVILLE: I think the issue is --
11 an attorney wrote that -- same condition and
12 identical conditions which are probably going to be
13 impossible to produce.

14 MR. SAVINO: So it's not the same scoop of
15 dirt from --

16 ATTORNEY MAVILLE: Exactly, but conditions
17 equivalent would be something we could --

18 CHAIRMAN VAN LAAR: So with a LESA score
19 of 225.72.

20 MR. SAVINO: Or greater.

21 CHAIRMAN VAN LAAR: Or greater.

22 MR. SAVINO: Then Joan will say yes.

23 MS. ROTTMANN: Can we clarify which one
24 we're keeping and which one we're omitting, 23 or

1 24?

2 MR. SAVINO: I would omit 24.

3 MS. ROTTMANN: Okay. Everybody good with
4 that?

5 CHAIRMAN VAN LAAR: Yeah, 24 basically has
6 that language, conditions equivalent to the land
7 prior to the solar development construction. 24 has
8 that, so we're just going to eliminate 24 and add
9 that to 23.

10 MS. ROTTMANN: Accept the changes made by
11 Borrego with that language, correct?

12 CHAIRMAN VAN LAAR: Accept it, yes. Yes,
13 yes.

14 MS. ROTTMANN: Okay. I just wanted to
15 make sure we're on the same page. Okay.

16 CHAIRMAN VAN LAAR: And I think they
17 have -- or they also have an amendment or a change
18 in No. 26, decommissioning plan. The plan shall
19 include a provision that allows the County to have a
20 legal right to transfer applicable solar development
21 material if abandoned by the owner to a salvage
22 firm. It -- I don't know if I like that as opposed
23 to -- it should be -- it should be based on the
24 triggers, not just the abandonment. It should be

1 based on triggers.

2 MS. ROTTMANN: We can go back to 26.

3 MR. SAVINO: Come back.

4 CHAIRMAN VAN LAAR: The triggers are found
5 in -- 21 is a trigger. Decommission plan of solar
6 panels must occur in the event that they are not
7 used for 12 consecutive months. The operating
8 company and the landowner have six months to
9 complete the decommissioning plan. So would 26,
10 would that be applicable to the -- 26 would only be
11 triggered if 21 is triggered?

12 MR. SAVINO: Why are -- what's the point
13 of putting 26 in there? At this point it's either
14 going to be a lawsuit that the County --

15 CHAIRMAN VAN LAAR: I think 26 would be --
16 it's in there because if it is abandoned, then they
17 have -- then they take ownership of that material
18 and have the right to transfer that material.

19 MR. SCHABACKER: Is it -- does the
20 attorney have --

21 ATTORNEY MAVILLE: If 26 is necessary at
22 all or --

23 MR. SCHABACKER: Yeah.

24 MR. SAVINO: Is it necessary or change the

1 wording?

2 ATTORNEY MAVILLE: I don't think that
3 abandoned is defined in the conditions, so I think
4 the Chair's point is well taken that abandonment
5 should probably be defined or that you use language
6 from paragraph 21, for instance, if the plant has
7 not been in use for 12 consecutive months. That
8 would be logical and probably is what was intended.

9 CHAIRMAN VAN LAAR: 21 is the trigger to
10 start the decommissioning, right? We all agree on
11 that. Now --

12 MS. ROTTMANN: One of them.

13 CHAIRMAN VAN LAAR: One of them, right,
14 but it's still the -- it's that project, that solar
15 project is still the property of the current owner.

16 MR. SCHABACKER: Yes.

17 MR. SAVINO: Right.

18 CHAIRMAN VAN LAAR: Right? So they
19 would -- they would use the decommissioning money to
20 decommission it, or if they finally abandoned it, I
21 think that's where 26 may come in. Now the County
22 has the right to --

23 MS. ROTTMANN: Only in the case of
24 abandonment.

1 CHAIRMAN VAN LAAR: Only in the case of
2 abandon does the County have the right to --

3 MR. SCHABACKER: It says if abandoned by
4 the owner.

5 CHAIRMAN VAN LAAR: I'll try it a second
6 time. I don't know if that made sense. Does --
7 maybe we can ask Mr. Massey if he has an opinion on
8 that.

9 ATTORNEY MASSEY: I think the suggestion
10 if is -- defined abandonment as not fulfilling the
11 trigger, I mean, referring back -- as Karla
12 suggested -- referring back, if you have the
13 12 months and they don't get it done within the
14 6 months thereafter, that's when it's abandoned by
15 definition, and that means you can take over and go
16 from there. I think that's -- kind of that cross
17 definition is a good idea. So I think combining the
18 trigger approach with -- by saying at the end of
19 this period time it would be effectively abandoned
20 or put the trigger elements, as you suggest
21 otherwise, either way. But that is the idea. The
22 idea is to only go there if they don't -- if the
23 company doesn't perform. Because if the company
24 performs, they have the right to get that; but if

1 they don't perform, then you have the right to get
2 that -- whatever you can.

3 CHAIRMAN VAN LAAR: So we can say
4 something about that if -- if the triggers of the --

5 ATTORNEY MAVILLE: I think, what if you
6 added to paragraph 21, a sentence at the end of 21
7 that said that if the operating company and/or
8 landowner does not then complete the decommission
9 plan within six months, the property -- the
10 development shall be deemed abandoned, and then you
11 have a definition of abandoned in 21, and then that
12 word in 26 makes sense. Does that make sense?

13 MR. SAVINO: It make sense to me.

14 MS. ROTTMANN: So adding onto 21, "if
15 operating company or owner does" -- I'm sorry. "If
16 operating company or owner does not comply, the
17 project is deemed abandoned?"

18 ATTORNEY MAVILLE: Does not complete the
19 decommission plan within the six-month period, the
20 project shall be deemed abandoned.

21 MS. ROTTMANN: Shall be deemed abandoned,
22 okay. So if operating company or owner does not
23 complete decommissioning plan within six months, the
24 project is deemed abandoned. We're agreeing to

1 that?

2 MR. SAVINO: Yeah.

3 MR. SCHABACKER: So we're taking out 26?

4 CHAIRMAN VAN LAAR: No.

5 MS. ROTTMANN: 26 stays.

6 CHAIRMAN VAN LAAR: 26 stays with their --

7 MR. SAVINO: We're just adding to it.

8 ATTORNEY MAVILLE: Now we know what
9 abandonment means.

10 CHAIRMAN VAN LAAR: Adding the definition,
11 right? So 26 stands with the -- with the edit.

12 MR. SAVINO: With abandoned by the owner.

13 CHAIRMAN VAN LAAR: Yep. 28. They made a
14 lot of changes here, and this is their
15 recommendation of A, B and C and phasing in the
16 monies over a period of time. 10 percent,
17 50 percent and a hundred percent. I am not in favor
18 of that.

19 MR. SAVINO: Yeah, no, I'm not either. I
20 understand it might cost more, but at the same time,
21 I mean, I've seen projects started and not finished,
22 and I personally would say that during construction
23 or for sure by the time they're finished that
24 something is in place, whether it be a bond or an

1 irrevocable letter of credit or -- the bond is
2 probably the easiest to get, and I would guess it's
3 something that they would rather have, but what do
4 we feel comfortable with? Cash in the bank?

5 CHAIRMAN VAN LAAR: Well, that's --

6 MR. SAVINO: Or the --

7 CHAIRMAN VAN LAAR: I think we need to
8 deal with if we want a graduated phase-in over a
9 period of time to begin with, and that I -- that I
10 cannot vote for taking in the County's
11 consideration.

12 MR. SAVINO: Well, I'm in favor of not
13 doing graduated, having a hundred percent from when
14 they're done, so once it's developed or during
15 development. Like what happens if they're halfway
16 through and they stop? Because downtown right off
17 of -- like Navy Pier, they were going to build a
18 spire years ago. There's a huge hundred-foot
19 circle, six feet deep, that's been there since 2008,
20 2009, whatever. So I'm not saying that's going to
21 happen, but now who pays for that? They're halfway
22 through developing and stop, and there's nothing in
23 place, it seems like we're asking the people. It's
24 probably not going to happen, so what if it does?

1 So is that bond in place from day of
2 construction? Is that something that -- to me, that
3 makes the most sense to protect the County.

4 MR. SCHABACKER: I would think at the
5 beginning construction. What's the time period of
6 construction?

7 CHAIRMAN VAN LAAR: Three to four months.

8 MR. SAVINO: Six months.

9 MR. SCHABACKER: What's the time period of
10 construction?

11 ATTORNEY MASSEY: Approximately four to
12 six, four to seven.

13 MR. SCHABACKER: So what would be the
14 problem with putting it in place at the start? It's
15 only -- your bond?

16 ATTORNEY MASSEY: Well, it's --

17 MR. SCHABACKER: To see that it's done.
18 Get it completed. We're going to ask for a bond
19 instead of a graduation. You want to put something
20 up front. Instead of doing it that way, why don't
21 you just put the whole thing up front?

22 CHAIRMAN VAN LAAR: Up front in order to
23 be able to get a building permit.

24 MR. SCHABACKER: Yeah.

1 MR. SAVINO: That's fine, yeah.

2 MR. SCHABACKER: What's the difference
3 between now or four or six months from now? That
4 should be up front.

5 MS. KRUMM: Are we throwing out escrow?

6 CHAIRMAN VAN LAAR: We're not there yet.

7 MR. SAVINO: That's --

8 CHAIRMAN VAN LAAR: Well, right now I just
9 want to deal with -- with A, B and C, which was
10 Borrego's suggestions.

11 MR. SAVINO: Okay. Right.

12 CHAIRMAN VAN LAAR: So I think we're all
13 in agreement that that is out.

14 MR. SCHABACKER: Yes.

15 MR. SAVINO: Yeah. Graduated, no go. So
16 now it's what method? So bond, irrevocable letter
17 of credit, cash, you know, all set in the bank, or
18 every year they deposit X amount of money until it's
19 enough?

20 CHAIRMAN VAN LAAR: No, that's graduated.

21 MR. SAVINO: Then that's fine, but, I
22 mean, like cash in the bank, you know.

23 The irrevocable letter of credit is
24 probably the easier way for the County. I'm not an

1 expert on either one of them, but I tried reading up
2 to find out. It seems like that's the easiest way
3 to maybe get the money quicker than an insurance
4 company would if there was a bond issue, because now
5 the insurance company is paying out, and they don't
6 want to pay out. An irrevocable letter of credit is
7 probably harder for a developer to get, but we have
8 to decide what's best for the County.

9 CHAIRMAN VAN LAAR: But the cash escrow,
10 if it's in the County's name, it's sitting there.

11 MR. SAVINO: Yeah. And then there's no
12 insurance company to go through or no bank to go
13 through.

14 MR. SCHABACKER: Well, that can be tough.

15 MR. SAVINO: What's that?

16 MR. SCHABACKER: Cash. Cash escrow. That
17 could be pretty tough on the developer. I'm just --
18 I think doing it like a security bond or something
19 like that, but -- but I think -- I can't think of
20 any where any developers come in and put up a big
21 cash escrow for a subdivision or something like
22 that.

23 MS. KRUMM: They can afford it.

24 MR. SCHABACKER: Well, I don't know if

1 they can afford it or not, but --

2 MS. KRUMM: Sure they can.

3 MR. SAVINO: And I think you bring up a
4 good point that we don't do it with anything else,
5 but yet at the same time, in my mind, especially --
6 and I'm not saying I'm for the cash thing or not
7 yet, but a special use is a special development and
8 it's temporary, so it's going to be removed. If we
9 did a subdivision or a factory or something, that
10 building is staying there. It's not planned to come
11 down, so it's not something that gets abandoned.
12 There's still value to it to somebody else, you
13 know, so --

14 CHAIRMAN VAN LAAR: Because it's zoned --
15 it's zoned for that.

16 MR. SAVINO: Right.

17 CHAIRMAN VAN LAAR: Here, this is zoned
18 ag, and it has to be returned to ag if it's
19 abandoned.

20 MR. SAVINO: Right. So I understand it
21 could be expensive to put the cash in the bank, and
22 I don't know if it would kill the project or not.

23 MS. KRUMM: No, it wouldn't.

24 MR. SAVINO: But what is the best

1 protection for the County that we feel comfortable
2 with? To me, obviously, cash in the bank. Is that
3 reasonable?

4 MS. KRUMM: If anything goes wrong, you
5 want to have that money.

6 MR. SAVINO: Right. So you say cash in
7 the bank, Joan?

8 MS. KRUMM: Yeah.

9 MR. SAVINO: Steve, are you comfortable
10 with the bond or what do you think?

11 MR. SCHABACKER: I'm not comfortable with
12 cash. You know, I --

13 MS. KRUMM: How about if you use both?

14 MR. SAVINO: Like half and half you mean?

15 MS. KRUMM: Or some way of doing it.

16 MR. SAVINO: What do you say?

17 MS. KRUMM: I don't know. I can't think
18 this time of night.

19 You can do both. I know you can.

20 MR. SCHABACKER: You know, just on your
21 thoughts, you know, your input, that doesn't mean
22 we're going to agree or do it, but you heard what
23 we're discussing about cash, escrow, whatever. Do
24 you have a comment on that?

1 MR. DOWNES: Sure. Sure we do. You know,
2 if we buy a bond, and that bond is for the amount of
3 decommissioning, and there's a default, then we've
4 bought this bond, but the money will then go to --
5 you know, assuming it's abandoned, will then go to
6 you, according to the bond. And it doesn't matter,
7 that I know of, if there's -- if it's -- if it's
8 abandoned, that money will go to the County. We've
9 already purchased the bond. The bond is purchased.
10 It's there. It's sitting there waiting to be cashed
11 out.

12 MR. SCHABACKER: And the cash part, where
13 they want a cash escrow, what's your thought on
14 that?

15 MR. DOWNES: That is -- that'd be a
16 hardship on the project. That would be -- it's not
17 insignificant at all. And, you know, if you -- if
18 you think about how these projects are financed,
19 that would be a very heavy weight on the project.

20 MR. SCHABACKER: Okay.

21 MR. DOWNES: The bond is sitting there
22 waiting for you to take the money.

23 MR. SCHABACKER: I don't know a lot, but
24 wouldn't -- are they somewhat -- I know they're not

1 the same, but wouldn't that bond be like car
2 insurance, you know, that decommissioning? What's
3 the difference if you have a good bond, if I can say
4 that, or cash laying there in the bank?

5 MR. DOWNES: In my opinion there won't be
6 any difference. You'll be able to take that bond
7 and cash that bond out. We've paid for it.

8 MS. KRUMM: What's the difference in how
9 much money you put up?

10 MR. DOWNES: A bond company is there to --
11 they make a bet, right, that this won't happen, but
12 they are obligated to pay you, and if it's a
13 reputable -- I don't know of any non-reputable
14 companies, but --

15 MR. SCHABACKER: Not to interrupt you, but
16 I think if you make them put that cash down, that's
17 going to kill a lot of the capital it takes to bring
18 a development to --

19 MS. KRUMM: They do a lot of development.
20 I don't feel sorry for a big corporation. I really
21 don't.

22 MR. SCHABACKER: Well, I'm not here to
23 discuss whether I feel sorry for anybody. I'm just
24 down here as a business person.

1 MR. SAVINO: And I don't want to look at
2 it as either a hardship or not, but I want to feel
3 comfortable that we're doing everything we can to
4 protect the County. If we're comfortable with a
5 bond, then so be it. If we're comfortable with cash
6 in the bank -- cash in the bank is obviously the
7 safest way to go if something happened.

8 MR. SCHABACKER: Sure. Sure.

9 MR. SAVINO: The bond, like he's saying,
10 it's a hundred percent. They bought the bond, it's
11 sitting there, but the insurance company's lost its
12 bet. Now they have to come up with the money.

13 CHAIRMAN VAN LAAR: What if the insurance
14 company goes broke?

15 MR. SAVINO: And they can, and will it?
16 The chance is low, but it could, yeah, it's a bond.
17 AIG, look, they got bailed out how many years ago by
18 the government.

19 CHAIRMAN VAN LAAR: Right.

20 MR. SAVINO: So bonds sound good, and
21 they're probably fine, but is it a hundred percent?
22 No. So it's what level of protection do we want for
23 the County? The best? Yes. Cash in the bank, I
24 understand could be expensive, but if something was

1 to go wrong and the decommissioning starts
2 happening, what's the easiest way? We have a
3 checking account at First National or whatever bank
4 in Belvidere, and now, you know, the money is there.

5 MS. KRUMM: And if everything goes fine,
6 they still have their own money.

7 MR. SAVINO: Right, the money's there.
8 It's not like we're stealing it. It's just a
9 20-year waiting period or whatever until the
10 decommissioning or whenever they're going to get
11 that money back.

12 CHAIRMAN VAN LAAR: But, see, I understand
13 the -- Borrego's concern on that because -- well,
14 maybe I was wrong on my thinking.

15 MS. KRUMM: We understand the County's.

16 CHAIRMAN VAN LAAR: It is -- it's money
17 sitting there, of course, that they can't use, that
18 they can't get really any money on.

19 MR. SAVINO: Well, they can get the
20 interest.

21 CHAIRMAN VAN LAAR: They can't get any
22 money on it. Very little.

23 MR. SAVINO: .05 percent.

24 CHAIRMAN VAN LAAR: And they will sell

1 this project.

2 MS. KRUMM: Yeah.

3 CHAIRMAN VAN LAAR: And so that money --
4 does that money transfer to somebody -- the County's
5 name plus the new owner or does that money stay
6 in --

7 MR. SAVINO: It would go with the project.

8 CHAIRMAN VAN LAAR: It would go with
9 project.

10 MR. SAVINO: So if you develop it and sell
11 it to me, now --

12 CHAIRMAN VAN LAAR: So then they're sale
13 price would have to include that cash escrow in
14 order for them to get that money back out.

15 MR. SAVINO: Right.

16 CHAIRMAN VAN LAAR: Something like that.

17 MR. SAVINO: Do you remember what was the
18 cost of decommissioning, roughly?

19 MS. KRUMM: They said 200,000, but then I
20 heard 300,000 today.

21 CHAIRMAN VAN LAAR: Yeah, because of
22 the --

23 MS. KRUMM: 225,000.

24 CHAIRMAN VAN LAAR: So the irrevocable

1 letter of credit, it -- I guess if we were to -- if
2 we were to compromise, irrevocable letter of credit
3 would be the compromise.

4 MR. SAVINO: Probably. It looked like,
5 from what I could tell, and I'm not an expert, it
6 just ties up some possibly other assets they would
7 have. Sometimes, you know, not all the time, but
8 sometimes it looked like you would have to put some
9 massive ties to it. I don't know -- I'm not an
10 expert. It's just what I've read. I was trying to
11 find out the best way. It's sounds like it's a
12 little bit harder to get. It's easier it sounds
13 like to get the money on our side if there was a
14 problem than a bond. It just sounded like it might
15 be a little harder on their end. That's from what I
16 could tell.

17 MR. SCHABACKER: You talked about 50/50
18 or --

19 MR. SAVINO: Like half down, half bond or
20 something. I mean, is that a level of protection?

21 MR. SCHABACKER: That way we both share
22 the responsibility if you look at it that way.

23 CHAIRMAN VAN LAAR: So 50 percent --
24 50 percent of the -- of the total cost or of the --

1 whatever has been determined, 50 percent bond and
2 50 percent cash escrow?

3 MR. SCHABACKER: What do you think of
4 that?

5 MR. SAVINO: No, no, no, I get it. Yeah,
6 I mean, that would probably be better than -- to me,
7 it's better than all bond.

8 MR. SCHABACKER: Right.

9 MR. SAVINO: The bond --

10 CHAIRMAN VAN LAAR: I don't fully like
11 bonds.

12 MR. SAVINO: Yeah.

13 MS. KRUMM: I don't like them.

14 MR. SAVINO: It's probably fine, but I
15 would just hate to see in 25 years --

16 MS. KRUMM: Too many things go wrong.

17 MR. SAVINO: There's not a long track
18 record with this stuff either.

19 MS. KRUMM: That's right.

20 MR. SAVINO: There's not a lot of
21 development you can look at and say, okay, 30, 40,
22 50 years it's -- it's new. There's a rush on it,
23 and I'm not -- I'm not opposed to it, but I'm not in
24 a rush to start saying yes, yes, yes. I would

1 rather be cautious at first. They're the first
2 ones. This thing comes first. And if anything --
3 it might get easier or it might get harder, but I'd
4 rather go slower and make sure we're comfortable,
5 you know what I mean, rather than rush and all of a
6 sudden everybody hates the board back in 2018. You
7 know what I mean?

8 MS. KRUMM: Well, they will anyway.

9 MR. SAVINO: They probably will, but
10 whatever.

11 MS. KRUMM: Steve, you think \$300,000,
12 that's nothing for a company to do this, and I
13 think --

14 ATTORNEY MAVILLE: I think we need to be
15 careful. I'm not sure evidence was presented on
16 that.

17 MS. KRUMM: To me, it's still --

18 ATTORNEY MAVILLE: I think you need to be
19 careful. You need to consider the evidence that was
20 placed just before the board.

21 MR. SAVINO: And, Joan, it's like when we
22 build a house, okay. If I'm building a house, if we
23 built two-, three million houses, someone says you
24 can throw in \$25,000 for --

1 MS. KRUMM: I'm not talking about that.

2 MR. SAVINO: It's the same thing. I
3 understand they're a big company, but I think a
4 hundred million dollars or a billion dollars, you
5 don't know how much of that's profit. So it's hard to
6 say they have a ton of money. Maybe they do, maybe
7 they don't. She's right, don't just generalize they
8 have a lot of money.

9 MS. KRUMM: Okay. Without that, it still
10 is for us to get stuck and have -- if we have 50/50,
11 which is -- that's as far as I would go, but if
12 they -- if it was 50/50 and we lost 50, we would be
13 stuck for -- let's say it's 300,000. We would be
14 stuck for 150,000 in the County.

15 CHAIRMAN VAN LAAR: If the bond --

16 MR. SCHABACKER: If the bond --

17 CHAIRMAN VAN LAAR: If the bond would
18 fail.

19 MS. KRUMM: If it does. But lots of
20 things are failing now.

21 MR. SAVINO: They were failing.

22 MS. KRUMM: They're still failing.

23 ATTORNEY MASSEY: In context of some
24 perspective, more than likely -- in the context of

1 failure, the experience in terms of some of these,
2 whether it's a bond or irrevocable letter of credit,
3 is the safety net there, and Mr. Newhouse kind of --
4 who was here earlier and addressed the group -- is
5 the call ability, which means that if, in fact, you
6 have this amount and if, in fact, it's not going to
7 be renewed, then the document guarantees that that
8 amount will be paid. So that -- let's say that --
9 and that's what you're talking about in terms of
10 irrevocable letter of credit. So the guarantee of
11 financial insurance is call ability, and that's
12 what's been used in wind, that's what's been used in
13 other projects in the state in terms of renewables
14 is that kind of thing. So the typical language, for
15 what it's worth, is an alternative of -- again, the
16 idea is get real financial assurance. That's your
17 concern, an appropriate concern, and it is to have
18 callable documents, whether that's a bond or whether
19 that's an irrevocable letter of credit, so that in
20 the event there's a failure or there's not a
21 renewable, it's going to be there. Then that's your
22 protection, call ability. And that's what's been
23 used in wind and these other places because of the
24 same concerns you have here.

1 The cash dynamic does have a
2 significant impact. I mean, it's the reason for
3 leases rather than acquisitions as it does in most
4 business contexts. So we hope that you would
5 consider, again, real financial assurance in the
6 form of bond or irrevocable letter of credit with
7 call ability. And in the AIMA that's been referred
8 to in the past, there is a definition of financial
9 assurance that basically says that, that the
10 financial assurance is there and will have to stay
11 in place or is replaced. That's -- so if that --
12 for what that's worth, that's the perspective there
13 as well.

14 MS. KRUMM: If that company --

15 ATTORNEY MASSEY: It's not the company.

16 MS. KRUMM: If you sell the company, it
17 still goes with it.

18 ATTORNEY MASSEY: Or they have to get a
19 new one. I mean, the idea is --

20 MS. KRUMM: Who? Who gets a new one?

21 ATTORNEY MASSEY: So if the company is
22 going to be sold to someone else, then either they
23 continue with that -- so, again, the call ability
24 there is if it goes somewhere else and it's not

1 going to be renewed or they're not going to get a
2 replacement for that, then you call it. And you
3 call that amount. That's what you do. And that's
4 your financial assurance.

5 And that, again, is what is in the
6 AIMA. And that's what, again, is in the Department
7 of Ag, the renewable energy companies, they put
8 that -- that's what put that in play.

9 MR. SAVINO: So basically if we go with
10 bond or irrevocable letter of credit, we're saying
11 we're going to trust the bond or trust the bank. If
12 we go with cash in the bank, it's cash in the bank.
13 So it's up to us to decide what we're comfortable
14 with, what we trust.

15 MR. SCHABACKER: What's your comfort
16 level.

17 MR. SAVINO: We did -- on the turbine text
18 amendment, it was money in the bank. There was no
19 letters of credit. There was no irrevocable or
20 bond. It was money in the bank, so --

21 So what else on decommissioning?

22 CHAIRMAN VAN LAAR: Well, we have to -- I
23 mean, right underneath C, the prorated amount of
24 bond shall be based on the engineer. So we're going

1 to have to determine if -- or in 28, right after the
2 second line there, submitted bonds to cover costs of
3 decommissioning as follows, A, B, C and D. So we're
4 going to have to -- if we're okay with bonds, we'll
5 keep that in there, or else we're going to have to
6 amend -- change that. And I would be -- I would be
7 at the point of changing it to developer shall
8 submit 50 percent of the decommissioning cost to --
9 as an escrow account and 50 percent in an
10 irrevocable letter of credit.

11 ATTORNEY MAVILLE: Can I make one
12 comment --

13 CHAIRMAN VAN LAAR: You most certainly
14 may.

15 ATTORNEY MAVILLE: -- that may be helpful
16 in considering the irrevocable letter of credit?
17 The document that was presented, I think it was by
18 the gentleman from the Farm Bureau, the method of
19 financial assurance, I think the definitions of
20 these various sorts of insurance policies are
21 correct. I think they're accurate. If you look at
22 the definition he gave of irrevocable letter of
23 credit, he says it's a financial instrument used by
24 banks to guarantee the legacy's obligation to a

1 beneficiary. If you have cash on deposit with that
2 bank and that bank fails, you're going to lose your
3 cash. If you have -- unless the FDIC steps in,
4 which they do typically. But if you have an
5 irrevocable letter of credit with that bank and the
6 bank fails, you have the same issue. I think --

7 CHAIRMAN VAN LAAR: So don't have them at
8 the same bank.

9 ATTORNEY MAVILLE: Well, that wasn't
10 exactly my point.

11 CHAIRMAN VAN LAAR: I know, but --

12 ATTORNEY MAVILLE: I think these
13 definitions are good and useful, and I do think that
14 these methods, these insurance policies are commonly
15 used in these sorts of situations. It's similar to
16 the way the State of Illinois requires you to have
17 insurance on your vehicle as opposed to \$100,000
18 cash in your savings account to drive a car.

19 MR. SAVINO: So in your opinion which one
20 is safer? Do you know? Do you have an opinion?

21 ATTORNEY MAVILLE: You're talking between
22 like irrevocable letter of credit and a bond?

23 MR. SAVINO: Yes. It seemed like, from
24 everything I can tell, the irrevocable letter of

1 credit was easier for the beneficiary to get the
2 money than the bond since it's coming from the
3 insurance company who doesn't really -- I don't want
4 to say they don't want to pay, but they made a bet
5 and they're losing, where the bank technically, I
6 mean, their risk would be with collecting the money
7 from whoever set up the letter of credit.

8 ATTORNEY MAVILLE: I think an irrevocable
9 letter of credit, I think you're probably correct in
10 your assumption there. I don't -- my personal
11 opinion is that a bond is not going to be
12 significantly less safe.

13 MR. SAVINO: So all that discussion, does
14 it change anybody's mind?

15 I get -- I get the bank fail either
16 way. Cash in the bank I think is still probably the
17 best, but I understand as long as the insurance
18 company doesn't fail, as long as the bank doesn't
19 fail, the money is there. I just -- through the
20 transfers from developer to the purchaser, if
21 something gets lost in that transition, transaction,
22 how do you ensure that's not going to happen? Do
23 you know what I mean?

24 ATTORNEY MAVILLE: I think that's what

1 Mr. Massey was talking about with respect to the
2 bonds for the letter of credit being callable. So
3 at the point the project was transferred from one
4 owner to the second owner, if the second owner is
5 unable to assume that letter of credit, or to get
6 their own letter of credit, the County would have
7 the right then to call the letter of credit and
8 receive the money at that point.

9 MR. SAVINO: Okay. Well, we can put --

10 CHAIRMAN VAN LAAR: Yeah, I can go either
11 way from the -- regarding letter of credit and
12 surety bond. I still want some in the escrow
13 account.

14 MR. SAVINO: So make the proposal. What
15 are you saying?

16 CHAIRMAN VAN LAAR: 50/50.

17 MS. KRUMM: Which two? Escrow and a bond
18 or escrow and letter of credit?

19 CHAIRMAN VAN LAAR: Well, Karla made a
20 good point. If both items are in the same bank and
21 it fails, then our conservative way of looking at
22 this goes down to zero. So I understand that. So I
23 would be willing to go with a bond just to keep it
24 out of the bank's hands.

1 MR. SAVINO: Okay. That's fine. The
2 county board is ultimately going to decide yes or no
3 anyway.

4 CHAIRMAN VAN LAAR: Right.

5 MS. KRUMM: That's true.

6 MR. SAVINO: Okay. 50 percent cash,
7 50 percent bond.

8 MR. SCHABACKER: Yeah.

9 MS. ROTTMANN: So how do I --

10 CHAIRMAN VAN LAAR: No. 28, right at the
11 top, shall submit 50 percent of the decommissioning
12 cost to cash escrow, to a bank of the County's
13 choosing, and 50 percent of decommissioning cost
14 shall be guaranteed by bond.

15 MS. KRUMM: You're not going to go with a
16 letter of credit?

17 MR. SAVINO: No.

18 MS. ROTTMANN: Shall be submitted -- shall
19 be submitted -- the last part.

20 CHAIRMAN VAN LAAR: Shall be submitted --

21 MS. ROTTMANN: By bond? Just by bond?

22 CHAIRMAN VAN LAAR: Yeah, shall be
23 submitted in a surety bond.

24 MR. SAVINO: At time of construction. So

1 if they're halfway through --

2 CHAIRMAN VAN LAAR: No, I think it should
3 be -- not at the time of construction. It should be
4 part of issuing the building permit.

5 MR. SAVINO: Does that matter as far as --
6 well, probably not. They'll probably have financing
7 in place by the time they get the permit.

8 MR. SCHABACKER: It's one in the same. By
9 the time they get their building permit, they're
10 going to be ready to roll.

11 CHAIRMAN VAN LAAR: They should be.

12 MS. ROTTMANN: Prior to issuance of a
13 building permit.

14 CHAIRMAN VAN LAAR: Right, which
15 is already in there, right?

16 MS. ROTTMANN: Right, right.

17 MR. SAVINO: They can bring the suitcase
18 of cash to Drew. He'll make sure they deposit it.

19 CHAIRMAN VAN LAAR: Then I would say
20 here --

21 MS. ROTTMANN: Let me get to the second
22 sentence.

23 CHAIRMAN VAN LAAR: Yeah. I'd say the
24 prorated amount -- the prorated amount for

1 decommissioning shall be based on, okay?

2 MS. KRUMM: What are we going to use for a
3 total?

4 MR. SAVINO: It's whatever the estimate is
5 going to be.

6 MS. KRUMM: When is that going to come in?

7 MR. SAVINO: From the engineer.

8 MS. KRUMM: Okay.

9 CHAIRMAN VAN LAAR: Well, that comes in
10 No. 29.

11 MR. SAVINO: Okay. I was going to say,
12 we'll talk about it.

13 Okay. So we got that cash surety
14 then?

15 We've got to keep moving now. We're
16 against the wall. We'll be happy when we --

17 CHAIRMAN VAN LAAR: Okay. They have also
18 written in here, the County may, but it's not
19 required, reevaluate the estimated cost of
20 decommissioning after tenth anniversary and
21 five years thereafter. I thought that was already
22 in our plan.

23 MS. KRUMM: Are we going with ten-year
24 evaluations?

1 CHAIRMAN VAN LAAR: No. 31 -- 30 --
2 crossed out 30, and 31 has the updated
3 decommissioning plan shall be submitted to Boone
4 County every three years or X amount of years,
5 whatever.

6 MS. KRUMM: Are we doing that now or no?

7 CHAIRMAN VAN LAAR: No, we're not there.

8 MS. KRUMM: Okay.

9 CHAIRMAN VAN LAAR: So I don't know --

10 ATTORNEY MASSEY: Again, I don't think
11 this is applicable at all. We can take A, B and C
12 out, so I think you can just --

13 CHAIRMAN VAN LAAR: All right. Cross that
14 out.

15 MS. KRUMM: Cross what out?

16 CHAIRMAN VAN LAAR: That --

17 MS. KRUMM: I saw where you're talking. I
18 got it here.

19 CHAIRMAN VAN LAAR: Yep. The big
20 paragraph in purple.

21 MR. SAVINO: Yeah, yeah.

22 CHAIRMAN VAN LAAR: Okay.

23 MR. SAVINO: Yep.

24 CHAIRMAN VAN LAAR: Now, 29, decommission

1 plan. At the completion of construction, prior to
2 the issuance of certificate of occupancy, the
3 funds -- we've got to define that. The escrow of
4 the cash -- the cash escrow and bonds must total
5 150 percent of engineer's estimate of total
6 decommissioning cost. That -- we've got to address
7 that.

8 MR. SAVINO: Sure. The 150 percent, I
9 don't know that we have to go 150 percent. Maybe
10 110 percent for 10 percent cost overrun, that would
11 be --

12 CHAIRMAN VAN LAAR: No. 29 or 28? I heard
13 110.

14 (Inaudible conversation between
15 board members.)

16 CHAIRMAN VAN LAAR: I heard 110.

17 MR. SAVINO: I'll go 110 percent.

18 CHAIRMAN VAN LAAR: And I heard 225 from
19 Steve. Oh, no. Strike that, please. Some levity.

20 MR. SAVINO: I get to make sure
21 everything's covered. I -- personally, I'm okay
22 with 10 percent cost overrun.

23 MR. SCHABACKER: Yeah, 110 percent.

24 MS. KRUMM: I don't care.

1 MR. SAVINO: Okay. 110, Brian, do you
2 have a --

3 CHAIRMAN VAN LAAR: I'm okay with 110.

4 MR. SAVINO: So are you looking at the
5 old -- our 29, correct? They're kind of mixed.

6 CHAIRMAN VAN LAAR: I'm not sure, because
7 I'm still looking at -- I'm looking at theirs.

8 MR. SAVINO: Okay.

9 CHAIRMAN VAN LAAR: So I'm not sure -- I
10 take it that theirs is going to be similar, exactly
11 like ours.

12 MR. SAVINO: They're crossing out -- okay.

13 CHAIRMAN VAN LAAR: Yeah, but they've
14 crossed out the total of 150 percent of the
15 engineer's estimate of the total decommissioning
16 cost.

17 MR. SAVINO: Sure. So we're going to have
18 a total of 110 percent.

19 CHAIRMAN VAN LAAR: Well --

20 MR. SAVINO: And not strike that.

21 CHAIRMAN VAN LAAR: Right.

22 Yeah, guys, at the beginning of the
23 decommissioning plan it says, at the completion of
24 construction.

1 MR. SAVINO: Okay.

2 CHAIRMAN VAN LAAR: It should really
3 follow the paragraph above, of obtaining a building
4 permit.

5 MR. SCHABACKER: At the completion of
6 certificate of occupancy.

7 MR. SAVINO: No, it would be at the start
8 of construction or issuance of permit.

9 CHAIRMAN VAN LAAR: At the issuance of
10 permit, right?

11 MR. SCHABACKER: Yep.

12 CHAIRMAN VAN LAAR: Issuance of building
13 permit shall be -- and then take their suggestion,
14 be in place in the amount described in Section 28
15 above, which we just got done defining 50/50, right?

16 MR. SCHABACKER: Yep.

17 MR. SAVINO: Yeah.

18 CHAIRMAN VAN LAAR: So that page is
19 finished. Are you okay with that? Right here, at
20 the completion of the construction prior to issuance
21 of certificate of occupancy.

22 MR. SAVINO: You just cross out completion
23 of construction.

24 CHAIRMAN VAN LAAR: No. Cross out --

1 Mr. Savino, what did we cross out? At the
2 completion --

3 MR. SAVINO: You're talking 29, right,
4 their 29?

5 CHAIRMAN VAN LAAR: Their 29.

6 MR. SAVINO: Yeah, decommissioning plan,
7 at the issuance of building permit, the bond/cash
8 must total 110 percent.

9 CHAIRMAN VAN LAAR: Yes. So cross out all
10 the other words.

11 MR. SAVINO: Correct.

12 CHAIRMAN VAN LAAR: Cross out at the
13 completion of construction and prior to issuance of
14 a certificate of occupancy. Cross that out and say,
15 upon the issuance of building permit, cash escrow
16 and bonds must -- right?

17 MS. ROTTMANN: Sorry. Say it one more
18 time.

19 CHAIRMAN VAN LAAR: Upon the issuance of a
20 building permit, cash escrow and bonds must total
21 110.

22 MS. ROTTMANN: Got it.

23 CHAIRMAN VAN LAAR: Okay?

24 MR. SCHABACKER: Be in place. Must be in

1 place.

2 CHAIRMAN VAN LAAR: They have an ordinance
3 already passed.

4 MR. SAVINO: Yes.

5 CHAIRMAN VAN LAAR: Their 31, the draft
6 ordinance said, an update to this decommissioning
7 plan shall be submitted to the Boone County Building
8 Department every three years and reviewed by the
9 state's attorney. They want us to cross out every
10 three years.

11 MR. SAVINO: Right.

12 CHAIRMAN VAN LAAR: Mainly because -- I
13 don't know what's in their mind, but they were
14 thinking the tiered thing, so that was going to
15 really trigger a lot of that, I would suspect.

16 MR. SAVINO: So do we still want to add
17 every five years or every ten years just because the
18 cost of taking down today compared to --

19 CHAIRMAN VAN LAAR: I don't think every
20 ten years is practical. I would go three or five.

21 MR. SAVINO: I would say five.

22 MR. SCHABACKER: I was thinking five.

23 MS. ROTTMANN: Do you want three to five?

24 CHAIRMAN VAN LAAR: I like three.

1 MS. KRUMM: I like three really.

2 CHAIRMAN VAN LAAR: Now it's -- now it's
3 tied, so I've got to go five. Moving on.

4 MS. KRUMM: Okay. Go ahead. I thought
5 three was best.

6 CHAIRMAN VAN LAAR: Okay. Now 32, they
7 recommend us taking it out.

8 MS. ROTTMANN: You mean 31?

9 CHAIRMAN VAN LAAR: 31. It's the same.
10 So that makes sense to take that out.

11 MS. ROTTMANN: Moving down to 34, per
12 request of Karla, she wants that removed.

13 ATTORNEY MAVILLE: Yeah, Attorney Massey
14 contacted me about it, and I think it's appropriate
15 to remove that paragraph.

16 MR. SCHABACKER: 34 is out?

17 MR. SAVINO: Yeah. It used to be 35 on
18 the original one.

19 CHAIRMAN VAN LAAR: So we're to 35?

20 MR. SAVINO: Yep.

21 CHAIRMAN VAN LAAR: Yes, I agree, what is
22 reasonable costs.

23 MR. SCHABACKER: Yeah.

24 MS. ROTTMANN: I like (inaudible).

1 Because what -- the phrase that they're using at the
2 beginning, it's referencing what section of that
3 draft ordinance that we're talking about. So it's
4 just a subcategory of fees and costs associated with
5 the project.

6 MR. SAVINO: Do they want reasonable so we
7 didn't hire an engineer for \$850 an hour? Is that
8 why they put reasonable in there?

9 CHAIRMAN VAN LAAR: No, they're -- I think
10 they're --

11 MS. ROTTMANN: That's what that phrase
12 means. From I know WBK and myself, it's eating
13 costs. It's just the time of like how
14 decommissioning planning and to do, 32, 31, blah,
15 blah, blah, blah, blah.

16 MR. SAVINO: Does our state's attorney
17 have --

18 ATTORNEY MAVILLE: Attorney Massey, you
19 just wanted to add the word reasonable fees and
20 costs?

21 ATTORNEY MASSEY: Correct.

22 ATTORNEY MAVILLE: You didn't need any
23 further definition of the word reasonable?

24 ATTORNEY MASSEY: It's a vernacular

1 that's -- so that it means that there is some reason
2 to what you're doing.

3 ATTORNEY MAVILLE: I don't have any
4 problem with the word reasonable.

5 CHAIRMAN VAN LAAR: Is that -- do lawyers
6 understand that word?

7 ATTORNEY MASSEY: Well, as best as we can
8 anyway. The answer is that it is one that we often
9 use. Let's put it that way.

10 CHAIRMAN VAN LAAR: That's why I'm so
11 confused.

12 ATTORNEY MASSEY: I understand.

13 ATTORNEY MAVILLE: Yeah. I mean, there's
14 no legal definition for reasonable. Lawyers could
15 argue about that all day long, but I think it's a
16 reasonable request, if you'll pardon me, to add the
17 word reasonable in paragraph 35. I'm fine with
18 that.

19 MS. ROTTMANN: Are we doing to do it for
20 the following one as well then? Because that's the
21 title for the next one. We can also amend that
22 phrase entirely because it's -- we can omit 35.
23 It's not necessary because they've already paid, and
24 we've already discussed it.

1 ATTORNEY MAVILLE: If it's not necessary,
2 I'd prefer to omit it.

3 CHAIRMAN VAN LAAR: Take it out. Because
4 this -- you're right. This really -- now I get it.
5 This really -- for this particular special use, I
6 understand why it would be in an ordinance, but for
7 this special use, this was -- this refers to WBK,
8 doesn't it?

9 MS. ROTTMANN: Correct.

10 CHAIRMAN VAN LAAR: Yeah.

11 MS. ROTTMANN: That's why I said we can
12 entirely omit it. It's not an issue.

13 CHAIRMAN VAN LAAR: Makes sense. Sorry, I
14 was -- okay. Now, I think 36 stays.

15 36 C, we had a question on that as
16 well. And I need the assistant state's attorney to
17 help with us that.

18 ATTORNEY MAVILLE: Attorney Massey
19 contacted me with respect to paragraph C in 36,
20 indemnification. They would like to remove the word
21 "applicant" from the indemnification paragraph. The
22 reason being that it is typical and -- hopefully,
23 Attorney Massey will correct me if I have this
24 wrong -- these projects typically the applicant is

1 the owner of the project. In this case, the
2 applicant will not be the owner of the project.
3 There is an LLC that will be formed who will be the
4 owner of the project, which is also typical. You
5 have the parent company, and then the parent company
6 typically creates an LLC for each project that they
7 operate. So --

8 ATTORNEY MASSEY: In fact, the owner is
9 identified in the application already. So it is in
10 the application, so the mistake -- in the
11 application itself, the owner is designated in
12 there.

13 CHAIRMAN VAN LAAR: So that entity is
14 already the current owner of this?

15 ATTORNEY MASSEY: That's correct.

16 MR. DOWNES: They've been identified as
17 the ones that are -- as the LLC that will be the
18 owner. That's in the application.

19 ATTORNEY MASSEY: It's on page 5 of 6.

20 CHAIRMAN VAN LAAR: Right. Right, I
21 remember seeing that. I had a question a long time
22 ago about that, and I never asked that.

23 ATTORNEY MASSEY: No, I understand.

24 CHAIRMAN VAN LAAR: That would be just --

1 I guess maybe we could have owner slash -- or we
2 could have applicant slash owner, or we could just
3 keep the owner there because of what has been
4 testified under oath.

5 MS. MAVILLE: I think the issue is -- from
6 Borrego's perspective is that they are not --
7 Borrego is not going to own the facility. They're
8 not going to operate the facility. And so they do
9 not want to indemnify Boone County for the acts of
10 the owner of facility.

11 CHAIRMAN VAN LAAR: So even during the
12 construction phase, they have nothing to do with it?

13 MS. MAVILLE: They are not the owner of
14 the facility if I'm understanding what you've said
15 tonight.

16 ATTORNEY MASSEY: That's correct. And the
17 owner is identified in number two there.

18 MR. DOWNES: The LLC is the owner, and
19 it's just the -- the applicant is Borrego in this
20 case.

21 CHAIRMAN VAN LAAR: So you are doing this
22 all on behalf of the owner?

23 MR. DOWNES: Right.

24 CHAIRMAN VAN LAAR: That scares me, but --

1 MS. KRUMM: Me, too.

2 MR. DOWNES: We are the EPC company, so we
3 will be building the project because -- you know, as
4 a company. It's just the owner of the -- of the
5 project itself is --

6 CHAIRMAN VAN LAAR: How much is that owner
7 worth?

8 MR. DOWNES: How much is the owner worth?

9 CHAIRMAN VAN LAAR: Yes.

10 MR. SAVINO: Are you saying the LLC is
11 going to own it?

12 MR. DOWNES: Yes.

13 CHAIRMAN VAN LAAR: You're saying the LLC
14 is going to own it, and I'm wondering how much that
15 LLC is currently worth.

16 MR. DOWNES: Typically, these projects
17 are -- every -- these projects are owned by LLCs.
18 That's standard operating procedure for any projects
19 like this.

20 CHAIRMAN VAN LAAR: Yeah, I remember in
21 the wind ordinance we had applicant slash owner, so
22 whoever was actually part -- who was actually -- who
23 was --

24 ATTORNEY MAVILLE: Operating? Because it

1 does say owner and/or operator, so that's -- it says
2 applicant owner and/or operator.

3 CHAIRMAN VAN LAAR: I'm -- I'm -- I'm okay
4 to take it out. I mean --

5 MR. SAVINO: So does the state's attorney
6 recommend doing that or --

7 CHAIRMAN VAN LAAR: I mean, is there
8 liability or is there -- you know, would the
9 County -- would it behoove the County to --

10 MR. SCHABACKER: Is there a benefit to us
11 leaving it?

12 CHAIRMAN VAN LAAR: What would be the
13 benefit for us leaving it in?

14 ATTORNEY MAVILLE: Well, certainly the
15 benefit to the County leaving it in is that you have
16 another party who can indemnify the County if
17 something goes wrong. From the perspective of the
18 applicant, LLCs are created to limit liability of a
19 parent company, and I don't know -- I think, and,
20 again, Attorney Massey can correct me if I'm wrong,
21 I think this is probably a very big deal to Borrego
22 because this is how these projects are structured,
23 to my knowledge, that they are owned by LLCs and not
24 by the parent company.

1 MR. SAVINO: So the parent company is
2 released from liability.

3 ATTORNEY MAVILLE: Yes.

4 MR. SAVINO: It's just on the LLC.

5 MS. MAVILLE: Correct.

6 MR. SAVINO: I think I got my answer, and
7 I'd like to leave it.

8 CHAIRMAN VAN LAAR: Leave it?

9 MR. SAVINO: Yeah.

10 MS. KRUMM: No, don't leave it.

11 MR. SAVINO: No, leave it, because then
12 they're still --

13 MS. KRUMM: Leave the applicant in --

14 MR. SAVINO: Yeah.

15 MS. KRUMM: Yeah, I like --

16 MR. SAVINO: Yeah, because if they're not
17 worried about it --

18 MR. DOWNES: We wouldn't be able to
19 provide indemnity as Borrego Solar, as the parent
20 company. If I had just put the application in as
21 the applicant as the LLC, nothing -- then this would
22 have just -- then this would have been a nonissue.
23 So, really, the -- what we assumed the intent was
24 here was that the operator, the owner/operator of

1 the project would provide indemnity to the County,
2 which I think is the intent of this, of this
3 sentence. And I believe the -- it was assumed that
4 the applicant was the owner, and we just did it on
5 behalf of -- and it's actually in the application.

6 MR. SAVINO: What would you be concerned
7 about if we left it the way it is? When you have
8 parent LLC, what are you worried about?

9 MR. DOWNES: The -- Borrego Solar wouldn't
10 be able to provide indemnity for something that
11 they're not in charge of.

12 CHAIRMAN VAN LAAR: Also, Tony, if it is
13 sold --

14 MR. SAVINO: Yeah.

15 CHAIRMAN VAN LAAR: -- and with this
16 language, if it's sold from their LLC to another
17 LLC, to somebody from --

18 MR. SAVINO: Forever.

19 CHAIRMAN VAN LAAR: Forever.

20 MR. SAVINO: Okay.

21 CHAIRMAN VAN LAAR: Their name is still on
22 it according to this, and that's not right.

23 MR. SAVINO: Okay. I got it.

24 CHAIRMAN VAN LAAR: That's not right. I'm

1 crossing my copy off.

2 MR. SAVINO: Okay.

3 MS. ROTTMANN: Applicant's being removed?

4 Final say?

5 CHAIRMAN VAN LAAR: Yes.

6 MR. SAVINO: Yeah.

7 MS. KRUMM: No.

8 MS. ROTTMANN: What's your vote?

9 MR. SAVINO: I thought it was a very good
10 point that the LLC only -- it's just theirs. I
11 didn't realize what if their LLC sold to another LLC
12 would include liability.

13 ATTORNEY MAVILLE: Yeah, the applicant
14 will always be the applicant.

15 CHAIRMAN VAN LAAR: The applicant is
16 always the applicant.

17 MR. SAVINO: Yep.

18 CHAIRMAN VAN LAAR: All right. Coming
19 down to the end here.

20 39, the landscape plan in accordance
21 to Section 5.4 of Boone County Ordinance shall be
22 submitted. They want it --

23 MS. ROTTMANN: This is if we're -- we have
24 to start -- we have to start with the meaning for

1 landscaping because this is just confirming that
2 they don't have to comply with any landscaping.

3 CHAIRMAN VAN LAAR: Right, right.

4 MS. ROTTMANN: So I don't know if you want
5 to start working on that at the beginning of this
6 and start --

7 MR. SAVINO: Basically they're together,
8 so it's this and the other landscaping.

9 MS. ROTTMANN: Right, so those will answer
10 each other. So let's hold off on that one.

11 CHAIRMAN VAN LAAR: On 39?

12 MS. ROTTMANN: Yeah, let's keeping moving,
13 and then we'll go back, and 39 will be addressed
14 when we hit something at the beginning again.

15 CHAIRMAN VAN LAAR: Well, so we've dealt
16 with this document with the Borrego concerns, right?

17 MR. SAVINO: Yes.

18 CHAIRMAN VAN LAAR: And we have the
19 foundation of our recommendations, and we've dealt
20 with their concerns. That's repetitive, sorry. Now
21 comes, with what we have learned and through
22 testimony and whatnot, are there items that you
23 would want to delete, want to add, want to rephrase?

24 MR. SAVINO: I mean, I think some of mine

1 came through some of the recommendations I've made.
2 I just thought the landscaping, make sure it --

3 MS. ROTTMANN: I have remembered that you
4 guys earlier said there were no -- something to the
5 effect that you would like that the applicant and
6 the conservation district working together --

7 MR. SAVINO: Yeah.

8 MS. ROTTMANN: -- for the plant mixture
9 for the ground covering underneath the panel.
10 That's what you guys were talking --

11 CHAIRMAN VAN LAAR: Ground covering
12 underneath and on the side.

13 MS. ROTTMANN: Side being inside --

14 CHAIRMAN VAN LAAR: Inside the fence line.

15 MS. ROTTMANN: Inside the fence line.

16 CHAIRMAN VAN LAAR: Yes. They call
17 that -- Joshua was it?

18 MS. ROTTMANN: Josh Sage.

19 CHAIRMAN VAN LAAR: He called it boundary
20 screening and internal cover planting.

21 MR. SAVINO: Yeah, so they should work
22 together with the County to develop something.

23 MS. ROTTMANN: Hold on. Boundary screen,
24 and what was the other?

1 CHAIRMAN VAN LAAR: Internal cover
2 planting.

3 MS. ROTTMANN: I just want the buzz word.

4 CHAIRMAN VAN LAAR: Yeah.

5 MS. ROTTMANN: And are we going to add
6 that to something?

7 CHAIRMAN VAN LAAR: That will be No. 50 or
8 whatever on the bottom.

9 MS. ROTTMANN: Which one are we looking at
10 right now? Because I have the note on the plant
11 mixture under nine on Borrego, so that's why I'm --
12 I can start working on the phrasing, and then we can
13 figure out where we put it.

14 MS. KRUMM: Mr. Chairman --

15 CHAIRMAN VAN LAAR: Yes.

16 MS. KRUMM: I have to leave.

17 CHAIRMAN VAN LAAR: All right.

18 MS. KRUMM: I won't be able to drive home.

19 CHAIRMAN VAN LAAR: I'm sorry.

20 MS. KRUMM: I've got to go.

21 (Whereupon, a conversation was
22 had between the board members.)

23 CHAIRMAN VAN LAAR: That would be great,
24 yes.

1 it --

2 MS. ROTTMANN: Where are we going at?

3 Hold on.

4 MR. SAVINO: We're getting there. We're
5 close. We're close.

6 CHAIRMAN VAN LAAR: Hang in their, guys.

7 MR. SCHABACKER: Can we order breakfast?

8 CHAIRMAN VAN LAAR: Pizza is coming.

9 Strike that.

10 MR. SAVINO: Okay.

11 CHAIRMAN VAN LAAR: Under oath.

12 Okay. Letter D, buffer shall be
13 planted at a minimum of three-foot tall and with the
14 exception that this hedge shall reach the height of
15 minimum of 15 feet.

16 MS. ROTTMANN: Where is this landscape
17 buffer?

18 MR. SCHABACKER: Where is that on ours?

19 MR. SAVINO: I think that's what we're
20 talking about right now. It's not in ours.

21 CHAIRMAN VAN LAAR: No, I moved on to
22 landscape buffer.

23 MR. SAVINO: No, that's fine.

24 MS. ROTTMANN: I want to answer -- or ask

1 a question. Where are you thinking the landscape
2 buffer should be? Because I want you guys to think
3 that they gave us a LESA score project where the
4 special use is associated, okay? So plantings --
5 are plantings going on other parts of the property
6 not associated with the LESA description are not a
7 part of the special use, correct?

8 CHAIRMAN VAN LAAR: See here, in letter A,
9 the landscape plan shall be submitted in -- okay.
10 And I would -- what we could do is -- that would be
11 letter nine, or number nine.

12 MR. SCHABACKER: Number nine, screening
13 and finishing and landscaping?

14 CHAIRMAN VAN LAAR: Yes. And that's
15 where -- we could put that in there as determined --
16 the landscape plan shall -- shall also incorporate
17 native grasses, flowers, plants, which will provide
18 wildlife and pollen or habitat, blah, blah, blah, as
19 determined by -- as determined by the applicant.

20 MR. SAVINO: Or is it as determined by the
21 Boone County --

22 CHAIRMAN VAN LAAR: Conservation district
23 and the applicant.

24 MR. SAVINO: Yeah. But we put the

1 applicant there or the County?

2 MS. ROTTMANN: I want to put something to
3 the effect of like they're reviewing --

4 MR. SAVINO: Yeah, okay.

5 MS. ROTTMANN: I want them -- the way I
6 want to phrase this is that myself and the
7 conservation district review whatever we put in
8 place having to do with any kind of landscaping, but
9 I want to like point out that like this is probably
10 (inaudible). So when we look at this picture, this
11 (indicating) is the area that we're talking about
12 when it comes to landscaping and buffering, not the
13 rest of the entire property. We're only talking
14 about the area -- this.

15 CHAIRMAN VAN LAAR: Right.

16 MS. ROTTMANN: So I just want everybody on
17 the same page of what I'm talking about.

18 CHAIRMAN VAN LAAR: That's correct. Yep,
19 correct.

20 MS. ROTTMANN: Okay.

21 CHAIRMAN VAN LAAR: Just the project
22 footprint.

23 MS. ROTTMANN: Okay.

24 CHAIRMAN VAN LAAR: So do you want to --

1 if you want to put in on No. 9 there something in
2 regards to this shall be reviewed by -- right at the
3 end, right? Shall be reviewed by staff and Boone
4 County Conservation District.

5 MS. ROTTMANN: Reviewed by planning
6 department, planning staff, planning department and
7 Boone County.

8 CHAIRMAN VAN LAAR: Prior to building
9 permit issuance.

10 As she's finishing that up, guys,
11 what do you think about hedge rows on all four
12 sides?

13 MR. SAVINO: I don't think it has to be
14 all four sides. I will say --

15 MR. SCHABACKER: What's the purpose of the
16 hedge row?

17 MR. SAVINO: To block it off. The only
18 way I can see it is like a neighbor complains,
19 doesn't want it, whatever. I could see it like on
20 the west side.

21 CHAIRMAN VAN LAAR: Mr. Miller?

22 MR. SAVINO: Yeah, just a block up from
23 the road, from Mr. Miller, because there's no other
24 houses around. You know, I think if the ordinance

1 says it right, that's what this one says going up,
2 25 feet buffer. Okay, just with the single-family
3 dwelling. So, basically, that's what we're doing
4 just for a single-family dwelling.

5 MS. ROTTMANN: So that would be on the
6 west side only?

7 MR. SAVINO: On the west side.

8 CHAIRMAN VAN LAAR: See, I was thinking
9 west and north side.

10 MR. SAVINO: For -- what was on the north
11 side?

12 CHAIRMAN VAN LAAR: It's a buildable lot.
13 That's all. On the south side you have the house,
14 you have the -- you have the house that is part of
15 the property.

16 MS. ROTTMANN: Correct, so --

17 CHAIRMAN VAN LAAR: So they're -- and on
18 the east side you have farmland as long as -- as far
19 as you can see. I was thinking north and west side.
20 That's all.

21 MR. SAVINO: I'm fine with that.

22 CHAIRMAN VAN LAAR: Are you --

23 MR. SAVINO: Not the lot of record to the
24 north.

1 MR. SCHABACKER: Yeah.

2 MR. SAVINO: So, I mean, we have setbacks
3 for that.

4 CHAIRMAN VAN LAAR: Yep.

5 MR. SAVINO: Sure. That makes sense.

6 MS. ROTTMANN: Hold on. I'm sorry,
7 what --

8 CHAIRMAN VAN LAAR: I would put this under
9 another recommendation. Or would you try to
10 incorporate that within this -- within this here?

11 MR. SAVINO: Yeah, because doesn't it talk
12 about the solar development shall have a
13 25-foot-wide buffer? It's letter C.

14 CHAIRMAN VAN LAAR: Okay. On the north --
15 or on the west --

16 MR. SAVINO: Yeah, instead of
17 single-family, why don't we just say on the north
18 and west perimeter of the property?

19 CHAIRMAN VAN LAAR: Of the project.

20 MR. SAVINO: Of the project.

21 That was the part I was getting at
22 defining that we're changing characteristics as far
23 as recommendations. That was my recommendation to
24 help mitigate the change in the look.

1 MS. BLUM: Excuse me. Can we just ask for
2 a clarification? Is there -- where does that have
3 to be placed? Does it have to be placed -- can it
4 be placed at the right-of-way by the street? Can it
5 be placed -- does it have to be placed right next to
6 the system? What sort of latitude is there to deal
7 with that?

8 MR. SAVINO: I guess I picture it along,
9 right outside the fence.

10 MS. BLUM: Because there are issues with
11 shading when you get close to that.

12 MR. DOWNES: You know, the crops as well
13 as --

14 MR. SAVINO: So it's the north -- the
15 north side probably wouldn't really matter.

16 MR. DOWNES: That would shade the crops
17 only. They would shade the crops.

18 MR. SAVINO: But, I mean, in the summer,
19 the sun is basically overhead, so you're not going
20 to -- on the west side you're talking the shading of
21 the solar panels then?

22 MR. DOWNES: Both. It would shade the
23 crops in the mornings and the solar panels at night.

24 MS. ROTTMANN: I'm just throwing this out

1 that this project is in the middle of a farmable
2 field, and if we're going to put trees all around
3 it, it's going to take away from the farmland. It's
4 going to -- you know, the roots are potentially
5 going to affect the drain -- just things to consider
6 when we're asking for this. They have exceeded the
7 setbacks that we have asked. Just consideration.
8 Nothing is set in stone, but if we're using --

9 CHAIRMAN VAN LAAR: The original
10 ordinance.

11 MS. ROTTMANN: If we're using what the
12 county board submitted, yes. If we're using my
13 recommendations, no. Everything is in the air.

14 MR. SCHABACKER: The recommendation in
15 there is --

16 MS. ROTTMANN: The planning department's
17 opinion is if you're exceeding the setbacks and
18 you're -- you know, the way that I had stated it
19 is -- sorry, it's -- not to provide additional
20 landscaping because they've exceeded the 250-foot
21 setback from the property lines. But that's just a
22 recommendation.

23 CHAIRMAN VAN LAAR: When I -- I live out
24 in the country, and since this issue has come up, I

1 have driven, and whenever I drive, I'm looking for a
2 for a five-foot, six-foot, seven-foot, eight-foot
3 chain link fence, and I can't find one out there.
4 There is nothing. I find fence row fences, and I
5 find other four-foot fences where farmers will keep
6 in maybe a herd of, you know, dairy cows, goats, or
7 there might be -- there's one that's a little bit
8 taller that keeps in lamas, but actually galvanized
9 chain link fence is not found out there.

10 MR. SAVINO: So you're saying using trees
11 to block that?

12 CHAIRMAN VAN LAAR: Absolutely. It's just
13 not found out there. We are using that type of a
14 fence. The ones I've seen here -- granted, they
15 say, you know, razor wire is not allowed, and I
16 agree with that, but, you know, you have that, and
17 then you have this bent over section. You're
18 urbanizing. That is strictly urbanizing rural
19 farmland.

20 MR. SAVINO: So where is your
21 recommendation to put the trees?

22 CHAIRMAN VAN LAAR: My recommendation for
23 the trees would be anywhere that it does not hinder
24 the project, okay?

1 MR. SAVINO: So put them closer to the
2 right-of-way?

3 CHAIRMAN VAN LAAR: If it's up closer to
4 the right-of-way, it's up closer to the
5 right-of-way.

6 MR. SAVINO: The property line on the
7 north side?

8 CHAIRMAN VAN LAAR: And within a -- here's
9 a good -- a distance from the -- yes, so it
10 doesn't -- I mean, you can't put it right on the
11 property line, but you can put it in --

12 MR. SAVINO: Close.

13 CHAIRMAN VAN LAAR: -- two feet from the
14 property line.

15 MR. SAVINO: The north side is probably
16 not as worried to put it close to the fence.

17 CHAIRMAN VAN LAAR: Yes, yes.

18 MR. SAVINO: Okay. So on the west side,
19 whatever makes sense for them.

20 CHAIRMAN VAN LAAR: Yep.

21 MR. SAVINO: On the north side --

22 CHAIRMAN VAN LAAR: I'd put it up against
23 the property line.

24 MR. SAVINO: -- property line or --

1 MS. ROTTMANN: That's not a special use
2 area.

3 CHAIRMAN VAN LAAR: Then --

4 MR. SAVINO: Then it would have to be on
5 the fence.

6 MS. ROTTMANN: That's what I was trying to
7 get at is that based on how they wanted to go about
8 this, they only wanted to do it for this area for
9 the project, and they only wanted the special use on
10 this portion of it. So we can only work with that
11 portion.

12 MR. SAVINO: Well, I think they said like
13 12 acres that have panels, that there be 14.2
14 because there's a buffer around --

15 MS. ROTTMANN: Something like that.

16 MR. SAVINO: They'd fit in that buffer.

17 MS. BLUM: Right, but I think the --
18 correct me if I'm wrong, but I think the acreage
19 that was submitted like for the NRI and for the
20 special use permit was actually larger, because I
21 think we explained at the time we didn't know if the
22 system --

23 MS. ROTTMANN: Correct, correct. It's
24 only something like 50 acres, I think, the LESA

1 score is. So that's what we can work with for
2 discussion.

3 MS. BLUM: Right. So it's actually that
4 whole area up in that quarter of the site, right?
5 Or that third of the site.

6 MS. ROTTMANN: I'm sorry, was that --

7 MS. BLUM: So it's actually that area
8 represented by about a third of the site there,
9 right? Isn't that like 150 acres?

10 MR. SAVINO: So they can move it around
11 anywhere in that 50-acre part.

12 MS. ROTTMANN: The site plan or the trees?

13 MR. SAVINO: The trees.

14 MS. BLUM: I guess, one quick
15 qualification. What trees are we talking about? I
16 thought we were talking about a hedge row.

17 MS. ROTTMANN: I'm sorry.

18 MS. BLUM: So I just want to make sure we
19 understand what we're asking.

20 CHAIRMAN VAN LAAR: It would be an
21 evergreen hedge row.

22 MS. BLUM: Okay.

23 MR. SAVINO: I think there's -- in our
24 proposed text, it's a minimum of 15 feet at

1 maturity, so some type of evergreen.

2 MS. BLUM: Okay.

3 CHAIRMAN VAN LAAR: Yeah, 15 feet is
4 really high.

5 MR. DOWNES: Fifteen feet is really high
6 for an evergreen in that area. Especially that's
7 where the drain tiles are.

8 MS. ROTTMANN: Things come into play when
9 we start saying -- if they have 50 acres and they're
10 only using whatever, and they've already submitted
11 the site plan for this, and now they have to change
12 the site plan, need to amend another condition that
13 says it must follow the site plan submitted
14 so-and-so date. We have to take that into
15 consideration. You know what I'm getting at? So
16 just -- that's another slice to that.

17 MR. SAVINO: So that yellow permit they
18 have, is that their entire development right now?

19 MS. ROTTMANN: Is this the whole project
20 or is this just the section of the LESA score?

21 MS. BLUM: I'm not sure I understand the
22 question.

23 MR. SAVINO: It doesn't look like a third
24 of 150 acres, so that's probably --

1 CHAIRMAN VAN LAAR: That looks like --

2 MS. BLUM: The green area is the area
3 inside the fence which we figured acreage of 12
4 something.

5 MS. ROTTMANN: So this (indicating) is
6 only like 12 acres in this particular picture.

7 MS. BLUM: Correct. Correct.

8 MS. ROTTMANN: Okay. That's what I was
9 trying to confirm.

10 MS. BLUM: Yes. And the area that went
11 into the LESA and for the initial siting permit was
12 a bigger area than what you see there.

13 CHAIRMAN VAN LAAR: So are you saying that
14 there is room up against the fence line and the --
15 closer to the 76?

16 MS. BLUM: You know, I don't know what the
17 ordinance reads for if there are any restrictions on
18 landscaping along the right-of-way there, but I'm
19 assuming that the property owner would prefer to not
20 have something like that on the interior of his
21 farmable property.

22 CHAIRMAN VAN LAAR: Right.

23 MS. BLUM: I mean, you do have power lines
24 that you're going to have to be aware of. There's a

1 utility easement.

2 MR. DOWNES: And there's easements there
3 that --

4 MS. BLUM: Running along the right-of-way.

5 MR. DOWNES: So we have to make sure we
6 understood -- that's why we're exceeding the
7 setbacks, so that we can -- we didn't have to
8 address this.

9 MR. SAVINO: All right. So what do you
10 want to do? Steve?

11 MR. SCHABACKER: Well, I know that Hilary
12 had a recommendation I think for once it hits that
13 250 feet, am I right? I think she had actually a
14 solution to it. I don't know. Basically without a
15 hedge, that's almost a football field back.

16 MR. SAVINO: Yeah, it is, but then you see
17 eight-foot fencing. I'm just thinking of the
18 neighbor to the west, they're looking at a farm
19 field now. It's obviously going to change, so is
20 there any way to protect them.

21 MR. SCHABACKER: Sure. I don't know if we
22 can have our cake and eat it, too, on this because
23 like we talked, too, about easements, you know.

24 MR. SAVINO: Evergreens, they're

1 eight feet tall, 15 feet, just to do --

2 CHAIRMAN VAN LAAR: Yeah, that may not be
3 the height issue now. It's more the where to place
4 them --

5 MR. SCHABACKER: Yeah, the location.

6 CHAIRMAN VAN LAAR: -- if that's not part
7 of the application.

8 MR. SAVINO: I mean, is that fence going
9 on the actual border or is there like a buffer?

10 MR. SCHABACKER: I think the fence would
11 be right on because there's a special use.

12 CHAIRMAN VAN LAAR: Well, there's 25 feet,
13 right? Isn't there 25 feet between the solar panels
14 and the fence?

15 MR. DOWNES: Yes, there's like 20 feet in,
16 the fence and the solar panels is about 20 feet, but
17 outside of that there's going to be a 20-foot buffer
18 as well.

19 MS. BLUM: 20-foot access area.

20 MR. DOWNES: Access area, yeah.

21 MS. BLUM: Crops will not be planted so
22 that people can enter the man gates around the --

23 MR. SAVINO: So if there were some shorter
24 evergreens or something of a maximum, say, of

1 eight feet or ten feet in that 20-foot access area?

2 CHAIRMAN VAN LAAR: That's, say, six,
3 seven, eight feet from the fence?

4 MR. SAVINO: Instead of putting in there
5 for a 15-foot-tall evergreen, we're saying minimum,
6 if it was an eight-foot -- I don't know what they're
7 called, arborvitaes or whatever, you know, some type
8 of evergreen, say in the eight-foot range to help
9 block the view from --

10 MS. BLUM: On the west side you're saying?

11 MR. SAVINO: Correct.

12 MS. ROTTMANN: That's okay.

13 CHAIRMAN VAN LAAR: West and north.

14 MR. SAVINO: And north. West and north,
15 just the two sides.

16 MS. SAMAROO: Yeah, as long as it's within
17 our 20-foot maintenance buffer and there's no more
18 than eight feet if that's what you agreed.

19 CHAIRMAN VAN LAAR: So you have solar
20 panels, okay. Then you have a like a 20 -- you have
21 a 20-some-foot, and then you have the fence, and
22 then you have a 20-foot buffer beyond that, right?

23 MS. ROTTMANN: Yeah.

24 MR. DOWNES: Access area.

1 CHAIRMAN VAN LAAR: Access area, and
2 that's all within your special use that you're
3 asking for.

4 MR. SCHABACKER: So you could be a total
5 of about 40 feet or so from the solar panels.

6 MR. DOWNES: But we also don't want to be
7 on the edge of that row because that's when you get
8 to the shading --

9 CHAIRMAN VAN LAAR: Understood.

10 MR. DOWNES: -- of his crops.

11 CHAIRMAN VAN LAAR: But if we would go to
12 something more -- okay. So if we go something more
13 eight-foot type of arborvitae, you know, then, you
14 know, the sun is going to have to get pretty low to
15 start shading some of that stuff.

16 MS. SAMAROO: Correct. That would be
17 fine.

18 MR. SAVINO: Okay. So I think it was
19 letter C if you go back up to it. It's very
20 simple --

21 CHAIRMAN VAN LAAR: Yeah.

22 MR. SAVINO: -- just like I thought an
23 hour ago, very simple.

24 CHAIRMAN VAN LAAR: That's why I warned

1 you, Tony.

2 MS. ROTTMANN: So we're going to put what?

3 CHAIRMAN VAN LAAR: Eight-foot.

4 MR. SAVINO: You can put a maximum of
5 eight feet.

6 MS. ROTTMANN: Maximum of eight?

7 CHAIRMAN VAN LAAR: And then it could
8 be -- and then it could be four-foot or it could be
9 two-foot. Drew doesn't maximum, I can tell you
10 that, because he has to go out --

11 MR. SAVINO: Yeah, I messed it up. So do
12 you want to say minimum seven feet which at least
13 gets to the top of the fence? Minimum is probably
14 going to be taller than that anyway.

15 CHAIRMAN VAN LAAR: Minimum seven feet,
16 that's fine. Even though the panels are 15 feet.

17 MR. SAVINO: They could be up to --

18 CHAIRMAN VAN LAAR: Twelve.

19 MS. ROTTMANN: Under eight feet.

20 MR. SAVINO: What is it?

21 MS. ROTTMANN: Under eight feet.

22 MR. SAVINO: There you go.

23 CHAIRMAN VAN LAAR: I -- that chain link
24 fence just -- I have such great views, and I'm

1 trying to picture --

2 MR. SCHABACKER: I have the solution.

3 Don't look at it.

4 MR. SAVINO: Close your blinds, right?

5 MS. ROTTMANN: Okay. So I want to make
6 sure I have this right. So we're at -- in the
7 conditions of WBK advisory report, No. 11 B, the
8 buffer shall be planted a minimum of three feet tall
9 with the expectation that this hedge row reach the
10 height of at least a minimum of seven feet at
11 maturity and shall be maintained in good condition
12 said evergreen foliage shall be replaced?

13 CHAIRMAN VAN LAAR: Yeah.

14 MS. ROTTMANN: So we're just changing 15
15 to 7.

16 MR. SAVINO: Yes, and then we have to call
17 it out on the west and the north.

18 CHAIRMAN VAN LAAR: On the two sides.

19 MS. ROTTMANN: Buffer located on the north
20 and the west side shall be planted --

21 CHAIRMAN VAN LAAR: Of the project, yes.

22 MS. ROTTMANN: -- at buffer if -- okay.

23 CHAIRMAN VAN LAAR: Of course, you won't
24 plant those across the access road. I understand

1 that. All right.

2 MR. SAVINO: What else?

3 MS. ROTTMANN: Okay. Hold on a second.

4 So then if we look at -- dissect 11 a little bit
5 more, are we omitting A and just ended up saying B
6 and C?

7 MR. SAVINO: Oh, yeah. Correct.

8 MS. ROTTMANN: Okay.

9 MR. SAVINO: Yep.

10 MS. ROTTMANN: Okay. Sounds good.

11 MR. SAVINO: What do we have to work out?

12 MS. ROTTMANN: If you look at the
13 beginning of 11, it says something to the effect of
14 like structures less than 250 feet, so if we can
15 just like --

16 MR. SAVINO: Okay.

17 MS. ROTTMANN: So we can just kind of --
18 we can take out that entire sentence and then just
19 start with B and C if you want.

20 CHAIRMAN VAN LAAR: Does that really
21 matter? Because there's nothing that's really --

22 MS. ROTTMANN: I think it's --

23 CHAIRMAN VAN LAAR: It's -- I think it's
24 null and void.

1 MS. ROTTMANN: That's what I'm saying.

2 Can you omit that, too?

3 CHAIRMAN VAN LAAR: Okay. All right.

4 Take it out.

5 MR. SAVINO: That's fine. Thank you.

6 MS. ROTTMANN: Okay.

7 MR. SAVINO: Now what?

8 CHAIRMAN VAN LAAR: Any other concerns?

9 MR. SAVINO: Just one question. I don't
10 want to start a whole 'nother thing, but on No. 27
11 A, it says, the net salvage value shall be based on
12 the average salvage price of the past five
13 consecutive years. This includes any deconstruction
14 costs. So this is kind of talking about how the
15 recycling costs can be taken out of the
16 decommissioning costs. Obviously, there's really
17 nowhere to recycle them right now.

18 CHAIRMAN VAN LAAR: I had a note here that
19 I did not want decommissioning costs to be -- to
20 take in consideration salvage.

21 MR. SAVINO: Right.

22 CHAIRMAN VAN LAAR: Because the County is
23 not in the salvage business.

24 MR. SAVINO: And right now it sounds like

1 it's impossible to do it anyway.

2 CHAIRMAN VAN LAAR: In fact, it's more
3 expensive to do it --

4 MR. SAVINO: Right.

5 CHAIRMAN VAN LAAR: -- according to what
6 was testified last time.

7 MR. SAVINO: Or bring it to the garbage
8 dumps and all that. So, I mean, technically we
9 wouldn't get rid of all of 27? Because they both
10 talk about the net salvage value along with credit
11 for salvage value.

12 CHAIRMAN VAN LAAR: Yeah, I'd take 27 out.

13 MR. SCHABACKER: I think it makes it less
14 confusing.

15 CHAIRMAN VAN LAAR: What's that?

16 MR. SCHABACKER: I think it makes it less
17 confusing to take it out.

18 CHAIRMAN VAN LAAR: Yeah, because I just
19 don't -- I don't think Drew really wants to deal
20 with salvage value. He's too busy.

21 MR. DOWNES: It would be -- it would have
22 been the chain link fences, the -- all of that stuff
23 has, you know, inherent value in recycling today
24 very simply, right? So --

1 MR. SAVINO: The chain link fence, I think
2 does, but it sounds like --

3 MR. DOWNES: And the pilings and
4 everything, I agree, and everything else. I would
5 just hate to -- I mean, that actually is a value,
6 and that value will be extracted when -- in
7 decommissioning, absolutely.

8 MR. SAVINO: Which is fine, but it's in
9 the plan itself.

10 CHAIRMAN VAN LAAR: We're taking 27 out.
11 Good catch. I had a note, and I couldn't -- I
12 wanted to find that.

13 MR. SAVINO: I think I might be out of
14 notes.

15 CHAIRMAN VAN LAAR: Some -- I -- this is
16 farmland, and I know the -- unless we're going to
17 rezone it, this has to be decommissioned. This has
18 to go back to farmland. I know there was talk
19 about, you know, building -- you know, putting
20 panels up and new panels and more up-to-date panels
21 and things like that, but I think we should put a --
22 you know, maybe it's a number 50, a thing that the
23 special use is good for a maximum of 40 years.
24 Because the -- if I'm not mistaken, the contract is

1 for 25, and there could be three five-year --

2 MR. DOWNES: It's for 20 and four
3 five-year, so the number is correct.

4 CHAIRMAN VAN LAAR: Okay. And I would
5 just like to -- just to make sure that this thing
6 gets back to farmland.

7 MR. DOWNES: Would you consider just the
8 45 just in case there's -- I mean, just so
9 there's --

10 CHAIRMAN VAN LAAR: 43 and 1/2?

11 MR. DOWNES: -- anything like --

12 CHAIRMAN VAN LAAR: Forty-five. I just
13 want a definite date.

14 MR. DOWNES: Right. And I'd just hate for
15 it to be too coincidental.

16 CHAIRMAN VAN LAAR: That's fine. That's
17 fine. So special use is valid for a maximum of
18 45 years. I mean, it could be --

19 MR. DOWNES: After -- start of -- after
20 COD, commercial operation date, if possible.

21 MR. SAVINO: Yeah, so from when it starts
22 working, running.

23 CHAIRMAN VAN LAAR: Oh, from day -- from
24 first day of operation?

1 MR. DOWNES: Yes, yes. Just so that --

2 CHAIRMAN VAN LAAR: Or would it be more
3 appropriate from issuance of the actual special use?
4 Because that, the County has a date.

5 MR. SAVINO: If that special use is voted
6 on Wednesday, now that 45 years starts Wednesday.

7 CHAIRMAN VAN LAAR: Okay. That's fine.

8 MR. SAVINO: So 45 years from first day of
9 operation.

10 CHAIRMAN VAN LAAR: From first day of
11 operation.

12 MR. SCHABACKER: This was number what you
13 said?

14 CHAIRMAN VAN LAAR: I was throwing
15 something out there.

16 MS. ROTTMANN: So from first day of
17 operation, 45 years?

18 MR. SAVINO: Forty-five years from first
19 day of operation.

20 MS. ROTTMANN: Okay. Thank you.

21 CHAIRMAN VAN LAAR: Because that really
22 keeps the comprehensive plan intact. Okay. That's
23 what I was --

24 MS. ROTTMANN: Okay.

1 CHAIRMAN VAN LAAR: This may not be that
2 big of an issue. I know there has been a lot --
3 there has been states where the prices have forced
4 the solar projects to basically start closing.
5 Montana was one, and it was talked about today. If
6 that's the case, and these are fairly new solar
7 panels, I don't -- I know Borrego said they're going
8 to use their own or whatever. Are we afraid of
9 refurbished or used solar panels being used? If
10 we're not, we're not.

11 MR. SAVINO: Yeah, I know it was brought
12 up. Personally, it's --

13 MR. SCHABACKER: I think they'll install
14 the most current, up-to-date that they have. I
15 doubt if they want to go back and grab something
16 that's --

17 CHAIRMAN VAN LAAR: It's cheaper, you
18 know, from a business standpoint, but that's fine.

19 MR. SCHABACKER: Yeah, but at the same
20 time, they'd have to put out the same amount of
21 power, so I would think they would want to go with
22 something more current.

23 CHAIRMAN VAN LAAR: All right. When --
24 and this is maybe for Karla. When this project is

1 sold, I know they testified that there will be three
2 to four times mowing, and, you know, all the
3 evergreens will be replaced if they die and this
4 kind of stuff. What happens when this is
5 transferred to another company? How do we -- how do
6 we enforce that they -- I guess my point is, all
7 conditions follow the sale of the project to new
8 owners. Is that something that's naturally done? I
9 think it is, but I'm not totally a hundred percent
10 sure.

11 ATTORNEY MAVILLE: I would say so, yes.
12 It would be the normal enforcement procedure to
13 follow if the current owner --

14 CHAIRMAN VAN LAAR: Okay. So we have
15 nothing in our ordinance, except for the replacing
16 of evergreens, we have nothing in our ordinance
17 about maintaining, about the mowing, the number
18 of -- you know, we have nothing in this. They said
19 they would mow it three to four times, but we have
20 nothing in our -- in our -- in our suggestions.

21 MS. ROTTMANN: We have the weed control
22 planting by the outside fenced area --

23 CHAIRMAN VAN LAAR: How about weed control
24 maintenance?

1 MS. ROTTMANN: It says weed slash grass
2 control. Here, read it. Read that (indicating).
3 See if you wanted to add something, but I think we
4 kind of have something in there.

5 CHAIRMAN VAN LAAR: Okay. I'm fine with
6 that then.

7 MS. ROTTMANN: So no changes then?

8 CHAIRMAN VAN LAAR: No.

9 The last item that I have is -- we've
10 heard a lot about sustainability. We've heard a lot
11 about, you know, low-carbon footprint and creating
12 jobs, good for the area. We had the PowerPoint
13 with -- from Borrego regarding, you know, X amount
14 of green emissions and CO2's and carbon, but what
15 bothers me is that all this stuff is coming from
16 China. So they're speaking out of one side of their
17 mouth and they're doing something else.

18 We have -- I talked to Britt
19 Anderson, who is the operations manager of the
20 facility here in Rockford that makes solar panels,
21 and he said -- and he has the 60-cell, the 72-cell
22 that all connect together.

23 ATTORNEY MAVILLE: Was this in the
24 testimony?

1 CHAIRMAN VAN LAAR: About -- yes, it was
2 testimony that they get it from China.

3 MS. MAVILLE: But I'm talking about your
4 conversation. I just want to make clear that you're
5 only considering evidence that was presented in this
6 meeting.

7 CHAIRMAN VAN LAAR: Okay. All right.
8 Then my recommendation is, because of the point that
9 this project has been put forth to us being
10 sustainable, I believe that we should -- that they
11 should get their panels and their equipment from as
12 close as possible if not American made. People will
13 say, well, the Peaker Plant you didn't enforce that.
14 Well, they didn't say that they were -- they had a
15 low carbon foot. They didn't brag about it. They
16 didn't say what has been said in testimony. And I
17 would like to make a condition here that the -- that
18 the panels are acquired by -- it would be great if
19 it was acquired by Rockford, because it is local,
20 there's -- but if that somehow doesn't work out,
21 there are a number of American-made manufacturers.
22 Granted, they're still Chinese owned, but you have
23 the American jobs here in the States.

24 MR. SAVINO: So are you saying to bring

1 business to America or for the carbon footprint?

2 CHAIRMAN VAN LAAR: It would be -- it
3 would be -- it would continue. It would be a couple
4 of different things. First, the sustainability.
5 If -- there was quite a bit of hesitation when we
6 asked them about what if -- what if a panel fails,
7 what are you going to do with it? Everyone in the
8 front here looked at each other not knowing how to
9 answer that question. Okay? Frankly, they would
10 have to more or less go get it from China, and that
11 is not green. There's more carbon emissions to
12 bring that over here than for them just to shut that
13 solar panel down.

14 ATTORNEY MASSEY: But what authority,
15 Madam Counsel, does the ZBA have to make -- I mean,
16 we're talking about the context of this of no return
17 on money, the context of an escrow, and now we're
18 talking about requiring -- I mean, this is far
19 beyond the scope of the -- and there's no evidence
20 to support that either.

21 CHAIRMAN VAN LAAR: Testimony.

22 ATTORNEY MASSEY: This is -- that's
23 just --

24 ATTORNEY MAVILLE: I don't believe that is

1 an appropriate condition for a special use. That --
2 that goes -- that goes beyond a typical condition
3 for a special use. I would not recommend that.

4 CHAIRMAN VAN LAAR: All right. That's
5 fine. I at least -- at least there is -- I'm
6 just -- I'm just trying to -- I'm thinking about how
7 is it sustainable when stuff is made -- is -- when
8 it's presented as sustainable, okay, when it's
9 presented as sustainable, when it's presented as
10 green, when it's presented as low-carbon footprint
11 and presented as creating jobs, and what kind of
12 jobs? A mower? A person that mows three times a
13 year? A person that might, you know, go into
14 maintenance three times a year? I base it off of
15 evidence. If it was not -- if it was not talked
16 about being green and sustainable, I would have not
17 have said it. So if the board doesn't want to do it
18 or if the County wants to take that out, I'm fine
19 with it. I just want to get it on record. I think
20 we should look at what is truly sustainable.

21 Yes, Margaret.

22 MS. BLUM: I just wanted to put that slide
23 you're referencing in context, that that's
24 information that was presented via the Illinois

1 EPA's web site, the benefits of solar in general.
2 So that is what that slide was, the benefits of
3 solar as a renewable energy. These are the offsets
4 with this renewable energy.

5 CHAIRMAN VAN LAAR: Did Borrego present
6 that to this board?

7 MS. BLUM: Absolutely.

8 CHAIRMAN VAN LAAR: Okay. So if you guys
9 don't want it -- I want it on the record, but if you
10 guys don't want it, that's fine.

11 MR. SAVINO: I would probably say leave it
12 out, personally.

13 CHAIRMAN VAN LAAR: Okay.

14 MR. SCHABACKER: Yeah, I agree. I mean, I
15 think it's -- I think we're --

16 MR. SAVINO: Like would I rather know that
17 it was being made here, down the street? Yeah. But
18 I just don't know how we would put that in the
19 special use.

20 MR. SCHABACKER: But I think -- I mean, I
21 can't speak for the company, but the people that are
22 going to install and put them in, electrical, all
23 that stuff is going to be people that work in the
24 area. The transportation will be people here in the

1 vicinity or maybe from some other state, and I would
2 imagine parts -- where is your supplier for parts?
3 Is that here in the United States, your supplier for
4 parts?

5 MR. DOWNES: The racks are built in New
6 Mexico. So, I mean, there's -- there is a --

7 MR. SCHABACKER: Well, not being tough,
8 but you should know that. You should know who's
9 your -- if you need work -- again, I'm not trying to
10 be tough.

11 MR. DOWNES: Right.

12 MR. SCHABACKER: Let's just flush things
13 out. If people are going to work on these, where do
14 you get the parts?

15 MR. DOWNES: They'll be local folks, and
16 they'll replace parts from -- and they'll utilize
17 the --

18 MR. SCHABACKER: You should be able to
19 give me that right away.

20 MS. SAMAROO: Are you asking about the
21 people that are going to be building the project?

22 MR. SCHABACKER: Well, yeah, the whole --
23 the people that are building it and -- you know, if
24 my car breaks down, I know where I take it, they get

1 the parts from NAPA or wherever. Where is your
2 answer? Give me your answer. Right now, if you've
3 got a facility and something breaks down, who's
4 going to go fix it? I mean, you're business people.
5 Who's going to come and fix it? You know, just
6 little information. I'm surprised you just can't
7 give it to me real quick.

8 MR. DOWNES: Well, I mean, it's just that
9 there's new -- we're looking to build new projects
10 here in Illinois, and it just hasn't been built yet,
11 the system.

12 MR. SCHABACKER: And I'm -- I'm not trying
13 to be a tough guy, but where's your -- you have --
14 this isn't your first time around the block, is it?

15 MR. DOWNES: No.

16 MR. SCHABACKER: Okay. So, I mean, kick
17 that right out at me. Well, we'll get our parts
18 over here. If you had a maintenance person with
19 you, which I think would have been helpful, you
20 know, to bring with you somebody who does
21 maintenance, some of the ground crew, not just the
22 folks like yourselves, which are good folks, but I
23 think you could kick that right out. I noticed that
24 through the meetings. Sometimes something would

1 come up, and I used to be a maintenance guy and do
2 other things, too. I had my own business. I could
3 kick that stuff out in a heartbeat. You just
4 don't -- it would be nice to have somebody with
5 maintenance because one time I asked -- and, again,
6 I mean this politely -- well, where are you going to
7 store your panels? Well, I think you should be able
8 to give me that right now.

9 CHAIRMAN VAN LAAR: Yep.

10 MR. SCHABACKER: You're in business. You
11 should give me that right now. And you know that.

12 MS. BLUM: Sure. And I think one of the
13 issues is this group of folks is dealing with the
14 special use aspect of things.

15 MR. SCHABACKER: Sure.

16 MS. BLUM: And you're right, typically, an
17 ops person from Borrego could rattle off those
18 answers.

19 MR. SCHABACKER: There you go. I wish he
20 was here, because I think that could have
21 been beneficial.

22 MS. BLUM: Sure. Absolutely.

23 CHAIRMAN VAN LAAR: It gives us more
24 surety.

1 MS. BLUM: Right. Absolutely.

2 MR. SCHABACKER: Like you -- excuse me, I
3 don't want to over talk you, but, you know, you go
4 to work, you go and you ask for an answer. If you
5 ask me something, and I go, well, I -- does that --
6 what's that show you? It shows I don't know what
7 I'm doing.

8 MS. BLUM: Sure. Sure.

9 MR. SCHABACKER: And that's not good for
10 you.

11 MS. BLUM: Right.

12 MR. SCHABACKER: Hopefully, I wasn't too
13 hard.

14 MS. BLUM: No, not at all. I think what
15 Mel had referenced last time is, you know, once the
16 organization is in the state and they have
17 facilities in different places, I guarantee they
18 will figure out where they're going to be accessing
19 their different supplies and so on and so forth,
20 what their supply chain is here in Illinois, where
21 it's coming from, where the warehouses are --

22 MR. SCHABACKER: There you go.

23 MS. BLUM: -- et cetera.

24 MR. SCHABACKER: There you go.

1 MS. BLUM: That isn't set yet because the
2 project -- you still have to get approval to make
3 connections and so on.

4 MR. SCHABACKER: But do you have other
5 companies, and you do have other --

6 MS. BLUM: Absolutely.

7 MR. SCHABACKER: So any person sitting
8 over here in Timbuktu, this is what we do. There's
9 nobody here who can give me that.

10 MS. BLUM: Right. I see your point.

11 MR. SCHABACKER: Well, thank you.

12 MR. DOWNES: Understood.

13 (Whereupon, an inaudible
14 conversation was had between
15 board members.)

16 MS. ROTTMANN: When I think of conditions,
17 I think of like we need to meet -- they're already
18 meeting it already with their project. I don't
19 know. So that's something --

20 CHAIRMAN VAN LAAR: Okay. I will retract
21 my concern about American made, okay? It was out
22 there for the record.

23 MR. SAVINO: What else?

24 MR. SCHABACKER: Well, I think it was a

1 good point you're bringing up. I just -- you know,
2 we all have our thoughts.

3 CHAIRMAN VAN LAAR: Yeah.

4 I had talked to Drew regarding permit
5 fees, because we saw some ordinances, other
6 ordinances like DeKalb, Tazewell, Knox, and there
7 might have been another one that came through us
8 that had ordinance and they had permit fees inside
9 their ordinance. So I talked to Drew about that,
10 and he said that Boone County does not -- that's not
11 our fee structure to have it in our ordinance, so --
12 so that's not going -- we're not going to deal with
13 that. Him and the PZB and the county board will be
14 dealing with that, so . . .

15 One last, I think -- do you want to
16 ask the guys about this?

17 MS. ROTTMANN: Sure. I was just going to
18 change it if that's what you guys would like. What
19 I was trying to get at --

20 CHAIRMAN VAN LAAR: Is that up on the
21 screen?

22 MS. ROTTMANN: Yeah, it is. So we started
23 earlier talking about like No. 7 through 11, and all
24 that going on.

1 MR. SCHABACKER: You better bring that up.

2 MS. ROTTMANN: So, originally, when we
3 first started talking about this, we said we're not
4 looking at this, how the recommendations for the
5 planning department. We want to look at it from the
6 perspective of the county board, okay? My only
7 thing is, they're exceeding what the county board
8 would like. We can omit No. 7 entirely because of
9 where the project -- where the site has been
10 proposed. Like if you take a look here, guys, it's
11 exceeding, so that's all I'm trying to say. When
12 creating an ordinance, we're putting those verbiages
13 in to make sure they're thinking about it when
14 they're creating a project, they are seeking that.
15 A condition that --

16 CHAIRMAN VAN LAAR: It doesn't need to be
17 a condition.

18 MS. ROTTMANN: Correct. So I want to make
19 sure that you guys would be okay with taking --
20 omitting seven, slashing seven.

21 MR. SAVINO: Yes.

22 MS. ROTTMANN: Yes?

23 CHAIRMAN VAN LAAR: Because this --
24 those -- all those numbers are under oath, so that's

1 not a problem.

2 MR. SAVINO: Right.

3 MS. ROTTMANN: Do we have a problem with
4 eight and nine, while we're right here, because we
5 had talked about setting aside these, and we didn't
6 come back to these.

7 Eight talked about system
8 infrastructure shall be fully enclosed and secured
9 by a fence with a minimum height of seven -- oh, we
10 already addressed that. My bad.

11 And we addressed nine. And then
12 ten -- I'm sorry. I feel like ten might need to be
13 omitted as well, because we're addressing that in 11
14 B and C.

15 CHAIRMAN VAN LAAR: We are, yeah.

16 MS. ROTTMANN: So we omitted the first
17 half of 11 in A, and then in B we talked about the
18 buffer shall be planted along the north and south
19 perimeter of the project area, and then seven foot
20 so ten is omitted.

21 MR. SAVINO: Correct.

22 ATTORNEY MAVILLE: Yes.

23 MR. SAVINO: Yes, you're right.

24 MS. ROTTMANN: Okay. That's all I have.

1 MR. SAVINO: Do you have a list, Steve, or
2 are you done?

3 MR. SCHABACKER: I think I'm good.

4 CHAIRMAN VAN LAAR: Sure?

5 MR. SCHABACKER: Yes.

6 CHAIRMAN VAN LAAR: Okay. This is now.
7 We've got another 12 hours.

8 MR. SCHABACKER: Well, maybe I'll think
9 about this -- no, I think we're good.

10 MR. SAVINO: Are all your concerns
11 addressed?

12 MR. SCHABACKER: Yes.

13 MS. ROTTMANN: Do you guys want me to go
14 through what I believe -- what I think is the
15 correct -- just go through the ones that we've
16 changed or omitted? I don't know what you guys
17 would like.

18 MR. SAVINO: Yeah, I guess so. That's
19 fine. Highlights.

20 CHAIRMAN VAN LAAR: We're here. We're
21 here. We might as well see it in case --

22 MR. SCHABACKER: What's your comfort
23 level? Do you want to go through that?

24 MS. ROTTMANN: Yeah, I want everybody to

1 be -- I want to double-check now that we've been --

2 CHAIRMAN VAN LAAR: Can we put that on the
3 screen? Then we can read it while you're reading
4 it.

5 Thanks. Thank you.

6 (Whereupon, an inaudible
7 conversation between the board
8 members.)

9 CHAIRMAN VAN LAAR: Just read it.

10 MS. ROTTMANN: I'm sorry. That's just a
11 little bit hard.

12 CHAIRMAN VAN LAAR: That's fine.

13 MR. SCHABACKER: Whatever you think.

14 MS. ROTTMANN: Starting, we are omitting
15 number -- we are omitting -- I'm basing this off of
16 the WBK recommendations that I'm going from. All
17 right?

18 CHAIRMAN VAN LAAR: Yes.

19 MS. ROTTMANN: So No. 4, we're omitting
20 that. Moving on, No. 7, we're omitting that. No.
21 8, we are changing eight to seven.

22 MR. SCHABACKER: Yep.

23 MS. ROTTMANN: No. 9, we are adding the
24 phrase at the end, "landscaping plant mix must be

1 approved by the Boone County Conservation District."

2 CHAIRMAN VAN LAAR: Well, that would be
3 No. 8 then, right? You're omitting -- yep, you're
4 going to renumber.

5 MS. ROTTMANN: Yeah, they will be
6 renumbered.

7 CHAIRMAN VAN LAAR: Yep.

8 MR. SCHABACKER: Right, I got confused.

9 CHAIRMAN VAN LAAR: I know. That's why I
10 took it back. Sorry.

11 MS. ROTTMANN: Okay. So we're omitting
12 10. We're taking the first part of 11 in A and
13 omitting that. We're taking B, and we're adding "a
14 buffer shall be planted along the north and south
15 perimeter of the property area."

16 CHAIRMAN VAN LAAR: North and west.

17 MS. ROTTMANN: Oh, my bad, guys, I'm
18 sorry.

19 MR. SCHABACKER: That's all right. That's
20 why you're doing this. This is good.

21 CHAIRMAN VAN LAAR: Yeah, it's worth it.

22 MS. ROTTMANN: Okay. And then we're
23 changing 15 to 7 and a minimum height of seven feet
24 at maturity.

1 CHAIRMAN VAN LAAR: Yes.

2 MS. ROTTMANN: All right. Moving on to
3 12, we're omitting that.

4 MR. SCHABACKER: Yes.

5 MS. ROTTMANN: 14, we're omitting that
6 section but adding the -- taking out the paragraph,
7 and adding "applicant must submit approved IDOT
8 route to construction building department."

9 MR. SCHABACKER: Yep.

10 MS. ROTTMANN: All right. Moving down
11 to -- all right. Moving down to 21, we are adding
12 the phrase at the end, "if operating company or
13 owner does not complete the decommissioning plan
14 within six months, the project is deemed abandoned."

15 Okay. And then moving down to 23, we
16 are changing same condition to conditions
17 equivalent, and then omitting 24?

18 CHAIRMAN VAN LAAR: Uh-huh. (Affirmative
19 response.)

20 MS. ROTTMANN: 26, we're adding the
21 phrase -- I'm just going to read the first words,
22 "the plan shall include a provision that allows the
23 County to have a legal right to transfer applicable
24 solar development material if abandoned by the owner

1 to a salvage firm." Okay?

2 Omitting 27.

3 MR. SCHABACKER: Yep.

4 CHAIRMAN VAN LAAR: 28. I think I
5 screwed up -- oh, I see. So we're adding "prior to
6 the issuance of building plan, owner/developer shall
7 submit 50 percent cash escrow to the bank of the
8 County's choosing and 50 percent shall be submitted
9 in surety bonds to the -- surety bonds to cover the
10 cost of decommissioning. The prorated amount of the
11 decommissioning costs shall be based on the
12 engineer's estimate."

13 Moving down to the -- does that sound
14 right for 28?

15 MR. SCHABACKER: Yep.

16 MS. ROTTMANN: 29, changing "at issuance
17 of building permit, the cash escrow and surety bond
18 must total 110 percent of the estimate of the total
19 decommissioning cost." Is that correct?

20 CHAIRMAN VAN LAAR: Would upon issuance be
21 better or at issuance? Either?

22 ATTORNEY MAVILLE: Upon would probably be
23 better.

24 MS. ROTTMANN: Changing the phrasing.

1 Upon issuance of building permit.

2 All right. Moving down to 31, we're
3 omitting 31. We're changing in 32, three to five.
4 We are omitting 35 and 36. We're omitting the word
5 applicant from 37 C.

6 And I have no changes after that one.

7 Oh, my gosh. Okay.

8 CHAIRMAN VAN LAAR: Only the additions.

9 MS. ROTTMANN: Wait a minute.

10 MR. SAVINO: That 45-year --

11 MS. ROTTMANN: Oh, yeah, yeah, yeah, yeah.

12 Hold on a second. So No. 50, the special use shall
13 be effective for a maximum of 45 years from first
14 operation date. Do you like the wording? Does that
15 work?

16 CHAIRMAN VAN LAAR: That's fine.

17 MS. ROTTMANN: Okay. That's No. 50 or the
18 last one.

19 CHAIRMAN VAN LAAR: Yeah.

20 Now, 19 C, I think somebody early on
21 said something about plan location of
22 underground/overhead electric lines cannot be in the
23 solar farm. It should be solar energy development,
24 right?

1 MS. ROTTMANN: That is correct. 19 C.

2 (Whereupon, an inaudible
3 conversation was had between
4 board members.)

5 MR. SAVINO: Is that everything?

6 CHAIRMAN VAN LAAR: 19 C, solar energy
7 development instead of farm, solar farm.

8 All right, team.

9 MR. SAVINO: I'll make a motion. What was
10 the number?

11 CHAIRMAN VAN LAAR: 4-2018.

12 MR. SAVINO: I'll make a motion to approve
13 Case 4-2018 with the changes that we just talked
14 about.

15 CHAIRMAN VAN LAAR: With all the
16 recommendations?

17 MR. SAVINO: All the recommendations.

18 CHAIRMAN VAN LAAR: That's pretty vague.
19 Would you want to read all the recommendations
20 first?

21 MR. SAVINO: Yeah, let me think.

22 MR. SCHABACKER: With all the
23 recommendations we discussed.

24 CHAIRMAN VAN LAAR: Yeah. Motion by

1 Savino.

2 MR. SCHABACKER: I'll second it.

3 CHAIRMAN VAN LAAR: Seconded by
4 Schabacker. Any further discussion?

5 (No response.)

6 CHAIRMAN VAN LAAR: Roll call, please.

7 MS. ROTTMANN: Krum?

8 (No response.)

9 MS. ROTTMANN: Rhode?

10 (No response.)

11 CHAIRMAN VAN LAAR: Savino?

12 MR. SAVINO: Yes.

13 MS. ROTTMANN: Schabacker?

14 MR. SCHABACKER: Yes.

15 MS. ROTTMANN: Van Laar?

16 CHAIRMAN VAN LAAR: Yes.

17 Motion carries. One step has been
18 completed.

19 ATTORNEY MASSEY: Thank you.

20 MS. ROTTMANN: We will see you on
21 Thursday, May 10th, at 6:00 p.m.

22 ATTORNEY MASSEY: Thank you.

23 MS. BLUM: Thank you.

24 CHAIRMAN VAN LAAR: And do we have a

1 motion to --

2 MR. SCHABACKER: I make a motion to
3 adjourn.

4 CHAIRMAN VAN LAAR: Motion by Schabacker
5 to adjourn.

6 MR. SAVINO: Second.

7 CHAIRMAN VAN LAAR: Seconded by Savino.
8 All those in favor say aye.

9 (Whereupon, the ayes were
10 heard.)

11 CHAIRMAN VAN LAAR: Motion carries. We're
12 adjourned. 12 midnight.

13 (Whereupon, at midnight, the
14 meeting was adjourned.)

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1 STATE OF ILLINOIS)
2 COUNTY OF BOONE) SS
3)
4)

5 I, Margaret Ciembronowicz, Certified Shorthand
6 Reporter in and for the State of Illinois, County of Boone,
7 do hereby certify that on May 8, 2018; I reported the
8 proceedings had in the above-entitled matter before the
9 Boone County Zoning Board of Appeals and that the same is a
10 true, correct, and complete transcription of said
11 proceedings held on said date to the best of my ability.

12 Dated this 6th day of June, 2018.
13
14

15 ELECTRONICALLY SIGNED: Margaret Ciembronowicz

16 MARGARET CIEMBRONOWICZ
17 Certified Shorthand Reporter
18 License No. 084-003833
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