STATE OF ILLINOIS
PIATT COUNTY ZONING BOARD

GOOSE CREEK WIND, LLC
APPLICATION FOR A SPECIAL USE PERMIT
January 24, 2023
6:00 p.m. to 9:00 p.m.
Held at the Community Building, Monticello, IL

PIATT COUNTY ZONING OFFICER:
Ms. Keri Nusbaum

HEARING FACILITATOR:
Mr. Scott Kains, Esq.

PIATT COUNTY ZONING BOARD MEMBERS:
Mr. Loyd Wax, Chairman
Mr. Jim Harrington, Vice Chairman
Mr. Dan Larson
Mr. Kyle Lovin
Mr. William Chambers

PIATT COUNTY BOARD MEMBERS:
Todd Henricks
Jerry Edwards
Michael Beem

COUNSEL FOR THE PIATT COUNTY BOARD:
Mr. Andrew J. Keyt, Esq.

COUNSEL FOR THE APPLICANT:
Mr. Mark Gershon, Esq.
Mr. Ben Jacobi, Esq.

APPLICANT - APEX CLEAN ENERGY:
Mr. Alan Moore, Senior Project Manager
Mr. Jerald Hess, Associate Counsel

COURT REPORTER:
Ms. Jamie J. Mumm, CSR,
Official Court Reporter
Piatt County Courthouse
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Monticello, IL 61856
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(Proceedings had on January 24, 2023)

MR. WAX: Good evening. Hello. Good evening. We would like to call the meeting to order. Would you please join me in the Pledge of Allegiance.

(**Pledge of Allegiance**.)

MR. WAX: Could we have roll call, please?

MS. NUSBAUM: Mr. Larson?

MR. LARSON: Here.

MS. NUSBAUM: Mr. Harrington?

MR. HARRINGTON: Here.

MS. NUSBAUM: Mr. Lovin?

MR. LOVIN: Here.

MS. NUSBAUM: Mr. Wax?

MR. WAX: Here.

MS. NUSBAUM: Mr. Chambers?

MR. CHAMBERS: Here.

MS. NUSBAUM: State's Attorney Perry?

MR. WAX: County Board?

MS. NUSBAUM: Yes. Mr. Henricks?

MR. HENRICKS: Here.

MS. NUSBAUM: Mr. Edwards?

MR. EDWARDS: Here.

MS. NUSBAUM: Mr. Beem?

MR. BEEM: Present.

MS. NUSBAUM: Miss Jones? Miss Piatt? Mr. Foran?

MR. FORAN: Here.

MS. NUSBAUM: Thank you.

MR. WAX: Okay. I'll turn it over to our Hearing Officer.

MR. KAINS: Well good evening, folks. This is what he hope will be the final night of this public hearing with respect to the Goose Creek Wind, LLC's Application for Special Use Permit.

In previous sessions of this hearing we've heard evidence from witnesses in support, in opposition to, and folks neutral on the issue. We have also invited persons to submit comments in writing, and at the -- well, the Board's customary procedure is that they read all written comments that have been submitted into the record, and at this time I will read all written letters and e-mails that have been received with respect to this issue. First in support, and all of these will be letters written in support of the Special Use Permit Application. Then we will read those from folks who are opposed to the Special Use Permit Application.

An undated letter from Phil Hult, H-u-l-t. "To: Zoning Board of Appeals members and Piatt County Board members.

I am the President of Heartland Pathways, a not-for-profit conservation organization with work across central Illinois including but not limited to White Heath, the Sangamon River area, Clinton, Champaign, Lodge, Monticello and Cisco.

I am writing this letter to make you all aware of some of the public community grants that Apex Clean Energy has been providing to various nonprofit organizations in east central Illinois to enable them to accomplish their goals. I do not know of any other corporation that is providing anywhere near what Apex is to community-based organizations in this area.

Let me tell you what I know about how they are already at work doing good things in three different counties, Piatt, Champaign and Ford.

Back in October, I got an e-mail from Tom Scott of the Champaign, Havanna and Western Historic Railway which is based in Monticello. He received notice from Apex Clean Energy that he will be receiving a community grant for clearing trees and brush from segments of the Heartland Pathways rail trial (formerly owned by the Illinois Central RR) between Lodge and

White Heath. This will enable a section of the rail trail to be opened for public use. Many thanks to Apex Clean Energy for this.

Another example; I recently delivered banana boxes full of the last peppers and tomatoes that I harvested from my garden to East Central Illinois Foodbank in Urbana. While I was there, I saw the Apex Clean Energy logo on the side of the of their reefer trucks. I learned that the foodbank was a recipient of a community grant from Goose Creek Wind. Actually, the grant to the Eastern Illinois Foodbank benefits much more than Champaign County because Apex Clean Energy funded the food mobile which enables food distribution to the food insecure residents of 21 counties in the region, including Piatt County. I looked up the food mobile schedule for November and saw the food pantries that are open to residents of Piatt County are scheduled to take place in Bement, Cerro Gordo and Farmer City. Apex is putting resources into food for citizens of Piatt County even before the Goose Creek Wind Farm has been developed.

Also, in October, I met with one of the Apex Clean Energy conservation grant team members when I went to a Grand Prairie Friends dedication of a nature preserve in Paxton which was purchased with some of the

funding coming from Apex. The Prospect Prairie Cemetery Nature Preserve is a project that Grand Prairie Friends had been working on for a long time, and it is wonderful that this patch of native Illinois prairie which dates back to the ice age will now be protected in perpetuity.

Heartland Pathways is participating in the Goose Creek Wind Farm. The revenue from Goose Creek Wind Farm will help Heartland Pathways and its partners continue our work in the local area. We have been working with the Champaign Havana & Western Railway Historical Society, the Forest Preserve at Shady Rest and with the City of Monticello and their development of the Sangamon River Bridge Trail. We are working with Monticello to further extend that rail trial to Oberheim Park and onwards to Allerton Park. With financial assistance from Apex, we also want to expand the rail trail development through DeWitt County to Clinton making this a regional rail trail. Apex Clean Energy is aiding our trail work and this promotes health and recreation, community development, tourism, environmental sustainability, native prairie preservation, and education on local heritage.

From working with food banks to preserving and improving the local environment, the work that Apex is doing already in the local community is impressive.

Many thanks to the Goose Creek Wind project and the rest of the Apex team. Their generous support for the community is noticed and greatly appreciated. I am sure that if the Goose Creek Wind project is approved and constructed, the financial and environmental benefits to Piatt County will continue. With this in mind, I ask that you approve the Special Use Permit Application submitted by Apex Clean Energy for Goose Creek Wind. Philip Hult."

* * *

A letter dated May 20th, 2022. "LETTER TO PIATT COUNTY BOARD. Board Members, I've addressed the board on previous occasions, but for the record, my spouse and I support the Goose Creek Wind Farm Project."

By the way, this is from Louis and JoAnn Wozniak, W-o-z-n-i-a-k.

"We reside in Mahomet and co-own two, 80+/- acres farms, one in Blue Ridge and one in Sangamon Townships. Beyond financial incentives to us, impacted farmers, and county revenues, our compelling reasons for the support are listed below:

1.) Wind is not property of landowners, but of the general public, to be harvested for public benefit. Denial of access to that harvest for frivolous reasons is denying public access to this benefit. That denial

affects the upcoming generations more than our own.

Revenues from a wind farm project within the County's taxing base, when distributed by the County, can support needed education and public activities. After 50 years as a professor, with a wife working as a State of Illinois counselor, we strongly support education and community resources.

2.) Generated wind energy is made in America and, largely, used in America. Today's children and grandchildren will be faced with climate change's existential threat, and probably some form of global warfare. As wind energy's price becomes competitive, and U.S. transportation's electric vehicles become well established, we can have all-electric, clean-air buses for our school children, and more reliable energy to keep people from becoming powerless as a county and a country.

3.) Fossil fuel use increases potential lung and mental damage in many populations. We need all of the physically able, clear-thinking humans we can muster. We are also responsible for, and dependent upon, the fish and animals in our care. There are cumulative medical issues here which should be considered beyond the impact of the moment. Immediate self-serving matters cannot override these concerns.

For these reasons, and others, we support wind generation in general and the Goose Creek Project in particular. Respectfully submitted, Louis and JoAnn Wozniak."

* * *

An e-mail from Terrion Taborn, T-e-r-r-i-o-n, last name T-a-b-o-r-n.

"Dear Zoning Board Officer Keri Nusbaum, Please read this during the comment period of the permit hearings.

Dear Chairman Wax, members of the Piatt County Zoning Board of Appeals and County Board Members,

My name is Terrion, and I am a union member writing to support the Goose Creek Wind project. I am excited about clean renewable energy that is being produced locally, and I encourage you to approve the special use permit because as a clean energy source, wind is one of the most compatible with wildlife. That is important to me because clean energy is the best way to go.

Thanks for your diligent work to set standards for responsible development and allow new economic opportunities for the county.

Regards, Terrion Taborn, 1805 E. Pine St Springfield, IL 62703."

* * *

E-mail from Scott Ward of Athens, Illinois, dated Wednesday December 14, 2022. Pretty much reads the same as Mr. Taborn's e-mail, slightly different. I'll read the slightly different portions.

"My name is Scott, and I'm a union member writing to support the Goose Creek Wind project. I am excited about clean renewable energy that is being produced locally, and I encourage you to approve the special use permit because this project has minimal impact on productive farmland with only 25 acres being used post construction. That is important to me because Green Energy and local jobs."

Again, his closing statement is the same as Mr. Taborn's.

"Regards, Scott ward, 702 E. Hargrave, H-a-r-g-r-a-v-e St., Athens, Illinois 62613."

* * *

E-mail dated Thursday, December 15, 2022, from Jane Evans of Farmer City. The opening is the same as the previous two. And she writes:

"My name is Jane, and I'm an advocate for economic development writing to support the Goose Creek Wind project. I am excited about increased revenue to the schools and county, and I encourage you to support

the special use permit because Goose Creek is projected to provide over $13 million in Piatt County taxes and over $55 million for our local school districts over the next 30 years. That is important to me because Bring (sic) money and jobs to Piatt County."

And again, the closing line is the same as the previous two.

"Regards, Jane Evans, 12062 Greenleaf, G-r-e-e-n-l-e-a-f Dr., Farmer City, Illinois 61842."

* * *

An e-mail dated Thursday December 15, 2022, from Luke Greenleaf of Decatur, Illinois. Again, it has the same opening and closing. The body of it is slightly different.

And just for the record, ladies and gentlemen, all of these letters have already been copied and presented to Zoning Board Members. This exercise is simply one in which the Board traditionally reads letters into the record, and so that's what we are doing here. So I'm shortening this process just a little bit by not reading the intro and final sentence. We are not shortchanging these folks by any stretch, because these letters have already been presented to Members of the Zoning Board of Appeals. But Mr. Greenleaf writes:

"My name is Luke, and I'm a union member writing to support the Goose Creek Wind project. I am excited about the boost to the local economy, and I encourage you to approve the special use permit because construction of the project will result in hundreds of temporary jobs and significant local spending. That is important to me because The proposed work includes my union.

Regards, Luke Greenleaf, 9 Fenton Dr., Decatur, Illinois, 62521."

* * *

E-mail dated Thursday, December 15, 2022, from Jacob Giller, G-i-l-l-e-r, of Springfield, Illinois. The same introduction. He writes:

"My name is Jacob, and I'm a union member writing to support the Goose Creek Wind project. I am excited about the boost to the local economy, and I encourage you to approve the special use permit because Goose Creek has conducted environmental impact studies to examine bird and eagle activity in the area, as well as bats, other wildlife, and local plant species. That is important to me because This Will Give Me An Opportunity To Make Prevailing Wage And Provide A Stable Life For Me And My Loved Ones.

Regards, Jacob Giller, 1006 W. Edwards St, Springfield, Illinois, 62704."

* * *

Another one, this one dated -- e-mail dated December 14, 2022 from Logan Lewellyn of Stonington, Illinois. Same opening.

"My name is Logan, and I'm a project participant writing to support the Goose Creek Wind project. I am excited about the boost to the local economy, and I encourage you to approve the special use permit because construction of the project will result in hundreds of temporary jobs and significant local spending. That is important to me because feeding my family (sic).

Regards, Logan Lewellyn, L-e-w-e-l-l-y-n, 205 S. Main St, Stonington, IL 62567."

* * *

E-mail dated December 14, 2022 from Travis Ealey of Mechanicsburg, Illinois. The same introduction and concluding sentence, but the body of it states:

"My name is Travis, and I'm a union member writing to support the Goose Creek Wind project. I am excited about clean renewable energy that is being produced locally, and I encourage you to approve the special use permit because Goose Creek is projected to

provide over $13 million in Piatt County taxes and over $55 million for our local school districts over the next 30 years. That is important to me because it is a good source of work.

Regards, Travis Ealey, E-a-l-e-y, 11725 Buckhart Rd, Mechanicsburg, Illinois 62545."

* * *

E-mail dated December 12, 2022, from Jarrod Liffick. Jarrod, J-a-r-r-o-d. Liffick, L-i-f-f-i-c-k. Again, the same opening and closing sentences.

"My name is Jarrod, and I am a union member writing to support the Goose Creek Wind project. I am excited about clean renewable energy that is being produced locally, and I encourage you to approve the special use permit because construction of the project will result in hundreds of temporary jobs and significant local spending. That is important to me because the project will bring in work for the different union trades."

* * *

E-mail from Tyler Schafer, S-c-h-a-f-f-e-r, dated December 12, 2022. Same opening and closing. The body of it states:

"My name is Tyler, and I'm a union member writing to support the Goose Creek Wind project. I'm

excited about increased revenue to the schools and county, and I encourage you to approve the special use permit because Goose Creek Wind represents a $500 million private investment, all in Piatt County. That is important to me because County wide improvements in all areas can happen with the $500 million investments.

Regards, Tyler Schaffer, 1707 W. Church Str, Champaign, IL 61821."

* * *

Another e-mail dated December 12, 2022, from James Warren. Again, the introduction and closing sentences are the same as previous e-mails. The body of it:

"My name is James, and I'm a project participant writing to support the Goose Creek Wind project. I'm excited about energy independence, and I encourage you to approve the special use permit because people rely on the services that county taxes provide, and this is a great opportunity to avoid any potential cuts. That is important to me because I feel that the wind farm would be a real asset for Piatt County for current and future generations."

* * *

E-mail dated December 12, 2022 from Mitch Moran, M-o-r-a-n. Again, same introduction and closing

sentence, but the body of the e-mail states:

"My name is Mitch, and I'm a union member writing to support the Goose Creek Wind project. I'm excited about clean renewable energy that is being produced locally, and I encourage you to approve the special use permit because construction of the project will result in hundreds of temporary jobs and significant local spending. That is important to me because it gives me and the guys in my local job opportunities.

Regards, Mitch Moran, 1155 County Rd 500 E Trilla" T-r-i-l-l-a, "IL 62469."

* * *

UNIDENTIFIED SPEAKER: Can you read the address off so we know if they are in the County or not?

MR. KAINS: Thank you. I forgot that one. I've been readying most of the addresses. Thank you. With regard to Mitch Moran, 1155 County Rd, 500 E. Trilla, T-r-i-l-l-a, IL 62469.

UNIDENTIFIED SPEAKER: How about James Warren?

MR. KAINS: Thank you, sir. Mr. Warren's address, 507 S.N. Shore Dr, Mahomet, IL 61853.

* * *

MR. KAINS: This is one dated December 12th,

2022. It comes from Jane Evans, who I previously read a letter or an e-mail into the record. Although this one from Jane Evans, states in the body of the letter:

"My name is Keith, and I'm a project participant writing to support the Goose Creek Wind project. I'm excited about increased revenue to the schools and county, and I encourage you to approve the special use permit because once operational the project will create eight new local, fulltime careers. That is important to me because people need jobs. This builds the future of Piatt County. But it is signed, Regards, Jane Evans, 12062 Greenleaf Dr., Farmer City, Illinois, 61842."

* * *

E-mail from Randy McCoy, dated December 20, 2022. Same introduction, same closing sentence. The body of the e-mail states:

"My name is Randy, and I an a union member writing to support the Goose Creek Wind project. I am excited about increased revenue to the schools and county, and I encourage you to approve the special use permit because people rely on the services that county taxes provide, and this is a great opportunity to avoid any potential cuts. That is important to me because it

helps the economy and the local people.

Regards, Randy McCoy, 6750 Sherry, S-h-e-r-r-y, Ct Decatur, IL 62521."

* * *

E-mail from Nicholas Tarter, dated December 20, 2022. Again, the same introduction and closing sentence. The body of the e-mail states:

"My name is Nicholas, and I am a union member writing to support the Goose Creek Wind project. I am excited about the jobs this will create, and I encourage you to approve the special use permit because construction of the project will result in hundreds of temporary jobs and significant local spending. That is important to me because My iron working union supports these kinds of projects because they bring local jobs and income to the area and surrounding areas.

Regards, Nicholas Tarter, T-a-r-t-e-r, 42 Shemauger, S-h-e-m-a-u-g-e-r Trail, Urbana, IL 61802."

* * *

E-mail from Kyle McCoy, dated December 20, 2022. Same introduction, same closing sentence. The body of the e-mail states:

"My name is Kyle, and I am a project participant writing to support the Goose Creek Wind project. I am excited about the boost to the local

economy, and I encourage you to approve the special use permit because the project is expected to generate over $89 million in total property taxes over 30 years, nearly $3 million annually. That is important to me because As a -- it says meme, m-e-m-e, as a meme we of the community and landowner in Macon and Moultrie Counties, I believe this will be beneficial.

Regards, Kyle McCoy, 850 Westside, one word, Dr, Mt. Zion, IL 62549."

* * *

E-mail from Jayden Gustafson, J-a-y-d-e-n, G-u-s-t-a-f-s-o-n, dated December 20, 2022. Same introduction, same closing sentence. The body of the e-mail states:

"My name is Jayden, and I am a union member writing to support the Goose Creek Wind project. I am excited about the jobs this will create, and I encourage you to approve the special use permit because this project has minimal impact on productive farmland, with only 25 acres being used post construction. That is important to me because Good (sic) long work."

Sorry. I didn't read his address.

"Regards, Jayden Gustafson, 265 W. Wilson St, Bement, IL 61813."

* * *

E-mail from Gottlieb Moore, dated December 21, 2022. Same introduction and closing sentence. The body of the e-mail states:

"My name is Gottlieb Moore, and I am a union member writing to support the Goose Creek Wind project. I am excited about the boost to the local economy, and I encourage you to support the special use permit because Goose Creek is protected to provide over $13 million in Piatt County taxes and over $55 million for our local school districts over the next 30 years. That is important to me because it's a good work source.

Regards, Gottlieb Moore, 1225 Stanton Airport Rd, Riverton, IL 62561."

* * *

E-mail dated December 21, 2022, from Jorge Duarte. Jorge, J-o-r-g-e. Duarte, D-u-a-r-t-e. Same introduction, same closing sentence. The body of the e-mail from this writer is:

"My name Is Jorge, and I am a union member writing to support the Goose Creek Wind project. I am excited about clean renewable energy that is being produced locally, and I encourage you to approve the special use permit because Goose Creek Wind represents a $500 million private investment, all in Piatt County. That is important to me because it's important to me

because it brings in work for our union members.

Regards, Jorge Duarte, 359 W. State St, Paxton, IL 60957."

* * *

E-mail from Bill Campbell, dated December 21, 2022. Same introduction, same closing sentence. Body of the e-mail states:

"My name is Bill, and I'm a union member writing to support the Goose Creek Wind project. I am excited about the jobs this will create, and I encourage you to approve the special use permit because construction of the project will result in hundreds of temporary jobs and significant local spending. That is important to me because I have worked on multiple wind farms and have been able to provide for my family while the County and local municipalities have benefited as long as the residents (sic).

Regards, Bill Campbell, 1750 S Esther, E-s-t-h-e-r, Ave., Decatur, IL, 62521."

* * *

E-mail from Ronnell Harrington. Ronnell, R-o-n-n-e-l-l. Harrington, H-a-r-r-i-n-g-t-o-n. Dated December 21, 2022. Same introduction and closing sentence as prior e-mails. Body reads:

"My name is Ronnell, and I am a union member

writing to support the Goose Creek Wind project. I am excited about the jobs this will create, and I encourage you to approve the special use permit because the project is expected to generate over $89 million in total property taxes over 30 years, nearly $3 million annually. That is important to me because it will Bring more jobs into the county.

Regards, Ronnell Harrington, 2628 E Locust St, Decatur, IL 62526."

* * *

An e-mail from David Ureno, U-r-e-n-o, dated December 21, 2022. Same introduction and closing sentence as previous e-mails. The body states:

"My name is David, and I'm a local resident writing to support the Goose Creek Wind project. I am excited about clean renewable energy that is being produced locally, and I encourage you to approve the special use permit because wind power is a safe energy source that benefits public health by reducing air pollution from fossil fuels. That is important to me because of the cleaner planet.

Regards, David Ureno, 205 Surrey Ct, Monticello, Illinois, 61856."

That concludes letters in support of the application.

Letters in opposition.

A letter from Katherine Rutherford. No address. Dated November 17, 2022.

"To the Piatt County Zoning Board of Appeals,

My name is a Katherine Rutherford, and my husband and I own and reside at 3 River Valley Ranch, there's the address, 3 River Valley Ranch in White Heath. We are located just outside of the Goose Creek Wind project area, and would be approximately 2.18 miles from Tower 44 and 2.45 miles from Tower 64. We are at a distance such that if this project is passed, I hope that the impact on us will be limited to a changed neighborhood view and potential future tax liability for decommissioning. Moreover, I have serious concerns for the rights of non-participating property owners, residents, and the wildlife that are in the project area.

In the County's Zoning Ordinance there is a list of items that the Board may prescribe conditions upon to insure that they are upheld, before recommending the issuance of a special use permit. Amongst this list

are many items that the Goose Creek Wind project will violate, and no prescribed condition can reasonably insure against these violations. They are as follows:

The establishment, maintenance or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.

Dot point. **Public health** - The stress and sleep disturbance caused by proximity to industrial wind turbines is a highly debated topic, which means it's not completely understood as of yet. That alone should give us pause when considering placing turbines as close to residences as are planned in this project.

Second dot point. **Safety** - Turbines will bring an increased risk for fire and other issues such as ice throw. It is especially concerning that a fire in a turbine cannot be extinguished due to the height but must be monitored and secondary fires fought until it goes out on its own. In addition, it is easily demonstrated that wind farms interfere with weather Doppler radar function. Even if turbines are shut off within a certain number of minutes of notification by the National Weather Service, that is time lost for interpreting data and sending out necessary warnings that may save lives.

Third dot point. **Comfort** - Shadow flicker is recognized to be an issue by Apex such that they have proposed limits on the amount of time shadow flicker may be on a residence each day. The practical reality is that many people are working on and enjoying their properties outside of their homes, where there will be no limits on shadow flicker duration.

Fourth dot point. **General welfare** - Local crop dusting businesses will have their work impeded, and farmers (both participating and non-participating) may lose the option of aerial application of products. In addition, the wildlife in the area will be detrimentally affected. Increased death of bats and birds, including eagles, is expected to occur.

The second point she makes: *The special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted nor substantially diminish and impair property values within the neighborhood.*

First dot point. **Use and enjoyment** - As mentioned above, shadow flicker is a problem. In addition, nearby properties will have the addition of the sight and sound of turbines to the peace, quiet, and rural agricultural views they currently enjoy. For many, and certainly for those receiving no income for these

turbines, that will substantially decrease their enjoyment of their property.

Second dot point. **Property values** - While the value of the parcel containing the income-producing turbine may increase, it is common sense that a nearby parcel will have a decrease in value. The pool of prospective buyers for the property will be reduced due to exclusion of those who do not want to live in the proximity of an industrial wind turbine. An optimistic interpretation is that days on the market may increase, but in reality, reduced buyers means decreased demand for the property which will translate into reduced property value.

Then her third point that she makes:

The establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.

Development and improvement of surrounding property - Wind turbines have the potential to encroach on neighboring properties, preventing those landowners from building on or using their own land as desired. This encroachment may be caused by dictated "safety zones" surrounding the turbines. Alternatively, a property owner's personal concerns regarding the safety of people or livestock may alter or prevent plans for

structures that they would have otherwise built.

In conclusion, the proposed Goose Creek Wind project will be detrimental to Piatt County and its residents on many levels. Safety, property use, and property values will be especially affected. As a concerned resident, I ask that the Zoning Board of Appeals vote No on its recommendation regarding the Goose Creek Wind Special Use Permit Application.

Thank you, Katherine Rutherford."

* * *

A letter from Brian D. McDowell of Monticello, Illinois, dated September 28th, 2022.

"Gentlemen: This letter is send to communicate my strong opposition to the Apex wind farm in Piatt County. I have many concerns about the project. Two primary concerns are listed below:

Land Damage and Land Stewardship:

For the past 17 years I have worked in Farmer City while I have lived in Monticello for 23 years. My daily commute to Farmer City crosses some of the most productive farmland on earth. The current wind project under construction in McLean County near Bellflower has provided an up close and personal view of wind farm construction plus related legal and financial impacts. Many close friends and customers have declined wind

tower contracts. Some close friends and customers have accepted wind power contracts. Many of those who accepted wind power contracts now have regrets.

The damage to farmland from wind tower construction is wide spread and profound. Gravel access roads now crisscross the landscape around Bellflower. Each wind tower is set on a foundation that features 60 tons of concrete. The agricultural landscape around Bellflower will never be the same. The productivity of farmland will never be recovered. Landowners who accepted contracts did not fully appreciate the damage when the project was proposed.

National Energy Policy: My understanding of wind energy is that development is driven in large part by federal subsidies, investment tax credits, production tax credits and/or mandates that regulated utilities purchase wind generated power. What if political sentiment in Washington shifts? Can Apex Wind sustain operations without taxpayer support? This observer is more than skeptical. How will landowners manage wind towers that you are not maintained if Apex or a successor company fail in bankruptcy?

Wind energy has proven to be less reliable than conventional sources of electricity such as coal, nuclear and natural gas. Recall that Texas was hit with

widespread blackouts after severe winter weather caused wind turbines to fail. Severe winter weather is much more common in Illinois than Texas.

In summary, I oppose proposed wind energy development based on the destruction of prime farmland and politically risky taxpayer support resulting in a less reliable/resilient source of power generation.

I urge you to withhold support for wind energy development in Piatt County.

Sincerely, Brian D. McDowell, Monticello, Illinois."

* * *

An undated letter from Brian & Debbie Sebens, S-e-b-e-n-s.

"I would like this to be read at the next Wind Farm meeting as my personal statement.

I live approximately five miles south of Mansfield. When you are standing on the ground of my property, I can see the windmills that are being put up north of Mansfield in McLean County.

If the wind farm goes through in Piatt County, they will be built just west of my house. This will degrade the value of everything I have worked so hard to personally build and be proud of. I talked to a veteran realtor with 35 years of experience about the

effect of the wind farm on my property value. In their opinion, depending on the site of the windmill, I could lose up to 40% of my property value. This is not fair to property owners in the area. If Apex wasn't throwing out cash to the people that vote on their plan, including the landowners that are signing up, this would never be happening. I sincerely feel we are getting sold out for a check.

Also, if this happens I would fully expect that my property taxes be reduced because of the property value being reduced. With the reduction of property values, how much will the county lose in property taxes?

How many people have living by wind farm on their list when they are looking for a place to buy? No one that I have ever talked to for sure!

Thank you for your consideration of the drastic affect this will have on the landowners around your county. Every person that votes for the wind farm should have one put by their property.

Brian & Debbie Sebens, 1134 E 2350 North Rd, Mansfield, IL 61854."

* * *

E-mail from Fred Erickson, no address, dated November 30, 2022.

"I want to register my strong feelings about these wind turbines. One, the appearance of those huge erected towers dotting the peaceful landscape is austere now. In years to come when they begin to show their age, as everything and everyone does, they will be even more unattractive. Then when, and we will soon, develop a better energy system, and the turbines lose their efficiency, they will sit there and deteriorate. That will cause the landowner sizable expenses and frustration. Plus, they certainly fall short of providing the energy we need when they are still brand new. And how does the landowner dispose of that huge equipment? That turbine company will undoubtedly be out of business and all obligation they may have had when the turbines were new will be obsolete.

I strongly encourage our Zoning Board to exercise their authority and vote against the turbines coming into Piatt County.

Karen, if you need to include name, ours is Fred and Bev Erickson. Please let me know if you get this message."

* * *

Three pages of petition.

"WE the undersigned residents of the Village of Deland, petition the Village Board of Deland, to not waive the 1.5 mile setback for Wind Energy Conversion

Units (windmills)."

There are 54 names and addresses:

Brian Wikoff, W-i-k-o-f-f, 293 E. 4th St.;

Teresa, T-e-r-e-s-a, Wikoff, 330 N. Indiana Ave.;

Paul Wikoff, 330 N. Indiana Ave.;

Heather, it looks like Palombo, P-a-l-o-m-b-o, 210 S. Western Ave;

Tracy Turner, 2205 Western Ave.;

Linda, I believe Turpen, T-u-r-p-e-n, 223 Western;

Simply Harold, 223 Western;

Then there's a signature, it looks like Harold R. -- I can't make it out. But this will be contained in the record for this hearing and for the County Board to review.

Dale Allen, 401 Western;

Wanda Platner, P-l-a-t-n-e-r, 2355 Western;

Robert, with a very long scribble, 345 N. Highway;

Charlotte Tatman, T-a-t-m-a-n. Appears to be 181 6th Street;

Pete Tatman, 181 6th Street;

Janice Burton, P.O. Box 25;

David looks like Bentz or Boltz, B-e-n-t-g perhaps? P.O. Box 175;

Ah, Burke. His wife's handwriting is better.

(Laughter)

MR. KAINS: She writes Stacy Burke, P.O. Box 175;

Tim Clifton, Looks like 120 E 4th, DeLand, Illinois;

Orin Whisman, W-h-i-s-m-a-n, 630 Eastern Ave;

Colleen Kidd, 925 N.E. 3rd St.;

William Kidd, 925 N.E. 3rd St.;

Wendell Clifton, 345 S. -- looks like 5th Street;

Chad Roofer or Reefer, R-o-e perhaps, f-e-r, street number unintelligible, S. Illinois Avenue;

Greg Allen, 530 N. Illinois Avenue;

Mary-Etta, E-t-t-a, Roos, R-o-o-s, 225 W. North Third;

Dave --

COURT REPORTER: Strange.

MR. KAINS: Strange? Wow. Thank you.

(Laughter).

COURT REPORTER: I've worked for a judge for a number of years, a lot of judges.

MR. KAINS: Dave Strange, 320 South --

COURT REPORTER: Highway Avenue.

MR. KAINS: Highway Avenue. Jamie, are you the knower of all stuff? Thank you. I always say at my house Mrs. Kains is the knower of all stuff. I really I really don't know anything. So, we have a work wife over here. Thank you.

Dana Vinson, 300 S. Western;
Lawrence Vinson, 300 S. Western;
Douglas A. Burton, 230 N. Western Ave;
Fred Dalton, 320 Illinois Ave;
Carmella, C-a-r-m-e-l-l-a, Dalton, 320 Illinois Ave;
Troy Burton, 230 Western Ave;
Kathy Bush, 428 S. Western Ave;
Dean Bush, 428 S. Western Ave;
Terri Norton, 300 S. Third;
Nancy Benson, 405 N.E. 3rd St;
Kenneth Benson; 405 N.E. 3rd St;
Jennifer Carpenter, 425 N.E. 3rd St;
Teresa O'Neal, 535 N.E. 3rd St;
Daniel Poneal, P-o-n-e-a-l perhaps, 535 -- oh, O'Neal. Should've checked the wife's. Daniel P. O'Neal, 535 N.E. 3rd St;
Karol Nunez, Karol with a K, Nunez, N-u-n-e-z, 305 N.E. 3rd St;
Kody Carter, looks like Kody with a K, Kody Carter, 715 N. Indiana;
Bev Carter, 315 N. Indiana.
Dora Talbert, 325 N.E. Third St;
Clay Dalton, 515 N.E. 3rd St;
Jeff Carpenter, 425 N.E. 3rd St;
Mario Muniz, M-u-n-i-z perhaps, or it could be Nunez,

N-u-n-e-z, 305 N.E. 3rd St;

Kathy Appenson, A-p-p-e-n-s-o-n?

COURT REPORTER: Apperson.

MR. KAINS: Apperson? Thank you. 221 Eastern Ave;

Thom Apperson, 221 Eastern Ave;

Rita Woolridge, 111 Indiana Ave;

Linda Buchanan, 100 N. Indiana Ave;

Amanda Kilian, looks like K-i-l-i-a-n, 109 Stoddard Ct;

Pam Whisman, W-h-i-s-m-a-n, 630 N. Eastern;

Sharon Becker; 305 N. Western Ave;

Tuck Weddle, W-e-d-d-l-e, 145 3rd St;

Marcia Weddle, 145 3rd St.

That concludes the 54 names on a petition signed by residents in the Village of Deland.

* * *

An undated letter that was received by Piatt County Zone Administrator Miss Nusbaum on December 20th, 2022, from Dustin and Jenny Bateman, 3097 N. 1350 East Rd, Mansfield, Illinois 61854.

"Piatt County Zoning Board: We are writing in opposition to the Apex special use permit for the Goose Creek wind farm project.

First, to introduce ourselves, we are Dustin and Jenny Bateman of Rural Mansfield. We live just north of town on three ares that Dustin purchased from Grandparents - cutting out the corner of the field to instruct his bachelor pad, and now 15 years later we are in the process of adding on to our home (almost done) to make it much more comfortable for our family of four. We debated for quite some time on moving to a different area or renovating our current home. We ultimately decided that if we really love the Mansfield community and Blue Ridge school district, and nowhere else would feel like home. Dustin's family has been farming in the area for 140 years (at least according to the sign in front of his dad's house) and while we both work full time in Champaign, Dustin also helps out with the family farm when he's needed. We are very involved in our local community - Jenny serves as the president for PIE - the parent teacher organization at Blue Ridge Schneider Elementary, co-chairs the outreach committee at Mansfield United Methodist Church, and serves on the Blue Ridge Township Library Board. You'll see our whole family at various sporting events for our young children. Steele is 9 and Opal is 7, who may just about everything that they can in the Blue Ridge School district, and we both frequently volunteer with those

sporting organizations.

Our children's brand-new bedrooms (that they haven't even gotten to move into yet), along with our kitchen and dining room windows face the proposed turbines, T14 and T15. A view that I can't even imagine at this point when I look out at the open beautiful field with trees in the distance under a lovely Illinois sky. Our home is circled in yellow in the image at the right." And there is, for the record, it looks like a small map showing T14 and T15 and a circle around a small corner of a parcel, presumably their house. It's circled in yellow. "Our home is circled in yellow in the image at the right. These two turbines would have the greatest impact to our family directly and we respectfully request that permits for these turbines are not granted - even if others in the project were to go through. However, we are opposed to the project as a whole and request that the permit for the entire project be rejected. We will explain some of the reasons below, organized using questions the zoning board will use to approve or deny the special use permit.

(1) The establishment, maintenance or operation of special use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.

There are many factors related to the wind turbines that have the potential to impact our health, safety, and comfort. It is difficult to guess how extreme these impacts will be, but it is safe to say that we would definitely be impacted by these items at some level if the wind turbines were in place.

First, sound. When in operation, the turbines will make constant noise that will definitely be heard at our home. This will at minimum, be a nuisance and impact the comfort at our home, especially when enjoying the outdoors. However, it is possible that the sound and sound pressure could be so impactful as to disrupt our family's sleep or health. There would also be noise an disruption during the construction of the turbines - noise from heavy equipment operations and travel to the turbine site.

It is possible that the turbines will affect our wireless internet, TV reception, and cell service. Again, we aren't able to know how extreme these impacts will be in advance, but it is safe to say there will be some impact. As we have no land line telephone and rely on wireless internet for our work, reduction in these services would be highly impactful for our family. This would become a safety concern if we were unable to make and receive phone calls or receive weather updates.

Wind turbines are also known to impact doppler radar. We are concerned that inclement weather warnings to our area will be delayed or undetected. This is a serious safety concern for the entire project area.

If there is a fire or other emergency that takes place at the wind turbine site, we are concerned that our local volunteer fire department and first responders are not equipped to handle that level of emergency effectively. A wind turbine on fire will be left to burn and if the surrounding dry field catches on fire, it could become an extremely dangerous situation. If there is a leak of oil, we do not trust Apex, or subsequent owners, will clean up the area appropriately, and our water supply could be impacted.

Currently nice, frequently traveled roads in and around our community will be turned into a gravel mess that will make travel extremely difficult. We and our neighbors will be forced to take longer, alternative routes to get where we need to go, or traverse gravel stacked roads that could be damaging to our vehicles and dangerous for travel.

(2) The special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted nor substantially diminish and impair property values within

the neighborhood.

This project will be injurious to the use of enjoyment of our property and other residents who live in the vicinity of a wind turbine. The constant noise will make it uncomfortable for our family to enjoy the outdoors at our home. We like to work in our garden, our kids play on their play set and play ball in the yard, and have friends over for outdoor cookouts. All of these items will be impacted by the constant sound and pressure coming from the turbines.

This project will decrease property values of our home and properties in the area. When considering property value, we think about the sale value. While we expect that the county won't reassess our property to show the diminished value, we know that the price someone would be willing to pay for our property, and the properties of our neighbors will be diminished. One doesn't need a special study or expert to know this, just some general common sense. Ask yourself, if you were shown two properties that were identical with the same price, except one of them had two wind turbines the size of the St. Louis arch across the street, which one would you purchase? Everyone would choose the no-turbine property. Have you ever heard of someone looking to buy a home near a wind turbine? People look for homes with a

certain yard size or acreage, out buildings, pond, timber, garden, nice neighborhood, good views. Do you think "I want a home with a turbine across the street" is something a realtor ever hears? If not, a home with a neighboring turbine is something that a buyer settles for and when you settle for, and when you settle for something, instead of paying the best price, you pay a discount price. The amount people would be willing to pay for our home if this project is approved will **absolutely** be diminished.

(3) The establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.

This project would definitely and extremely limit the future development of the project area to include the Mansfield community. With turbines sounding the town in every direction, our lovely little town will have no opportunity to grow and expand in the future. A new building cannot be placed close to turbine. A family will not choose to move to a home near a turbine. Property values will drop. If turbines are constructed their impact will be permanent in our community.

(4) Adequate utilities, access roads, drainage, and/or other necessary facilities will be provided.

(5) Adequate measures will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

3100 is the road that runs along the north side of our property. It is a straight shot from the Mansfield/Bellflower blacktop to Rt 47 and sees frequent traffic, cars, trucks, farm equipment and bicyclers. It is currently a smooth, well maintained road that is our primary route when going to and from our home. The Apex representative I spoke with at the open house event in Mansfield explained that they would improve this road by building it up with gravel to allow for their large equipment to travel on. While this may be an improvement if you drive a crane, it will not be if you drive a regular vehicle like our Ford Explorer, or our neighbor's small sedan; God forbid a bicycle try to travel on it. We would expect constant dust and thrown rocks from travel on this road both on vehicles and into our yard. The edges of the road will be elevated so much with gravel it will be dangerous to get over for passing traffic. Access to the road will be blocked for construction-related traffic. We, and other drivers will be forced to take alternate and longer routes to travel in and around our community.

(6) The establishment, maintenance and operation

of the special use will be in conformance with the preamble to the regulations of the district in which the special use is proposed to be located.

(7) The special use shall in all other respects conform to the applicable regulations of the district in which it is located and the Board shall find that there is a public necessity for the special use.

There is no necessity in Piatt County for this wind farm, and local residents who live here and support the community are against it. The power generated will not support local power needs or lower local electric bills. If permitted, the wind farm will be a permanent nuisance to local residents and detrimental to the Mansfield community. For these reasons we respectfully request that the special use permit for the Goose Creek Wind farm be denied. Thank you, Dustin and Jenny Bateman." And they are from Mansfield.

* * *

E-mail from Charles Thomas, dated December 21, 2022.

"My name is Charles Thomas. I live on the west side of the Broadlands Wind Farm, also known as the Harvest Ridge Wind Farm, in Douglas County. I can see 48 wind turbines, nearly 600 feet tall to my east.

On June 7, 2017, at 6:00 p.m., a meeting was held at the VFW in Villa Grove. This meeting was by invitation, and attended by members of the Douglas County Board. It was during this meeting a "rift" was begun in Douglas County.

The following months and now years saw that rift begin to expand. The expansion began with threat of legal action, legal action being taken, and even actions taken at the capital in Springfield, emanating out of Chicago. We have seen county roads destroyed, rebuilt and destroyed again. We have suffered a tragic fatal accident. Then after two years operating, and a threat of suit by the State's Attorney, the roads have once again been repaired, awaiting a final coating in the Spring.

I'm quite sure many of those now listed as lease holders or good neighbors do not live in the county. This has progressed, to the shock and sadness of possible changes that will affect those who will live in the footprint. Resident landowners trying to process how neighbors, friends, representatives, and even relatives have decided they would like some promise of vague cash, over an unknown number of years, of course at the expense, and possible ruin of others.

The leases signed for those stipends suddenly

affect the value, business viability, and possible health of others. There is bitterness, and it will remain if the application is granted. Specially if there is unwillingness to protect non-participating landowners, all for money. Someone wins, some others lose. Even though you may have paid local taxes for generations agreed to the occasional tax increases to fund your school district. Even though all of us are the very heart and definition of what a county is.

If this application is granted, the company will go through the motions. Build, destroy, repair and replace. But only if the County has taken great pains to see that it is all done properly.

Let's be clear. They will take pictures, do bird counts, do test bores, take more pictures, cross T's and dot I's. When it's all said and done, their numbers will say what they need them to say. They may even apply for take permits if necessary. But, make no doubt, big wind developers do not care about your view scape, your landscape, your solitude, your field drainage, your birds, your bats, your livestock, your ocean, your fishing, or your energy. They care about the money, and it's really your money, as long as the subsidies and tax credits exist.

If the company has gone through a detailed

analysis prior to permitting, they know or claim to know about the birds, the bats, the water shed, the water table, and all connected. If there are eagles or other endangered species they simply apply for take permits. We have proof from Douglas County of the death of bats, to the ice thrown near residences and across public roads, to shadow flicker and drainage issues. It is evidence in the form of videos and photos. All accessible on the internet.

All these companies have done this before and know whose palms to grease and what corners to shave. They know where to position the facility, the place where the opposition is least and less capable.

What I've heard from hearings, I pretty much suspected, was that most of those speaking for this wind facility do not live within the foot print. Of all of those who spoke, few would be living in proximity to the turbines.

We hear from landowners with a sprinkle of good neighbors. We hear from union representatives and members of their respective crafts, or we hear from contractors. All speak of the opportunity for employment. They speak of the money they would make. They do not speak of purchasing homes and attending the schools they claim will benefit from this facility. They

will make money and scurry back to their homes elsewhere.

Douglas County's facility has few, very few full time employees who live in the area. We have not seen growth in the communities near the facility, nor have we seen an influx of tourism. Yes, tourism was a selling point.

Counties must consider, any money earned from such a facility over a period of years will come to an end, leaving the County needing to replace that money. We know this is so. That is why there are decommissioning standards. Those standards need to be strict and strongly enforced.

If your boards do not stand up to the developer, your neighbors, and your County will get little or nothing in return."

That was from Charles Thomas of Douglas County.

* * *

A letter from Flying Illini Ag Service, 329 E. 2200 North Rd, DeLand, Illinois 61839.

"Dear members of the Piatt County Zoning Board of Appeals

My name is Travis Hermann, Hermann with two N's, Jamie, and I reside at 1823 Lake Ridge West Rd.,

Monticello, IL (Goose Creek Twp). I was born and raised in Goose Creek Township, rural DeLand, and other than a chunk of years for college, I have lived in Goose Creek Township all of my life. My wife Melissa and I own and operate Flying Illini Ag Service, an aerial application business servicing farmers and agricultural retailers in and around Piatt County since 2013. I was present at the public hearings on Monday night December 19th and Tuesday night, December 20th and did not get a chance to address the Board those nights, and am not available to speak to you tonight, Wednesday December 21st. I wanted to give you some information that you may find useful when considering the Special Use Permit Application by Goose Creek wind in a county whose largest part of the economy is agricultural and whose most valuable resource is farm ground.

First, I would like to point out some inaccurate claims by Apex regarding aerial application. Some advertisements and media sent out by Goose Creek Wind has claimed that there is minimal impact to aerial application by the proposed wind farm, and I can tell you that this is simply not true. Aerial application is, in fact, negatively affected by wind farms. These include increased risk to pilots that fly in an environment that is already quite risky by existing

obstacles, decreased efficiency and longer time and resources needed to perform the applications, and in my opinion the most impactful is the increased cost to the farmer with a decrease in the quality of application. Flying Illini Ag Service, along with many of its competitors in the industry, currently charges farmers a wind turbine fee for aerial application to any fields that are inside the footprint of a wind farm or within one mile of a turbine. This is a burden that Piatt County is expecting our farmers to bear, should the SUP be approved as submitted. I would like to point out that farmers are being charged more for aerial application in wind farms but do not collect any benefits financially from farming in a wind farm unless that farmer also happens to own the land they are farming.

You now have the information I wanted you to have. I will let you evaluate land use conflict issues and ways the county could address the above issue I have pointed out. I would like to offer a very sincere thank you to all ZBA Board Members for your service to this County in a time in Piatt County where the burden of the consumption of your time cannot even be measured accurately. I sure wish there was some way to make Goose Creek Wind compensate you for the burden of the consumption of our public officials' time that this

application has placed on them. I would welcome any questions or comments from any ZBA Board Members by calling my phone (217)607-6383. Sincerely, P. Travis Hermann, Managing Member and Chief Pilot (217)607-6383.

* * *

An undated letter from Scott and Leslie, L-e-s-l-i-e, Kerr, K-e-r-r. They did not give an address.

"Good evening. My name is Scott Kerr, and I have lived in the rural Mansfield/Galesville area for approximately 10 years. My wife and I moved here to enjoy the views, peace, and quiet of living in a rural community. My wife and I are both in the law enforcement profession and moved to the rural area to get away from the riff raff of our everyday lives. The rural area we chose to move to was for the peace and quiet as this is our stress relief and stress-free part of our lives. Since moving here, we have had a three-year-old son and a three-month-old daughter, and we want to raise our kids here without the atrocious sites and sounds that wind turbines create for the residents of these areas. From my understanding, it is projected that we will have turbines to the west of our property, the south of the our property, and north of our property, distance isn't

exactly known. As a hopeful lifetime resident, who plans to pass the farm on to our son or daughter, we ask that you take into consideration the number of families for generations that will feel the effects of this wind farm. Most importantly, it should be noted that several of the landowners that have agreed to have a turbine on their property do not reside within the area and are ultimately looking at lining their pockets with money.

In conclusion, we hope that you take into consideration the individuals that have to reside within the confines of the wind farm and think about the long-term effects for generations to come. Thank you, Scott and Leslie Kerr."

* * *

E-mail from Jill Norfleet, N-o-r-f-l-e-e-t, dated December 21, 2022.

"My family has owned two hundred acres of farmland in Sangamon Township, sections 25 and 36, south of Mansfield for over one hundred seventy years. After attending several ZBA meetings and doing a lot of reading regarding wind farms, I am opposed to the wind farm. As a landowner I believe the wind farm will negatively affect the value of the land, cause drainage problems, restrict aerial chemical applications, and reduce crop yields. As a landowner, and as a resident

of Piatt County, I believe our current quality of life outweighs any economic benefits the wind farm would provide. I ask that the Board protect my rights as a landowner and protect future generations of Piatt County by rejecting the Apex application for the Goose Creek Wind Farm. Thank you, Jill Norfleet, Hannah Farms."

* * *

E-mail from Brian Anderson, 2398 CR OE, Mansfield, Illinois 61854. Phone number, (217)202-9371.

"I simply ask ZBA to perform your due diligence in assuring that you have all required information or answers available to make a reasonable estimate of how much each turbine or the entire project will actually generate in real estate taxes on an annual basis for Piatt County. Perhaps reach out to local assessors or the County officials to obtain such information. I believe it is very important to know and understand how each turbine will be valued for real estate tax assessments in the future. Are local tax rates applied to the EAV for calculation purposes? Will all tax revenues stay in Piatt County? Is it feasible that Apex can meet all of its obligations to both the County and the lease holders both with and without tax credits or any other type of government assistance/subsidy?

I am also concerned about decommissioning of the project should that situation ever arise. Who will be overseeing and assuring that funding is in place and remains in place for future needs of the county? Who will bear the burden of making sure that all turbines remain in good working condition, that repairs will be made in a timely manner, that no environmental concerns are raised due to lack of maintenance such as oil leaks?

As I would assume all ZBA members are aware, the Goose Creek project will set a precedent for what will most likely be future requests of other projects should the first request be approved. Please consider what you view as the future picture of Piatt County, Illinois. Although flexible, I believe that current ordinances are in place to discourage taking high quality farmland out of production for other purposes. It is my opinion that the approval of perhaps fifty or more 1+ acre tracts plus lengthy access roads is counter-productive to current ordinances. Again, if approved, how many more small tracts will be taken out of production for future projects?

Finally, I have attached a picture that I took this fall of a bald eagle sitting in one of my fields along the Champaign/Piatt County line road, north of interstate 74. This majestic bird was setting less than

one hundred yards from the footprint of the Goose Creek project in the far northeast corner of Piatt County where several turbines are to be placed. I have had eagles sitting in my field in the past. I believe that their numbers have been on the rise over the past several years in the area of possible construction. For the environmentalists to state that they will re-home the birds, that the birds will adapt, or trees may be removed to discourage their nesting is completely hypocritical in my opinion.

Personally, I am against the turbines. Being a farm owner in the footprint, I would never grant them permission to cross my land or erect a tower. I would not allow them the ability to compact our soil or severe the --sever the pattern tile systems that we have invested hundreds of thousands of dollars into. I have watched other utility companies mud their way across valuable farmland to keep projects on time. This damage will take years to repair. I have had conversations with project promoters and have found them to be less than truthful by stating that neighbors are going to enroll their acres when I have personal knowledge that they are not. If this is the tactics that must be used to enroll acres, I can't imagine what fabrications of truth may come in the future.

As a landowner and having my residence on a parcel of our ground across the road from the footprint, I have no intent on ever leaving the farm. Unfortunately, we never know what tomorrow will bring or the changes we may be forced to make. Therefore, I am concerned about the future value of my home that I have made a sizeable investment in should the project be approved. I have people ask me all the time if I would sell a couple acres or if I know where they could find a rural property. I believe this desire will be impacted if the project is approved. I believe that all residential values will decrease depending on the proximity to one or more turbines.

Thank you for allowing me this opportunity to voice my concerns and opinions."

That comes from Brian Anderson of Mansfield, and he attached to the e-mail a photograph of an eagle.

A few more, folks.

* * *

E-mail from Brandi, B-r-a-n-d-i, last name Ray, R-a-y, December 21, 2022.

"Hello, I am a resident of Piatt County and live at 1160 E 2350 N Rd, Mansfield, Illinois. I am opposing the wind farm for several reasons.

1. It would interrupt our great farm ground we

have around here. It might be not be noticeable right away, but in a few years we will start seeing the damage that they caused.

2. It will decrease our property value.

3. The health effects that could come with these wind turbines include sleep disturbances, headaches, and concentration problems. This could be from the infrasound and the constant humming and violation.

These are just a few examples why I oppose them coming to our area. And for personal reasons, I chose to move to the country to enjoy the peace and quiet and our view of our beautiful sunsets we get to experience. Our view will be greatly affected by these ugly things popping up.

Just say no to the Piatt County Wind Farm. Brandi Burns."

* * *

Barbara Stalter, S-t-a-l-t-e-r. An e-mail dated December 21, 2022.

"I just wanted to state my wishes as a taxpayer in Piatt County about the proposed wind farm. I am very much opposed to it for a couple of reasons. The first being that there are other ways to get renewable energy to our area without destroying our landscape and sanity of those residents that have to live, see and hear those

turbines, 24/7. Secondly, I am very concerned about the bald eagles that have finally returned to this area. I had my first up close viewing last Sunday. My husband and I were driving on I72 between the two Monticello exits, and there it was, right next to the road on top of a tree in all his glory. I do not want these fabulous birds endangered. Barbara Stalter."

* * *

This comes from a phone. No wind farms in Piatt County. Sandy Coile, C-o-i-l-e.

"No wind farms in Piatt County. Thank you for the compliment. I would still be fighting hard. My doctors told me to take it easy. These wind turbines have caused too much anxiety. They have ill effect before they even are built."

* * *

E-mail from Chris Stillabower, S-t-i-l-l-a-b-o-w-e-r, dated December 21, 2022.

"Dear Piatt County Zoning Board. I am a life long resident of Piatt County, and am opposed to the Goose Creek Wind Farm project. I feel there are too many uncertainties in this project and the action of accepting this project for special use permit is

gambling with our County's future in ways we aren't sure about. Our County is great the way it is, and don't feel we need the wind farm's money to keep it great.

I, as a citizen, do not appreciate the recent comments in the paper from Apex that we need to focus on the ordinance rather than the people's comments, and that we the people already had our chance to speak. We still have a chance to speak, and speak we shall.

This is our County, the place we live, and so the people should have a say. The action of already ordering the turbines and saying we need to focus on the ordinance only is seen as disrespectful to our citizens in my eyes.

The project has not yet been approved. Please do not tell everyone it has. Sincerely, Chris Stillabower, Mansfield, Illinois."

* * *

A subsequent letter from Brian D. McDowell, dated January 17, 2022.

"Gentlemen: Thank you for all the time and effort that ZBA devoted to public hearings on the Goose Creek Wind Farm Project. The hearings were thorough and informative.

I attended as many of the hearings as possible.

I attempted to read as much material as possible about the project. I have corresponded with Apex Vice President Kent Dougherty, D-o-u-g-h-e-r-t-y.

My observations are as follows:

The opening meeting was attended by a number of big, beefy supporters of the wind farm that stood somewhat menacingly near the back of the room. Can this be considered intimidation?

Dr. Jonathan Rogers testified that his computer models and simulations show that the risk of proposed wind turbines throwing ice on a neighboring land owner is a once in every 64,000 years occurrence. I am extremely skeptical of this conclusion. Is it believable that the blades of a 610-foot wind tower cannot throw ice more than a thousand feet?

My correspondence with Apex Wind VP Kent Dougherty dealt with financial stability of Apex Wind. Mr. Dougherty was gracious in his response but did not fully address my concerns. Mr. Dougherty addressed concerns with the qualifier as far as I know.

Attached is my letter dated September 28th, 2022 to the ZBA. My research since September 28th has not changed my views of the Goose Creek Wind Farm.

I urge you to withhold support for wind energy development in Piatt County. Sincerely, Brian D.

McDowell, Monticello, Illinois." And the attachment is in fact his letter dated September 28th that has already been read into the record.

Those are all of the written correspondence received from folks opposed. No written correspondence from anybody on the fence, on the neutral side of things.

Mr. Keyt, did you e-mail me -- there it is. Ladies and gentlemen, after the sessions in December, additional issues arose with respect to some exhibits that were sought to be admitted by the Applicant. I have reviewed the exhibits, and issued the following ruling by e-mail to counsel for both Goose Creek, Mr. Luetkehans for the opposing group, Mr. Keyt as well, representing the Zoning Board, with respect to these exhibits.

That reads as follows:

"Counsel, I have considered arguments made during the January 11, 2023 telephone conference call, and applicable case law relating to the admission of several exhibits tendered by Applicant's Counsel, following the close of evidence at the public hearing on Goose Creek Wind's Application for Special Use Permit.

Exhibits 47, 47A and 51 are admitted without objection. Exhibits 48, 49 and 50 are admitted over

Opposition Counsel's objection".

For the record, Exhibit 47 is a Memorandum of Law, Goose Creek Wind, LLC's Response to Objector's Exhibit 31, Memorandum of Law Regarding Noise Emissions.

47A, Pollution Control Board Regulations Regarding Noise.

48, Applicant's Request to Supplement the Record with zoomed-in contour maps of priority structural sector that modeled within two decibels of the IPCB limitations, with maps, zoomed-in maps.

Exhibit 50, a declaration or affidavit of Eddie Duncan, the Applicants's sound expert.

And Exhibit 51, the power point presentation of the closing statement from Mr. Benjamin Jacobi on behalf of the Applicant.

So Exhibits 47, 47A, and 51 are admitted without objection. Exhibits 48, 49 and 50 are admitted over opposing -- Opposition Counsel's objection.

"Originally the zoomed-in sound contour maps were excluded for lack of sufficient foundation. However, Opposition's Counsel's comment in his closing statement as to Applicant's failure to give the Piatt County Zoning Board of Appeals the contour maps, opened the door for Applicant to again seek admission of these exhibits. Even though the evidence is closed, and I am

extremely reluctant to bring in additional exhibits, I think it is fair for Applicant to have these zoomed-in maps before the ZBA for its consideration. Again, as I indicated at the point in the hearing when the zoomed-in contour maps were originally excluded, and as Applicant's Counsel noted, the testimony from both the Applicant's sound expert witness and from the County's independent engineer indicated that sound levels in the proposed project were within the established Illinois Pollution Control Board limits. Scott B. Kains, Hearing Officer."

So those additional Exhibits 47 through 51 inconclusive are admitted, and they have been made part of the record for this Board to consider, and they will be submitted also with the whole record of this entire hearing for the full Piatt County Board to consider.

Now with that said, that was a lot to say. Jamie, do you want to take a break now? Nope? You're ready to roll right on through.

MR. WAX: Well, the rest of us might want to take a break. Usually we have a recess about halfway through. I don't see why we cant.

MR. KAINS: Very good, Mr. Chairman. Thank you for your input. We'll take a ten-minute recess. It's 7:26. We'll return at 7:36. Thank you.

(Recess taken.)

MR. KAINS: All right, folks. Let's take our seats. All right, folks, Mr. Andy Keyt has been present at all of the sessions of this public hearing, as legal counsel for the Zoning Board of Appeals. He is seated at this table there, and he will begin the discussion with respect to findings of facts and conditions. So we will turn it over to Mr. Keyt.

MR. KEYT: Okay. Thank you, Mr. Kains. Hopefully everybody can hear me okay. Good. Before we get into discussion about the findings and conditions, there was an additional document submitted from the Mahomet Valley Water Authority that was sent to staff, and I will read that. It should be included within the record. I have marked it as "Letter From The Public", Exhibit Number 3, Mahomet Valley Water Authority. I'll read the letter into the record so we have it tonight. It's dated January 17th, 2023. It's directed to Loyd Wax, Chairman of the ZBA and Todd Henricks, Chairman of the Piatt County Board, regarding the Mahomet Valley Water Authority.

"Dear Mr. Wax and Mr. Henricks. We are the trustees for the Mahomet Valley Water Authority. Our task, among others, is to monitor ground water to ensure

an adequate supply to all using the resource. The Mahomet Valley Water Authority Attorney is Amy M. Rupiper. We instructed her to attend the ZBA meeting on December 6th, 2022, regarding the Application for Special Use Permit that Apex/Goose Creek Wind Farm, LLC filed. During this hearing she asked Apex witnesses whether any drawdown studies had been conducted. Adam Carlson, witness for Apex, stated that no drawdown studies were done. It is imperative that drawdown studies be made by the Applicant. Their water usage will be significant and the location of the batch plant and lay down yard are located among farm ground where the landowners have wells for their own use for the residences, businesses, and irrigation. At this point in the process, the ZBA cannot find that water usage by Applicant won't have a negative impact on the surrounding owners. Therefore, we respectfully request -- I lost my place, therefore we respectfully request that the ZBA recommend to the County Board that the drawdown studies be done prior to the issuance of the Special Use Permit. Very truly yours, Don Ballinger, Trustee, Mahomet Valley Water Authority , Ron Conan, Trustee, Mahomet Valley Water Authority."

That's included in the letter.

Okay. With that, we will turn to the conditions and findings. Before we get there, I'm going to give some sort of general instruction to the Zoning Board, plus if there's any questions the Zoning Board can ask me. One aspect that we need to keep in mind is if and when we get to the point of the evening where we are going through and making motions, regardless of how you intend to vote, you will want to make that motion in the positive. Motions that are made in the negative may have -- may be unclear whether or not or how the intended vote came out. Okay? So regardless how you intend to vote, a motion should be made in a positive for whatever it is that you're asking for.

We have before you both conditions and draft findings of fact which the Zoning Board has received previously. The conditions, so that it's clear, the conditions are within the purview of the County Board. The Zoning Board's roll in regard to conditions is that you may recommend conditions to the County Board for adoption. Whether you recommend conditions or not does not mean, and this is also for the audience, it does not mean that the Zoning Board is voting in favor of or going to recommend approval of the project. It is merely recommendation to the County Board that if the County Board does approve the project, these are conditions

that the Zoning Board may want. So it's clear, it does not necessarily mean that if you attach conditions, it does not necessarily mean you're going to be voting in favor of recommending approval of the project as a whole. Okay?

The recommended conditions and findings are up to the Zoning Board and entirely within the Zoning Board's purview as to what recommended conditions or findings you come to. The drafts that are in front of you are merely food for thought to get you started to determine what findings or conditions you wish to attach. You can revise, supplement, remove any portions of those that you desire.

You can ask me any questions as we go along that you want. We can always address those as we go through them. Then also there is no rule or regulation or requirement that we finish and have a vote on all of these things this evening. There is a lot in front of you. There is new evidence that came in through the Applicant. There is also the letter. There's also a number of letters that have been read into the record now. There's also a lot of information in those draft correspondence that's been sent to you from myself. So there isn't anything that says we have to finish all of that this evening. So, we don't want anyone to rush

through this. So take your time. If you feel that you need more time, there's always time for us to come back another time.

We're going to start by going through the draft findings. I'm going to pull up a copy of the draft -- I'm sorry, draft conditions first. I'm going to pull up a copy of the draft conditions up on the screen. I'm going to take a little bit of time to do that. In the mean time, reading on the screen might be difficult to do. So there is a set of conditions and a set of findings, draft set, that is the same set that the Zoning Board has in front of them. If anybody wants to follow along, there's fifty copies, killed a bunch of trees getting there, but there's a number of copies up here if anybody wants a copy to follow along with. Now, so give me time if anyone wants a copy, but I'm also now going to pull that up on the projector so people can tell on the projector on what it is that we're going through.

MR. WAX: It's my understanding that as we go along each one of these paragraphs and cover specific suggestions, changes, this sort of thing, that we're not talking about motions, we're talking about a consensus for discussion amongst the Board; is that correct?

MR. KEYT: Correct.

MR. WAX: Okay.

MR. KEYT: We're not going to make a motion on every single change. It just needs to be a consensus on board. There's a number of changes that are in there that we call typographical or clerical error. Sometimes I know it's a spelling mistake. So those still show up as a red line, but you don't have to take a vote on every single one. We just need to have that discussion, all of this discussion needs to happen on the public record any way, as we go through. It's going to take me a minute to pull this up, and then we'll also take time to pass those copies out.

For clarity on these conditions, we'll take them one paragraph at a time. They're numbered paragraphs. We'll just gp paragraph by paragraph. I'll address each change that's suggested in there, and it's any change, whether it's to the suggested change or anything that's already in the there, bring it up and we can revise it as we sit here on the fly. If we do get to the point where we get to making a motion on things, I've got a printer to print things out when we get to that point. We probably will need to do that for sure in relation to the findings, don't necessarily need to print out a final copy tonight on the final conditions.

We will wait for Mr. Kains to come back. Okay.

We are back. We will get started.

Right now before you, and up on the screen, are the conditions, draft conditions again, only food for thought, entirely up to the Zoning Board.

The introductory paragraph there, we did have a couple of changes. One change is typographical error. The others are for clarity. So one is we included companies within -- for the purposes of the definitions there, we included companies, and also instead of referring it simply to WECS Appendix, we called it WECS Appendix A, because there are several WECS Appendixes, so for clarity, it's WECS Appendix A. Is there any discussion, consensus on those changes?

MR. WAX: I have more of opinions from the Board Members, but personally I'm okay with it.

MR. KEYT: Any other suggested comments or changes? Okay good.

Paragraph number one talks about the commencement of the special use. The way it is crafted here, is that commencement of the construction of the project would have to start by December 31st of 2023 and then they have 24 months or two years to finish that construction. There is -- if there is litigation filed regarding the project that could delay that, all right, then they would have one year from the termination of that

litigation to begin construction and then another 24 months to complete that construction. Is there any comment, request, changes, suggested to that paragraph?

MR. WAX: Other members? I have none. We're in consensus.

MR. KEYT: Okay. The term of the special use is listed there. Let me pull that up for everybody. The term of the special use is listed in paragraph number two. Paragraph two has the term special use would be for 30 years starting from the date of the project substation being commissioned and connected to the electrical grid. It does provide in there a portion about written notice for default within sixty days with an opportunity to cure. We'll address this a little bit later, but there is another paragraph at the end of the document that also discusses a cure period. So that portion may be redundant, but I would suggest if there is any change to that sixty-day period we address it during the discussion on that final paragraph which is a portion about cure period. Is there any suggested change, revision to paragraph number two?

MR. WAX: Gentlemen? Anybody have anything? Will? Dan? Kyle? We have no suggestions for changes.

MR. KEYT: Okay.

Paragraph number three deals with compliance, and

the way it reads now is, "Construction and operation of the Project shall be in compliance with all federal, state and local regulations now or hereafter in effect. The construction and operation of the Project shall conform to all representations made by the Company in its application and at all public hearings, and these conditions. In the event of any discrepancy, between such representations and these conditions, these conditions shall control. The Company is limited to the construction of 50 turbines."

The reason for those two, the two last parts there, is to make clear that any of the conditions that County Board attaches would control the special use over any representation that may have been made during the hearing. Also, to make clear that the company is limited to constructing only 50 turbines. You may recall there has been an application for 60. The Applicant has indicated they're only going to construct 50. So to make sure that we can hold their feet to the fire, if that were to be the case, the last line is in there to make that clear.

MR. WAX: Is it my understanding that we need to agree to add this if we want it, is it correct, we need to add the red-lined part?

MR. KEYT: Correct. You don't need to make

a motion. You just need to come to a consensus.

MR. WAX: What is the feeling of the group? I personally think it needs to be added. We're in consensus.

MR. KEYT: Okay. Construction and Maintenance Hours is paragraph number 4. The heart of this is that construction is to be allowed or will be allowed between 7:00 a.m. and cease by 8:00 p.m. between September 1st and May 31st, Monday through Friday. No earlier than 7:00 a.m. and cease by 9:00 p.m. during the period of June 1st through August 31st, and 7:00 a.m. to 4:00 p.m. on Saturdays. No instruction work allowed on Sunday. There is a portion within that provision that would allow the developer to ask for -- to be allowed to perform construction outside of those times with the permission of the Zoning Administrator. That provision is within the second paragraph that's listed there. Is there any discussion?

MR. WAX: Does this go on to the next page?

MR. KEYT: Yes. Let me pull that up for anybody that doesn't have a hard copy in front of them. There's the entirety of paragraph number 4. There is clarifying discretionary language in there in regard to the sentence that states the request shall be granted or denied at the reasonable discretion of the Zoning

Administrator. I think our Zoning Administrator is eminently reasonable, but language to make clear that it couldn't be an unreasonable decision.

Any comments, suggestion, changes to paragraph number 4?

MR. WAX: Just one opinion, I don't like the reasonable.

MR. KEYT: Okay.

MR. LOVIN: I agree with you on that. I feel like it's their decision.

MR. WAX: What do you think, Will?

MR. CHAMBERS: I agree that it's not really necessary that it be confined to reasonable.

MR. KEYT: Is there anyone that wants reasonable to stay in? It sounds to me that we have a consensus to remove the word reasonable from that paragraph. Okay. Hearing none, that will come out.

Okay. Paragraph 5 deals with road agreements. Road agreements, as we've heard, we'll have to enter into road use agreements with the County Board and applicable township road districts. One aspect of that is that any road agreement, same with decommissioning agreements, we'll get to that in a moment, but any road agreement is subject to a separate County Board approval, separate and distinct from any approval of these conditions or any vote on the special use permit

itself. So any road agreement that they come to an agreement on, would have to be subject to a separate County Board vote. This sentence here makes that clarification so that it's abundantly clear that they still would have to get a County Board vote approving of any road use agreement.

The remainder of paragraph five deals with, "The Zoning Administrator shall not issue any construction permits for the project until after the Company has entered into the necessary road use agreements with the County Board and applicable township road districts, and the Company shall comply with all the provisions of the road usage agreement entered into between the Company and the County Board. The Company shall also comply with any road usage agreement entered into between the Company and any township road district. Any uncured or unwaived material breach of the County Board road usage agreement or any township road district agreement by the Company shall constitute a material breach of those conditions."

Any changes suggested on paragraph number 5?

MR. WAX: Will? Jim? We're not suggesting any changes. We need to agree at this point in time, if I understand it, that we want to put the red-lined item in there. We want to keep that in there. Is that

correct?

MR. KEYT: Yeah. I think what I'm asking, if there's any changes suggested as to paragraph 5, it would be to the -- that those changes would include anything different than what's there including the red line.

MR. WAX: Okay, we agree with that.

MR. KEYT: Okay. Paragraph 6 deals with school buses and vehicular traffic. As we know, there's some aspect of the Project where there will be a lot of construction traffic. That may be, you know, disruptive to normal traffic within the County. So what's been included here is: "Company shall comply with restrictions or requirements imposed by the County Board or Zoning Administrator upon Project construction and maintenance traffic in order to avoid conflicts with school bus traffic and school bus stops, and with farm and other vehicular traffic in the Project area. The Company shall continuously maintain a web site throughout the construction period which shall provide updates to the public regarding the planned traffic pattern at least 72 hours in advance of the planned activity, including areas that may experience delays during the construction period. Additionally, during the construction period the Company shall provide the

relevant school districts with the planned traffic patterns at least 72 hours in advance of the planned activity. Any changes to the planned activity may occur up to 48 hours prior to the planned activity. Any changes must be posted." Meaning it would have to be posted to the website. "In addition to the website requirements above, the Company shall maintain a Facebook or other social media site with links to the online information required by this paragraph."
The reason that last portion is in there is to provide other avenues for information getting to the public about construction and construction traffic. So with that paragraph number 6, is there any suggestion, revision, or change as to paragraph 6?

MR. WAX: Does the last paragraph indicating 48 hours mean that we need to strike the 72 hours anywhere else?

MR. KEYT: No, you would keep -- the idea is that you would keep 72 hours in there - the idea that there may be changes. Let's say there's a weather system that comes in during that time, they then would have to, if they're changing their traffic pattern in some way, they would have up to 48 hours before that planned activity to make that change and post it to their website.

MR. WAX: Okay.

MR. KEYT: Okay. So with that, paragraph 6, any suggested changes or revisions?

MR. LARSON: No. You cleared up what I was curious about.

MR. WAX: Okay. I think you've explained it well. We're in agreement.

MR. KEYT: Okay. Paragraph number 7. Let me get us down there, because I've kind of neglected the power point. Okay, paragraph number 7 deals with the turbine and noise studies to be done after the Project is constructed. So I'm going to take this by paragraph as opposed to that section as a whole paragraph.

Paragraph number 7.

"Company shall only be permitted to utilize the Vestas V162 6.0 MW platform model turbines for the Project. No other turbine models will be permitted. If Company proposes to install a different turbine than the turbines listed herein, Company shall apply for an amendment to the special use, and submit necessary information to demonstrate that the new turbine will comply with all applicable requirements. If the Company proposes to make a change in the Project, including replacement of a turbine or significant components thereof with equipment of a new design that will

increase the height or noise output or materially adversely affect other standards set forth in the Piatt County Zoning Ordinance then the Company shall apply for an amendment to the special use."

The purpose or meaning of that red-lined portion in there is to allow for if there is a beneficial change that comes or some advancement in technology that would allow for a beneficial change, meaning reduced noise or reduced shadow flicker in some way, then they would be allowed to do that without coming back for a special use or amendment to the special use. But if there would be adverse affecting those conditions then they would have to come back for an amendment to the special use if those components would be doing so.

For paragraph number 1, within paragraph number 7, are there any suggested changes to that paragraph?

MR. WAX: Board Members?

MR. CHAMBERS: None.

MR. WAX: No changes.

MR. KEYT: Okay. Second paragraph is a little easier. It reads now: "Company shall provide with its application for Construction Permits, an updated sound study based on the location of the 50 turbines for which Construction Permits are being requested. The Company shall provide post-construction

sound studies and shadow flicker studies. Sound studies shall be completed within 180 days on any primary structure receptor site modeled within 2 db of the IPCB limits. The shadow flicker studies shall be completed within 15 months and shall be based on monitoring of actual weather conditions and the Project operating conditions during a one year period."

Let me pause there for a moment and explain why that is. Originally the draft had sound and shadow flicker studies to be provided within sixty days of the commercial operation. In looking at that issue, the problem with that is that it would probably not provide sufficient time for a real sound study. But more importantly on the shadow flicker, if you're going to do a shadow flicker study and you were only going to base it on -- or if it had to be provided within 60 days, you would only have 30-ish days of shadow flicker time. As we know, the sun changes its pattern through the sky and the shadow flicker changes as the seasons go on. So rather than having a limited time period, my suggestion would be it would probably be better on a shadow flicker study, actual study, to have it based on at least a year's worth of time, and then there's an additional three months to have them get set up and then also completed and the study to the Zoning Administrator.

That's the purpose or the reasoning behind that particular change.

Okay, continuing on. "Should any such studies show sound or shadow flicker in excess of the limits allowed by the Piatt County Zoning Ordinance, the Company shall cease the operation of the turbine(s) causing the excess within 24 hours and within 7 days submit a remediation plan to the Piatt County Zoning Administrator. Once the Piatt County Zoning Administrator has found the remediation plan to be sufficient, the turbine(s) may be restarted. Once restarted, the Company shall again perform sound or shadow flicker studies, as applicable, and submit them to the Piatt County Zoning Administrator for review. Should the excessive noise or shadow flicker continue, The Company agrees to decommission the turbine(s) causing the excess noise or shadow flicker."

I'm just going to pause there for a moment to address one possible issue. This does not -- the meaning of that section there does not preclude someone from the public making a complaint to the County regarding sound. That would be handled in a very separate condition. So if there is -- so this condition only addresses the post-construction sound and shadow flicker they're monitoring.

Moving on to the very last section: "The study, compliance and other requirements of this paragraph shall not apply to any residential use areas or residence whose owner either does not provide access to place the applicable monitors, or has executed waiver for any sound or shadow flicker requirements, as applicable."

That would allow for the waivers to still be in effect, number one. Number two, if someone, or an area where we are requesting sound modeling to be done, well that's within the 2 db of the limit, if the owner's going to let them onto the property, it's hard to hold their feet to the fire on the issue of they're not going to allow them on the property to place a monitor. That's the reasoning for that last portion.

So with that, are there any suggested changes to the second paragraph listed in condition number 7? We can take it by paragraphs if prefer.

MR. WAX: I may not have any specific changes, but I think I can see the -- try to understand the views of both parties. It takes a long time to run the type of studies they're talking about, but a person being bothered by, that's a heck of a long time to wait. I'm not saying change it. I'm just giving my opinion to try to see both sides.

MR. KEYT: Yeah. If you do have someone that has a complaint about noise before the -- before the studies are done, that is addressed in a different paragraph.

MR. WAX: Okay.

MR. KEYT: It is in paragraph 17, I believe. But I just wanted to address that question. So if someone has a complaint, that would be addressed separately in this post-construction sound monitoring. I think Mr. Harrington had a comment too.

MR. HARRINGTON: Yeah. I was just going to clarify that, that this paragraph does not preclude a complaint and/or the conditions we may set forward for said complaint.

MR. KEYT: Correct.

MR. CHAMBERS: This happens, in the event, no matter what, post-construction in this is implemented in all cases?

MR. KEYT: Correct. If it's constructed, they have to perform those studies. That's the point generally. But paragraph number 7, it also limits -- they can't come in with a different turbine model and say we're going to put this one up and it be larger, cause more noise, etc.

MR. WAX: So, what's your feeling? Any

suggested changes?

MR. HARRINGTON: I'm okay with that for now.

MR. CHAMBERS: I'm okay with it as written.

MR. WAX: Okay. I think we're okay with it.

MR. KEYT: Moving along to paragraph or condition number 8, deals with turbine location. Turbine Location. They provide the general location for the turbines. The way this reads:

"Each turbine shall only be located on those properties and in those locations set forth in the Project application. The County Board recognizes the site conditions may necessitate minor changes in the location of a wind turbine, and therefore the Company may adjust the location of any wind energy turbine up to within 100 feet in any direction from the location set forth in the Project application. Company may not place a turbine closer than the limits of a setback or, if applicable, setback waiver granted by an owner and an adjacent landowner. Each wind energy turbine shall meet all setback, noise, and shadow flicker requirements set forth in Piatt County Code, and shall set aside all other Piatt County Code requirements and applicable state or federal requirements, and shall not adversely affect any microwave communications."

MR. HARRINGTON: I have concerns over the

terminology of minor changes. I'm not sure about that.

MR. KEYT: In the third line down?

MR. HARRINGTON: Yeah.

MR. KEYT: Conditions may necessitate minor changes? Okay.

MR. HARRINGTON: I'm just suggesting maybe we should define that more.

MR. KEYT: I think the way that --

MR. CHAMBERS: The way I read it is, minor IS being defined as a hundred feet or less.

MR. HARRINGTON: Right. I see that, but I guess what I'm saying is, changes - are we saying only geospatially changing it, or other changes?

MR. KEYT: Oh, I follow you. Okay. What we could do to clarify that is to make it clear that it is, may necessitate minor changes in the specific location of a wind turbine, if that works.

MR. WAX: Would that work?

MR. HARRINGTON: Possibly.

MR. WAX: It's up to you.

MR. HARRINGTON: It really already says that, right?

MR. KEYT: Uh-huh.

MR. HARRINGTON: In the location.

MR. WAX: It says minor changes in the

location.

MR. HARRINGTON: Right. I know. I'm just trying to play it safe here.

MR. KEYT: Right. I gotcha.

MR. HARRINGTON: Mainly site conditions. Who is the judge and jury on that part? What are the site conditions?

MR. KEYT: That one's difficult to say who's the judge and jury on what the site conditions would be that would necessitate a move then?

MR. HARRINGTON: Right.

MR. KEYT: It's also difficult to predict all of the site conditions that could come up that would necessitate a movement of a turbine. It generally, as long as they're within the setback, noise, shadow flicker requirements, it would allow a hundred foot movement. It would be hard to determine -- it could be that of a landowner, if the project's approved, it could be a landowner says well I don't want it there because of some reason. So it gives them the flexibility to move it by a hundred feet. Just my suggestion, I probably will edit it to try and list all of the site conditions that we would want to try and delineate out, but that's just my two cents.

MR. HARRINGTON: I guess what I'm asking

here actually to get down to it, is get rid of minor changes, and just say location if you're talking location.

MR. KEYT: Oh, I gotcha.

MR. HARRINGTON: If you're going to say well hey, we'll give you a hundred foot of variation and just leave it at that, and get rid of the minor changes.

MR. KEYT: So, propose that the County Board recognizes that the site conditions may necessitate adjustment of the location of a wind turbine within a hundred feet in any direction?

MR. HARRINGTON: Something to that effect, getting rid of the changes or minor changes.

MR. KEYT: Gotcha. Okay, so I adjusted it to read as, the County Board recognizes that site conditions may necessitate adjustments in the location of any wind energy turbine within one hundred feet in any direction. The rest remains the same.

MR. HARRINGTON: I can live with that.

MR. WAX: I have one question, and this will apply for me. Many places in here, is it my determination, my use of the term within 50 feet or a hundred feet or miles, is maybe more generous, and that means to me, hey, it might be less or it might be more. But apparently within the legal terminology as you

describe it, are you saying it's less than? Within here means less than; is that correct?

MR. KEYT: Correct. It would need to be within a hundred feet, meaning they could move it one hundred feet or less.

MR. WAX: That's what I'm saying. It could be a hundred feet, but within means -- to you it means less than a hundred feet -- or less than?

MR. KEYT: Correct.

MR. HARRINGTON: What if we just added that, and said a hundred feet or less?

MR. WAX: The term within is used repeatedly in these documents and I just wanted to clarify in my own mind.

MR. KEYT: Okay.

MR. CHAMBERS: I think that's clear enough, that within the, you know --

MR. WAX: As long as we understand.

MR. CHAMBERS: -- a limiting condition. I don't think we'd want to amend every time --

MR. WAX: Yeah.

MR. CHAMBERS: -- we find the word within through this whole thing. But I think it's clear enough.

MR. WAX: Okay. We okay with that?

MR. HARRINGTON: Yeah.

MR. WAX: I think we're okay.

MR. LARSON: I've got one question I guess real quick. Is it like a set point? Or is this a hundred feet from the actual outside area of the thing? So, say they moved the whole thing a hundred feet from one side to the other, or is it just from a pin on the ground?

MR. KEYT: From a pin on the ground.

MR. LARSON: Okay, good enough.

MR. KEYT: Okay. With that, I think with the change that -- the adjustment we made in paragraph 8, it sounds like there's a consensus on pair photograph 8.

Paragraph 9. I'm sorry, condition number 9 deals with soil erosion, conservation and drainage. There's a different condition that deals with water usage by the way.

"Soil Erosion, Conservation ad Drainage. Company shall provide the soil erosion prevention and mediation measures reasonably required by the County Board or Zoning Administrator at the time that the Company applies for a Construction Permit."

By the way, in the document it refers to Construction Permit as opposed to Building Permit because that's how the Zoning Code reads, as opposed to Building Permit, it

is referred to as a Construction Permit, but those are synonymous.

"No construction may begin until implementation of the soil erosion measures required by the County Board or Zoning Administrator. The County may engage any consultants at Company's expense to assist in determining compliance with this paragraph. Company shall obtain all other necessary state and federal permits, including complying with the requirements of the Storm Water Pollution Prevention Plan administered by the Illinois Environmental Protection Agency. Company shall utilize a local contractor to consult with and promptly repair any damage to farm drainage tiles relating to the installation and maintenance of the Project. Company shall consult with representatives of local drainage districts concerning any construction or maintenance that could affect such local drainage district, and to the extent required by WECS Appendix A, enter into agreements with said drainage districts. Prior to the issuance of Construction Permits, the Company must demonstrate compliance with this paragraph including providing a copy of any agreements to the Piatt County Zoning Administrator."

Any comments or suggested changes?

MR. HARRINGTON: So we wonder about

additional verbage related to, crop damage, Kyle, is that what you're saying?

MR. LOVIN: Uh-huh.

MR. HARRINGTON: Do you address that elsewhere? Or is this something that we need to include at this juncture?

MR. KEYT: Damage? Say it again.

MR. HARRINGTON: Crop damage.

MR. KEYT: So, if there's crop damage to a property owner --

MR. HARRINGTON: I'm assuming this is going to be more of a non-participating thing I'm assuming the participant has already waived their rights to that, but maybe I'm wrong.

MR. KEYT: I don't believe that specific issue is addressed elsewhere in these conditions. We could either create a separate paragraph or we could address it here within this paragraph, and just call it the soil erosion, conservation, drainage and crop damage paragraph.

MR. HARRINGTON: I guess I would be in favor of having it separate because it looks like you've got a lot included here already.

MR. KEYT: Okay. I get it. Why don't we then, I would suggest a new paragraph ten that would

deal with crop damage, and at some point when we come to a break I'll try to draft something up.

MR. HARRINGTON: So another discussion point that I would agree with is, should we list some sort of time frame here for this, what would you say, compliance to be made within, in regards to this paragraph?

MR. KEYT: So I assume what you mean is compliance related to promptly repairing any damage?

MR. HARRINGTON: Right, right. Indicated by saying promptly, Right? That's going to be up for interpretation, and obviously we all know time is of the essence when it comes to drainage repair, soil erosion, et cetera.

MR. KEYT: Yeah, it is left open. There isn't a specific time frame put in there. Generally that would be an issue, if there was damage, between their property owner who suffered damage and some claim against the Company. Now with that being said, it's up to the Board if they would want to put in some time frame to do so. I will defer, of course, to the Board on what time frame they would think would be appropriate to make that occur.

MR. CHAMBERS: I've got another concern on this paragraph, not on the time line for promptly, but for -- so that sentence, Company shall utilize a local

contractor to consult with and promptly repair any damage to farm drainage tiles relating to the installation and maintenance of the Project. What I would probably add is if that is the district tile that they should probably have some sort of involvement there in approving or inspecting those. If it's a district tile, then the district commissioners would probably be approving of the repairs, because we don't know who's going to be doing that repair.

MR. KEYT: The rest of the Board's thoughts?

MR. HARRINGTON: So, yeah, to your point though, I guess the next sentence sort of begins to touch on that. I would ask that we remove consult and in place put gain approval, or come to an agreement.

MR. LARSON: Or replace shall with must.

MR. HARRINGTON: Yeah, there 'ya go.

MR. CHAMBERS: Or I guess an additional way to address this is to leave that as is, but add, so it says, shall consult with representatives of local drainage districts concerning any construction or maintenance. I would just add, repairs in there along with construction and maintenance. Let's see. That may be a little bit redundant, but that was my initial concern as I read that previous line, to make it clear that the drainage -- the district commissioner has final

approval on any repairs done through existing infrastructures.

MR. KEYT: So the sentence -- I think what you're proposing is, Company, that sentence would change and say Company shall consult with representatives of local drainage districts concerning the construction or maintenance or repair that could affect, and the rest of the sentence to remain the same?

MR. CHAMBERS: Right.

MR. LARSON: I'd still kind of like to change shall to must.

MR. KEYT: So Company must consult, the rest of the sentence remains the same until after maintenance, which would then say maintenance or repair. Is everybody consistent with those two changes on that sentence only, and we'll come back to the promptly repair issue?

MR. WAX: I'm good with that.

MR. KEYT: Let's go back to the promptly repair issue. Right now the sentence reads Company shall utilize a local contractor to consult with and promptly repair any damage to the farm drainage tiles. We could add a sentence immediately after that sentence that says, for the purposes of this paragraph, promptly repair shall mean, insert a time period, some time

period that you think would be reasonable.

MR. HARRINGTON: What do you think?

MR. KEYT: Two days is probably not sufficient.

MR. HARRINGTON: If you get a tile contractor in two days, you've got a magic wand.

(Laughter.)

MR. CHAMBERS: That would be my -- I guess it would be difficult to come up with the time frame there, because you don't know how fast you can get a tile contractor, you know, there --

(Multiple speakers talking at the same time.)

MR. HARRINGTON: -- think our point's maybe beyond the actual time frame of repair, is notification immediately upon damage. Isn't that what we're trying to express, is hey once the failure's found, then both parties converse as soon as possible?

MR. KEYT: So I guess that then if I would change that next sentence to include, rather than trying to define promptly repair, for the purpose of this paragraph, Company shall notify the landowner or owner of the drainage system within five days? Ten days?

MR. HARRINGTON: Five days is good. So,

Andy, in this verbage, does this encompass the landowner, tenant and/or drainage district, if they identify the damage? Or how does that play in this scenario?

MR. KEYT: Here's the way -- it sounds like you're wanting to notify both the landowner and a tenant farmer?

MR. HARRINGTON: Well, you're gonna have both sides of the story, right? It could be unintentional damage done at construction or maintenance by said Company. They notify, or probably not, unbelievably, after said company traverses across the land, the tenant or farmer, owner even possibly, identifies said problem, and you know, I guess what are we saying about --

MR. KEYT: I don't think we want to limit when, or put some time frame on when the landowner or the farmer may get that notification, but I think what I would suggest there is to say in the sentence, to say for the purposes of this paragraph the Company shall notify the owner, open parenthesis, or any interested party including a tenant farmer, or any farmer of that property perhaps, of said damage, of said drainage, of said damage to a drainage system within five days of knowledge of the damage.

MR. HARRINGTON: Okay.

MR. WAX: What is if this is over a drainage district, where drainage district commissioners are concerned?

MR. HARRINGTON: Yeah, I think that's part of your verbage, isn't it?

MR. KEYT: They would be encompassed with an owner, I believe, or any interested parties.

MR. HARRINGTON: You could go with just listing them, right? You can say owner, farmer and/or associated drainage district.

MR. KEYT: So the way it's phrased now for the purposes of this paragraph, the Company shall notify the owner, farmer or associated drainage district of said -- I'm sorry, of damage to any drainage system within five days of knowledge of such damage.

MR. HARRINGTON: What do you guys think?

MR. LOVIN: Yeah.

MR. LARSON: Is there anywhere where it would mention say a year down the road people find out that there's a drainage problem that would have occurred during construction?

MR. KEYT: Yeah, so if they discover it, I mean I think the way that's written, just like sort of quick write of that, I think the way that's written, is

any damage regardless of when it occurred, they have to give the notification within five days of knowledge of any damage.

MR. LARSON: But there's no statute of limitations on when the damage could come up?

MR. KEYT: No, not to get too deep in the weeds on that --

MR. LARSON: Right.

MR. KEYT: -- statute of limitations issue, but typically that would be governed by what is referred to as the discovery rule. Now there's all sorts of things that can get tied up with that statute, et cetera, but I really don't want to bore every one with that. But I wouldn't try and get that deep in the weeds on that, and I would say within knowledge of when the damage occurred they have to give that notification. So with the inclusion of that paragraph, I'm sorry, excuse me. With the inclusion of that sentence, which would read as, for the purposes of this paragraph, the Company shall notify the owner, farmer or associated drainage district of damage to any drainage system within five days of knowledge of such damage. And then with that, and the prior change that we discussed, is there -- is every one in consensus with those changes and then the final product of condition number 9?

MR. HARRINGTON: Are you okay, Loyd?

MR. WAX: I'm okay with it.

MR. KEYT: I will mark that consensus. There would be a new paragraph 10, of course. I haven't drafted it yet, as to crop damage. So there would be a new paragraph number 10 that would deal with crop damages.

Okay. Current paragraph number 10 deal with transmission interference.

"If after installation of the wind energy turbines, Company or Piatt County Zoning Administrator receives a complaint from any person concerning interference with weather, radar, microwave, television, radio, internet or other wireless transmission, including public emergency communication systems, Company shall promptly investigate the complaint. The results of the investigation shall be provided to the Zoning Administrator and the person making the complaint. The Zoning Administrator may, in her reasonable discretion, retain a third party professional to evaluate any transmission interference causes. If it is determined that the Project, or any portion thereof, is causing any interference with transmission of any kind, the Company shall mitigate the interference to the reasonable satisfaction of the Zoning Administrator and the Company

and/or the person making the complaint concerning resolution of the complaint, then the Company and/or the person making the complaint may appeal the decision of the Zoning Administrator to the Zoning Board of Appeals pursuant to the Piatt County Code."

I would suggest one additional change that kind of popped in my head, that's in here. I would suggest that we add a line that states, nothing about this paragraph shall prevent an effective party from seeking remediation of the issue outside of this complaint process. So if somebody thought they needed, or had a claim to file against the Company, then they would -- it makes the clear they would be able to do so. But just so it's clear within that paragraph that it's still allowed.

MR. HARRINGTON: You're just saying that this paragraph does not preclude any other complaints?

MR. KEYT: Yeah, or any other written lease the affected owner may have.

MR. HARRINGTON: I'm fine with that. But I'm going to hit you up about promptly again.

MR. KEYT: Okay.

(Laugher.)

MR. HARRINGTON: What do you feel is reasonable there, Andy? I mean...

MR. KEYT: When we're talking about, Company shall mitigate interference to the reasonable satisfaction of the Zoning --

MR. HARRINGTON: Maybe I should ask Keri. What do you feel is reasonable there?

MS. NUSBAUM: I feel like in some of our previous ordinance discussions we had a date -- we had a time frame set, and I believe it was sixty days.

MR. HARRINGTON: Right. And so do we think that's what you want, you know, to stick something that wide, or do you want to tighten it up?

MR. LARSON: That seems a little long to me, especially if you're working from your home with your internet.

MS. NUSBAUM: Yes. If you're working from home and have internet problems, sixty days would be a long time.

(Laughter.)

MS. NUSBAUM: I guess I don't know what would be feasible, you know. Thirty days? 45?

MR. CHAMBERS: Something else to consider, based on the different, you know, weather radar, you know, microwave s, you know, internet, all of this different stuff, it may take a while for them to procure an expert to actually come out and study this. So it may

be something where too short of a time frame is a bit restrictive on actually finding somebody to address it.

MS. NUSBAUM: Or even to identify it.

MR. CHAMBERS: Right.

MS. NUSBAUM: To identify it and then address it, I feel like it would be --

MR. CHAMBERS: I think sixty days is all right considering that, especially if it'S say weather radar, for example.

MR. LARSON: Seems a little bit long to me still.

MR. CHAMBERS: It may be somebody that's kind of hard to find.

MR. HARRINGTON: Sure. I guess I'm interpreting this as investigate, like getting the process started. So I don't know that you're going to get a per say study performed in that period of time, but --

MR. LARSON: You could have an internet provider send someone out to see how your signal is if it's concerning internet.

MS. NUSBAUM: So you're not saying to cure it?

MULTIPLE SPEAKERS: No.

MS. NUSBAUM: -- just completely satisfy it?

You're saying --

MR. LARSON: To investigate it.

MS. NUSBAUM: To begin the process? Okay, yeah. Then I think --

MR. LARSON: I don't know. I don't think it should be should be much longer than a week, just to have someone investigate --

MR. CHAMBERS: Right. I think we're just talking about starting investigations within I'd say a week.

MR. HARRINGTON: Yeah.

MR. KEYT: So we're talking about the sentence, Company shall promptly investigate the complaint, correct?

MR. HARRINGTON: Yeah, that's the verbage I was asking about.

MR. KEYT: I would probably suggest if you're looking at a time frame to put in there, and it sounds like what the Board's desires would be is to, when we say promptly investigate it, it sounds like what you mean is to promptly initiate investigating the complaint.

MR. HARRINGTON: Right.

MR. KEYT: So with that, I think you could have -- I think you could have probably somewhere

between, ten days perhaps would be an appropriate time. If we're talking about a Company shall promptly initiate an investigation of the complaint within ten days would be perhaps the change that would go there.

MR. HARRINGTON: I was going to go with something like five or seven business days, you know, to delineate it.

MR. LARSON: I mean that worked with our other one. Yeah, I don't think it should be any longer than that.

MR. LOVIN: I agree.

MR. CHAMBERS: I'm good with that.

MR. KEYT: So we'll change that. I'm going to change that to read, Company shall promptly begin investigating the complaint within five to seven business days. Actually, let meal rephrase that. Rather than have a window, I would say promptly begin investigating the complaint within seven business days. Rather than have a range of five to seven, I would just say within seven.

MR. HARRINGTON: You're saying you want to stick with a one-day quantity, seven business days or something like that? That's fine with me.

MR. KEYT: You can say five to seven, but I wouldn't do that. I would just put seven.

MR. HARRINGTON: All right.

MR. KEYT: Okay. So that sentence, Company shall, or that clause, will now read Company shall promptly begin investigating the complaint within seven business days.

MR. CHAMBERS: There's one other quick one to add. The second sentence here, actually the first sentence. County Zoning Administrator receives a complaint from any person considering interference. I'd extend that to a person or entity or company, because it could be, you know, say the internet provider or the weather service, whatever company's in question.

MR. KEYT: So then it would read as, complaint from any person or entity concerning, correct? Okay.

MR. HARRINGTON: So, Andy, not to jump the gun, but we've got another question after that in regard to time frame for remedy. So go ahead, Kyle, I think you've got a good idea there.

MR. LOVIN: Well, you know, we're giving them like seven days to start the investigation, but I feel like we need to have a cap on that getting back with the Zoning Administrator, you know, and the person making the complaint. You could say you're starting that investigation, but until, you know, you don't put a cap

on it doesn't mean they're going to get it done.

MR. KEYT: So in the sentence that is immediately after the one we changed it would say, the results of the investigation shall be provided to the Zoning Administrator and/or the person making the complaint within, and then we just need a time period.

MR. CHAMBERS: Probably go back to the 60 days --

MR. LARSON: Yeah.

MR. CHAMBERS: -- that we talked about, or 45, whatever.

MR. HARRINGTON: Right. I'm good with 60 45.

MR. CHAMBERS: I think 60's fine.

MR. KEYT: Okay. So I've changed -- in the first sentence, I've changed the phrase from any person concerning, to from any person or entity concerning. We've changed the end of that first sentence to read Company shall promptly begin investigating the complaint within 7 business days. After that, the results of the investigation shall be provided to the Zoning Administrator and the person making the complaint within 60 days. At the end of the paragraph, I'm sorry, at the end of current condition number 10, I've added the sentence, this paragraph does not preclude any private

right of action by an affected party.

Any other changes or suggestions as to current condition number ten?

MR. WAX: I just have one thing. I may be a lone wolf in this concern, but I don't like the opportunity for somebody to question whether the Zoning Administrator may in a reasonable discretion or not. I don't like reasonable.

MR. HARRINGTON: I agree with that.

MR. KEYT: Are you talking about in the event of --

MR. WAX: Sixth line, Zoning Administrator may, in her reasonable discretion. I don't like reasonable in there.

MR. KEYT: You would propose to remove --

MR. WAX: I would remove reasonable.

MR. HARRINGTON: Yeah, I agree.

MR. KEYT: Everybody agree?

MR. LOVIN: Yes.

MR. LARSON: Yep.

MR. CHAMBERS: If we're eliminating --

MR. WAX: Well, does that cause a problem where it shows -- reasonable shows up in the next to last line. I may be over thinking things here.

MR. KEYT: The line that says the Company

shall mitigate the interference to the reasonable satisfaction?

MR. WAX: Yes.

MR. KEYT: I don't think that would cause any issue there.

MR. WAX: If you took out both?

MR. KEYT: You could take out both.

MR. WAX: If it causes a problem, I'd back off on the concern about the first one.

MR. KEYT: Yeah, I mean I don't think it causes a problem, but if you want to remove reasonable to modify there to make it read as, the Company shall mitigate the interference to the satisfaction of. We can do that.

MR. WAX: I'm open to the opinions of the rest of the Board and your opinion as to what's the best legal approach to cover that.

MR. KEYT: I'm a little hesitant to tell you --

MR. WAX: Okay.

MR. KEYT: -- exactly how I would phrase that. I typically use -- often the word reasonable is included in there. Now, you know, that doesn't mean that whatever wild discretion the Zoning Administrator would use is allowed, but I don't think you would have a

problem with removing reasonable from those lines.

MR. HARRINGTON: Yeah, I'm in favor.

MR. LOVIN: I think both of those.

MR. WAX: All right. We're in agreement.

MR. KEYT: Okay. In part of the aspect of the remedies it does allow for, if there remains a dispute, they can bring that to the Zoning Board for resolution. So, I don't think you'll have an issue there. But any other changes or suggestions as to the current number 10?

MR. HARRINGTON: I think we're good.

MR. KEYT: Okay. I don't know if I can get this whole paragraph on the screen for everybody, but I'll give it a shot. It takes us to condition number -- current condition number 11. Complaints and Resolution.

"Complaints and Resolution. Prior to commencement of construction of the Project and during the entire term of the special use and any extension, Company shall establish a telephone number hotline for the general public to call with any complaints, comments or questions ("Comments Hotline"). The Comment Hotline number shall be publicized to the satisfaction of the Zoning Administrator in order to ensure that the general public is aware of the Comment Hotline number. The Comment Hotline number shall be posted at the operations

and maintenance center and the construction marshalling yard. The Comment Hotline number shall be manned at all times during regular business hours or allow for recording of messages during other times. Each call to the Comment Hotline shall be logged by the Company, and such log shall identify the name, address, to the extent provided, and reason for the call. Company shall maintain a Facebook or other social media site with links to the procedures for using the Comment Hotline. Company shall provide the Zoning Administrator with the call log on a monthly basis to the extent allowed by law, and Company shall retain copies of the log for a minimum of two years. Company shall take reasonably necessary actions to resolve all legitimate complaints. If the Company shall, in a reasonable discretion of the Zoning Administrator, fail to take reasonably necessary action to resolve any legitimate complaint, the Zoning Administrator may direct Company to take such reasonably necessary action."

I'm going to pause there because we have a pretty long paragraph. Any suggestions or changes as to that portion that we read so far?

MR. WAX: What do you think, guys?

MR. HARRINGTON: What about reasonably here, Loyd?

MR. WAX: That's going to happen so many times.

MR. HARRINGTON: But I guess I would, you know, a little bit of a judgment call, right, Andy? Company shall take reasonably necessary actions. Who's judging that? Who's determining what that is?

MR. KEYT: Yeah, I mean I think -- I think what the intent would be, you don't want to allow for a situation where I mean, Keri may not be here 30 years from now, we all hope she is --

MR. HARRINGTON: Right.

MR. KEYT: -- but she may decide to retire some day. You may get somebody that may take an adverse position that's not supported. So you may want to include that phrase. Now at the same time, someone could be taking action that would be reasonably or reasonable and there may arise a dispute which likely will be able to be resolved in another manner. But I tend to err on the side of using the phrase reasonably. I think most attorneys do in some way. What that means or how that's defined is always up for debate, and there's a million cases that talk about what's reasonable and what isn't. You're not going to be able to define it in the context of this document. So, I would tend to leave it in there, but it is the Zoning Board's purview, ultimately

the County Board's purview as to whether to include it or not include it, et cetera.

MR. HARRINGTON: What do you think?

MR. LARSON: I'm all right with it here.

MR. WAX: Okay.

MR. HARRINGTON: Okay.

MR. WAX: Leave it in.

MR. KEYT: Okay. Let me go on with the remainder of that paragraph.

"During the construction of the Project, the Company shall maintain updated contact information on file with the Zoning Administrator for addressing complaints related to construction activities. The Company shall designate a contact persona who will respond to inquiries from the Zoning Administrator. Once the Project has reached commercial operation following the conclusion of the construction activities, the Company shall maintain permanent contact information with the Zoning Administrator including a designated representative of the Company along with a phone number and e-mail address, and a 24-hour emergency contact phone number (the Emergency Number"). The Emergency Number shall be manned at all times. Company shall also provide these phone numbers and e-mail addresses to the Piatt County emergency telephone service. If the Zoning

Administrator or County Board retains any expert or consultant relating to such complaints, Company shall reimburse the County Board for all reasonable expenses." In the event of a disagreement between the Zoning Administrator and the Company and/or the person making the complaint concerning resolution of the complaint, then the Company and/or the person making the complaint may appeal to the Zoning Administrator to the Zoning Board of Appeals."

I would suggest one change where we refer to Company shall reimburse the County Board. I would suggest that not be phrased that way. The Company shall reimburse the County. Are there any suggested changes, edits to the second portion of that paragraph which is current condition number 11?

MR. CHANGERS: I do not have any.

MR. WAX: I think we're okay.

MR. KEYT: Okay, sounds good. We have completed up to current condition number 11. We are almost at nine o'clock. So it sounds like Mr. Kains is going to say something profound right now.

(Laughter.)

MR. KAINS: No, there is no profundity coming from here. But we need to -- we need to have a discussion with -- this Board needs to discuss a date

and time to continue this public hearing, because there is a lot more to do. Keri, do we know if Abe is in the building?

MS. NUSBAUM: We don't. However, I did check with him earlier today. I know that next week Monday and Tuesday are available. The 30th and 31st are available. I know that.

MR. KAINS: How do folks -- January 30th?

MS. NUSBAUM: Either one of those evenings are available.

MR. HARRINGTON: I'd be in favor of the 31st, but that's just me.

MR. CHAMBERS: Keep it on another Tuesday.

MR. HARRINGTON: That works with me.

MR. KAINS: Mr. Gershon? Mr. Jacobi? Mr. Moore?

MR. GERSHON: We can do either date. You might want to consider having two dates.

MR. KAINS: I think that's a great point. Thank you. Mr. Keyt, are you available on the 30th and 31st?

MR. KEYT: I am.

MR. KAINS: Let's see if I am.

(Laughter.)

SOUND PERSON: I will be in Jacksonville on Monday.

MR. HARRINGTON: I'm also not available on Monday.

MR. KAINS: Okay. Well, also Mr. Harrington is not available and he needs to be here. But Kenny, can you all be here on Tuesday January 31st?

SOUND PERSON: Yes.

MR. KAINS: Yeah, I can be here. Then with that said, Tuesday January 31, will be the date when we will reconvene, but because this is tough sledding there's a lot of difficult legal language that Mr. Keyt has prepared, I think we need to have another date. Is there any other availability, Keri, of this building next week?

MS. NUSBAUM: Let me ask if he knows right off hand.

MR. KAINS: I guess I'll ask any of the Zoning Board members, other than next Monday when Mr. Harrington's not available, how about Wednesday or Thursday? Wednesday, I'm not available.

MR. WAX: We need to check if the building is available.

MS. NUSBAUM: He's texting me. We might know here in a minute.

MR. KAINS: As lovely as it is in Piatt County in January, I don't think we want to do this outside.

(Laughter.)

MR. LARSON: I know Friday the 3rd, I will not be available.

MR. KAINS: Thank you, Mr. Larson.

MR. WAX: I'm not available on the first.

MR. KAINS: So not the first, not the third. How about the second? What does Abe say?

MS. NUSBAUM: He's checking.

MR. KAINS: Nothing happens without Abe.

MR. HARRINGTON: If it doesn't work out, Mr. Kains, I might just suggest the following Tuesday.

MR. KAINS: Yeah.

MS. NUSBAUM: Thursday the 2nd is open.

MS. KAINS: Is Thursday the 2nd all right with Members of the Board?

MR. HARRINGTON: I'm good.

MR. WAX: I'm good.

MR. KAINS: Mr. Keyt?

MR. KEYT: Yes.

MR. KAINS: Mr. Gershon, Mr. Moore, Mr. Jacobi?

MR. GERSHON: The 2nd works for us.

MR. KAINS: All right. So what we'll do is, this Board will be in recess. We will reconvene on Tuesday evening at this address in this room, Tuesday evening January 31 at 6:00 o'clock p.m. We will plan to work until 9:00 o'clock or shortly thereafter, and if we don't get it done on Tuesday the 31st of January, then we'll be back here on Thursday February 2 at 6:00 p.m. in this room at this address.

MR. GERSHON: Scott, before we close, would tomorrow night also work for meeting?

MR. KEYT: I'm not available tomorrow night.

MS. NUSBAUM: The building's not either.

MR. GERSHON: Okay. Thank you.

(Laugher.)

MR. KAINS: Good try. Okay. There were a lot of folks here who left. So all of you good people please let them know that we're going to come back on Tuesday. Mr. Gallagher's nodding his head in the affirmative. So I think we can take that to the bank. The 31st of January, at 6:00 p.m., and then February 2, next Thursday at 6:00 p.m.

Mr. Chairman, is the Board in recess?

MR. WAX: Let's do it.

MR. KAINS: We're in recess until Tuesday night, 6:00 p.m. January 31st. Thank you.

(Proceedings this date concluded.)

I, Jamie J. Mumm, an Official Court Reporter and Certified Shorthand Reporter in and for the Sixth Judicial Circuit of the State of Illinois, do hereby certify that I transcribed from shorthand notes the foregoing proceedings and that the foregoing is a true and correct transcript to the best of my ability.

Jamie J. Mumm, CSR
Official Court Reporter
CSR #084-002330

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