

STATE OF ILLINOIS)
)SS
COUNTY OF LEE)

In the Matter of the Petition
 of

BSW DevCo, LLC, Big Sky Repower
Lee County, Illinois

Testimony of Witnesses
Produced, Sworn and
Examined on this 3rd day
of April, A.D., 2019,
before the Lee County
Zoning Board of Appeals

Present:

Mike Pratt
Craig Buhrow
Gene Bothe
Rex Meyer
Bruce Forster, Chairman

Alice Henkel, Secretary
Dee Duffy, Zoning Enforcement Officer

Honorable Judge Tim Slavin, Facilitator

1 APPEARANCES:

2 LEE COUNTY STATE'S ATTORNEY MATTHEW KLAHN
3 of the Lee County State's Attorney's Office
4 309 South Galena Avenue, Suite 300
5 Dixon, Illinois 61021

6 Counsel for the County.

7 ATTORNEY DAVID D. STREICKER
8 of the firm of Polsinelli
9 150 North Riverside Plaza, Suite 3000
10 Chicago, Illinois 60606

11 Counsel for the Applicant.

12
13
14
15
16
17
18
19
20
21
22
23
24

1 JUDGE SLAVIN: Good evening, Ladies and
2 Gentlemen. Welcome back, everyone.

3 I will call our Big -- actually, BSW
4 DevCo, LLC's, application for a Special Use
5 Permit hearing out of recess, ask everybody to
6 come to order.

7 Note for the record that there are five
8 members -- august members of the Lee County
9 Zoning Board of Appeals tonight. Glen Hughes
10 does not appear, but Mr. Meyer is here as an
11 alternate and is filling that seat this evening.
12 Mr. Klahn -- the Honorable Mr. Klahn, Matt
13 Klahn, is here on behalf of the County and
14 various agencies and its officials. The
15 Honorable Dee Duffy is here, the Zoning
16 Enforcement Officer. Mr. Streicker is here for
17 the Applicant.

18 When we recessed last, we were taking up
19 findings of fact and recommendations, and we
20 will resume that process.

21 Gentlemen, your floor is back open for
22 your -- floor is back open for any motions.

23 MR. PRATT: Mr. Facilitator.

24 JUDGE SLAVIN: Yes, sir. Tell me if

1 you're drafting a new one, you want me to go
2 back to the ones I proposed, or if you want to
3 go back to the Applicant's.

4 MR. PRATT: Well, on the list that I had
5 emailed to me, it's Number 9.

6 JUDGE SLAVIN: Let's just take a look
7 here. I only ask just to help speed it up.
8 Does it look like that one?

9 MR. PRATT: Yup.

10 I'd like to make a motion that the Lee
11 County --

12 JUDGE SLAVIN: Wait a minute. Let me get
13 it bigger. Sorry.

14 MR. PRATT: So this is a recommendation?
15 We're done with findings of fact, is that --

16 JUDGE SLAVIN: You are? Okay. At least
17 you think you are?

18 MR. PRATT: Well, I am, yeah.

19 JUDGE SLAVIN: Let me ask you, before you
20 do this, do any of you other gentlemen have any
21 findings of fact you want to move for
22 consideration? Because that's probably
23 appropriate we do that before we get to
24 recommendations.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

(No verbal response.)

JUDGE SLAVIN: All right.

MR. KLAHN: Let me check one thing, if I may, Judge.

JUDGE SLAVIN: Sure.

MR. KLAHN: The question would be, have you made findings -- you definitely did whether or not this will affect --

JUDGE SLAVIN: Let's go off the record.

(A discussion was held off the record.)

MR. PRATT: That was Number 6.

JUDGE SLAVIN: By Joe, I think I have got it.

MR. PRATT: I'll make a motion then that the Lee County ZBA finds that, the proposed Special Use will have the following impacts on public utilities: enhancements of the electrical utilities, and no impact on sewer and water.

JUDGE SLAVIN: Okay. Does that look like what you want? Is it big enough, first of all?

MR. PRATT: That's fine. That's my motion.

1 JUDGE SLAVIN: Okay. Do I hear a second?

2 MR. BOTHE: Second.

3 JUDGE SLAVIN: Having heard a second, the
4 floor is open for debate.

5 Mr. Pratt, it's your motion.

6 MR. PRATT: No comment.

7 JUDGE SLAVIN: Okay. Any other Board
8 members wish to speak to the motion?

9 (No verbal response.)

10 JUDGE SLAVIN: Seeing no indication of
11 wanting to do so, I'll put the question. The
12 question being put is whether the Lee County ZBA
13 finds that, the proposed Special Use will have
14 the following impacts on public utilities:
15 enhancement -- enhancements, excuse me, of
16 electric utilities, and no impact on sewer and
17 water.

18 Adoption of the motion requires a vote by
19 the majority. The vote will be by voice. All
20 those in favor indicate by saying aye.

21 (All those so indicated.)

22 JUDGE SLAVIN: All those opposed, nay.

23 (No verbal response.)

24 JUDGE SLAVIN: Hearing none, the motion

1 carries unanimously.

2 Mr. Klahn, I see you moving around, which
3 is great. If you want some time, please just
4 say so.

5 The floor is open, unless Matt wants some
6 time.

7 MR. KLAHN: No.

8 JUDGE SLAVIN: The floor is open for any
9 motion.

10 MR. PRATT: Mr. Facilitator.

11 JUDGE SLAVIN: Yes, sir.

12 MR. PRATT: I would like to make a
13 recommendation then.

14 JUDGE SLAVIN: Okay.

15 MR. PRATT: Number 9.

16 Make a motion that the Lee County ZBA
17 recommends to the Lee County Board that, if BSW
18 DevCo's Special Use Petition under consideration
19 is allowed, a condition of any permit granted be
20 that any and all terms and/or conditions
21 presented within the Petitioner's petition for
22 Special Use Number 19-P-1542 that are not in
23 conflict with any term or condition within the
24 AIMA be incorporated.

1 JUDGE SLAVIN: You want to end there?

2 MR. PRATT: No. But you need a period
3 there, I think.

4 JUDGE SLAVIN: Yup.

5 MR. PRATT: The Lee County ZBA further
6 recommends that if, indeed, a term and/or
7 condition within the petition for Special Use is
8 in conflict, contrary or repugnant to the AIMA,
9 the terms and/or conditions of the AIMA shall be
10 binding.

11 JUDGE SLAVIN: Okay. I sort of straddled
12 across the page. So I'll give you a chance --
13 all a chance to read that first clause, and then
14 I'll -- okay, and then here's the second clause
15 at the top of the second page.

16 Does that look correct, Mr. Pratt?

17 MR. PRATT: Yup.

18 JUDGE SLAVIN: I'll entertain a second to
19 that motion.

20 MR. BOTHE: Second.

21 JUDGE SLAVIN: Having heard a second, the
22 floor is open for debate.

23 It is your motion, Mr. Pratt.

24 MR. PRATT: No comment.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

JUDGE SLAVIN: Okay. Any other Board member?

(No verbal response.)

JUDGE SLAVIN: Seeing no communication that somebody wants to make a comment, I will put the question. The question being put is whether the Lee County ZBA recommends to the Lee County Board that, if BSW DevCo's WECS Special Use Petition under consideration is allowed, a condition of any permit granted be that any and all terms and/or conditions presented within the Petitioner's petition for Special Use Number 19-P-1542 that are not in conflict with any term and/or condition within the AIMA be incorporated. The Lee County ZBA further recommends that if, indeed, a term and/or condition within the petition for Special Use is in conflict, contrary or repugnant to the AIMA, the terms and/or conditions of the AIMA shall be binding.

Passage of that motion requires a vote by the majority. The vote will be by voice. All those in favor indicate by saying aye.

(All those simultaneously

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

responded.)

JUDGE SLAVIN: All those opposed, nay.

(No verbal response.)

JUDGE SLAVIN: Another motion is passed
unanimously.

Give me just a minute, please. See, if I
don't do this now, Guys, when I get back to the
office it turns into a mishmash because I won't
remember.

Okay. Floor is again open.

MR. PRATT: Mr. Facilitator.

JUDGE SLAVIN: Yes, sir.

MR. PRATT: I'd like to go to Number 14
and put it in order at this time.

JUDGE SLAVIN: Shoot.

MR. PRATT: I will make a few changes to
it.

JUDGE SLAVIN: I'll try and pay attention.
I mean, I'll pay attention. I'll try and keep
up.

MR. PRATT: Make a motion that the Lee
County Zoning Board of Appeals.

JUDGE SLAVIN: Do you mind if I put ZBA?

MR. PRATT: Finds that in the Petitioner's

1 agricultural impact mitigation agreement with
2 the Illinois Department of Agriculture, the
3 execution of the AIMA must be made as a
4 condition of the Special Use Permit Petitioner
5 is requesting in this petition. And I want to
6 add a sentence to that.

7 JUDGE SLAVIN: Okay.

8 MR. PRATT: As used.

9 JUDGE SLAVIN: So a new sentence? As --

10 MR. PRATT: As used.

11 JUDGE SLAVIN: Yup, got it.

12 MR. PRATT: "AIMA" refers to the
13 agricultural impact mitigation agreement dated
14 September 8th.

15 JUDGE SLAVIN: Wait a minute. Now you're
16 going too fast for me.

17 MR. PRATT: Agricultural impact mitigation
18 agreement.

19 JUDGE SLAVIN: Agreement.

20 MR. PRATT: Dated September 8th.

21 JUDGE SLAVIN: 9/8.

22 MR. PRATT: '16.

23 JUDGE SLAVIN: '16, yup.

24 MR. PRATT: And entered as Exhibit 8.

1 JUDGE SLAVIN: Did I call that -- Exhibit
2 8, okay. That's fine.

3 MR. PRATT: And any executed amendment to
4 that.

5 JUDGE SLAVIN: Wait a minute. Exhibit --
6 it's actually A8. Yup. I'm sorry, I was
7 talking to myself.

8 MR. PRATT: And any executed amendment to
9 that AIMA.

10 JUDGE SLAVIN: Okay. We got too many
11 "ands" in that. So let's take out that. As
12 Exhibit A8 and any. Any what?

13 MR. PRATT: Executed amendment.

14 JUDGE SLAVIN: Executed amendments, yup.

15 MR. PRATT: To that AIMA.

16 JUDGE SLAVIN: Got it. Okay.

17 MR. PRATT: Period.

18 JUDGE SLAVIN: Give it a whirl.

19 MR. PRATT: That looks like my motion.

20 JUDGE SLAVIN: Okay. I'll entertain a
21 second.

22 MR. MEYER: Second.

23 JUDGE SLAVIN: Having heard a second, the
24 floor is open for debate.

1 Your motion, you get to go first,
2 Mr. Pratt.

3 MR. PRATT: No, no comment.

4 JUDGE SLAVIN: Any other member wish to
5 address the motion?

6 (No verbal response.)

7 JUDGE SLAVIN: Seeing no indication, I'll
8 put the question. The question being put is
9 whether the Lee County ZBA finds that in the
10 Petitioner's agricultural impact mitigation
11 agreement with the Illinois Department of
12 Agriculture, the execution of the AIMA must be
13 made as a condition of the Special Use Permit
14 Petitioner is requesting as a condition of the
15 Special Use Permit -- oh, sorry. Petitioner is
16 requesting in this petition. As used, "AIMA"
17 refers to agricultural impact mitigation
18 agreement -- put a "the" in there -- dated
19 9/8/16, entered as Exhibit A8 and any executed
20 amendments to that AIMA.

21 Adoption of that motion requires a vote by
22 the majority. The vote will be by voice. All
23 those in favor indicate by saying aye.

24 (All those simultaneously

1 responded.)

2 JUDGE SLAVIN: All those opposed by nay.

3 (No verbal response.)

4 JUDGE SLAVIN: Motion carries.

5 MR. KLAHN: If I could have a moment,
6 Judge?

7 JUDGE SLAVIN: Absolutely.

8 (A discussion was held off
9 the record.)

10 MR. PRATT: Mr. Facilitator.

11 JUDGE SLAVIN: Yes, sir.

12 MR. PRATT: I would like to make a motion.

13 JUDGE SLAVIN: New one? Call my attention
14 to one?

15 MR. PRATT: Number 10, but I will make
16 some changes to it.

17 JUDGE SLAVIN: That's fine. Just so I can
18 start.

19 MR. PRATT: Make a motion that the Lee
20 County ZBA recommends to the Lee County Board
21 that, if BSW DevCo's WECS Special Use Petition
22 under consideration is allowed, a condition of
23 any permit granted be that the Petitioner be
24 free to construct any two models of WECS.

1 JUDGE SLAVIN: Any one of -- so you're
2 changing that to two?

3 MR. PRATT: Yes.

4 JUDGE SLAVIN: Okay.

5 MR. PRATT: Outlined in its petition. And
6 then I want to insert the two model numbers.

7 JUDGE SLAVIN: Okay.

8 MR. PRATT: GE.

9 JUDGE SLAVIN: GE.

10 MR. PRATT: 2.3-116.

11 JUDGE SLAVIN: 2.3-116, right?

12 MR. PRATT: Right. Or 2.5.

13 JUDGE SLAVIN: Or 2.5.

14 MR. PRATT: Dash.

15 JUDGE SLAVIN: Oops. Got to start that
16 with GE.

17 MR. PRATT: Yeah.

18 JUDGE SLAVIN: GE 2.5-116, right?

19 MR. PRATT: Right.

20 JUDGE SLAVIN: Okay.

21 MR. PRATT: I don't know why you can't
22 just put a period there.

23 JUDGE SLAVIN: Okay. It's up to you.

24 MR. PRATT: I don't know if I want to give

1 them any more.

2 JUDGE SLAVIN: I've got that highlighted,
3 just to make sure you want to take it off.

4 MR. PRATT: I do, on my motion.

5 JUDGE SLAVIN: All right. Done. So let
6 me get it all on the -- there.

7 MR. PRATT: You need to say recommends.

8 JUDGE SLAVIN: Oops. Apologize. My
9 fault. Okay.

10 MR. PRATT: That's my motion.

11 JUDGE SLAVIN: Okay. Do I hear a second?

12 MR. BOTHE: Second.

13 JUDGE SLAVIN: Hearing a second, the floor
14 is then open for debate on the motion.

15 Your motion, Mr. Pratt. Do you wish to
16 speak to it?

17 MR. PRATT: No comment.

18 JUDGE SLAVIN: Okay. Any other member
19 wish to speak to it?

20 (No verbal response.)

21 JUDGE SLAVIN: Seeing no indication that
22 anybody does, I will put the question. The
23 question being put is whether the Lee County ZBA
24 recommends to the Lee County Board that if BSW

1 DevCo's WECS Special Use Petition under
2 consideration is allowed, a condition of any
3 permit granted be that the Petitioner is free to
4 construct any one of the two models of WTGs
5 outlined in its petition: GE 2.3-116 or GE
6 2.5-116.

7 Passage of the motion requires a vote by
8 the majority. The vote will be by voice. All
9 those in favor indicate by saying aye.

10 (All those simultaneously
11 responded.)

12 JUDGE SLAVIN: All those opposed by nay.

13 (No verbal response.)

14 JUDGE SLAVIN: Once again, hearing no
15 nays, the motion is unanimously passed.

16 Downsize it and we're set to go. The
17 floor is open.

18 MR. PRATT: Mr. Facilitator.

19 JUDGE SLAVIN: Sure, Mr. Pratt.

20 MR. PRATT: Let's look at Number 12.

21 JUDGE SLAVIN: Okay.

22 MR. PRATT: I'd like to make a motion that
23 the Lee County ZBA recommends to the Lee County
24 Board that, if BSW DevCo's WECS Special Use

1 Petition under consideration is allowed, a
2 condition of any permit granted be that the
3 Petitioner and a landowner may agree to
4 setbacks, shadow flicker and --

5 JUDGE SLAVIN: Oops. I'm sorry, Mike.
6 This is my -- apparently I hit enter and it
7 created a number. So I got to get down to the
8 one you're -- my fault.

9 Last time I could blame Dee's mouse, but I
10 can't blame it on it this time.

11 All right. Got it.

12 MR. PRATT: And other impacts different
13 from those allowed in the Special Use Permit,
14 and then I want to add to that.

15 JUDGE SLAVIN: Got it.

16 MR. PRATT: Take your period out.

17 JUDGE SLAVIN: Take the period off, got
18 it.

19 MR. PRATT: Only if a waiver has been
20 obtained from the landowner and it is on file
21 with the Zoning -- Lee County Zoning Enforcement
22 Officer --

23 Dee, what's your real title?

24 MS. DUFFY: Lee County Zoning

1 Administrator.

2 MR. PRATT: Administrator.

3 JUDGE SLAVIN: Okay. Give that a gander.

4 MR. PRATT: That's fine. That's my
5 motion.

6 JUDGE SLAVIN: Okay. Do I hear a second?

7 MR. BOTHE: Second.

8 JUDGE SLAVIN: Hearing a second, the floor
9 is open for debate.

10 Your motion, Mr. Pratt. You get the first
11 shot.

12 MR. PRATT: No, no comment.

13 JUDGE SLAVIN: Okay. Any other Board
14 member?

15 (No verbal response.)

16 JUDGE SLAVIN: Seeing no indication, I
17 will put the question. The question being put
18 is whether the Lee County ZBA recommends to the
19 Lee County Board that if BSW DevCo's WECS
20 Special Use Petition under consideration is
21 allowed, a condition of any permit granted be
22 that the Petitioner and a landowner may agree to
23 setbacks, shadow flicker, and other impacts
24 different from those allowed in the Special Use

1 Permit only if a waiver has been obtained from
2 the landowner and is on file with the Zoning
3 Administrator.

4 May I offer a friendly amendment, Mr.
5 Pratt? How about a written waiver?

6 MR. PRATT: Yeah.

7 JUDGE SLAVIN: I think that's sort of
8 implied, but it's a little better that way.

9 MR. PRATT: That's a good point.

10 JUDGE SLAVIN: Okay.

11 MR. PRATT: Yup.

12 JUDGE SLAVIN: The question has been put.
13 Adoption of the motion requires a vote by the
14 majority. The vote will be by voice. All those
15 in favor indicate by saying aye.

16 (All those simultaneously
17 responded.)

18 JUDGE SLAVIN: All those opposed by nay.

19 (No verbal response.)

20 JUDGE SLAVIN: Motion is allowed.

21 Okie dokie. That's fancy Facilitator talk
22 for "the floor is open."

23 MR. BUHROW: Mr. Chairman.

24 JUDGE SLAVIN: Yes, sir.

1 MR. BUHROW: Going back to the first list
2 we dealt with, on Number 42. We haven't dealt
3 with the times. Number 42 on the first list,
4 Number 11 now.

5 MR. PRATT: You can do it off of yours.

6 JUDGE SLAVIN: Wait a minute. It was on
7 my --

8 MR. PRATT: Yeah, Number 11.

9 MR. BUHROW: Yeah.

10 JUDGE SLAVIN: Okay.

11 MR. BUHROW: The Lee County ZBA -- I move
12 that the Lee County ZBA recommends.

13 JUDGE SLAVIN: Got it.

14 MR. BUHROW: To the Lee County Board that
15 if BSW DevCo's WECS Special Use Petition under
16 consideration is allowed, a condition of any
17 permit granted be that the Petitioner shall
18 agree not to commence construction activity
19 associated with the WECS project before 6 a.m.
20 or past 9 p.m. on any day of the week within
21 one-fourth, one quarter, mile of any
22 nonparticipating landowner unless a waiver is
23 obtained from the landowner.

24 JUDGE SLAVIN: Okay. Take a look.

1 MR. BUHROW: That's fine.

2 JUDGE SLAVIN: Do I hear a second?

3 MR. BOTHE: Second.

4 JUDGE SLAVIN: Okay. Hearing a second,
5 the floor is open for debate.

6 Your motion, Mr. Buhrow.

7 MR. BUHROW: Nothing.

8 JUDGE SLAVIN: Any other Board member?

9 (No verbal response.)

10 JUDGE SLAVIN: Seeing no indication, I
11 will put the question. The question being put
12 is whether the Lee County ZBA recommends to the
13 Lee County Board that, if BSW DevCo's WECS
14 Special Use Petition under consideration is
15 allowed, a condition of any permit granted be
16 that the Petitioner shall agree not to commence
17 construction activity associated with the WECS
18 project before 6 a.m. or continue past 9 p.m. on
19 any day of the week within 0.25 miles of any
20 nonparticipating landowner unless a waiver is
21 obtained from such landowner.

22 Adoption of the motion requires a vote by
23 the majority. The vote will be by voice. All
24 those in favor indicate by saying aye.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

(All those simultaneously
responded.)

JUDGE SLAVIN: All those opposed by nay.

(No verbal response.)

JUDGE SLAVIN: It is once again unanimous.
Okay. The floor is again open.

MR. PRATT: Mr. Facilitator?

JUDGE SLAVIN: Yes, sir.

MR. PRATT: Let's look at Number 16.

JUDGE SLAVIN: Number 16.

MR. PRATT: Make a motion that the Lee
County ZBA recommends to the Lee County Board
that if BSW DevCo's WECS Special Use Petition
under consideration is allowed, a condition of
any permit granted be to address and incorporate
both the recommendation of the Illinois
Department of Natural Resources and the response
thereto of the Petitioner.

JUDGE SLAVIN: Okay. Another one
straddling the page, so take a look at that
first part. Come on. Then there's the second
part.

MR. PRATT: That's fine. That's my
motion.

1 JUDGE SLAVIN: Do I hear a second?

2 MR. BOTHE: Second.

3 JUDGE SLAVIN: Hearing a second, the floor
4 is open for debate.

5 Your motion, Mr. Pratt.

6 MR. PRATT: No comment.

7 JUDGE SLAVIN: Okay. Any other Board
8 member?

9 (No verbal response.)

10 JUDGE SLAVIN: Seeing none, I will put the
11 question. The question being put is whether Lee
12 County ZBA recommends to the Lee County Board
13 that if BSW DevCo WECS Special Use Petition
14 under consideration is allowed, a condition of
15 any permit granted be to address and incorporate
16 both the recommendation of the Illinois
17 Department of Natural Resources and the response
18 thereto of the Petitioner.

19 And I'm going to make that plural. Is
20 that okay with you, Mr. Pratt?

21 Adoption of the motion requires a vote by
22 the majority. The vote will be by voice. All
23 those in favor indicate by saying aye.

24 (All those simultaneously

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

responded.)

JUDGE SLAVIN: All those opposed by nay.

(No verbal response.)

JUDGE SLAVIN: Hearing none, the motion is unsurprisingly unanimously adopted.

Back in business.

MR. BUHROW: Ready?

JUDGE SLAVIN: Yeah.

MR. BUHROW: Mr. Chairman.

JUDGE SLAVIN: Yes, sir.

MR. BUHROW: I move -- Number 17.

I move that the Lee County ZBA finds that, it is necessary that the Petitioner enter into a road use and repair agreement approved by the Lee County Board, the Lee County engineer, the Lee County Zoning Officer, and the affected township highway commissioners prior to the issuance of a building permit.

JUDGE SLAVIN: Okay. Another one straddling the page. Sorry about that. Take a look at the first clause there.

MR. BUHROW: Okay.

JUDGE SLAVIN: There's the second part.

MR. BUHROW: Yeah, I think it's all there.

1 JUDGE SLAVIN: Okay. I'll take a --
2 entertain a second.

3 MR. BOTHE: Second.

4 JUDGE SLAVIN: Hearing such a second, the
5 floor is open for debate.

6 Mr. Buhrow, your motion.

7 MR. BUHROW: Nothing.

8 JUDGE SLAVIN: Okay. Any other Board
9 member want to speak to it?

10 (No verbal response.)

11 JUDGE SLAVIN: Seeing no indication of a
12 desire to do so, I will put the question. The
13 question being put is whether the -- you can say
14 that easily -- the Lee County ZBA finds that it
15 is necessary that the Petitioner enter into a
16 road use and repair agreement approved by the
17 Lee County Board, the Lee County engineer, the
18 Lee County Zoning Officer, and the affected
19 township highway commissioners prior to the
20 issuance of a building permit.

21 Adoption of the motion requires a vote by
22 the majority. The vote will be by voice. All
23 those in favor indicate by saying aye.

24 (All those simultaneously

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

responded.)

JUDGE SLAVIN: All those opposed by nay.

(No verbal response.)

JUDGE SLAVIN: The motion is indeed adopted.

We're in business.

MR. MEYER: Mr. Facilitator.

JUDGE SLAVIN: Yes, sir.

MR. MEYER: Number 18.

The Lee County Zoning Board of Appeals recommends to the Lee County Board that, if BSW DevCo's WECS Special Use Petition is considered as allowed, a condition of any permit granted be, so as to protect the rights and interests of owners and users of private and public airstrips in the vicinity of project, the Petitioner shall obtain all necessary permits from the Federal Aviation Administration and honor any setback requirements or any other conditions imposed by the FAA.

JUDGE SLAVIN: Okay. Take a look while I'm cleaning it up, see if that suits your fancy, Mr. Meyer.

MR. MEYER: It does.

1 JUDGE SLAVIN: Okay. Motion -- that
2 motion, how it's displayed on the board, is on
3 the floor, awaiting a second, if any, Gentlemen.

4 MR. BUHROW: Second.

5 JUDGE SLAVIN: Floor is open for debate.

6 Mr. Meyer, your motion. Do you have any
7 comment you want to direct to it?

8 MR. MEYER: No, no further comments.

9 JUDGE SLAVIN: Okay. Any Board member?

10 (No verbal response.)

11 JUDGE SLAVIN: No one indicating such, I
12 will put the question. The question being put
13 is whether the Lee County ZBA recommends to the
14 Lee County Board that, if BSW DevCo's WECS
15 Special Use Petition under consideration is
16 allowed, a condition of any permit granted be,
17 so as to protect the rights and interests of
18 owners and users of private and public airstrips
19 in the vicinity of the project, that Petitioner
20 shall obtain all necessary permits from the
21 Federal Aviation Administration and honor any
22 setback requirements or other conditions imposed
23 by the FAA.

24 Adoption of the motion requires a vote by

1 the majority. The vote will be by vote. All
2 those in favor indicate by saying aye.

3 (All those simultaneously
4 responded.)

5 JUDGE SLAVIN: All those opposed by nay.

6 (No verbal response.)

7 JUDGE SLAVIN: Chair finds that the motion
8 is carried.

9 Okay. "Okay" means it's open for --

10 MR. PRATT: Mr. Facilitator.

11 JUDGE SLAVIN: Yes, sir.

12 MR. PRATT: Let's look at 19.

13 JUDGE SLAVIN: Okay.

14 MR. PRATT: Make a motion that the Lee
15 County ZBA recommends to the Lee County Board
16 that, if BSW DevCo's WECS Special Use Petition
17 under consideration is allowed, it be granted a
18 two-year waiver beyond the one-year required
19 under Section 10-2A-3 for the requested use to
20 be established, substantially underway.

21 JUDGE SLAVIN: All right. Does that look
22 right on the board there, Mr. Pratt?

23 MR. PRATT: Yes.

24 JUDGE SLAVIN: I'll entertain a second.

1 MR. BOTHE: Second.

2 JUDGE SLAVIN: Hearing a second, the floor
3 is open for debate.

4 Mr. Pratt, your motion.

5 MR. PRATT: No comment.

6 JUDGE SLAVIN: Any other Board member want
7 to address it?

8 (No verbal response.)

9 JUDGE SLAVIN: Seeing no indication, put
10 the question. The question being put is whether
11 the Lee County ZBA recommends to the Lee County
12 Board that, if BSW DevCo's WECS Special Use
13 Petition under consideration is allowed, it be
14 granted a two-year waiver beyond the one-year
15 required under Section 10-2A-3 for the requested
16 use to be established, substantially underway.

17 Adoption of the motion -- or adoption of
18 the motion requires a vote by the majority. The
19 vote will be by voice. All those in favor
20 indicate by saying aye.

21 (All those simultaneously
22 responded.)

23 JUDGE SLAVIN: All those opposed by nay.

24 (No verbal response.)

1 JUDGE SLAVIN: The motion carries.

2 The window is open.

3 MR. PRATT: Mr. Facilitator.

4 JUDGE SLAVIN: Yes, sir.

5 MR. PRATT: I have a new one here.

6 JUDGE SLAVIN: Okay.

7 MR. PRATT: Are you ready?

8 JUDGE SLAVIN: In just a minute I am. Now
9 I am.

10 MR. PRATT: I make a motion that the Lee
11 County ZBA recommends to the County Board that
12 if BSW DevCo's WECS Special Use Petition under
13 consideration is allowed.

14 JUDGE SLAVIN: I know it's going in
15 italics, so I'll correct that in a minute.

16 Special Use is allowed -- oops.

17 MR. PRATT: It should say under
18 consideration is allowed.

19 JUDGE SLAVIN: Under consideration, yup.
20 Thank you. Yup.

21 MR. PRATT: The Petitioner shall submit to
22 the Illinois Department of Natural Resources an
23 application for an.

24 JUDGE SLAVIN: Wait a minute. I'm going

1 to make this bigger for you, because it will
2 probably help you and will help me too.

3 So submit to the IDNR an application.

4 MR. PRATT: No, for -- yes, you're right.
5 An application for.

6 JUDGE SLAVIN: Application for.

7 MR. PRATT: An, A-N, incidental take
8 authorization for the blandings turtle and/or
9 ornate box turtle for those wind turbines -- for
10 those wind turbines.

11 JUDGE SLAVIN: Can I put WTGs?

12 MR. PRATT: That's fine.

13 That pose potential risks to the species.

14 JUDGE SLAVIN: Potential risk to those
15 species.

16 MR. PRATT: To the species -- yeah, that's
17 fine. Those species, that's fine. Period.

18 That's my motion.

19 JUDGE SLAVIN: Do you -- let me ask you a
20 question. Do you ask for an incidental take for
21 a WTG, or do you just ask for one for the
22 project?

23 MR. PRATT: I'm saying which ones that
24 pose potential risks.

1 JUDGE SLAVIN: I'm just thinking ahead,
2 and I suggest to you that the way it's written,
3 they'd have to file for a petition for -- or an
4 application for an incidental take authorization
5 for each turbine, and I don't think turbines
6 file petitions for an incidental take. And I'm
7 not telling you what to do, I just -- I don't
8 think --

9 MR. PRATT: So where are you seeing that?

10 JUDGE SLAVIN: Shall submit to IDNR an
11 application for an incidental take authorization
12 for blandings turtle and, I'll put, the ornate
13 box turtle for those WTGs. So the "for those
14 WTGs" is the application.

15 MR. PRATT: So it should say for the whole
16 project?

17 JUDGE SLAVIN: Yeah.

18 MR. PRATT: Well, maybe just put a period
19 after turtle then.

20 JUDGE SLAVIN: Or if there are any WTGs
21 that pose potential risks to those species,
22 how's that? Application for incidental take
23 authorization for blandings --

24 MR. PRATT: I suppose the application is

1 going to determine which ones those will be.

2 JUDGE SLAVIN: Yeah. If there are any
3 WTGs that pose potential risks to those species,
4 how's that?

5 MR. PRATT: Yeah.

6 JUDGE SLAVIN: If -- okay. Give that a
7 read.

8 MR. PRATT: Well, I'm not sure that's what
9 I want either. That's saying they don't have to
10 file an application.

11 JUDGE SLAVIN: Shall submit an application
12 for an incidental take authorization for
13 blandings turtle and the ornate box turtle if
14 there are -- if there are any WTGs that pose
15 potential risks to those species.

16 MR. PRATT: Yeah, but who is deciding
17 there's any risks, them or the IDNR? I'm not
18 sure -- I'm worried about that going back to
19 them to determine if there's any potential
20 risks.

21 JUDGE SLAVIN: Okay. If IDNR determines
22 there are any, how's that? If IDNR -- just try
23 this --

24 MR. PRATT: That's fine.

1 JUDGE SLAVIN: How is that?

2 MR. PRATT: That's my motion.

3 JUDGE SLAVIN: Okay. Sure.

4 MR. PRATT: Yup.

5 JUDGE SLAVIN: Do I hear a second?

6 MR. MEYER: Second.

7 MR. BOTHE: Second.

8 JUDGE SLAVIN: That makes the motion open
9 for debate.

10 Mr. Pratt?

11 MR. PRATT: No comment.

12 JUDGE SLAVIN: Any other Board member?

13 (No verbal response.)

14 JUDGE SLAVIN: Seeing no indication of
15 anybody wanting to say anything, I'll put the
16 question. The question being put is whether the
17 Lee County ZBA recommends to the Lee County
18 Board that, if BSW DevCo's petition for Special
19 Use under consideration is allowed, that the
20 Petitioner shall submit to the IDNR an
21 application for an incidental take authorization
22 for the blandings turtle and the ornate box
23 turtle if IDNR determines there are any WTGs
24 that pose potential risks to those species.

1 Adoption of the motion requires a vote by
2 the majority. The vote will be by voice. All
3 those in favor indicate by saying aye.

4 (All those simultaneously
5 responded.)

6 JUDGE SLAVIN: All those opposed by nay.

7 (No verbal response.)

8 JUDGE SLAVIN: Motion passes.

9 Make this smaller and get the indent out
10 of it.

11 Okay. Back to go.

12 MR. PRATT: Mr. Facilitator.

13 JUDGE SLAVIN: Yes, sir.

14 MR. PRATT: Another new one for you.

15 JUDGE SLAVIN: Okay. Let me get that set
16 up. This time let me get rid of the italics.

17 MR. PRATT: If you want to get that --

18 JUDGE SLAVIN: Get it bigger, right.

19 MR. PRATT: No, copy that first sentence,
20 the "recommends."

21 JUDGE SLAVIN: That's really a good idea.

22 MR. PRATT: Under consideration is
23 allowed, there you go.

24 JUDGE SLAVIN: Okay. Great idea.

1 MR. PRATT: Make a motion that the Lee
2 County ZBA recommends to the Lee County Board
3 that, if BSW DevCo's petition for Special Use
4 under consideration is allowed --

5 JUDGE SLAVIN: Let me make this bigger for
6 you, Mr. Pratt.

7 MR. PRATT: You're fine.

8 JUDGE SLAVIN: Okay.

9 MR. PRATT: If Petitioner.

10 JUDGE SLAVIN: I'm sorry, I just didn't
11 hear you.

12 MR. PRATT: That being.

13 JUDGE SLAVIN: That.

14 MR. PRATT: EverPower Wind Holdings.

15 JUDGE SLAVIN: Oh, I see, being Ever --
16 that's all one word, right?

17 MR. PRATT: EverPower.

18 JUDGE SLAVIN: Wind.

19 MR. PRATT: Holdings, Inc.

20 JUDGE SLAVIN: Inc.

21 MR. PRATT: Comma, BSW DevCo.

22 JUDGE SLAVIN: BSW DevCo.

23 MR. PRATT: LLC, comma.

24 JUDGE SLAVIN: LLC, comma, yup.

1 MR. PRATT: And/or.

2 JUDGE SLAVIN: Just a minute. A comma
3 right there before I forget. I'm sorry, yes.

4 MR. PRATT: And/or Big Sky.

5 JUDGE SLAVIN: Big Sky.

6 MR. PRATT: LLC.

7 JUDGE SLAVIN: LLC, yup.

8 MR. PRATT: And any assignees and/or
9 future parent companies.

10 JUDGE SLAVIN: Future, you said parent
11 companies?

12 MR. PRATT: Right.
13 Choose to repower or replace.

14 JUDGE SLAVIN: Yup.

15 MR. PRATT: Turbine Number 74.

16 JUDGE SLAVIN: Do you mind if I use WTG?

17 MR. PRATT: That's fine.

18 JUDGE SLAVIN: 74, yup.

19 MR. PRATT: Comma.

20 JUDGE SLAVIN: Comma.

21 MR. PRATT: The Petitioner shall obtain a
22 waiver from resident owner.

23 JUDGE SLAVIN: From resident what?

24 MR. PRATT: Owner.

1 JUDGE SLAVIN: Okay.

2 MR. PRATT: Mr. Robert Gonigam prior to
3 any building permit being issued of the repower.

4 JUDGE SLAVIN: Yup.

5 MR. PRATT: Or replacement of WTG Number
6 74, period. The Petitioner.

7 JUDGE SLAVIN: New paragraph or just same?

8 MR. PRATT: Same.

9 Comma, however, comma.

10 JUDGE SLAVIN: Petitioner, comma, however.

11 MR. PRATT: However.

12 JUDGE SLAVIN: Yup.

13 MR. PRATT: Comma, should be allowed to
14 continue to operate Turbine -- or WTG Number 74
15 under Ordinance 2006.

16 JUDGE SLAVIN: 2006.

17 MR. PRATT: -04.

18 JUDGE SLAVIN: -04.

19 MR. PRATT: -06.

20 JUDGE SLAVIN: -06.

21 MR. PRATT: -001, period.

22 JUDGE SLAVIN: -001, what?

23 MR. PRATT: Period.

24 JUDGE SLAVIN: Period. Got it.

1 MR. PRATT: That's it.

2 JUDGE SLAVIN: This will take me a minute
3 to try that.

4 Tell me when you want me to scroll down,
5 please.

6 MR. PRATT: Go ahead. Looks fine to me.

7 JUDGE SLAVIN: Okay. Anybody wants to see
8 it more, just tell me. I've got to scroll
9 through it.

10 But I'll entertain a second, if any.

11 MR. BOTHE: Second.

12 JUDGE SLAVIN: Hearing a second, the floor
13 is open for debate.

14 Your motion, Mr. Pratt.

15 MR. PRATT: No comment.

16 JUDGE SLAVIN: Okay. Any other Board
17 member, question, motion, or debate?

18 (No verbal response.)

19 JUDGE SLAVIN: All right. Seeing no
20 indication of such, I will put the question.
21 The question being put is whether the Lee County
22 ZBA recommends to the Lee County Board that, if
23 BSW DevCo's petition for Special Use under
24 consideration is allowed, if Petitioner, that

1 being EverPower Wind Holdings, Inc., BSW DevCo,
2 LLC, and/or Big Sky, LLC, and any assignees --
3 forget the "and" -- any assignees, and any
4 future parent companies, choose to repower or
5 replace WTG 74, the Petitioner shall obtain a
6 waiver from resident Robert owner -- Resident
7 owner, Robert Gonigam, prior to any building
8 permit being issued of repower or replacement of
9 WTG 74. The Petitioner, however, should be
10 allowed to continue to operate WTG Number 74
11 under Ordinance 2006-04-06-001.

12 Adoption of the motion requires a vote by
13 the majority. The vote will be by voice. All
14 those in favor indicate by saying aye.

15 (All those simultaneously
16 responded.)

17 JUDGE SLAVIN: All those opposed by nay.

18 (No verbal response.)

19 JUDGE SLAVIN: The motion is adopted.

20 Okay. Floor is open.

21 MR. PRATT: Can we take a -- go off the
22 record?

23 JUDGE SLAVIN: Absolutely. Want to take a
24 break or --

1 MR. PRATT: Either way.

2 JUDGE SLAVIN: You tell me.

3 MR. PRATT: Let's take a five-minute
4 break.

5 JUDGE SLAVIN: Okay. Great. Be in
6 recess.

7 (A recess was taken at 8:05 p.m.
8 and proceedings resumed at
9 8:19 p.m.)

10 JUDGE SLAVIN: Back on the record,
11 Ms. Reporter.

12 Gentlemen, floor is open.

13 MR. MEYER: Mr. Facilitator, I would like
14 to revisit Recommendation 14.

15 JUDGE SLAVIN: 14. With all due respect,
16 Mr. Meyer, you may not. The only person that
17 can is the movant.

18 MR. PRATT: I have to amend my own motion?

19 JUDGE SLAVIN: Yup, because you're the one
20 that made the motion.

21 MR. PRATT: So how do I enter that to you?

22 JUDGE SLAVIN: Well, first of all, I may
23 not -- I think we're going to do it the easier
24 way. You would like to -- motion to reconsider

1 your motion to amend the date to a certain date,
2 whatever it is, see if we get a second, then
3 we'll have debate on that and then --

4 MR. PRATT: Okay. Mr. Facilitator, I
5 would like to revisit my Motion Number 14.

6 JUDGE SLAVIN: Motion to reconsider 14.
7 Okay.

8 MR. MEYER: Second.

9 JUDGE SLAVIN: He's got to say what.

10 MR. PRATT: To amend the date, to change
11 the date.

12 JUDGE SLAVIN: To what?

13 MR. PRATT: To March 6th, 2019.

14 JUDGE SLAVIN: Do I hear a second?

15 MR. MEYER: Second.

16 MR. BOTHE: Second.

17 JUDGE SLAVIN: Having heard a second, it's
18 your motion, Mr. Pratt, to reconsider. Any
19 comments you want to make on your motion?

20 MR. PRATT: Just have learned that the
21 date I quoted was wrong.

22 JUDGE SLAVIN: Okay. Clerical error.

23 Any other debate? Any other comment?

24 Mr. Bothe?

1 MR. BOTHE: You have got it wrong yet.

2 JUDGE SLAVIN: Oh, I'm sorry. Absolutely
3 my fault. There it is a little bit bigger, and
4 he's proposing that this date right here be
5 changed from 9/8/16 to 3/6 --

6 MR. PRATT: 2019.

7 JUDGE SLAVIN: -- 19, right.

8 MR. KLAHN: We have the wrong exhibit, is
9 the question.

10 JUDGE SLAVIN: I'm going to go get the
11 official exhibit list. Come on, Guys, let's get
12 it together.

13 (A brief recess was taken.)

14 MR. PRATT: Mr. Facilitator, I would like
15 to make a motion to amend my Motion Number 14,
16 change the date to 3/6/2019, and change Exhibit
17 A8 to A3.

18 JUDGE SLAVIN: Okay. Do I hear a second?

19 MR. MEYER: Second.

20 JUDGE SLAVIN: Hearing a second, debate on
21 the motion.

22 Your motion, Mr. Pratt.

23 MR. PRATT: No comment.

24 JUDGE SLAVIN: Any other Board member?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

(No verbal response.)

JUDGE SLAVIN: All right. Seeing no indication, I'm going to put the question whether the Board should reconsider a motion, we're calling it Number 14, to change the date to March 6, '19, and the exhibit to A3.

All those in favor of the motion -- excuse me. Passing the motion requires a vote by two-thirds. The vote will be by voice. All those in favor indicate by saying aye.

(All those simultaneously agreed.)

JUDGE SLAVIN: Opposed, nay.

(No verbal response.)

JUDGE SLAVIN: None. The motion passes.

Now the motion is, therefore, back on the floor. It has been reconsidered.

So Mr. -- I will put the question whether the Lee County ZBA finds that in the Petitioner's agricultural impact mitigation agreement with the Illinois Department of Agriculture, the execution of the AIMA must be made as a condition of the Special Use Permit Petitioner is requesting in this petition. As

1 used, "AIMA" refers to the agricultural impact
2 mitigation agreement dated 3/6/19, entered as
3 Exhibit A3, and any executed amendments to that
4 AIMA.

5 I'll put the question. To pass the motion
6 requires a vote by the majority. The vote will
7 be by voice. All those in favor indicate by
8 saying aye.

9 (All those simultaneously
10 responded.)

11 JUDGE SLAVIN: All those opposed, nay.

12 (No verbal response.)

13 JUDGE SLAVIN: Motion passes. All right.

14 MR. PRATT: We think we're done with
15 findings of facts and recommendations.

16 JUDGE SLAVIN: Okay. Let me get this
17 smaller. Off the record.

18 (A discussion was held off the
19 record.)

20 JUDGE SLAVIN: K, remember the other night
21 Gene -- not Gene -- Glen, I sort of discouraged
22 him from doing it because we didn't know how
23 many sessions there would be.

24 MR. PRATT: You want to --

1 JUDGE SLAVIN: So somebody needs --
2 thereafter, your ZBA considered its finding of
3 fact and recommendations over the course of
4 blank sessions.

5 MR. PRATT: How many sessions, Dee?

6 JUDGE SLAVIN: I got --

7 (A discussion was held off the
8 record.)

9 MR. PRATT: So a total of four hours.
10 Four hours.

11 JUDGE SLAVIN: Four hours? You want to
12 call it four? That's fine.

13 So if somebody wants to make that motion,
14 we'll clean that one up.

15 MR. MEYER: Mr. Facilitator.

16 JUDGE SLAVIN: Yes, sir.

17 MR. MEYER: I would like to make the
18 motion that, K, thereafter, your ZBA considered
19 its findings of facts and recommendations over
20 the course of two sessions, April 1st and April
21 3rd, covering a little over four hours in total.

22 JUDGE SLAVIN: Very good. Second?

23 MR. BOTHE: Second.

24 JUDGE SLAVIN: All those -- sorry. Debate

1 on the motion.

2 Mr. Meyer, your motion.

3 MR. MEYER: No debate.

4 JUDGE SLAVIN: Any other member?

5 (No verbal response.)

6 JUDGE SLAVIN: Put the -- I'll put the
7 question whether the ZBA finds that the -- it
8 considered its finding of facts and
9 recommendations over the course of two sessions,
10 April 1st and April 3rd, covering a little over
11 four hours in total?

12 Passing the motion requires a vote by the
13 majority. The vote will be by voice. All those
14 indicate by saying aye.

15 (All those simultaneously
16 responded.)

17 JUDGE SLAVIN: All those opposed by nay.

18 (No verbal response.)

19 JUDGE SLAVIN: Motion carries.

20 Thanks, guys. I think that's just a --

21 MR. PRATT: Okay. Mr. Facilitator.

22 JUDGE SLAVIN: Yes, sir. Back to my other
23 list, right? Okay.

24 MR. PRATT: This is the last one.

1 JUDGE SLAVIN: It's the last one on the
2 list?

3 MR. PRATT: Last one total. No, this one
4 is a new one.

5 JUDGE SLAVIN: Oh. Just a minute.

6 MR. KLAHN: It's going to be the
7 recommendation.

8 MR. PRATT: Recommendation to the full
9 County Board.

10 JUDGE SLAVIN: Don't we have that up here?

11 MR. PRATT: I have a new one here.

12 JUDGE SLAVIN: Okay. Fine.

13 MR. PRATT: The Lee County ZBA.

14 JUDGE SLAVIN: Yup.

15 MR. PRATT: Recommends to the Lee County
16 Board that.

17 JUDGE SLAVIN: Let me copy. You taught me
18 that. Copy and paste that one. See, you
19 created a monster. Okay.

20 MR. PRATT: That, BSW DevCo's WECS Special
21 Use Petition.

22 JUDGE SLAVIN: Wait a minute. DevCo's
23 petition.

24 MR. PRATT: Be approved.

1 JUDGE SLAVIN: Special Use be approved.
2 MR. PRATT: And that BSW DevCo.
3 JUDGE SLAVIN: And that BSW DevCo.
4 MR. PRATT: Shall be bound.
5 JUDGE SLAVIN: Shall be bound.
6 MR. PRATT: By any.
7 JUDGE SLAVIN: By any.
8 MR. PRATT: And all conditions.
9 JUDGE SLAVIN: And all conditions.
10 MR. PRATT: Proposed within.
11 JUDGE SLAVIN: Proposed within.
12 MR. PRATT: Its petition.
13 JUDGE SLAVIN: Its petition. Yes.
14 MR. PRATT: 19-P.
15 JUDGE SLAVIN: Going to put a comma there.
16 19-P.
17 MR. PRATT: -1542.
18 JUDGE SLAVIN: 1542.
19 MR. PRATT: And any and all other
20 proposals.
21 JUDGE SLAVIN: Wait a minute. I'm sorry.
22 I just got -- and.
23 MR. PRATT: Any and all other proposals
24 and representations made under oath at the

1 public hearing before the ZBA which shall be
2 considered conditions of the Special Use Permit
3 granted by the Lee County Board, comma, even if
4 not expressly specified herein, period.

5 JUDGE SLAVIN: Big period or little
6 period?

7 MR. PRATT: Big period.

8 JUDGE SLAVIN: Give that a read through.

9 MR. PRATT: That's my motion.

10 JUDGE SLAVIN: I don't think you need that
11 "which."

12 Okay. Do I hear a second?

13 MR. BOTHE: Second.

14 JUDGE SLAVIN: Okay. Debate on the
15 motion.

16 Your motion, Mr. Pratt.

17 MR. PRATT: None.

18 JUDGE SLAVIN: None.

19 Any other Board member?

20 (No verbal response.)

21 JUDGE SLAVIN: Okay. I will put the
22 question. The question being put is whether the
23 Lee County ZBA recommends to the Lee County
24 Board that, BSW DevCo's petition for Special Use

1 be approved, and that BSW DevCo shall be bound
2 by any and all conditions proposed within its
3 petition, Number 19-P-1542, and any and all
4 other proposals and representations made under
5 oath at the public hearing before the ZBA shall
6 be considered conditions of the Special Use
7 Permit granted by the Lee County Board, even if
8 not expressly specified there in -- herein --
9 no, therein. I don't think I -- that's a typo.
10 Therein.

11 Adoption of the motion requires a vote by
12 the majority. The vote will be by voice. All
13 those in favor indicate by saying aye.

14 (All those simultaneously
15 responded.)

16 JUDGE SLAVIN: All those opposed, nay.

17 (No verbal response.)

18 JUDGE SLAVIN: Motion carries.

19 All right. Gentlemen, I'm going to make
20 sure by saying the floor is again open. This is
21 obviously about the last chance.

22 (No verbal response.)

23 JUDGE SLAVIN: Seeing no indication, I
24 vacate my pro tem chairmanship and, Mr. Forster,

1 turn it back to you.

2 CHAIRMAN FORSTER: I need a motion to
3 temporarily adjourn this meeting until after the
4 full County Board meeting, which is on --

5 MR. KLAHN: I think we call it a motion to
6 recess.

7 CHAIRMAN FORSTER: Recess. So when is the
8 County Board meeting?

9 MR. KLAHN: April 16th. Tuesday, April
10 16th.

11 MS. DUFFY: 6 o'clock.

12 MR. KLAHN: It will be an evening meeting.

13 JUDGE SLAVIN: Off the record.

14 (A discussion was held off the
15 record.)

16 (The hearing was recessed at
17 8:35 p.m.)

18

19

20

21

22

23

24

1 Now on this 3rd day of April, A.D., 2016, I do
2 signify that the foregoing testimony was given
3 before the Lee County Zoning Board of Appeals.
4
5
6
7

8 Bruce Forster, Chairman
9
10
11

12 Dee Duffy,
13 Zoning Enforcement Officer
14
15
16

17 Callie S. Bodmer
18 Certified Shorthand Reporter
19 Registered Professional Reporter
20 IL License No. 084-004489
21 P.O. Box 381
22 Dixon, Illinois 61021
23
24