

STATE OF ILLINOIS)
)SS
COUNTY OF LEE)

In the Matter of the Petition

of

Shady Oaks Wind 2, LLC

Lee County, Illinois

Testimony of Witnesses
Produced, Sworn and
Examined on this 8th day
of June, A.D., 2020,
before the Lee County
Zoning Board of Appeals

Present:

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

Alice Henkel, Secretary
Dee Duffy, Zoning Enforcement Officer

Honorable Judge Tim Slavin, Facilitator

1 APPEARANCES:

2 LEE COUNTY STATE'S ATTORNEY CHARLES BOONSTRA
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5 Counsel for the County.

6 ATTORNEY COURTNEY KENNEDY
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7 Considine
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8 Dixon, Illinois 61021

9 Counsel for the Applicant.

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1 JUDGE SLAVIN: All right. Welcome, ladies
2 and gentlemen. Sorry we got a little late
3 start. It's just after 7.

4 This is a continuing session of the
5 Liberty Power WECS application for 28 Special
6 Uses continued from -- recessed from last
7 Thursday, June 4th.

8 I will note that members of the Zoning
9 Board of Appeals that are present: Mr. Forster,
10 Mr. Pratt; in the next room, remotely, are
11 alternate -- oh, Mr. Buhrow is here, I'm sorry.
12 In the next room, remotely, are --

13 MS. DUFFY: They're downstairs, Judge.

14 JUDGE SLAVIN: -- Mr. Bothe and alternate,
15 Rex Meyer, and Mr. Hughes is present also
16 remotely. So that makes more than a quorum.

17 Present for the Petitioner, Ms. Kennedy.
18 Your State's Attorney, Charlie Boonstra is
19 present. Your Zoning Officer, Dee Duffy, is
20 present, as are our support staff helping us
21 with all of our IT stuff.

22 When we last left off, the Applicant was
23 ready to proceed, and without further -- oh, a
24 couple of housekeeping things. The first notice

1 that was published, this -- between Thursday and
2 today listed the Zoom videoconferencing
3 information would be on the Lee County website,
4 www.leecountyil.org. That was a scrivener's
5 error. It's www.leecountyil.com. That was
6 corrected on the website today. So hopefully
7 that didn't cause anyone any problems.

8 I remind everyone that if you're having
9 technical assistance with YouTube or Zoom,
10 either videoconferencing or teleconferencing,
11 please feel free to give the technical
12 assistance number a call in Ms. Duffy's office.
13 That number, again, is 815.288.3643.

14 If there are folks who will want to
15 cross-examine witnesses as we move through the
16 Applicant's case, I'll help you, hopefully, with
17 instructions how to make your desire known when
18 we get to that stage.

19 All right. Now, sorry, without further
20 ado, Ms. Kennedy, you may.

21 MS. KENNEDY: Thank you, Judge.

22 Thank you, everyone, especially members of
23 the Zoning Board, for your participation in this
24 hearing.

1 As some of you know, my name is Courtney
2 Kennedy, and I am here on behalf of the
3 Petitioner, Shady Oaks Wind 2, LLC. With me
4 tonight from Shady Oaks Wind 2, LLC, is Chris
5 Henkel. He's just outside the door here. He is
6 the company's independent consultant.

7 Appearing remotely we have Sean Fairfield,
8 he is the senior director of energy projects;
9 and Lauren McLeod, the project manager.

10 I'm privileged to represent Shady Oaks
11 Wind 2, LLC, and to make this presentation in
12 support of the petition for Special Use Permits.

13 To give you some general background
14 information, Shady Oaks Wind 2, LLC, is a
15 wholly-owned subsidiary of Algonquin Power
16 Company, which does business as Liberty Power.
17 You may hear those names interchanged throughout
18 the hearing, but for the sake of convenience, I
19 will refer to the Petitioner as Shady Oaks 2.

20 The proposed Shady Oaks 2 Project is an
21 expansion of the original Shady Oaks Wind Farm
22 in Lee County. And again, for the sake of
23 clarity, I will refer to that project as Shady
24 Oaks 1. As some of you know, Shady Oaks 1 was

1 commissioned in May of 2012 and remains in
2 operation today.

3 The proposed Shady Oaks 2 Project consists
4 of approximately 118 megawatts of renewable
5 energy generation and includes up to 28 wind
6 turbines.

7 As a general housekeeping matter, as some
8 of you may recall, on March 5th, 2020, Shady
9 Oaks 2 filed its petition requesting Special Use
10 Permits with the County.

11 This project is requesting a Special Use
12 on certain properties located in Brooklyn and
13 Wyoming Townships in Lee County, Illinois, to
14 allow for the construction and operation of a
15 wind energy conversion system.

16 The first public hearing regarding this
17 petition was initially scheduled for April 2nd,
18 2020; however, due to the seriousness of the
19 COVID-19 pandemic and consistent with the
20 executive orders issued by Governor Pritzker,
21 that April 2nd hearing was cancelled.

22 Subsequently, the first public hearing on this
23 petitions was rescheduled for June 4th, 2020, at
24 7 p.m.

1 Getting to the petition at hand, there are
2 really only two points I would like to make in
3 this opening statement. First is that the Shady
4 Oaks 2 Project will bring significant economic
5 development to Lee County, and it's the best
6 kind of economic development because it's a
7 significant investment in the community that
8 doesn't strain the existing infrastructure or
9 require any new infrastructure.

10 So what exactly is this investment? Local
11 construction jobs, money to our school districts
12 and local fire protection districts, income to
13 participating landowners. When completed, the
14 project during its first year of operation will
15 generate approximately \$1,366,649 in local real
16 estate taxes for the county.

17 Second, while no economic development or
18 growth is impact free, you will hear and see
19 evidence that Shady Oaks 2 has taken several
20 steps and is proactively proposing conditions to
21 minimize the impacts of the proposed project on
22 the residents of Lee County. We are confident
23 that you will find that Shady Oaks 2 has
24 complied with all existing ordinances, proposed

In Totidem Verbis, LLC (ITV)
815.453.2260

In Totidem Verbis, LLC (ITV)

1 conditions, and has taken all reasonable steps
2 to minimize the project impacts. Therefore, at
3 the conclusion of this hearing, we'll
4 respectfully request that you recommend this
5 project to the Lee County Board.

6 Thank you.

7 JUDGE SLAVIN: Thank you, Ms. Kennedy, and
8 you may produce evidence.

9 MS. KENNEDY: I'd like to call Dee Duffy
10 as our first witness.

11 JUDGE SLAVIN: Ms. Duffy, do you want to
12 step somewhere where I can see you.

13 (Dee Duffy was duly sworn.)

14 JUDGE SLAVIN: Feel free to take your mask
15 off to testify, because we all get muffled with
16 it.

17 DEE DUFFY,
18 having been duly sworn, was examined and
19 testified as follows:

20 DIRECT EXAMINATION

21 BY MS. KENNEDY:

22 Q. Can you state your name for the record, please.

23 A. Dee Duffy.

24 Q. What is your occupation, Ms. Duffy?

1 A. I am the zoning administrator for Lee County.

2 Q. And so what job functions does that title hold?
3 What are you responsible for?

4 A. Oh, wow. A plethora of things. Anything from
5 building permits to rezoning petitions,
6 variances. Many, many things.

7 Q. So you have heard my opening statement that the
8 hearing originally scheduled for April 2nd was
9 rescheduled due to the coronavirus; is that
10 correct?

11 A. Correct.

12 Q. Did your office post or publish any notice
13 concerning the April 2nd hearing and subsequent
14 rescheduling?

15 A. Yes, we did.

16 Q. And what actions did you take?

17 A. Can I read?

18 Q. Absolutely.

19 A. Sure.

20 So on March 4th, Liberty Power, Courtney
21 Kennedy, submitted an application to petition
22 Lee County for a wind development project named
23 Shady Oaks Wind 2.

24 On March 6th, Petition 20 P 1552 was

1 submitted to Lee County Clerk to be put on
2 record.

3 On March 16th, 2020, the Zoning Board of
4 Appeals agenda was posted on the third floor
5 bulletin board at the Old Lee County Courthouse
6 for the April 2nd, 2020, meeting.

7 On March 16th, 2020, notification of
8 Petition 20 P 1552 for the April 2nd, 2020,
9 meeting was mailed via U.S. Postal Service to
10 the Lee County Board members from District 2 --
11 that's six members of the Lee County Board; the
12 Lee County Highway Engineer Dave Anderson; the
13 Lee County Soil and Water Conservation District,
14 Brenda Merriman; the Lee County Health
15 Department, Kailey Halberg (phonetic); Brooklyn
16 Township Supervisor Michelle Morris; Wyoming
17 Township Supervisor Jeff Politsch; Village of
18 Paw Paw Mayor Mike Torman; Brooklyn Township
19 Highway Commissioner, Gerald Swope; Wyoming
20 Township Highway Commissioner, Kenneth Mersman.

21 On March 16th, 2020, signs of the ZBA
22 agenda for the April 2nd, 2020, meeting were
23 posted at the corners of Chicago Road and German
24 Road; Moffet Road and Angling Road; South Paw

1 Paw Road and Earville Road; Earville Road and
2 Cyclone Road; Angling Road and Cottage Hill
3 Road; Hedge Road and Shady Oaks Road.

4 On March 17th, the Zoning Board of Appeals
5 agenda for April 2nd, 2020, meeting was posted
6 on the Lee County website.

7 On March 24th, 2020, the Zoning Board of
8 Appeals agenda was posted on the third floor
9 bulletin board at the Old Lee County Courthouse,
10 rescheduled due to the COVID-19 closing of the
11 Old Lee County Courthouse until June 4th, 2020.

12 On March 24th, 2020, the Zoning Board of
13 Appeals agenda for the June 4th, 2020, meeting
14 was posted at the Lee County website.

15 On March 24th, 2020, signs of the ZBA
16 agenda for the June 4th, 2020, meetings were
17 posted again at the corners of the
18 above-mentioned roads.

19 On April 2nd, 2020, the Zoning Board of
20 Appeals agenda was posted on the front and back
21 doors of the Old Lee County Courthouse,
22 rescheduled due to the COVID-19 closing of the
23 Old Lee County Courthouse until June 4th, 2020,
24 which posted the notice of the Petition

1 20 P 1552.

2 On May 7th, 2020, the Zoning Board of
3 Appeals agenda was posted on the front and back
4 doors of the Old Lee County Courthouse, due to
5 the closing of the courthouse, until June 4th,
6 2020.

7 On May 7th, the Zoning Board of Appeals
8 agenda for the June 4th, 2020, meeting was
9 posted on the Lee County website.

10 On May 19th, 2020, the Zoning Board of
11 Appeals agenda for the June 4th, 2020, meeting
12 was posted on the Lee County website for
13 information on Zoom meetings.

14 On May 20th, 2020, the Village of Paw
15 Paw's Clerk Mary Dodaro was contacted to post
16 the ZBA public notice on the Community Center's
17 door, and she was also contacted to post the ZBA
18 public notice on the Village of Paw Paw's
19 website.

20 On May 22nd, 2020, the Chicago Road
21 Shopper newspaper published the public notice of
22 the Zoning Board of Appeals meeting, Zoom
23 meeting, and the YouTube information.

24 On May 29th, 2020, signs again were

1 changed to inform the public of the June 4th,
2 2020, meeting, and that was posted at the
3 corners of the above that I mentioned -- roads.

4 On June 1st, 2020, the Zoning Board of
5 Appeals agenda was posted on the third floor
6 bulletin board of the Old Lee County Courthouse.

7 On June 1st it was also posted -- the Zoom
8 meeting and the YouTube information was posted
9 on the front and back doors of the Old Lee
10 County Courthouse.

11 On June 5th, 2020, the ZBA agenda, with
12 scheduled hearings, were posted on the bulletin
13 board and in the outside doorways of the Old Lee
14 County Courthouse.

15 On June 5th, 2020, the ZBA agenda, with
16 scheduled hearings, were posted on the Lee
17 County website.

18 On June 5th, all the interested parties
19 that physically signed in at the June 4th
20 meeting were sent an email with the continued
21 hearing dates and Zoom and YouTube information
22 on the agenda.

23 On June 7th, 2020, the new hearing dates
24 were posted on the notice signs around the

1 proposed wind farm sites.

2 And on June 7th, 2020, the new hearing
3 dates were taped to the Paw Paw Community Center
4 doors, and an email was sent to the Paw Paw
5 mayor and village clerk to post on the Paw Paw
6 website and the Facebook pages.

7 MS. KENNEDY: I have nothing further.

8 JUDGE SLAVIN: Questions of the witness,
9 Mr. Forster?

10 MR. FORSTER: No questions.

11 JUDGE SLAVIN: Mr. Buhrow?

12 MR. BUHROW: No questions.

13 JUDGE SLAVIN: Mr. Pratt?

14 MR. PRATT: No.

15 JUDGE SLAVIN: Mr. Hughes?

16 MR. HUGHES: No questions.

17 JUDGE SLAVIN: Mr. Meyer? Mr. Meyer,
18 questions?

19 MS. HENKEL: It will take me a second --
20 actually, he doesn't have a microphone. So I
21 can't unmute him.

22 (Rex Meyer indicates by shaking
23 his head.)

24 MS. HENKEL: No questions.

1 JUDGE SLAVIN: Okay. No questions.

2 And, Mr. Bothe, any questions?

3 MS. HENKEL: He's with him.

4 JUDGE SLAVIN: Mr. Meyer, can you indicate
5 whether Mr. Bothe has any questions, yes or no?

6 (Rex Meyer indicates by shaking
7 his head.)

8 JUDGE SLAVIN: Okay. All right.

9 Mr. Boonstra?

10 MR. BOONSTRA: No questions.

11 JUDGE SLAVIN: Okay. Very good. That was
12 an excellent and thorough presentation.

13 How many days did you work this week?
14 Eight? You're not under oath for that.

15 Thank you.

16 MR. PRATT: She called me on Sunday
17 afternoon.

18 JUDGE SLAVIN: I know.

19 Ms. Kennedy, you may proceed.

20 MS. KENNEDY: Thank you, Judge.

21 The first thing I would like to submit
22 into evidence is the certificates of publication
23 reflecting that notice was published by my
24 office in the Ogle County Life on May 11th, the

1 Dixon Telegraph on May 12th, the Mendota
2 Reporter on May 13th.

3 And then I also have this binder of the
4 proof of service. This includes the certified
5 mailings that went out to landowners within the
6 proposed project and those within the half-mile
7 radius of the proposed project.

8 JUDGE SLAVIN: All right. If you can give
9 those to Ms. Duffy, and she can make it part of
10 her file and we'll leave it at that.

11 MS. KENNEDY: You bet.

12 JUDGE SLAVIN: And you may continue.

13 MS. KENNEDY: Thank you, Judge.

14 At this time I would like to call Lauren
15 McLeod.

16 JUDGE SLAVIN: Was there anybody on
17 Zoom -- can they hear me?

18 Anybody on Zoom who had questions of
19 Ms. Duffy?

20 MS. HENKEL: They have to raise their
21 hand.

22 JUDGE SLAVIN: Okay. This is the time to
23 remind you how to raise your hand if you have a
24 question. If you're on Zoom, at the bottom of

1 the screen on the word "participants," if you
2 click on that, you'll see some sub links, one of
3 them is "raise hand." So if you have a question
4 of Ms. Duffy, if you'd raise your hand.

5 If you are teleconferencing on Zoom, then
6 remaining on the line, don't hang up, you hit
7 asterisk, or star, nine. That should show on
8 our screen that you have a question.

9 So I'll wait just a few seconds to give
10 anybody time.

11 Okay. Seeing none, very good.

12 Sorry, Ms. Kennedy. I interrupted, but I
13 forgot that part.

14 MS. KENNEDY: No worries at all.

15 I'd like to call Lauren McLeod as our
16 first witness, Judge, and she is on Zoom.

17 JUDGE SLAVIN: And so she is somewhere.
18 There.

19 Ms. McLeod, you want to raise your right
20 hand for me, please? All the sudden she's
21 frozen.

22 MS. McLEOD: Can you hear me?

23 JUDGE SLAVIN: I can hear you, but you're
24 frozen. There you go.

1 (Lauren McLeod was duly sworn.)

2 JUDGE SLAVIN: A bit of a lag, but you may
3 inquire.

4 LAUREN McLEOD,
5 having been duly sworn, was examined and
6 testified as follows:

7 DIRECT EXAMINATION

8 BY MS. KENNEDY:

9 Q. Ms. McLeod, can you hear me okay?

10 A. Yeah, I can hear you.

11 Q. Okay. Could you please state and spell your
12 name for the record.

13 A. Sure. It's Lauren McLeod, L-A-U-R-E-N,
14 M-C-L-E-O-D.

15 Q. And how are you employed?

16 A. I'm employed by Liberty Power as a project
17 manager.

18 Q. And what does that encompass?

19 A. So it's my responsibility to coordinate all
20 development efforts for the wind project with
21 the project team.

22 Q. And what -- can you provide a brief summary of
23 your educational background for us?

24 A. Sure. I have a bachelor's degree from the

1 University of Waterloo, and I also have a
2 project management certificate from the
3 University of Toronto.

4 Q. And it's my understanding that you're presently
5 located in Canada right now and unable to be
6 physically present to testify tonight; is that
7 correct?

8 A. Correct.

9 Q. Are there any certificates or certifications
10 that you have obtained?

11 A. No.

12 Q. And you're here on behalf of Shady Oaks 2; is
13 that correct?

14 A. Correct.

15 Q. Have you discussed the Shady Oaks 2 Project
16 with any organizations, schools, and members of
17 the community that will possibly be impacted by
18 the project?

19 A. Yes.

20 Q. And did any of them offer letters of support
21 for the proposed project?

22 A. Yes.

23 Q. And do you recall who exactly?

24 A. The fire -- local fire department, the local

1 school district, and we have some union letters
2 as well.

3 MS. KENNEDY: Judge, I'm handing out what
4 I would like to be marked as an exhibit.

5 JUDGE SLAVIN: Okay. I will mark that as
6 Petitioner's -- these are two?

7 MS. KENNEDY: Correct.

8 JUDGE SLAVIN: Petitioner's 1 and 2.

9 (Petitioner's Exhibits Number 1
10 and 2 marked for
11 identification.)

12 MS. KENNEDY: My concern is, how we will
13 make sure that the other ZBA members receive
14 them if they're in another location?

15 JUDGE SLAVIN: Well, you can give them to
16 Dee.

17 MR. BOONSTRA: Can we do a screen share?

18 JUDGE SLAVIN: Let's not start that right
19 now, Charlie.

20 MS. DUFFY: I will get that to them.

21 MS. KENNEDY: Okay. Thank you.

22 Q. (By Ms. Kennedy:) And the proposed project,
23 Ms. McLeod, is situated within the mile and a
24 half radius surrounding the Village of Paw Paw;

1 is that correct?

2 A. Correct.

3 Q. And did you petition -- or let me back up.

4 Did the company petition the Village
5 Board, asking it to authorize the company to
6 situate the project within that boundary?

7 A. Yes.

8 Q. And what result, if any?

9 A. We did receive an executed resolution with the
10 Village of Paw Paw.

11 Q. And did that resolution unanimously authorize
12 and approve the Shady Oaks 2 Project within that
13 boundary?

14 A. Yes, it did unanimously authorize it.

15 MS. KENNEDY: Judge, I'm handing out two
16 more foundational documents I would like to be
17 submitted into evidence.

18 (Petitioner's Exhibits Number 3
19 and 4 marked for
20 identification.)

21 JUDGE SLAVIN: Okay. So we got
22 housekeeping for a minute here. The exhibits
23 that I have been handed by Ms. Kennedy so far,
24 the one that contains letters from local unions

1 I have got marked as Petitioner's 1. The one
2 that begins Lions -- the face page is Lions Club
3 International I'll mark Number 2. Number 3,
4 face page is a photo of "Welcome to Paw Paw."
5 And Number 4 is a resolution from what I assume
6 is Paw Paw -- yeah, a resolution from the Paw
7 Paw City Council.

8 Okay. Thank you.

9 Q. (By Ms. Kennedy:) And, Ms. McLeod, it's my
10 understanding that you have a presentation that
11 you would like to go through tonight; is that
12 correct?

13 A. Yes, that is.

14 Q. Okay. Please take it away.

15 A. Give me one second and I will share my screen.

16 Are you able to see the presentation?

17 JUDGE SLAVIN: We can see sort of -- if
18 you can expand it a little.

19 THE WITNESS: I just expanded it. It may
20 take a second to come through. Is it a full
21 page now?

22 JUDGE SLAVIN: Nope. About two-thirds.

23 THE WITNESS: Let me know when you can see
24 the full first page and then I will get started.

1 JUDGE SLAVIN: Not yet. We can see the
2 face page, Shady Oaks 2, June 2020, dash, Lee
3 C-O-U-N, then it's cut off.

4 THE WITNESS: Okay. Let me -- I'm going
5 to stop sharing, and I will try again to see if
6 it works. How is that now?

7 JUDGE SLAVIN: Got smaller -- nope, no
8 difference.

9 THE WITNESS: Let me -- I have a different
10 option. Let me try one other thing.

11 JUDGE SLAVIN: Sure.

12 THE WITNESS: Would it be possible to have
13 Sean Fairfield share his screen with the
14 presentation, and then I can walk us through it.

15 JUDGE SLAVIN: Say again.

16 THE WITNESS: Would it be possible to have
17 Sean Fairfield, the other Liberty Power
18 representative that is going to be speaking
19 tonight, he can share his screen with the
20 presentation, and then I can walk us through it?

21 JUDGE SLAVIN: Sure. As long as he
22 doesn't say anything, because he's not under
23 oath. But if he can share something that will
24 move it along, that would be great.

1 MS. HENKEL: I can keep him muted.

2 JUDGE SLAVIN: Now we see the whole thing.

3 THE WITNESS: Perfect.

4 MS. KENNEDY: Judge, for the record quick,
5 I just handed out a physical hard copy of the
6 presentation.

7 JUDGE SLAVIN: Okay. I'll mark that as
8 Petitioner's 5, just so we're all on the same
9 page.

10 (Petitioner's Exhibit Number 5
11 marked for identification.)

12 JUDGE SLAVIN: You may further inquire.

13 Q. (By Ms. Kennedy:) All right. Ms. McLeod, if
14 you're ready, you may proceed.

15 A. Okay. So I just wanted to take a second to
16 thank everyone for taking the time to join the
17 zoning hearing for Shady Oaks 2.

18 I'm going to start with a couple
19 introductions. So we are Algonquin Power, doing
20 business as Liberty Power. And the
21 representatives are myself, Lauren McLeod, as
22 the project manager; and then we have Sean
23 Fairfield, who is the project director and also
24 on the Zoom call. He will be presenting after

1 me --

2 JUDGE SLAVIN: Lauren, Lauren.

3 THE WITNESS: Yup.

4 JUDGE SLAVIN: Can I interrupt a minute?

5 A couple things. Courtney will decide who
6 is going to testify or not. But beyond that,
7 you're going a little fast. We have a court
8 reporter here. I understand it's easy to do, I
9 do it too, but if you can slow down just a
10 little bit.

11 THE WITNESS: Absolutely.

12 JUDGE SLAVIN: Thanks.

13 A. (By Ms. McLeod:) Okay. So we have Jeff
14 Broadbent. He is the local development
15 specialist, and many of the local stakeholders
16 likely met him during the land acquisition
17 process.

18 In addition, at the Lee County Courthouse,
19 we have Adam Loudon, who is the regional manager
20 for US Wind, as well as Chase Sellers, who is
21 the Shady Oaks 1 site manager.

22 We also have Brett Manzara on the Zoom
23 call, who was also involved in the land
24 acquisition process, and he is a senior manager,

1 land and stakeholder. Along with that, we have
2 Gaetan Mercier on the Zoom call. He is the
3 director of planning and permitting. Then we
4 also have Beatrice Ashby on the Zoom call, who
5 is the senior manager of planning and
6 permitting.

7 MS. DUFFY: Can everyone hear it
8 downstairs?

9 JUDGE SLAVIN: Lauren, can you just stop a
10 minute?

11 THE WITNESS: Yeah.

12 JUDGE SLAVIN: A couple things for you.
13 If you have a volume button, I would appreciate
14 it if you can turn up your end.

15 Without saying anything else, the folks on
16 the first floor lobby, if there's anyone there,
17 are you able to hear the witness testify? And I
18 know you may not be able to tell me, but tell
19 Chris Henkel and he can run upstairs.

20 But if you have got a volume button, that
21 would be great.

22 THE WITNESS: My volume is up to full
23 capacity, actually.

24 JUDGE SLAVIN: All right. Okay. Go

1 ahead.

2 THE WITNESS: Okay. Next slide, Sean.

3 A. (By Ms. McLeod:) So this is just a list of
4 some of the contributors to the Special Use
5 Permit application that was submitted in March
6 to the County. So these are also people that
7 are also going to be presenting during this
8 hearing process.

9 So first off is myself and Sean Fairfield,
10 who will be representing Algonquin Power, and we
11 will be doing a presentation on the project and
12 the Applicant's overview.

13 Following that will be MaRous & Company,
14 and Michael MaRous will be testifying to land
15 values. Following that will be Burns &
16 McDonnell, who will be speaking to noise and
17 shadow flicker. And then after that we will
18 have Shoener Consulting, who will speak to
19 environmental and wildlife overviews for the
20 project.

21 Next slide, please.

22 So as Courney mentioned, the Petitioner is
23 Shady Oaks Wind 2, LLC. We are managed by
24 Algonquin Power Co, doing business as Liberty

1 Power, and we're owned by Algonquin Power &
2 Utilities Corp.

3 Algonquin Power Co is a nonregulated
4 generation business that owns or has interests
5 in a portfolio of North American-based
6 contracted wind, solar, hydroelectric, and
7 natural gas-powered generating facilities
8 representing approximately 1.7 gigawatts of
9 installed capacity.

10 We have 35 contracted renewable and clean
11 energy facilities.

12 Next slide, please.

13 So as you can see on this slide, it
14 identifies the different assets that we own
15 throughout North American. Assets are owned by
16 both Liberty Utilities and Liberty Power.

17 JUDGE SLAVIN: Lauren, Lauren, because the
18 volume is not great, if you can slow down a
19 little more, I would appreciate it.

20 THE WITNESS: Absolutely.

21 A. (By Ms. McLeod:) So more local to Illinois, we
22 have two wind projects that are currently in
23 operation. We have Shady Oaks, which is 109
24 megawatts, consisting of 71 turbines, located in

1 Brooklyn Township, and it went into operation
2 back in 2012.

3 We also have the Minonk Wind Project. It
4 is roughly 200 megawatts, consisting of a
5 hundred turbines, located in Livingston and
6 Woodford Counties, and it went into operation in
7 2012, as well.

8 And currently in construction we have the
9 Sugar Creek Wind Project located in Logan
10 County. It consists of 57 turbines, 200
11 megawatts, and it's expected to hit COD this
12 year in October.

13 Next slide, please.

14 So Shady Oaks 2 is an expansion project of
15 the Shady Oaks 1 Project currently in operation.
16 The Phase 2 project will have a capacity of up
17 to 118 megawatts, and it consists of 25 to 28
18 wind turbine generators. The project will be
19 located entirely in Wyoming and Brooklyn
20 Townships within Lee County. It will consist of
21 approximately 4,309 acres of leased land, and
22 approximately 43 acres will be directly impacted
23 by this project itself.

24 The proposed substation for the expansion

1 of Shady Oaks 1 will be located directly south
2 of the Phase 1 substation. It will be directly
3 adjacent to the current substation that is there
4 and utilizing the same point at interconnection.

5 Next slide, please, Sean.

6 As you can see on this map, it shows the
7 project area for the Phase 2 expansion. The
8 orange and blue circles are identifying the 28
9 pad locations that are submitted in the SEC
10 application. The two different colors identify
11 the two different types of wind turbines that we
12 plan to install on the Phase 2 project. The
13 blue dots are the Gamesa turbines, and the
14 orange dots are the Vestas turbines, which Sean
15 will identify and discuss the specks of later on
16 in the presentation.

17 In addition to that, you can also see the
18 substation which is located just west by that
19 blue dot there. It's just west of I-39. And
20 then in addition to that is the laydown yard,
21 which is just east of the off-ramp from I-39,
22 and it is impacting approximately 10 acres of
23 land there.

24 Next slide, please, Sean.

1 So the anticipated project schedule for
2 the Phase 2 expansion of Shady Oaks, we were
3 hoping to have the Special Use Permit wrapped up
4 in early Q3 of this year. The target
5 construction date would therefore be mid-Q2 of
6 2021. So we're hoping to mobilize construction
7 in May of 2021.

8 We will begin the construction with roads,
9 grading, foundation excavation, et cetera. The
10 electrical work, consisting of the collection
11 system and the substation, so the medium- and
12 high-voltage work, will be completed. Turbine
13 erection, turbine commissioning, and then once
14 the project is complete, we will do a
15 restoration of disturbed areas as per the
16 Agricultural Impact Mitigation Agreement, the
17 AIMA, and the County Ordinance.

18 Our target commercial operation date for
19 completion of the Phase 2 project is in early Q4
20 of next year. So we hope to hit operation in
21 October of 2021.

22 And that completes my portion of the
23 presentation. I believe after questioning, Sean
24 will continue on with the more-detailed project

1 information regarding the construction efforts.

2 JUDGE SLAVIN: All right. Questions of
3 this witness, Mr. Boonstra?

4 MR. BOONSTRA: No questions.

5 JUDGE SLAVIN: Members of the Board.
6 Mr. Forster?

7 MR. FORSTER: No questions.

8 JUDGE SLAVIN: Mr. Buhrow?

9 MR. BUHROW: No questions.

10 JUDGE SLAVIN: Mr. Pratt?

11 MR. PRATT: No questions.

12 JUDGE SLAVIN: Mr. Hughes.

13 MR. HUGHES: No questions.

14 JUDGE SLAVIN: Mr. Bothe?

15 Rex, can you hear me? Did Gene have any
16 questions?

17 MR. MEYER: No questions.

18 JUDGE SLAVIN: How about Rex Meyer,
19 questions?

20 MR. MEYER: No questions.

21 JUDGE SLAVIN: Ms. Duffy, questions?

22 MS. DUFFY: Yes.

23 EXAMINATION

24 BY MS. DUFFY:

1 Q. Do you anticipate any delay in your scheduling
2 that you just showed us with this COVID-19
3 virus?

4 A. No.

5 JUDGE SLAVIN: All right. Any more
6 questions, Ms. Duffy?

7 MS. DUFFY: No, thank you.

8 JUDGE SLAVIN: Mr. Henkel, is there anyone
9 waiting downstairs with questions?

10 MR. HENKEL: There is not.

11 JUDGE SLAVIN: Okay. I move to the Zoom
12 participants, whether videoconferencing or
13 teleconferencing.

14 And, Ms. McLeod, this may take a minute.
15 This is the first time we have done this.

16 So, Alice, if you can -- folks, once
17 again, if you're videoconferencing, if you'll go
18 to the bottom of your photo, show
19 "participants," push that, and click "raise
20 hand."

21 If you're teleconferencing, staying on the
22 phone, if you will hit star nine, please.

23 And I'll give you some seconds here to
24 indicate that.

1 JUDGE SLAVIN: All right. Thank you.

2 You may inquire.

3 SEAN FAIRFIELD,

4 having been duly sworn, was examined and

5 testified as follows:

6 DIRECT EXAMINATION

7 BY MS. KENNEDY:

8 Q. And, Mr. Fairfield, you understand we have a
9 court reporter in the room who's taking down
10 anything you're saying. So any inaudible
11 answer, we're going to need you to say yes or
12 no. Do you understand that?

13 A. I understand, yes.

14 Q. And where are you employed at?

15 A. I'm employed with -- by Liberty Power.

16 Q. And what is your job title?

17 A. I'm the senior director for energy projects for
18 our business development group.

19 Q. And what responsibilities does that encompass?

20 A. I oversee our regulatory planning division, as
21 well as project management division for our
22 business development group in Canada and the
23 United States.

24 Q. And can you provide a brief summary of your

1 educational background?

2 A. I have a bachelor's of science degree from
3 McMaster University. I also have a certificate
4 of environmental assessment from University of
5 Waterloo. I also have a project management
6 certificate from the University of Waterloo.

7 Q. And how long have you been with Liberty Power?

8 A. Almost 24 years.

9 Q. And you're here on behalf of Shady Oaks Wind 2,
10 LLC; is that correct?

11 A. Yes.

12 Q. And it's my understanding that you have a
13 presentation that you would like to go through
14 tonight; is that correct?

15 A. Yes.

16 Q. Please proceed.

17 A. If everyone could direct their eyes to the
18 screen, I'm going to go to the next slide.

19 The next two slides, ladies and gentlemen,
20 I'll go through some traditional project
21 features for the Shady Oaks 2 Wind Project,
22 which is an expansion of the Shady Oaks 1
23 Project --

24 Q. Mr. Fairfield, I'm going to stop you right now.

1 We can't see your screen. So if you want to
2 share-screen your presentation.

3 JUDGE SLAVIN: Do you intend for it to be
4 up right now, or are you still testifying?

5 THE WITNESS: Yes, no, I'm intending it to
6 be up right now. Just one moment, see if I can
7 share.

8 Can you see it now?

9 JUDGE SLAVIN: Yup, sure can.

10 THE WITNESS: Okay. I apologize.

11 A. (By Mr. Fairfield:) So the next two slides, I
12 will briefly go through the project features for
13 the Shady Oaks 2 Wind Project, which is an
14 expansion of the existing Shady Oaks Project.

15 As Lauren McLeod indicated, the Special
16 Use Permit we're looking to permit approximately
17 25 to 28 wind turbine pad locations. She
18 illustrated -- or provided a map showing the
19 locations of those turbine pads, and it was
20 color coated based on the turbine model.

21 So we're looking at two different turbine
22 models. One is called a Vestas turbine. It's
23 called a V150. And we're looking to permit up
24 to 16 of those turbines. The second turbine

1 model is labeled as Siemens Gamesa G114. We're
2 looking to permit approximately up to 11
3 turbines.

4 The tip heights for those turbines are as
5 follows: the Vestas V150 turbines at tip
6 height, which if you can imagine the turbine
7 blades straight up in the air, will be
8 approximately 590 feet. For the Siemens Gamesa
9 units, the G114s, if you can vision the turbine
10 blade vertical, the tip height would be 449
11 feet.

12 The next few items pertain to specific
13 civil engineering items of interest. The County
14 is well-versed with regards to wind turbine
15 construction, based on the number of projects
16 that are in the county. But what's quite
17 important for a developer is the construction of
18 access roads on private land. We will be using
19 traditional gravel material that will be
20 compacted, it will be engineered and compacted,
21 and these widths of these gravel roads on
22 private land will be approximately 60 feet wide
23 during construction. And after construction,
24 when we're restoring everything, those roads

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1 will be what's called cut back to 16 feet for
2 operational purposes.

3 Another item of interest for civil
4 engineering will be the construction of wind
5 turbine generator crane pads. As you can
6 envision, these turbines will require large
7 cranes to erect the turbine components: the
8 towers and the hub and the blades. These crane
9 pads will be also constructed of compacted
10 gravel, and we anticipate that the size of the
11 crane pads will be approximately 250 feet by 350
12 feet. Just envision a rectangle right beside
13 the pad location.

14 With those cranes, they will have to walk,
15 as they say, towards the other turbine pad
16 location. If they cannot be broken down or
17 dismantled and transported along public roads,
18 they will walk from turbine pad to turbine pad
19 on private land. And what will be utilized in
20 certain circumstances, if the area is wet, we'll
21 be using timber mats to allow the crane to
22 traverse from pad location to pad location on
23 private land. Usually those will be used on
24 low-lying areas, but that's what we're

1 contemplating when we transport the crane pads.

2 The next bullet point there, bullet point
3 five, you'll see public road improvements.
4 We're always asked about this critical component
5 of construction, because we will have to
6 construct improvements to turning radiuses. As
7 you can imagine, the large turbine components
8 will be coming on large transport trucks, and
9 they will be taking corners and we'll increase
10 those turning radiuses to accommodate.

11 We'll also be required to construct from
12 private roads to private land at the access road
13 entrances. So if required, we'll have to
14 install culverts and utilize the appropriate
15 substrate material, like gravel, to be placed
16 over those culverts, and thus will allow the
17 transport equipment to be conveyed onto private
18 property.

19 Another item of interest for public road
20 improvements is post-construction after and
21 during operations. We will be required to
22 maintain public roads during construction. If
23 damages occur during construction, we will be
24 responsible for that under what's called a road

1 use agreement. We are currently negotiating the
2 road use agreement with the county engineer and
3 the county lawyer.

4 The final bullet on this slide is a
5 temporary staging area, or what we call a
6 laydown area. Located on the map that Lauren
7 discussed, there is an area approximately 10 --
8 up to 10 acres just north of Chicago Road and to
9 the east of Highway 39, as you come off that
10 road. You can see that on the map. And that
11 will be an area where we place the construction
12 offices, as well as turbine components. So the
13 employees, the construction employees, will lead
14 off their day by traveling to that laydown area
15 and doing their morning checks before going off
16 to the turbine pad locations.

17 As like the turbine pad locations, the
18 laydown area will be engineered, and it will be
19 constructed of a compacted gravel to ensure
20 appropriate surface water drainage is
21 maintained, because that's important.

22 The next slide, continue on to Project
23 Features. As you can imagine, generating
24 electricity will require the conveyance of the

1 electricity through electrical collector lines,
2 which will be buried a minimum of 5 feet
3 underground on private land. That's a
4 requirement under the Department of Agriculture
5 Impact Mitigation Agreement that we signed with
6 the Department of Agriculture.

7 And along with the electrical collector
8 lines, communication lines to monitor realtime
9 data from the turbines will be essential. Fiber
10 optics will be buried along and within the same
11 trench areas of the electrical cables.

12 Both the electrical collector lines and
13 the fiber optic communications system will be
14 brought to the new substation, which is on the
15 west side of Highway 39 -- and that was
16 illustrated in the map -- which is adjacent to
17 the current Shady Oaks substation.

18 That substation that we're going to build
19 is approximately 256 by 197 feet, as well as a
20 gravel road. We have a lease for -- on private
21 land for that substation. And, again, it will
22 be directly adjacent to the existing Shady Oaks
23 substation.

24 The equipment within that will be medium

1 voltage, 34.5, which is basically 34,500 volts,
2 as well as a main power transformer, which is
3 what they call, on the technical side, a step-up
4 transformer, which will take the electricity
5 from 34,500 all the way up to 138,000 volts.
6 That is the -- that's to make it synchronized to
7 the grid.

8 There will be no transmission line
9 constructed for this project because it's an
10 expansion of the existing Shady Oaks Wind
11 Project. The point of interconnection, the
12 ComEd interconnection, is right adjacent to the
13 Shady Oaks existing substation. And so with the
14 new substation that's going to be abutting it,
15 it will be a short distance, what will have
16 approximately 150 feet of connector, into the
17 point of interconnection, what we call the
18 switch yard.

19 As I mentioned earlier, the point of
20 interconnection, again, the generation of
21 electricity will be stepped up to the ComEd
22 138 kV grid.

23 The final bullet on this page deals with
24 the operations and maintenance building. We

1 have had comments, questions from individuals
2 asking, Will we be building another operations
3 and maintenance building?

4 Currently our site manager, Chase Sellers,
5 operates the current facility. In the Village
6 of Paw Paw there's an operations and maintenance
7 building. We envision an expansion of that
8 existing O&M building, and that will house,
9 again, further parts for the expansion project,
10 and it will also house additional individuals
11 who work from that office to maintain the
12 existing expansion project.

13 Next slide.

14 I mentioned earlier about the road use
15 agreement. Road use agreement, we currently
16 started negotiations with the County and the
17 County lawyer. It's a prescriptive legal
18 document which we have to enter into with the
19 County and will allow us to utilize the roads
20 for construction. It's a very prescriptive
21 document that the County will mandate, we sign,
22 and it allows us to utilize the roads. We have
23 to maintain the roads. And if there's any
24 damages as a result of our project, we have to

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1 repair it immediately.

2 A key item of interest in that document is
3 the traffic control requirements. We understand
4 how important it is to maintain public
5 thoroughfares to allow for emergency vehicles,
6 school transports, agriculture commodity
7 transports, and other essential services. So we
8 will have to work with our contractor, what they
9 call the engineer and contractor, and EPC
10 contractor, to develop a traffic plan that must
11 adhere to the road use agreement requirements.

12 Next slide.

13 This slide, just a table of the technical
14 specifications for those two turbine models I
15 mentioned. So we have the larger turbine model,
16 V150, which stands at a tip height of 590 feet.
17 Again, that's with the turbine blade totally
18 vertical. It's a 5.6-megawatt unit with a rotor
19 diameter of 492 feet. If you can see in that
20 little illustration there, the rotor diameter
21 obviously is the diameter of the swept area.

22 The second turbine model there, the
23 technical specifications, the Siemens Gamesa
24 G114, it's a smaller unit, it's 2.625 megawatts.

1 As I mentioned earlier, the blade tip height,
2 which is the vertical blade at the very tip, is
3 approximately 449 feet.

4 The next page -- slide.

5 People are always interested, the general
6 public or anytime I'm speaking to schools, they
7 always are interested in learning how wind
8 projects are designed. I always lead off by
9 indicating that a designer for a wind project
10 has to comply with certain constraints, be it
11 environmental constraints, but more importantly,
12 regulatory constraints related to the municipal
13 requirements.

14 This table here illustrates the setback
15 requirements from the County, and we have to --
16 we design the project to adhere to those.

17 On the right-hand side you'll see columns
18 delineating the setback requirements for the
19 separate turbines, because within the -- or the
20 municipality's setbacks, the key component for
21 primary structures, like schools or churches or
22 public buildings, it's 3.5 times the wind
23 conversion system's turbine height.

24 So as I mentioned, it's a smaller turbine,

1 the G114, so the minimum setback is 1,573 feet.
2 If we're using the V150, as per the map, the
3 setback would be 2,067 feet.

4 One of the interests that people have
5 asked us recently is, what is your setbacks from
6 nonparticipating parcel property lines? The
7 setback requirement for that is 1.1 times the
8 turbine height, as you can see in the two right
9 columns there. So for the G114, it's 495 feet,
10 and for the Vestas V150, it's 650 feet.

11 Another item of interest for setback
12 requirements or adhering to guidelines is for
13 noise. The State of Illinois has sent out
14 emission standards that have to be adhered to.
15 We can work with our subject matter expert,
16 Burns & McDonnell, to complete a sound
17 assessment report, which is part of the Special
18 Use Permit. Burns & McDonnell's subject matter
19 experts will be testifying probably tomorrow.

20 Next slide.

21 People always ask, and our Counsel,
22 Courney Kennedy, mentioned, local benefits. We,
23 in consultation with the County based on the
24 information we provided, it's estimated in the

1 first 12 months close to \$1.4 million in
2 property taxes, approximately 40,000, \$50,000
3 per turbine, and those property taxes are on an
4 annual basis.

5 For the school district, the community of
6 Paw Paw School District, which we have a letter
7 of support, will get 65 to 75 percent of taxes,
8 so approximately 800,000 to 950,000.

9 Local fire districts, which we have two
10 letters of support, will receive approximately
11 15- to \$25,000.

12 The last bullet point there for the
13 project was based on realtime input from our
14 Shady Oaks Wind Projects, and we extrapolated
15 accordingly.

16 Another local benefit is, the local
17 landowners will also benefit from a financial
18 perspective. And as we know, because we built
19 multiple wind projects in Canada and the United
20 States, they do spend money for their own
21 farming operations or others within the
22 community.

23 As I mentioned, temporary construction
24 jobs that we envision in the project can range

1 up to 150. These construction jobs are
2 temporary; however, they will ebb and flow --
3 the number will ebb and flow throughout the life
4 of the project. Obviously they'll be spending
5 moneys into the regional area for hotels in the
6 region, local restaurants and service companies
7 will benefit from those employees coming to the
8 area.

9 Our existing wind project manager, Chase
10 Sellers, will -- we have been talking to him.
11 Obviously he'll be employing some additional
12 staff for the project. We envision up to five
13 full-time staff that will work out of his office
14 in the Village of Paw Paw. Obviously there will
15 be subcontractors as needed on an ongoing basis
16 during maintenance and other work that
17 Mr. Sellers will coordinate in the future.

18 The last item of interest is, our business
19 model is to obviously work within the
20 communities. We have been dealing with local
21 charities and making donations accordingly to
22 support local events.

23 That was my last slide, and look forward
24 to any questions the Zoning Board Members or the

1 public may have. Thank you.

2 JUDGE SLAVIN: All right. Questions of
3 this witness, Mr. Boonstra?

4 MR. BOONSTRA: No questions. Thank you.

5 JUDGE SLAVIN: Members of the ZBA.
6 Mr. Forster?

7 MR. FORSTER: No questions.

8 JUDGE SLAVIN: Mr. Buhrow?

9 MR. BUHROW: I have a question.

10 EXAMINATION

11 BY MR. BUHROW:

12 Q. You mentioned about transporting the cranes.

13 Do you move those through the open fields from
14 one site to another, or how does that happen?

15 A. Yes, that is a possibility. So sometimes we'll
16 have collector -- access roads connecting
17 different wind turbine pads, and -- which is all
18 on private land that's all signed up. So they
19 can follow that route, or collector line routes.
20 So it would be on open area and walking -- when
21 I use the term "walking" -- from pad to pad.

22 Another -- as I mentioned earlier, if that
23 cannot happen, then the turbine pad would have
24 to be broken down -- or turbine crate would have

1 to be broken down and transported using
2 traditional methods.

3 Q. The tillable fields then that you travel
4 through, who is responsible for breaking up the
5 compaction? Is that a field operation by the
6 farmer or does the company do that?

7 A. The company.

8 MR. BUHROW: Okay. That's all.

9 JUDGE SLAVIN: Thank you.

10 Let's see. Mr. Hughes?

11 MR. HUGHES: Yes, I have a question/more
12 of a clarification.

13 EXAMINATION

14 BY MR. HUGHES:

15 Q. Early in your presentation, as well as on
16 Page 8 of the application, it indicates that
17 there will be 11 of the SG 114's and 16 of the
18 V150's. You're talking about up to 28; that
19 only accounts for 27.

20 I'm assuming, by looking at the site
21 plans, that one that's missing, that 12 -- it
22 would be 12 of the SG 114's, would be based on
23 boundaries and property lines of residences, I'm
24 assuming that one that's missing would be a

1 SG 114?

2 A. Yes, correct. There was an error -- thank you
3 for pointing that out. I'm trying to call back
4 the slide, if you don't mind.

5 Q. It was on your very first --

6 JUDGE SLAVIN: Mr. Hughes, please don't
7 interrupt. The court reporter can't take two
8 people talking at once.

9 A. So if I may go back to my first -- yes, so I
10 think it was an error on my part. I apologize.
11 That's my error.

12 So the SUP application does say
13 approximately up to 16 Vestas units and
14 approximately up to 12 Siemens Gamesa units. It
15 should not be 11. It should be approximately
16 12. That's my error. Hopefully that answers
17 your question.

18 JUDGE SLAVIN: Back to you, Mr. Hughes.
19 Any other questions?

20 You have got to take down your slide
21 there, Mr. Fairfield.

22 MS. HENKEL: He's still screen sharing.

23 JUDGE SLAVIN: You have got to stop
24 your -- Mr. Fairfield, you have got to stop your

1 screen sharing.

2 THE WITNESS: Okay. Sorry about that,
3 Your Honor.

4 JUDGE SLAVIN: Back to you, Mr. Hughes.
5 Any other questions of Mr. Fairfield?

6 Can't hear you. Shake your head yes or
7 no.

8 (Glen Hughes indicates by nodding
9 his head.)

10 JUDGE SLAVIN: Yes. Okay. As soon as we
11 get you off mute. There we go.

12 Q. (By Mr. Hughes:) And the reason I had asked
13 that question, and just to follow up, is that
14 the application itself also only indicates --

15 JUDGE SLAVIN: Well, that's not a
16 question. Any questions of Mr. Fairfield?

17 MR. HUGHES: No.

18 JUDGE SLAVIN: Okay. Mr. Meyer,
19 questions?

20 (Rex Meyer indicates by shaking
21 his head.)

22 JUDGE SLAVIN: How about Mr. Bothe? Shake
23 your head for him yes or no.

24 (Rex Meyer indicates by shaking

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his head.)

JUDGE SLAVIN: No. Okay. Thank you.

Ms. Duffy?

MS. DUFFY: Craig Buhrow has another question.

MR. BUHROW: I have got a follow-up to that, whenever you're ready.

JUDGE SLAVIN: Okay. Ms. Duffy?

MS. DUFFY: I do have a question.

JUDGE SLAVIN: Okay, sure.

EXAMINATION

BY MS. DUFFY:

Q. Going back to the road agreement, you mentioned you're working with the county engineer and the county lawyer. Can you specify who the county lawyer is?

A. Yes, well, forgive me, I don't recall her name. She works for a private firm.

Q. And I don't believe she's even in this county, so -- I think she's from LaSalle County. I just wanted to clarify that.

A. Sure. I believe her first name is Cheryl.

JUDGE SLAVIN: Okay. Mr. Buhrow?

EXAMINATION

1 BY MR. BUHROW:

2 Q. Follow-up on that question about the turbines.
3 What's the reason for the two different models?
4 Terrain? Or what's the reason for using two
5 different company models?

6 A. The main reason is because we're taking
7 advantage of what's called a federal government
8 incentive called a Production Tax Credit. So we
9 purchased those smaller turbines, G114, several
10 years ago, and we want to utilize them in this
11 project. So it's just part of a federal
12 incentive program called a PTC, Production Tax
13 Credit.

14 MR. BUHROW: Okay. Thank you.

15 JUDGE SLAVIN: All right. Members of the
16 public. First, folks that are downstairs.

17 Mr. Henkel?

18 MR. HENKEL: None.

19 JUDGE SLAVIN: Okay. Folks on Zoom,
20 questions of Mr. Fairfield? Again -- well, I
21 can see you raise your hand, Ms. McInnis. So
22 you don't have to use the fancy technical thing.
23 I can see you.

24 So, Ms. McInnis, questions?

1 MS. HENKEL: Let me unmute her.

2 JUDGE SLAVIN: Yeah, just a minute. I
3 have got to unmute you.

4 Go ahead, I think you're --

5 MS. McINNIS: I should be okay, right?

6 JUDGE SLAVIN: Yup, you're okay.

7 EXAMINATION

8 BY MS. McINNIS:

9 Q. Okay. Mr. Fairfield, I was interested in what
10 local charity that you are going to sponsor or
11 help donate to. Are they all located in the
12 City -- in the Village of Paw Paw?

13 A. We have support letters from the Lions Club --
14 I don't have the letters in front of me, but the
15 Lions Club, and they would be within the --
16 around that area.

17 MS. McINNIS: Okay. Thank you.

18 JUDGE SLAVIN: Any other questions, Ms.
19 McInnis?

20 MS. McINNIS: No.

21 JUDGE SLAVIN: Okay. Any other questions?
22 Either -- if I can see you when you raise your
23 hand, I'll call on you; otherwise, if you're
24 Zoom, videoconferencing, again, hit on the

1 bottom part of the screen "participants" and
2 then "raise hand." If you're teleconferencing,
3 stay on the phone but hit star nine.

4 Seeing none, thank you, Mr. Fairfield.

5 And, Ms. Kennedy, you may.

6 MS. KENNEDY: Thank you, Judge. I would
7 like to call Mike MaRous as our next witness.

8 JUDGE SLAVIN: Can I ask you, how long
9 will Mr. MaRous be?

10 MS. KENNEDY: I think he will be about 10
11 minutes or so.

12 JUDGE SLAVIN: Okay. I just wondered if
13 we should go to a break. I am not bugging you.

14 MS. KENNEDY: He's our last witness of the
15 night, so it's up to you.

16 JUDGE SLAVIN: Mr. MaRous, is he the one
17 named "Mike," I bet?

18 Mr. MaRous, want to raise your right hand.

19 MICHAEL MaROUS,
20 being first duly sworn, was examined and
21 testified as follows:

22 DIRECT EXAMINATION

23 BY MS. KENNEDY:

24 Q. Can you state and spell your name for the

1 record, please.

2 A. Michael S. MaRous, M-A-R-O-U-S.

3 Q. And how are you employed?

4 A. I am president of MaRous & Company, a real
5 estate appraisal and consulting firm with
6 approximately nine employees.

7 Q. And how long have you been involved in that
8 line of work?

9 A. 40-plus years, after I graduated from the
10 University of Illinois-Champaign with a degree
11 in finance, urban land economics.

12 Q. And do you hold any other certificates or
13 certifications?

14 A. Yes. I have held, since its inception, the
15 General Certified Appraisal license, which is
16 the highest form of appraisal license in the
17 state of Illinois. I hold a similar license in
18 Iowa, Wisconsin, Minnesota, South Dakota, and
19 Indiana.

20 I also was awarded the MAI appraisal
21 designation in 1980, which is the highest real
22 estate appraisal designation in the world, and
23 actually am former past president of the Chicago
24 chapter of that organization. I was invited to

1 the Counselors of Real Estate, which is the
2 foremost consulting organization in the world,
3 and I actually just came off sitting on their
4 national board for the last nine years.

5 Q. And you're familiar with the petition in this
6 matter and the proposed project; is that
7 correct?

8 A. Yes. I have reviewed the petition, the expert
9 reports, I have inspected the project area,
10 numerous properties, investigated economic
11 conditions, property values, economic trends,
12 things that would impact property value.

13 Q. And did you review the County Ordinance
14 regarding wind energy conversion systems?

15 A. I did.

16 Q. And you -- were you asked by the Petitioner to
17 perform a market analysis regarding the proposed
18 project?

19 A. Yes. Based on the proposed development, I was
20 asked to study the proposed projects and the
21 issues that impact property values. I prepared
22 a report, published, I think, in March of this
23 year, of almost a hundred pages.

24 Q. And can you briefly explain what a market

1 analysis is?

2 A. It basically looks at a proposed development to
3 gauge the impact -- positive, negative, or
4 neutral. And over my career, I have probably
5 done a couple hundred, not only 25 or 30 wind
6 projects, solar projects, but also impacts of
7 major proposed -- of major industrial uses,
8 commercial uses, to name a few, and some
9 probably more potentially detrimental, such as
10 quarries and mining, waste transportation, waste
11 transfer stations, and landfills.

12 But basically it's looking to see,
13 assuming the existing conditions of a current
14 area and then based on the proposed use, taking
15 into consideration, you know, the cost, the
16 jobs, the economic benefits as far as impact of
17 taxes --

18 JUDGE SLAVIN: Oop, Mr. MaRous, hold it.
19 For some reason, it could be technological, you
20 cut in and out there.

21 THE WITNESS: Sorry.

22 JUDGE SLAVIN: It may not be your fault,
23 but you're going to have to repeat the last
24 couple of sentences, please.

1 THE WITNESS: Sure.

2 A. (By Mr. MaRous:) It looks at the proposed
3 project to look at the positive impacts, if any,
4 such as jobs, building permit activity, future
5 real estate tax payments, the economic trend of
6 development.

7 We also look at issues such as impact on
8 taxing bodies, such as schools. If you have a
9 major residential development, you're going to
10 have to have more teachers and more school
11 costs.

12 We look at noise, we look at odors, such
13 as a hog facility, also --

14 JUDGE SLAVIN: You're cutting out again.
15 You know what, the farther you get to your left,
16 the more -- the -- there we go. Try that.

17 A. (By Mr. MaRous:) We look at issues such as
18 traffic, vehicle traffic, not only cars but also
19 trucks, and their impact on the area.

20 And we use a variety of analysis, number
21 one, looking at the economics; number two,
22 looking at matched pairs, which I'll go into
23 later, looking at peer-reviewed studies that
24 have studied the potential uses. And in this

1 situation, also contacted county assessors to
2 see their impact, which I'll go into later.

3 Q. (By Ms. Kennedy:) Sure.

4 And based on the information provided to
5 you by the company and your own investigation
6 into this, do you have an opinion, based on a
7 reasonable degree of certainty in your field, as
8 to whether the development of this proposed
9 project will be detrimental to or endanger the
10 public health, safety, morals, comfort, or
11 general welfare?

12 A. That's a long question. My opinion, no, there
13 will be no detrimental impacts with regards to
14 the value --

15 JUDGE SLAVIN: Cutting out again. You
16 said "with regard to."

17 A. (By Mr. MaRous:) The other factors or items.

18 Q. (By Ms. Kennedy:) And do you have an opinion,
19 based on your experience in your field, as to
20 whether the proposed use would be injurious to
21 the use or enjoyment of other property in the
22 immediate vicinity of the proposed project?

23 A. In my opinion, it would not have a negative
24 impact to the use and enjoyment of other

1 properties in the immediate area.

2 Q. And do you believe the proposed use would
3 impede other development in the area?

4 A. In my opinion, no. If anything, it would be a
5 positive impact for other development in the
6 area.

7 Q. And it's my understanding that you have a
8 presentation tonight to summarize your findings;
9 is that correct?

10 A. I do.

11 Q. All right. Please proceed.

12 A. So I'm going to try my share screen, which I'm
13 not sure if this is going to work. And if not,
14 then I would ask Sean to go to the presentation
15 that he was just doing and go to Page 17. I
16 think that might be more efficient.

17 THE WITNESS: Sean, could you do that?

18 JUDGE SLAVIN: I don't see him. I see his
19 name. I don't see Sean. Just a minute,
20 Mr. MaRous.

21 Mr. Fairfield, are you there? Okay. I
22 guess he is.

23 THE WITNESS: Thank you, sir.

24 A. (By Mr. MaRous:) So we'll go to, in that

1 document, which is just titled Page 17, and
2 we'll go to Page 18, which just provides a quick
3 introduction of work that I have done over my
4 career. I have appraised over 12,000 properties
5 of over \$20 billion in value, with the
6 significant, probably 95 percent, work done in
7 the state of Illinois, with a significant
8 portion in Central Illinois.

9 Next slide.

10 So this next slide just provides a summary
11 of energy-related projects by state. In
12 Illinois, I have looked at at least ten wind
13 projects. And in other areas, and probably many
14 of you have been down I-65 going down to
15 Indianapolis, there's a significant 20-mile
16 stretch of turbines, most in White County, and I
17 have studied wind turbines there; multiple
18 projects in Iowa; one in Minnesota; multiple in
19 South Dakota; Kansas; New York. And generally
20 almost all in rural-type locations, many having
21 similar demographics to Lee County. Very few
22 have the quality of farmland that Lee County
23 has, but this was all taken into consideration.

24 Next slide, please.

1 So I am just going to kind of go through
2 some of it. But as an appraiser, I'm not
3 looking at this as people's likes and dislikes.
4 I'm looking at the economic impact. What does
5 this do to the economy in general?

6 And there are significant financial
7 benefits to the local economy. You have already
8 heard about that, with the multiple taxing
9 bodies, with very little costs to these
10 counties. It's a somewhat passive use. It will
11 create well-paying jobs in the area which will
12 benefit overall market demand.

13 Will it be a change to the economy with
14 five full-time jobs? The construction jobs?
15 But, again, it's another benefit to the economy.

16 In the report there's analysis of recent
17 residential sales, and those sales proximate to
18 wind farm, and looked in this situation and
19 generally considered those up to five times the
20 tip height, a thousand feet to 2,500 to 3,000
21 feet. And there was no support that the
22 proximity to a turbine, done properly -- with a
23 properly-done project, would have a negative
24 impact on property values.

1 Additionally, looked at evidence of
2 agricultural land and impacts to the
3 agricultural community based on the development
4 of wind farms. And there's been sales
5 transactions, there's been studies made, and
6 it's an economic benefit. Money is coming into
7 the community, it enhances the ability for the
8 ag community to upgrade some other
9 infrastructure, obviously provides a stable
10 income in the industry where it's really not
11 impacted by crop prices and other economic
12 factors.

13 So, I mean, simply, ag land is benefitted
14 by the turbines. And I think you have heard,
15 with the access road and the site placement,
16 maybe each turbine takes out a half to
17 three-quarters of an acre of a 2- to 300-acre
18 farm.

19 Then I have also summarized in my report
20 peer-reviewed studies, which peer reviewed means
21 other professionals, professors, basically had a
22 shot to review and critique these studies. And
23 they are also summarized in the report, and the
24 conclusions were that there's no evidence of

1 negative impact, again, of a well-planned wind
2 farm development.

3 Next slide, please.

4 And the assessor's survey is interesting.
5 And we are involved in a lot of tax appeal work,
6 both on a public and private side. If people
7 think that they have a reason or justification
8 to get a reduction in their values, they will go
9 in with their evidence and present their case
10 for an appeal.

11 What we have done in about eight states
12 now -- and I have been the interviewer -- is
13 called the local assessors in the county where
14 they have got over 25 turbines to see, number
15 one, do they value the properties different in
16 the project area than they do similar properties
17 outside of it? The answer is no.

18 Number two, have they had appeals with an
19 allegation of property values negatively
20 impacted? Just a few in the state. But number
21 three, have appeals been granted? No.

22 It's really compelling, and looking at the
23 argument and the assessor said there's nothing
24 -- and they look at it every year, and there's

1 nothing that indicates they should be valuing
2 these properties differently. And, actually,
3 the economic positive impact to the counties are
4 significant and actually help to sustain and
5 enhance value.

6 And this has been done again in, you know,
7 seven or eight other states, including the
8 surrounding of Indiana, Iowa, Minnesota, and
9 Kansas.

10 Next slide.

11 Scope of work, so I think you heard
12 already what we did is, we reviewed the Lee
13 County Wind Energy Ordinance, other public
14 documents, the demographics in the area, the
15 trends of development. We reviewed general
16 market conditions, both sales of vacant land,
17 sales of what I call farmettes, or 1- to 10-acre
18 parcels with houses on them, and looked at the
19 demographics, interviewed local real estate
20 professionals that had experience or had wind
21 development, and then properties used for
22 development of the matched pairs, which I am
23 going to go into a little more detail in a
24 minute.

1 Then, again, I went down and toured the
2 area at the end of February of this year.

3 Next slide.

4 Hopefully I'm not going too fast.

5 Okay. Matched pair is basically looking
6 for a sale of a residential property that's
7 proximate, generally under 2500 feet from a
8 turbine or multiple turbines, and then comparing
9 it with similar properties that are outside of
10 the area, generally several miles away, trying
11 to get properties appealing to the same price
12 range, same size, same land size, similar
13 characteristics, to see if there could be an
14 isolation to indicate any impact based on the
15 development of a wind farm.

16 In this situation, I had three sales or
17 three matched pairs in Lee County. In the
18 report I also included some examples in McLean,
19 Macon, Logan, Livingston, and later on just
20 other surrounding states, but the main focus was
21 on Lee.

22 So next slide.

23 And there's more detail in the report. So
24 this is the first one, the first pictures, 1A

1 and 1B. We'll go to the next slide, where
2 they're blown up. In each situation, the purple
3 is proximate to a wind turbine; the yellow is
4 not. Addresses are provided. You see in the
5 first one, it's 735 feet to the nearest turbine,
6 which is close. And then the dates of sale, one
7 in the end of '17, the other in mid-'18. Sale
8 prices, sale price per square foot of land area,
9 when it was built, building size, lot size, and
10 then one's a two-story, one's a one. They're
11 similar size. Information on the basement, and
12 then the other characteristics.

13 Next slide.

14 This is just showing the location of the
15 two in Lee.

16 So an appraiser does an adjustment, and,
17 again, to see if there's any differentiation
18 that can be contributed to the proximity of the
19 turbine. In this situation I found none.

20 Next sale -- or next matched pair. You
21 can see the not-proximate on Willow Creek Road
22 is a very attractive house. The one on Steward
23 is a more traditional, substantial, what I would
24 say large Georgian.

1 Next slide.

2 Same thing, went through the comparisons.

3 These are a little higher priced. The one

4 proximate, the older house, sold for 320,000.

5 The more modern house, not proximate, 319,000.

6 Both, you know, in the \$150-a-foot range. The

7 older one compared to a 2002, which is still not

8 a new house, but obviously significantly newer.

9 Probably the biggest difference is, the

10 proximate-to-the-turbine was a 9-acre site. The

11 one that wasn't is 2 acres. Seven additional

12 acres somewhere in the 10-to-\$14,000-per-acre

13 range was an adjustment that had to be

14 considered. So, again, making adjustments to

15 these two properties, no indication of negative

16 impacts.

17 Next matched pair. I only have one more.

18 I know this -- then this is just a map, and then

19 the next slide, which will be our last.

20 And we see 3A is one I have used before.

21 3B and 3C are the not-proximate. Then we go to

22 the next page, which, again, shows the

23 comparison of the three properties: one

24 proximate to, not, and going through the

1 adjustments. And, again, no indication that the
2 proximity to a turbine had a negative impact in
3 value.

4 So we'll go to the next slide, which is
5 just a map, and see that, you know, briefly, and
6 then we'll go to the next slide.

7 And then these next slides are just some
8 of the recent sales in the community that took
9 place. I went and looked at these properties.
10 You know, these are proximate to the project
11 area, looking at the price points.

12 Next slide, which I think will have a
13 couple more pictures.

14 A variety of different house types and
15 ages.

16 Then the next slide just shows a summary
17 here, just kind of showing the location, the
18 price, when it sold, the lot area, the year
19 built, the building size, and the price per
20 square foot.

21 That first sale kind of skewed out of the
22 range, but it was a much larger house, 3100
23 square, that sold under \$50 a foot. But
24 otherwise they seem to kind of reflect

1 transactions in the project area.

2 Next slide, showing the locations of the
3 properties. I think there's a sale, number six,
4 on the far right side in Earlville, that is on
5 the market right at the time we were doing this.

6 Our next slide -- I'm almost done -- land
7 sales near the project area, I'm not going to
8 really go into these. These are seven sales of
9 basically ag parcels, generally clustering, you
10 know, in the 9- to \$12,000, some are a little
11 lower ones and less productivity.

12 One thing I want to point out, not to be
13 confused on the far left side, the label that
14 says, "owner mailing address," that's not the
15 location of the property location; it's the pin
16 number involved. They are all in Lee County.

17 This, again, is showing the strength of
18 the agricultural land in this market, even in
19 what really has not been the most favorable
20 economic 12 months for the ag community.

21 Next slide.

22 This is just, again, the clustering of the
23 sales in purple, with the location of these
24 transactions.

1 Next slide.

2 Literature review, and this basically was
3 studies that were done looking at turbine
4 development. First is in Ontario, and was done
5 actually updated two different times. And the
6 conclusion, there was no impact on value.

7 The next one is a Lawrence Berkeley study
8 that was done in 2009, '10, '13, and '14. This
9 is referred to a lot. The first study looked at
10 almost 7500 sales within proximity to turbines.
11 Which interests me, because turbine development
12 in 2009, from then until 2020, while the
13 turbines are a lower height, the density was
14 much higher then to get the same capacity, and
15 also a lot of times these property were within,
16 what I would say, nonparticipating, you know,
17 feet away.

18 So going to the 2014, which is the last
19 part of the study, was 50,000 sales proximate to
20 67 wind farms. They go out and look at every
21 property and they just gather data, and then do
22 some interviews to come up with their
23 conclusion.

24 Again, with these four studies done by

1 Berkeley, no indication that there was a
2 negative impact to value.

3 Next slide, please.

4 Then there was one in Rhode Island with
5 the same conclusion. There's another one in
6 Canada with the same conclusion, both done in
7 2013.

8 Next slide.

9 University of Connecticut, '14, you've got
10 a little more density there. Same conclusion.

11 Wichita State is interesting, because
12 Kansas has had a lot of wind. They did their
13 analysis and, you know, found that during
14 construction if there was a concern, there was
15 fear, there could be a softening of values. But
16 once it's stabilized, there was no impact.

17 And really what I've seen, in doing the
18 studies of this, a lot of the initial
19 development caused some concern, fear of change,
20 but once it's developed, it becomes integrated
21 in the community and it's really another part of
22 the ag community and economy.

23 I think that might be it. Let's see, I
24 think there's a conclusion page, which is

1 similar to what I have already testified to
2 before, that there's significant benefits for
3 the taxing bodies, well-paid jobs; sales in
4 Illinois don't indicate any negative impact;
5 agricultural land values are positively
6 impacted; no indication from a survey of county
7 assessors in multiple states that there's a
8 negative impact from wind.

9 And then the following page, which
10 concludes, just goes to that after all this
11 analysis, and presented in my study, in my
12 opinion the proposed project will not have a
13 negative impact on value in the subject area.

14 Thank you.

15 JUDGE SLAVIN: Any other questions,
16 Ms. Kennedy?

17 MS. KENNEDY: No, Your Honor.

18 JUDGE SLAVIN: Questions, Mr. Boonstra?

19 MR. BOONSTRA: No questions, Your Honor.

20 JUDGE SLAVIN: ZBA members. Mr. Forster?

21 MR. FORSTER: No questions.

22 JUDGE SLAVIN: Mr. Buhrow?

23 MR. BUHROW: No questions.

24 JUDGE SLAVIN: Mr. Pratt?

1 MR. PRATT: No questions.

2 JUDGE SLAVIN: Mr. Hughes?

3 MR. HUGHES: No questions.

4 JUDGE SLAVIN: Mr. Meyer?

5 MR. MEYER: No questions.

6 JUDGE SLAVIN: How about Mr. Bothe?

7 I think he said no questions.

8 All right. Ms. Duffy?

9 MS. DUFFY: Nothing at this time.

10 JUDGE SLAVIN: Very good.

11 Members of the public. First, people
12 downstairs?

13 MR. HENKEL: There are none.

14 JUDGE SLAVIN: There are none, okay.

15 All right. People on Zoom, whether
16 videoconferencing or teleconferencing, either --
17 I can see your hand, Ms. McInnis. So I'll call
18 on you first. We have got to unmute you,
19 though.

20 MS. McINNIS: Okay.

21 EXAMINATION

22 BY MS. McINNIS:

23 Q. Mr. MaRous, going back to the three sales that
24 you did an analysis on in Lee County, the one at

1 956 Bingham, how many turbines were around that
2 within a mile? You said --

3 JUDGE SLAVIN: Ms. McInnis, he can only
4 answer one at a time.

5 A. I'm going back to the -- how many -- I don't
6 recall a specific number, but the closest was
7 735 feet.

8 Q. (By Ms. McInnis:) Now, at that location, how
9 many turbines were within one mile of that
10 location at 956 Bingham? Was it just a turbine,
11 one?

12 JUDGE SLAVIN: That's two questions. I'll
13 help you out.

14 Mr. MaRous, how many turbines were within
15 one mile of that location?

16 THE WITNESS: There were more than one,
17 but I would have to go back and review the
18 aerials, you know, what we do when we look at
19 these to be able to fully answer the question.

20 I lost the screen, and I hate -- I don't
21 want to punch out, because I think you can hear
22 me. So I don't want to reapply to Zoom. If
23 you're okay with it, Mr. Chair. Can you hear
24 me?

1 JUDGE SLAVIN: Any other questions,
2 Ms. McInnis?

3 MS. McINNIS: I would like to get an
4 answer to that question at some later time.

5 JUDGE SLAVIN: Well, tonight is the night.
6 I mean, I think he's saying he doesn't know and
7 can't retrieve it.

8 Q. (By Ms. McInnis:) When you did your analysis
9 of this area, did you focus on the impact on the
10 Village of Paw Paw?

11 A. I looked at the impact of every village that
12 was proximate to the proposed development of
13 which -- I'm just looking through my notes --
14 you know, Paw Paw, Compton, West Brooklyn. I
15 looked at all -- all -- Paw Paw is the biggest,
16 with 870 persons, Compton is only 303
17 population. So the answer is yes.

18 Q. Could you give me the address of transaction
19 number two on the map, since I don't have the
20 study? There was a transaction number two in
21 Compton when you were -- I think there was a map
22 that had six sales, and it was transaction
23 number two in Compton.

24 A. Sure. I'm pulling it up. 698 German Road.

1 MS. McINNIS: Okay. Thank you very much.

2 THE WITNESS: You're welcome.

3 JUDGE SLAVIN: Does that mean -- that
4 means no more questions, Ms. McInnis?

5 MS. McINNIS: That is correct.

6 JUDGE SLAVIN: Okay. Thank you.

7 Other hands raised or -- physically on the
8 Zoom or on the phone? I don't see any other
9 hands raised.

10 All right. Thank you, Mr. MaRous.

11 THE WITNESS: Thank you, Your Honor.

12 JUDGE SLAVIN: All right. Ms. Kennedy?

13 MS. KENNEDY: Judge, that concludes our
14 witnesses for tonight.

15 JUDGE SLAVIN: Okay. Well, in that case,
16 we will -- I will recess this session until
17 tomorrow night, Tuesday, June 9th, beginning
18 hopefully at 7 o'clock, here at the old Lee
19 County Courthouse in Dixon. We will see you all
20 then. Thank you.

21 (The hearing was recessed at
22 8:41 p.m.)
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Now on this 8th day of June, A.D., 2020, I do
signify that the foregoing testimony was given
before the Lee County Zoning Board of Appeals.

Bruce Forster, Chairman

Dee Duffy,
Zoning Enforcement Officer

Callie S. Bodmer

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