

Fulton County Zoning & Community Development

Kimberly J. Mayberry, Zoning Enforcement Officer/Floodplain Administrator

Julie A. Russell, CIAO-S, Supervisor of Assessments & Zoning/Plat Act Officer

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Fulton County Zoning Board of Appeals Minutes

Committee: Zoning Board of Appeals

Meeting Place: Fulton County Farm Bureau, 15411 IL Hwy 100, Lewistown, IL 61542

Time: 5:00pm

Date: July 31st, 2024

1. Call To Order

Meeting called to order at 5:00pm by Chairman Phillips

2. Roll Call

Bob Ackerman – Present

Sally Jo Clark – Present

Cathy Eathington – Present

Mat Fletcher – Present

Jayson Herrick – Absent

Bill Phillips – Present

Damon Roberson – Present

Fulton County Board Members: None

Elected & Appointed Officials: Julie Russell, Supervisor of Assessments & Zoning

Guest(s): Kate Duncan (Buckheart Solar, LLC), Josh Kemper (Landowner), Joe Driscoll (MGE), Brock Thompson, Tom Bunn, Bill Kemper

3. Call for Additions/Deletions to and Approval of Agenda – No Change

Motion to Approve: Roberson

Second: Ackerman

RCV:

Bob Ackerman – Yes

Sally Jo Clark – Yes

Cathy Eathington – Yes

Mat Fletcher – Yes

Bill Phillips – Yes

Damon Roberson – Yes

4. Approval of Previous Minutes – May 15th, 2024 & May 29th, 2024

Motion to Approve May 29th, 2024 Minutes: Eathington

Second: Clark

RCV:

Bob Ackerman – Yes

Sally Jo Clark – Yes

Cathy Eathington – Yes

Mat Fletcher – Yes

Bill Phillips – Yes

Damon Roberson – Yes

Motion to Table May 15th, 2024 Minutes: Clark
Second: Eathington

RCV:

Bob Ackerman – Yes Sally Jo Clark – Yes Cathy Eathington – Yes
Mat Fletcher – Yes Bill Phillips – Yes Damon Roberson – Yes

5. Public Remarks – None

6. New Business

- a. **Discussion/Action:** PUBLIC HEARING FOR CONDITIONAL USE PERMIT FOR A SOLAR FARM ON PARCEL #08-07-30-200-014

***For content of discussion, public testimony and testimony by parties representing the applicant, please see attached “Exhibit A: July 31st, 2024 Court Reporting Transcript by Dianna C. Hark”.**

Chairman Phillips suggested granting a “Continuance of Hearing” for MGE & Josh Kemper, with a requirement that they submit their complete and updated application by August 31st, 2024.

Motion to Grant a Continuance of Hearing: Clark
Second: Fletcher

RCV:

Bob Ackerman – Yes Sally Jo Clark – Yes Cathy Eathington – Yes
Mat Fletcher – Yes Bill Phillips – Yes Damon Roberson – Yes

- b. **Discussion/Action:** Ordinance Reducing Fees For Solar Energy Systems, Wind Energy Systems And/Or Battery Energy Storage Systems With 5,000 Acres Or More Of Real Property Secured Prior To June 15th, 2024.

Julie Russell explained that she and the State’s Attorney had been working with Buckheart Solar, LLC on a reduced Conditional Use Permit Fee amount and Zoning Permit Fee amount, due to the fact that they had begun the majority of their required work towards their Conditional Use Permit application prior to the fee schedule amendment to the Zoning Ordinance.

She further explained that while the permit application fees are “on par” with adjacent Counties, the size of this particular project is massive in scale in comparison to any other commercial solar energy facility in the Midwest. Proportionally, the fees associated with this project are extremely expensive.

Assessor Russell explained that the proposed reduction in the conditional use permit fee and zoning permit fee were proposed by Buckheart Solar, LLC, and that she, State’s Attorney Jochums and the Community Development Committee felt they were fair. Additionally, the amounts proposed are still over twice what the original fees would have been, provided the fee amounts were never amended.

Secondly, Assessor Russell explained the other provision within the Ordinance is to clarify language in the BESS Ordinance, Commercial Solar Energy Systems Ordinance and Commercial WECS Ordinance, to represent the fact that any funds paid for Conditional Use Permits towards these specific facilities will be deposited into a separate fund, their expenses tracked accordingly, and any remaining funds left after the issuance of the Zoning/Building Permit, would be given the option to be

refunded or transferred over to cover a portion of the Zoning/Building Permit fee for their respective facility.

Member Fletcher was concerned about the proposed updated amount for the Conditional Use Permit only being \$75,000 in comparison to the size of the project, as well as the additional, outside resources that may, and most likely will need to be procured in order to guarantee that this project is in compliance with the Ordinance, as well as all State and Local laws.

Assessor Russell added that if the costs associated with administering the Conditional Use Permit on behalf of the County exceeds \$75,000 that the applicant is liable for paying for those additional costs, per the Ordinance. She also stated that she, along with other County Officials, would be looking at what expenses would be acceptable to track in relation with administering the Conditional Use Permits.

Chairman Phillips stated that he felt comfortable with moving forward and recommending the adoption of the proposed Ordinance back to the Community Development Committee and the County Board, and requested a motion to proceed.

Motion to Approve the Ordinance & Send to Community Development Committee: Roberson
Second: Clark

RCV:

Bob Ackerman – Yes
Mat Fletcher – No

Sally Jo Clark – Yes
Bill Phillips – Yes

Cathy Eathington – Yes
Damon Roberson – Yes

7. Old Business – None

8. Other – None

9. Executive Session – None

10. Adjournment

Motion to Adjourn: Fletcher
Second: Roberson

All Ayes; Meeting Adjourned at 6:50 p.m.

Minutes by Julie Russell, Supervisor of Assessments/Zoning

"EXHIBIT A"



HEARING OF THE FULTON COUNTY ZONING BOARD OF APPEALS

Date: July 31, 2024

Court Reporter: Dianna C. Hark, RPR, IL-CSR, MO-CCR, OR-CSR, WA-CR

Paszkiewicz Court Reporting
Phone: 847-598-0322
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HEARING OF THE FULTON COUNTY ZONING BOARD OF APPEALS

JULY 31ST, 2024

Dianna C. Hark, RPR, IL-CSR, MO-CCR, OR-CSR, WA-CR

CSR No. 084.004728

CCR No. 1079

CSR No. 240113

CR No. 24012573

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1 HEARING OF THE FULTON COUNTY ZONING BOARD OF
2 APPEALS, on July 31st, 2024, between the hours of 5:00
3 in the evening and 6:17 in the evening of that day, at
4 Fulton County Farm Bureau Building, 15411 N IL-100,
5 Suite 1, Lewistown, IL 61542, before Dianna C. Hark,
6 RPR, MO-CCR, IL-CSR.

7
8
9
10 A P P E A R A N C E S

11 BOARD MEMBERS:

12 Bill Phillips, Chairman
13 Mat Fletcher
14 Damon Roberson
15 Sally Clark
16 Cathy Eathington
17 Bob Ackerman
18 Julie Russell

19 PRESENTERS:

20 Joe Driscoll
21 Josh Kemper
22 Brock Thompson
23 Tom Bunn
24 Bill Kemper

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1 IT IS HEREBY STIPULATED AND AGREED by and
2 between the Presenters and the Fulton County Zoning
3 Board of Appeals, that this hearing may be taken in
4 shorthand by Dianna C. Hark, a Registered Professional
5 Reporter, Certified Shorthand Reporter, and Certified
6 Court Reporter, and afterwards transcribed into
7 typewriting.

* * * * *

9 TRANSCRIPTION COMMENCED AT 5:00 P.M.

10 MR. PHILLIPS: So, move on to new business.
11 And we're going to have a discussion and action on a
12 public hearing for conditional use permit for a solar
13 farm on parcel 08-07-30-200-14.

14 So, the way the hearing is conducted is that
15 I will give these gentlemen a chance to make a
16 presentation, and we will let them make their
17 presentation.

18 Then after that, we will have comments,
19 questions, and that they can answer. Then after
20 retort from them, we can still have a follow-up
21 question. It's not a true, legal, courtroom-type
22 procedure.

23 And at some point, after we think that we're
24 settled with the questions and -- the questions and

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1 answers, we will close off comment from the public,
2 and we will then turn it over to the Zoning Board of
3 Appeals to have their questions. And they can ask
4 questions likewise and seek answers for their
5 questions.

6 At some point then, we will close that off
7 and we will have a discussion amongst the Zoning Board
8 members. And depending on what we hear and how it
9 unfolds, we'll have motions of some type with perhaps
10 conditions to these conditional use permits. We'll
11 just see how it works.

12 But normally, we have seven or eight
13 conditions that are put on to the permit. Many of
14 those conditions are a result of people saying things.
15 It's a -- it's a public hearing. So, that's what
16 we're going to do.

17 Okay. At this time, I'd like to turn it
18 over to you folks, and who's going to -- are all of
19 you going to speak?

20 MR. J. KEMPER: I think so. I think maybe I
21 can -- I'm the landowner. Maybe I can give a really
22 brief overview of, like, why I was interested in this
23 and what we're doing. And then they could speak more
24 to their -- their part in it --

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1 MR. PHILLIPS: Okay.

2 MR. J. KEMPER: -- and more specific.

3 MR. PHILLIPS: Could all four of you raise
4 your right hand?

5 [The presenters were sworn in at this time.]

6 MR. PHILLIPS: Now go through each of your
7 names.

8 MR. J. KEMPER: Josh Kemper.

9 MR. PHILLIPS: Yep.

10 MR. THOMPSON: Brock Thompson.

11 MR. PHILLIPS: Brock Thompson.

12 MR. DRISCOLL: Joe Driscoll.

13 MR. PHILLIPS: Joe Driscoll.

14 MR. BUNN: Tom Bunn.

15 MR. PHILLIPS: Very good. Please proceed.

16 MR. J. KEMPER: Like I said, my name is Josh
17 Kemper. I live a little west of Canton along Route 9.

18 The land that we're talking about here is a little
19 further west. It's a field I've owned since 2008.

20 Strip minefield. It was once MSD. They
21 never did anything with it. They owned a lot of
22 property they did not spread stuff on.

23 Anyway, owned it for several years. It's
24 flat. It's on the north side of Route 9. You know,

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1 there's a little white schoolhouse there a little west
2 of it would be kind of a landmark to where this is, if
3 you don't know.

4 CITIZEN: That's an old church.

5 MR. J. KEMPER: Church?

6 CITIZEN: Uh-huh.

7 MR. J. KEMPER: And Orchard Road would also
8 be directly west of it.

9 As to the -- are there any questions about
10 the location?

11 MR. PHILLIPS: No. We'll go through your
12 whole presentation and then we'll open it up.

13 MR. J. KEMPER: As far as solar, it's
14 something I've been interested in for some time. And
15 actually, I was, I guess, interested in before I could
16 do it.

17 I -- I have a residential system which is --
18 been beneficial to me because it's brought my power
19 bill down to, like, Ameren charging now \$16 a month.
20 I think it was a good investment. It's easy to
21 maintain. So I -- I was interested in a larger
22 system.

23 I -- I was aware of the Buckheart project
24 and it's, I guess, in the works as far as, you know,

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1 meeting the requirements also. They're on their own
2 track.

3 And when I became aware of that, I thought,
4 I have this field that is not very productive, and I
5 would be interested in being part of that.

6 And I contacted the representative there on
7 Canton Square. And he said, well, that's outside of
8 our area. So, that -- it just wouldn't fit to what
9 we're doing for our objectives.

10 So, I kind of -- you know, time went by.
11 And then I started getting papers in the mail from
12 out-of-state investors where they would want to lease
13 the ground for a solar project or -- or potentially
14 even buy it. And, of course, I wouldn't want to sell
15 my -- my field.

16 That's when I contacted Joe who had -- he
17 was the person I dealt with with my residential
18 system. And I thought, I just wanted to ask for his
19 input about that. Would I -- would I want to lease
20 the ground to these people?

21 And at the same time, we had a drought last
22 year, and the field did 75-bushel acre of corn. So,
23 not very productive. It was not really paying the
24 bill at that point.

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1 So, I asked for Joe's input, not knowing
2 anything about the program -- the REAP program that I
3 could ever own -- you know, own this or -- or we could
4 go down this road, whether I should pursue that.

5 And that's when Joe made me aware -- put me
6 in touch with Brock with the USDA REAP program. And
7 that's where -- it kind of led us to here.

8 MR. THOMPSON: Yeah, so the REAP program is
9 a program for renewable energy and -- renewable energy
10 systems. So, there's a program that the USDA sponsors
11 through the Rural Development Office. It's called
12 Rural Energy for America Program. People refer to it
13 as REAP, R-E-A-P.

14 Myself, I represent a company, Green Edison
15 Corporation. It's a energy service provider that is a
16 technical assistance provider for, on behalf of the
17 USDA, we can offer technical assistance to families --
18 farmers like Josh that are looking into investing into
19 either renewable energy system for their -- for their
20 own use on their farm or small business.

21 And so, the opportunity's starting to
22 present itself with -- with this program. And through
23 the recent legislation that was passed with the
24 Inflation Reduction Act, the program's been expanded

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1 to allow for more investment for the sub stations, for
2 these types of projects.

3 A REAP application for a project like this
4 is a significant -- it's a large application. We
5 essentially need to have everything approved at the
6 applicable levels to really move forward with a
7 competitive application. That's been made very clear
8 to us from the USDA and the state energy coordinators.

9 And the -- the final deadline for this --
10 this round of funding is the end of September. So, we
11 do have a little bit of time to submit our
12 application. But we're going to seek funding from the
13 Federal Government. Not exactly sure the exact amount
14 we will ask for, but the maximum amount that we could
15 get would be a 1 million-dollar grant that we could
16 use to help support this project.

17 These REAP grants aren't available for your
18 developers and your investors that are -- that are
19 trying to move in and do these developments under a
20 lease. Myself and Joe and --

21 [The court reporter clarified.]

22 MR. THOMPSON: Joe is with Midwest Green
23 Energy and -- and Tom's with Cell Electric. Our --
24 we've partnered together to help people -- landowners

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1 entertain the idea of being an equity partner in one
2 of these developments as opposed to just, you know,
3 taking a lease, essentially losing access to the
4 ground for an extended period of time for a premium
5 rent that is being offered on some of these.

6 We feel the benefit to the farmer is that he
7 gets to still own his land. That Josh has plans to
8 potentially reincorporate the land once the -- once
9 it's constructed into a -- either a pasture to graze
10 or potentially a program. Maybe it's a pollinator
11 program or -- there's different programs through the
12 NRCS that we can enroll alongside these developments.

13 Programs that will actually help with water
14 retention, and there's some benefits with the solar
15 farm for the soil that -- you know, I -- there's just
16 some things that he can -- he can still do with the
17 land while having this plant up and running from an
18 agricultural perspective.

19 And the USDA knows that, and they're really
20 trying to push these types of projects in areas where
21 there's been energy, short -- coal plants shut down.
22 For example, Canton, Havana.

23 We're in -- we're in an area that the
24 Department of Energy has designated as a disadvantaged

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1 community and also a energy community. So, an energy
2 community being the main point in that there are
3 advantages to investing in projects in these energy
4 communities so that we can start to rebuild the
5 capacity that has left with the coal plants being shut
6 down.

7 So, we've gotten together. Tom and his team
8 at Cell designed a -- a plan. It's a very nice setup
9 for a tracking system. It's 6200-kilowatt DC system
10 that would generate maybe at the 5-megawatt capacity.
11 And we feel, depending -- basically, the geographic
12 location of this farm and its location on the Ameren
13 grid, and also being an energy community, it's a very
14 nice application for the federal government to
15 support. And it's also a great way for Josh to
16 utilize his ground and continue farming in a way to
17 help potentially boost the property tax base and then
18 also add some value to his operation.

19 Joe has handled the majority of the, I
20 guess, intricacies of navigating how we need to go
21 about the proper steps to get this project approved,
22 and we appreciate the opportunity to present the
23 Kemper's case.

24 I'll let Joe speak a little bit more to

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1 where we're at at this juncture.

2 MR. DRISCOLL: First of all, thanks for
3 putting us and accommodating us on the agenda. It's
4 much appreciated.

5 I'd like to start my remarks by commenting
6 about some email communication that has occurred
7 between, I think, not all of the members of the Zoning
8 Board. And so, I'm not -- I'm not sure everyone has
9 seen all that communication, is my point.

10 And I want to start by saying that in our --
11 in our effort to understand how to proceed, I created
12 a bit of confusion and which particular piece of
13 material on the website was the guiding -- guidelines
14 to follow.

15 And once that got sorted out, then Josh and
16 myself had some conversation. And as a result of
17 communication that Josh had, we thought we understood
18 what the approach should be.

19 And I want to specifically say that -- that
20 in some communication, I spoke specifically about
21 Ms. Russell, suggesting that we had gotten guidance
22 from her on how to proceed. And that's where some
23 misunderstanding on my part took place. And there was
24 no intention to try and suggest that there was

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1 intention or anything like that on the part of your --
2 your committee or your office or anything like that.

3 So, with that, with an understanding that we
4 thought we were looking at the ordinance, which is --
5 I don't know if -- it's -- it's detailed. Very
6 detailed. And we thought we understood that we, in
7 this conditional use permit application process, that
8 we were focused on the items contained in the zoning
9 ordinance that were specific to the heading of
10 conditional use.

11 And I've referred to that in some email
12 communication as Section, A, B, C, and D, because
13 those are the main groups inside that particular
14 paragraph. And that was our focus. And so, that's
15 what we did once we learned that we need to be guided
16 by this ordinance that's been in place and not by
17 another checklist that I was pointed to.

18 And so, as a result, that's what led to the
19 development of this material. And it was developed to
20 try and address sections A, B, C, and D in this
21 ordinance, knowing that there's a great deal more
22 information that needs to be reviewed, drafted, and
23 presented in front of you folks.

24 Our understanding -- I guess I should say

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1 mine -- was that conditional use, we first addressed
2 that. Then before a full building permit would be
3 issued is when everything else that's -- that's called
4 out in this zoning ordinance would be addressed.

5 So, that's why we come before you with a
6 document that -- from -- from some email communication
7 I received in the last 24 hours that suggests that
8 there could be some components missing based on what,
9 in fact, you might be looking for.

10 So, to that end, certainly apologize. We're
11 not trying to take advantage of anybody's time. We're
12 trying to be as efficient as we can be. So, that's
13 why this document was prepared based on the guidance
14 of conditional use A through D.

15 And I don't -- you've all got a copy of it.
16 And I don't know if there's any value in going page by
17 page. I'm certainly not interested necessarily to do
18 that. Unless you think it's appropriate, we'd be
19 happy to do that.

20 I did have a good email guidance that I
21 received yesterday from Mat, which I appreciate. He
22 helped point out some areas that were missing. Again,
23 our perspective was, it was missing only from the
24 point of view that it wasn't included in the

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1 conditional use permit application that we're
2 submitting today.

3 It's not that we -- we know we have to do
4 boring and soil testing. We know we have to do
5 vegetation, and we've got to do all the other things
6 related to ESSA [phonetic] and roads and fencing and
7 those kinds of things. And we -- we've all had this
8 conversation about all these other components that
9 have to be addressed.

10 So, I take a little guidance from you all if
11 you want to talk specifically or do we wait for you
12 guys to direct some questions specifically to us when
13 it's -- when it's appropriate?

14 MR. PHILLIPS: Well, I'll speak for my view,
15 and we'll see what the rest of the board members want
16 to do, but we're all gathered here tonight. We have
17 some people wanting to ask questions.

18 I'd like to make -- have you make the
19 presentation on the information you have. And then
20 we'll find a way to follow up at a reasonable time and
21 hopefully have all the rest of the information that --
22 I understand your viewpoint, and we accept that.

23 But I think it's appropriate to go right
24 ahead tonight to get as much as we can out on the

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1 table. I think everybody would appreciate knowing a
2 lot more about your project. It's needed. It's in a
3 good zone, evidently. So, I don't know.

4 Do the Zoning Board members agree with that
5 approach?

6 MR. ACKERMAN: Yes.

7 MS. EATHINGTON: Yes.

8 MR. PHILLIPS: Okay. So, let's go ahead and
9 make your presentation on the information you have,
10 and then we'll work together in the next few days to
11 try to see what else needs to be submitted and find a
12 way to get it -- that information brought before
13 another public hearing or a continuation of this
14 one -- we'll see how that wants to work -- but in an
15 effort not to slow you down, but in an effort to be
16 complete and meet the ordinance.

17 MR. DRISCOLL: Okay. Well, the first couple
18 pages of this packet --

19 CITIZEN: Sir, I'm sorry to interrupt again.
20 Do you happen to have another copy of that?

21 CITIZEN: They've all been passed out.

22 CITIZEN: They've all been passed out. The
23 reason I ask, we're not on the property line, but we
24 live on the lake. So, we do have a concern and what's

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1 going on with it. Thank you. Appreciate that.

2 MR. PHILLIPS: The description of the site,
3 the project, the access, maintenance, glare, you know,
4 some of these studies you haven't done yet, but you
5 have a good feel for it.

6 Give us an overview -- just giving us an
7 overview per your submittal to make it a productive
8 meeting. Okay?

9 MR. BUNN: I'm Tom with Cell Electric. I'm
10 the owner of Cell Electric. I started the company up
11 three years ago, but I've been doing electrical for 22
12 years now. I have 15 years experience in solar. I
13 have over 400 sites out there in Illinois.

14 I have, I think, 32 solar farms I built so
15 far. I have two service guys. That's all I do is go
16 around the state, make sure our trackers are going
17 east and west and converters are always producing.
18 I'm a union contractor.

19 For this project, it will probably take
20 probably four to six months to build. So, I'll have,
21 you know, at the peak, I'm hoping around 30 guys I'll
22 employ. All prevailing wage.

23 Other than that, yeah, the system's a
24 tracker. It's something that just tilts east and

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1 west. So, you really won't see the solar panels from
2 the main road there.

3 MR. THOMPSON: It will follow the sun's --

4 MR. BUNN: -- follow the sun.

5 MR. THOMPSON: The technology with the
6 tracking system, you implement technology to protect
7 the modules in a -- in a weather event. So, it's got
8 weather data, and it's able to adapt to wind, hail.
9 There's -- there's system functions that will protect
10 the system in a bad weather event. And also you'll
11 get more generation from a tracking system on your
12 footprint of where the -- the farm's located.

13 So, that was kind of the thought behind --
14 behind that. It would be less of an -- of an eyesore
15 from the road and capture more energy from the sun.

16 Again, we kind of touched on the site. The
17 site's a very nice location for a lot of reasons.
18 From a landowner's aspect, it's a great opportunity
19 for Josh to take a part of his operation and make it
20 useful again to help reinvest those -- that investment
21 into his farming operation.

22 You know, specifically, I guess, from a
23 financial standpoint, myself, I spent 10 years in
24 banking. I've handled the -- the financial aspect of

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1 putting the deal together and how we would structure
2 and pay for the construction and the development of
3 the project.

4 We've talked to two local banks that are
5 very interested in financing this project. The -- the
6 decommissioning bond that will need to be posted is
7 something I feel very confident that we will be able
8 to obtain through a irrevocable letter of credit or a
9 surety bond.

10 The irrevocable letter of credit is
11 something I've talked to the owners about. They would
12 be able to negotiate in that financing package. We do
13 not have specifics on what we estimate the property
14 taxes to increase to. That's information we hope to
15 obtain as we get closer to bringing -- to seeing if
16 this is going to be brought to life.

17 I've seen estimates --

18 [The court reporter clarified.]

19 MR. THOMPSON: Estimates for property tax
20 value add to -- to development at other hearings
21 where, you know, you can estimate 500, \$600,000 over
22 the life span of that project to come back to the tax
23 base, property taxes. That -- again, that changes,
24 you guys obviously know, from jurisdiction to

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1 jurisdiction.

2 But there will definitely be an incentive to
3 the tax base with this project. We had success in
4 talking to the utility company, Ameren. They have
5 gone with us each step of the way. We have capital
6 invested with them for fees and other sorts of
7 basically nonrefundable costs that are associated with
8 seeing if we can bring this on their grid. It's been
9 so far so good. The step we're at is here.

10 And if we can get the proper approvals, then
11 we'll go back to Ameren and get to the conditioning
12 amount that they're going to need in order to bring
13 this substance -- well, essentially be a substation
14 that will go on that property in the -- I believe
15 that's the southeast corner of the public property
16 where there's some -- some timber right now that --
17 that we'll clear out.

18 Again, I don't -- you know, we discussed
19 the -- the site, the decommissioning plan. I don't --
20 should we open it up to questions about the -- what
21 the public may have or are there any other pertinent
22 information that I'm leaving out specific --

23 MR. DRISCOLL: Yeah. I'll make a couple of
24 comments. Kind of addressing some of the questions

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1 that Mat had raised. And that while our -- our
2 material has a decommissioning plan draft in it, it's
3 not considered complete. But it's one of those things
4 that we expected to fine-tune before we came before
5 you folks again with a -- for the full building
6 permit.

7 We did go to try and address, again, guided
8 by the ordinance sections A, B, C, and D. There was
9 environmental kinds of things to make sure we -- we
10 covered that related to the wetlands and mining and
11 things like that.

12 And through this process, we learned quite a
13 bit about the Agriculture Impact Mitigation Agreement,
14 which is a step that's spelled out in your ordinance.
15 And it's -- it's got some added value, not only to us
16 as developers, but also to support what you guys have
17 got going with your zoning ordinance.

18 And while the material you might have, it
19 has this mitigation agreement in it, it might not have
20 the most recent page. Because yesterday, we received
21 from the state their stamped and signed version of
22 that document. And it's available electronic -- or
23 I'll be more than happy to -- to send that in addition
24 to some other components that we might have to get.

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1 But I wanted to specifically talk about the
2 decommissioning and the mitigation agreement. And
3 Brock talked about the -- the bond that might -- that
4 is needed. And there's a variety of ways looking at
5 that. But that's where, again, the mitigation
6 agreement spells out kind of how that's supposed to be
7 broken down that you folks appear to have adopted,
8 which is good. And certainly, we'll incorporate that
9 into the decommissioning plan.

10 We did have a proposed timeline that's in
11 the material, and there's some uncertainty with that,
12 as Brock had alluded to. Some of it has to do with --
13 and you all might have some experience with that --
14 but it has to do with Ameren and submitting
15 applications and getting into the Q of their work
16 schedules and things like that.

17 And so the timeline schedule that shows,
18 obviously starting now, trying to work through the
19 conditional use permit suggests that it might take
20 until all of the work that Tom would have to do with
21 construction. That would also involve site testing
22 and Ameren testing and then a final permit that you
23 folks would issue before we could begin to operate.

24 Our schedule looks like it's in November, or

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1 fourth quarter of 2025. If, in fact, things moved
2 along, just like with this process, there's a --
3 there's a few hurdles. So, how that works out,
4 whether we're still looking at fourth quarter of 2025,
5 it's -- it's a little unclear because we got to work
6 through this issue and the Ameren issue before we can
7 really fine-tune a good timeline work plan.

8 I'd say that's --

9 MR. PHILLIPS: That's a good background. I
10 feel comfortable opening up to questions from the
11 audience.

12 And as you -- if you'd all like to speak,
13 I'd like to swear you in at once. Save a little time.

14 [Citizens sworn in at this time.]

15 MR. PHILLIPS: When you rise to speak, I'll
16 ask your name at that time.

17 Who would like to go first? Yes, sir. Your
18 name, sir?

19 CITIZEN: George Fuller.

20 MR. PHILLIPS: Yes.

21 CITIZEN: I've got some, I guess, big
22 concerns. I've -- I've got property right across the
23 road, especially where the substation is going. I
24 have livestock.

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1 So, that's a big concern of mine is, what
2 kind of things are going to be generated with this
3 that could cause brain damage or brain issues or blood
4 issues or anything like that to my livestock?

5 MR. BUNN: Yeah, I mean, it's just a -- it's
6 a really -- it's really not even a substation.
7 It's -- it's like powering up a commercial --
8 good-sized commercial building. I mean, that's all it
9 is. Two green transformers you're going to see out
10 there.

11 They weigh about 15,000 pounds each. So,
12 they'll be sitting there. We'll trench underground,
13 and then I'm going to go up and tie into the utility
14 lines and the disconnect. That's all you're going to
15 see on my end.

16 It's -- it's not like -- this isn't a huge
17 project. This is a very -- to what's out there now,
18 this is something really tiny. This is only on about
19 35 acres. So, you aren't going to see these power
20 lines everywhere. These -- yeah, it's going to be all
21 concealed into the big, green transformers, so.

22 CITIZEN: You're talking about great big
23 green boxes sitting on the ground then.

24 MR. BUNN: Yeah, I mean, they're probably

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1 about as long as this table, and about -- probably
2 about two or three of these tables, I think. Probably
3 about three of these tables.

4 [The court reporter clarified.]

5 CITIZEN: I still don't see livestock
6 running near them.

7 MR. BUNN: It won't hurt -- I mean,
8 everything's underground and in a -- in a box. So,
9 nothing's -- yeah, nothing's going to be out there
10 to -- it's not going to look like a substation where
11 you got all these transformers and these -- you know,
12 I don't know how to say it, you know, the fenced-in
13 area with gravel and they got utility lines
14 everywhere.

15 It's not going to look anything like that.
16 This is something you're going to see next to a
17 commercial building.

18 MR. DRISCOLL: May I ask a quick
19 clarification? Are you on the south side of Route 9?

20 CITIZEN: Uh-huh.

21 MR. DRISCOLL: Okay. This will be on the
22 north side of Route 9. Okay. Just wanted to make
23 sure.

24 CITIZEN: Yeah, right where -- right where

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1 the substation is planned, that's going to be right in
2 the middle of my livestock pen on the south side of
3 the road. That's why -- that's why I was asking about
4 that. I mean, granted, there's going to be 40 feet in
5 between things, but --

6 MR. BUNN: It's going to look just like a
7 commercial building. There's nothing going to be
8 standing out too much but two big, green boxes, so.

9 CITIZEN: I'm just kind of curious why
10 you're -- why it would be in position there --

11 MR. BUNN: Because the transmission lines
12 come from the east, and they're bringing it our way.
13 So, that's the cheapest point of interconnection is
14 that corner.

15 CITIZEN: I would say right where the
16 entrance is to the field, the power lines are right
17 there too. That's why --

18 MR. BUNN: Not three phase. We have to --
19 Ameren will have to bring three phase line from the
20 east to us a quarter mile away, so.

21 MR. B. KEMPER: I think -- I think the three
22 phase turns and goes south toward Cuba at the
23 junction.

24 MR. PHILLIPS: Excuse me, sir. Your name,

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1 sir?

2 MR. B. KEMPER: Bill Kemper.

3 MR. PHILLIPS: Thank you. Proceed.

4 MR. B. KEMPER: But that's the reason. The
5 three phase -- three phase is necessary. The three
6 phase turns and goes south towards Cuba there.

7 MR. DRISCOLL: So, that was an influencer on
8 our location on the -- on the south east corner of
9 Josh's property. Because if you got to go 200 yards
10 or 600 yards, there's a significant cost
11 consideration. So, that's why we look at it on the
12 southeast corner of his property.

13 CITIZEN: Oh, Ameren put power on my
14 property. So, I -- I know how stuff can get a little
15 ridiculous.

16 MR. DRISCOLL: Well, I didn't say that.

17 CITIZEN: What -- what -- I mean, what --
18 what's going to be -- I understand that there's going
19 to be a tax benefit from his property by his value's
20 going up.

21 What's that going to do to mine? Because
22 now you got -- now there's, by definition, two other
23 people. There's unsightly solar panels and a
24 substation and all this other stuff.

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1 So, what's that going to do to the value of
2 my property?

3 MS. RUSSELL: I can answer that if you're
4 okay with that, Bill.

5 MR. PHILLIPS: Yes. I'd like to introduce
6 Julie Russell. She's the Fulton County Assessment
7 Officer and currently head of the operation for the
8 Zoning Board.

9 MS. RUSSELL: So, I'm going to actually
10 answer that in two parts. How they had touched on it
11 a little bit earlier, the 5-megawatt solar
12 installation, that they weren't exactly sure of the
13 immediate tax benefits to, like, the taxing districts
14 and Fulton County as a whole.

15 I did just somewhere, calculated really
16 quick. The equalized assessed value that it's going
17 to add the first year it's turned on to the taxed base
18 is \$427,000. With a 10 percent tax rate, that's
19 about --

20 [The court reporter clarified.]

21 MS. RUSSELL: With a 10 percent tax rate, it
22 would be \$42,730. The majority of that would go to
23 whatever school district this is located in. I'm
24 assuming probably Cuba.

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1 Okay. The second part of that, in terms of
2 utility scale or commercial solar farms, which this is
3 an extremely small commercial solar farm. We call
4 these usually more like a community solar, like, small
5 scale solar project.

6 There is no research to back up that utility
7 or commercial solar systems have any effect on
8 property value to the detriment. And there have been
9 millions of sales analyzed over the last four years.

10 The most recent information, I believe, came
11 out of the Berkeley University research laboratory,
12 stating that over a four-year period -- and there were
13 over a million properties surveyed -- the difference
14 in value prior to a commercial solar installation
15 being installed and the difference after was within a
16 margin of error.

17 The only thing that they did not account
18 for, which is a huge component in Illinois is, if
19 there were any local tax benefits to these states that
20 they surveyed. Illinois has huge local property tax
21 benefits for solar installations.

22 When they add a large amount of equalized
23 assessed value to the tax base, in theory, when the
24 tax base goes up, everybody else's tax rates should go

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1 down.

2 So, it should, in kind of a two-part phase,
3 God willing, lower your property taxes and not affect
4 your property value. So, and I -- if anybody who's
5 interested in any of those publications, if you meet
6 me after this, I can give you my business card and
7 email them to you.

8 MR. PHILLIPS: Very good. Thank you, Julie.

9 CITIZEN: Well, on the --

10 MR. PHILLIPS: Yes, sir. Your name?

11 CITIZEN: Brent Doerr. D-O-E-R-R.

12 MR. PHILLIPS: Very good. Go ahead.

13 CITIZEN: If -- if you say when you do the
14 study, right? Which a lot of these studies, yeah,
15 yeah, yeah, no, no, no. Some are right and some are
16 wrong.

17 But nobody's going to want to buy a property
18 like mine when they're looking at solar panels. My
19 value will go down.

20 MS. RUSSELL: That's subjective.

21 CITIZEN: No, it's not.

22 MS. RUSSELL: It's subjective. In my
23 opinion as an appraiser, it's subjective.

24 CITIZEN: If -- if somebody wants to buy the

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1 property and look at it. They want to -- get to go
2 fish and see the solar panels. That's not -- that's
3 not outside having fun.

4 You see what I'm saying? Yeah, you still
5 fish, but the site's not good.

6 CITIZEN: How close are these solar panels
7 going to be to that big lake?

8 My name is Andy Empey, E-M-P-E-Y.

9 MR. PHILLIPS: Thank you.

10 CITIZEN: How close are these solar panels
11 going to be, and the other equipment, how close to
12 that big lake are they going to be?

13 I own quite a bit of the big lake, and I
14 bought this for retirement, not to lose value, which
15 it will lose value with those things sitting up there.

16 But environmentally, it's proven they cause
17 issue. They recommend that no homes be built or be
18 within 1.2 miles of what you're putting up. And I'll
19 guarantee I'm within that limit. And that's going to
20 lower my value.

21 These people, they use the water out of the
22 lake for their drinking, for their use in the home and
23 everything.

24 We've had this property for years. We

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1 bought it. I bought mine 15 years ago. But now, I
2 got people coming in to make money, no concern about
3 me or my wife, it seems like. All I've heard talked
4 about is the money that's going to be made.

5 I don't care what you're going to make. And
6 I don't care what anybody thinks about me. I'm tired
7 of this coming in. It's nonsense, and it is
8 unhealthy. What it's going to do to the environment,
9 the animals.

10 There's some of us that like the animals --
11 like to see them. And it's not that I never hunted.
12 I fish that lake the same as Brent does. We enjoy it,
13 but it's harmful to the fish in the lakes. And I know
14 you're going to tell me it's not, but yet I just sit
15 and read yesterday and the day before yesterday about
16 the harm these places cause.

17 You can tell I'm a little upset because I
18 got a feeling this is going to happen anyway, and it
19 isn't right. It isn't right to take my retirement
20 from me that I worked for.

21 And the same with Wayne Chevski [phonetic]
22 here. This man put in -- I put in over three years
23 overseas for this country not to be shafted, but I'm
24 getting it. I'm a disabled vet that's going to get

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1 stuck. And I don't appreciate it. And I am angry
2 over it.

3 CITIZEN: I'd like to address any -- any
4 questions about cancer caused from these things
5 because --

6 MR. PHILLIPS: Excuse me.

7 CITIZEN: I'm Ann Empey.

8 MR. PHILLIPS: Okay. Thank you.

9 CITIZEN: Sorry.

10 MR. PHILLIPS: No, that's okay.

11 CITIZEN: There's two of us here sitting
12 here that are fighting cancer, one currently, one
13 recently. And I don't want to bring something that's
14 going to create more issues in that.

15 CITIZEN: And I'm Paula Chevski, my husband
16 Wayne. Our property line does not touch, but we live
17 on the lake. So, if you go halfway down the lake,
18 we're right across from Andy and Jan.

19 We have water from the lake. We bathe in
20 it. We cook with it. We drink it. I do my laundry
21 in it. The cost of us putting in a well is several
22 thousand dollars. This was put in before we ever
23 bought the home. Now, the water is very safe.

24 What will this do to the water?

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1 MR. J. KEMPER: Well, I think -- the panels
2 don't emit any sort of pollution or radiation of any
3 kind. They absorb electromagnetic radiation from the
4 sun. They don't emit any -- any gases or radiation.

5 There is -- there is no pollution. That's
6 one of the -- the attractive aspects to them. They --
7 they're very -- I think the word passive, they -- they
8 should have very little --

9 [The court reporter clarified.]

10 MR. J. KEMPER: Effect on wildlife. You
11 hear about with windmills, the birds. These move very
12 slowly. So, I don't think that they're going to
13 affect wildlife.

14 And actually, we're required to have a
15 six-foot fence around them. So, I don't think an
16 animal could get in there and hurt itself anyway.
17 Even if it wanted to.

18 CITIZEN: It's what is falling outside from
19 the existing things that you're putting in there.
20 That's where it's coming from.

21 I ask, how close -- how close -- the ground,
22 how close is all this equipment going to be to that
23 lake?

24 MR. DRISCOLL: Do you want to answer that?

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1 MR. BUNN: I'm guessing around 75. We
2 haven't -- probably around 75 to 100 feet away is what
3 I'm guessing it's going to be at.

4 MR. DRISCOLL: From that.

5 CITIZEN: So, runoff's going to go right in
6 the lake.

7 MR. J. KEMPER: There is no -- there is no
8 runoff. They're metal -- the pilings that support the
9 panels are metal pipes that go in the ground.

10 MR. BUNN: There shouldn't be runoff of
11 anything.

12 CITIZEN: Is there some kind of a barrier
13 that keeps the runoff from going -- because water
14 run -- will run off those panels --

15 MR. J. KEMPER: -- probably more runoff
16 right now -- if you want to be concerned, you ought to
17 be concerned with my bean field. Because I -- I buy
18 commercial herbicides and fertilizers just like every
19 other farmer around here.

20 If anything, this will improve soil health.
21 It's going to be no-till for 30-plus years, and there
22 will be no commercial fertilizers applied. So, it
23 should be an improvement to your water quality.

24 And as far as animals, I mean, I plan on

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1 grazing -- having sheep. And there had been several
2 projects where we have done that.

3 If I was concerned with the -- with the
4 effects on my animals, I wouldn't be planning to -- to
5 do that.

6 CITIZEN: You're going to put animals on --

7 MR. J. KEMPER: -- within the solar panels,
8 grazing --

9 [Cross talk.]

10 MR. PHILLIPS: One at a time.

11 COURT REPORTER: Yeah, I can only get one at
12 a time, guys.

13 MR. PHILLIPS: Transcribing this, and if you
14 wouldn't mind --

15 CITIZEN: We're just keeping her on her toes
16 over there.

17 MR. PHILLIPS: You sure are. She's very
18 good, so.

19 MR. BUNN: Yeah, so, I have several solar
20 farms out there with goats and sheep on it, and
21 they're just fine, so.

22 CITIZEN: But at the same time, I mean,
23 studies -- these would come out. How many years have
24 solar panels been going on now? Farms. I'm

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1 actually --

2 MR. BUNN: Probably 25 --

3 CITIZEN: 25 years --

4 MR. BUNN: -- about 15.

5 CITIZEN: Yeah, last 10 or so, it's gotten
6 more and more. So, we're still -- we're still
7 learning from it.

8 MR. BUNN: Yeah. Like he said, pesticides
9 are three times worse than glass. I mean, all it is,
10 is glass, so.

11 CITIZEN: But we're still learning from it.
12 We don't know everything yet. That's their point.

13 MR. PHILLIPS: And I think your comment
14 relates to one of their requirements that we haven't
15 seen yet, and that is a topographic study of the site.

16 Where are the contours? Which way the
17 water's going? Is this -- you know, heading right
18 toward the lake? Do we need to build a berm if it
19 goes?

20 Yeah. And by the way, this is not decided.
21 We've had things happen and turned projects down. So,
22 that's why we're having a hearing. We are looking
23 into this. So, we'll know more when we get the
24 topographic survey.

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1 Can you point us to any documentation on the
2 danger, or lack of danger, from runoff from a solar
3 field where a study has been made? I think if they
4 had some reading material -- not that they might
5 believe it -- but then again, if it's a reliable
6 source, that's all we can ask for.

7 MR. THOMPSON: I'd love to go out and say,
8 we'll do everything we can do to provide some reliable
9 information to back up the claims that we really feel
10 there would be a benefit to this.

11 MR. PHILLIPS: Very good. Thank you. Good.

12 CITIZEN: You know, once this is built and
13 you get put in, and there's issues that come from it
14 and are proven to come from it, what are you going to
15 do with it then? You got to keep them running for the
16 dollar. You don't care what they cost.

17 That's my opinion.

18 MR. PHILLIPS: Well --

19 CITIZEN: What are you going to do with all
20 that equipment if it does cause issue with the
21 property owners around it? What are you going to do
22 with it? Are you going to shut it down? Uh-uh. You
23 couldn't make me believe it.

24 MR. PHILLIPS: Okay. Are there other

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1 comments? We respect your opinion. They have
2 volunteered to research or do some research to get to
3 the bottom of this.

4 We've had quite a few hearings. We haven't
5 had a discussion on that. But, honestly, we haven't
6 had a lake nearby either. So, this is new territory
7 to be researched. So, we're going to do it. Very
8 good.

9 Other comments?

10 CITIZEN: What all -- because I know -- I'm
11 sure there's geese that go over on to that lake --

12 CITIZEN: Yes, sir.

13 CITIZEN: -- and I know the property right
14 to the west of me, they have at least three, and I'm
15 thinking they got five, geese blinds over there.

16 So, what's going to happen to the population
17 of geese? Are they going to go elsewhere? What's
18 that going to do to the --

19 [The court reporter clarified.]

20 CITIZEN: Income potential for the guy right
21 across the road that has the goose bits.

22 CITIZEN: They go much farther than that
23 too. Much farther.

24 MR. THOMPSON: I'll be honest, we have not

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1 researched the impacts to the recreational hunting,
2 those types of -- there are different migratory birds
3 and different endangered species, of course, that
4 we'll have to follow up with and present at those
5 times too.

6 CITIZEN: Will they -- I mean, will they
7 think that's water when they're flat, and when they
8 come in, try and think it's a lake and land in them?
9 [sic] Because the lake's right there. You know,
10 misguide.

11 MR. THOMPSON: I have not.

12 CITIZEN: I think from the sounds of the
13 transformers -- because those are going to make some
14 sound.

15 CITIZEN: They hum, yeah.

16 CITIZEN: They're -- with the sound of that,
17 the reflection off of that once they fly over top, I
18 think they're just going to go elsewhere --

19 CITIZEN: -- a lot of animals -- there's
20 going to be a lot of issues with animals in the area.

21 CITIZEN: Yeah, I mean, I've had ducks land
22 on my little pond, and I've had them out there. I've
23 ran my tractor around, and they just kind of walk
24 towards the pond. And once I got the tractor past

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1 them, they came right back up on and was pecking at
2 stuff.

3 I like having the geese and the ducks
4 walking around, and I actually have people come over
5 and want to hunt. And I was, like, no. I want this
6 for my space.

7 And, you know, no offense to you whatsoever.
8 I just don't want to see something happen that's going
9 to -- because I spent over \$10,000 trying to get this
10 pond set up for those type of things. And I don't
11 want to see my money go to waste.

12 MR. PHILLIPS: Were there other people who
13 would like to speak?

14 Yes, sir.

15 CITIZEN: Allen Essex.

16 MR. PHILLIPS: Very good. Thank you.

17 CITIZEN: I'm here just because I want to
18 learn a little more about this. I understand the
19 runoff from the panels is nothing.

20 But if a panel were to become damaged, what
21 do they contain inside? Can you give me just a
22 brief -- what do they contain? Is there anything that
23 can leak --

24 MR. THOMPSON: Mainly glass, the panel

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1 themselves.

2 MR. BUNN: I'll have to look into that if
3 they're actually --

4 CITIZEN: I thought just brief --

5 MR. J. KEMPER: There's no liquids or
6 anything like that.

7 CITIZEN: -- that type of thing.

8 But the panel is -- is all solid? There's
9 no liquid content in the panel?

10 MR. BUNN: No.

11 MR. THOMPSON: If there's a damaged panel,
12 we know immediately. They have optimizers on -- on
13 this tracking system. Tom will be able to tell
14 exactly what panel is damaged. There's continuous
15 monitoring systems on this.

16 MR. BUNN: We do infrared images with
17 drones, and we can pinpoint any broken, damaged --
18 drones, and we fly those quite often.

19 MR. THOMPSON: They're constantly monitoring
20 it. Production panels will also indicate if there's
21 an issue.

22 CITIZEN: But there's nothing in there that
23 can escape? Like, a -- like, a insulated window has
24 gas in it or anything like that. Nothing can escape?

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1 MR. THOMPSON: Not to our knowledge, the
2 material that we put together with our suppliers.

3 CITIZEN: I'm just thinking a damaged panel
4 in a rainstorm, what could happen. Thank you.

5 MR. PHILLIPS: Upon disposal, are these
6 classified as hazardous materials? Are the solar
7 panel interiors classified as hazardous?

8 MR. BUNN: I don't -- I don't believe -- I
9 don't think --

10 CITIZEN: -- do with them when you dispose
11 of them? You get one, where you take it? You just
12 throw it in the dumpster and just throw it away?

13 MR. BUNN: No, we -- I'll have to ask on
14 that one.

15 CITIZEN: I'm pretty sure they got to either
16 be recycled or there's something that's got to be
17 done --

18 MR. ACKERMAN: Well, that's going to be part
19 of your decommission programs.

20 MR. THOMPSON: We will be required to follow
21 that plan. And we intend to fully follow the
22 decommissioning as provided.

23 CITIZEN: Where do your panels come from? I
24 noticed the -- the door [phonetic] renewables, that

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1 they order them from Malaysia.

2 Are they all foreign made? Or are there any
3 made here?

4 MR. THOMPSON: Majority of components on
5 this system will be American made. They will be
6 100 percent American made steel --

7 CITIZEN: Panels and everything?

8 MR. THOMPSON: There are components to the
9 panels that are not American made, but they're
10 constantly trying to transition away from that. By
11 2026, all -- all panels and everything have to be
12 American made. So, we're currently in that process.

13 CITIZEN: Is there a certain standard
14 they -- certain standard they have to meet to be able
15 to -- before they come in here?

16 MR. THOMPSON: Absolutely. I mean, there's
17 a few large players on these big -- bigger
18 developments. But we have a project --

19 [The court reporter clarified.]

20 MR. THOMPSON: The estimate for the
21 manufacturer -- or for the supplier for the panels is
22 Trina, is the company, is who we're dealing with.
23 But, again, we're not -- that's just kind of a
24 starting place. It could change as -- as we go

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1 through this process.

2 MR. PHILLIPS: Very good. Okay.

3 Yes, sir?

4 MR. B. KEMPER: Yeah, I think it should be
5 known that -- what I believe anyway -- that the lake
6 they're speaking of, Josh's property line is in the
7 center of that lake.

8 MR. J. KEMPER: I also own access to the
9 lake. So, I am --

10 CITIZEN: -- long --

11 [Cross talk. The court reporter interrupted.]

12 MR. J. KEMPER: I was going to say, I'm
13 concerned with water quality. I've lived on a strip
14 mine farm my whole life, and it's -- like I said,
15 that's one of the things that attracted me to solar
16 panels, is -- is I am concerned about the environment.

17 And there -- there are no emissions from
18 these. They absorb sunlight. Like I say, they are
19 new technology. So, I understand that there are
20 concerns with that. But they're -- they're -- we --
21 we're not aware of any evidence that these -- these
22 are going to pollute -- I worked in a powerhouse. And
23 I don't want to go down -- but that -- they're very --
24 they -- they pollute large amounts, the outside, you

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1 know, heavy metal. These -- these do not.

2 MR. PHILLIPS: Okay. And we do appreciate
3 you piping up.

4 And when everybody talks at once, it's just
5 hard for her to keep up. So, thank you.

6 More questions? Yes, sir.

7 CITIZEN: One thing you have to realize, any
8 time that you avoid Mother Nature, it's not a good
9 situation. In regards to these, and I'm surprised you
10 don't know about it, there are fields full of this
11 stuff that came from when they -- when they did all
12 this work.

13 So, here sits these turbines and everything,
14 and they can't do anything with them because there's
15 too many chemicals in them. So, you see? You got
16 to -- you got to look a little bit farther on down the
17 aisle on what you're thinking.

18 And I don't mean that as to be correcting
19 you or anything like that. I'm just bringing you
20 aware so that you got something to talk about too, you
21 know. I appreciate that.

22 MR. THOMPSON: We appreciate it as well.

23 CITIZEN: Thank you.

24 MR. PHILLIPS: Yes, sir.

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1 CITIZEN: This is to produce electricity;
2 correct?

3 MR. THOMPSON: Correct.

4 CITIZEN: What happens to all the
5 electricity? Where's it go?

6 MR. J. KEMPER: The electricity will be sold
7 to Ameren.

8 CITIZEN: Be sold to Ameren.

9 MR. J. KEMPER: Per the grid. And once it's
10 on the grid, it doesn't really choose where it goes.
11 So, it's just -- once it leaves, it's on -- it's in
12 the power lines.

13 CITIZEN: So, basically, it's sold to Ameren
14 by you, and you're the one that benefits from that
15 selling.

16 MR. J. KEMPER: Yeah, there's no outside
17 investor here. This is my property. They will be my
18 panels --

19 CITIZEN: Right.

20 MR. B. KEMPER: Yeah, I kind of wanted to
21 comment on that also is, is the money that you pay
22 Ameren for your bill, you're really buying electricity
23 off of Josh. That money stays here, plus the tax
24 base. That money stays right here in the county.

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1 He's had several people want to come in and
2 develop that particular piece of ground because it's
3 located right. Well, they're from out of state.
4 Arizona, California, wherever. They want to come in
5 and put the same system he's wanting to put in. But
6 the money, it wouldn't stay here. The money goes out.

7 So, I think those are two benefits that I --
8 tax base and -- and the money staying in our area.

9 MR. PHILLIPS: Any further questions?

10 CITIZEN: It talked in here about two
11 species of bats? Do we have those species here?

12 Because we have quite a few bats on our land
13 and in our barn which we would like to keep. Because
14 they take care of the mosquitoes and stuff. I don't
15 know if they're on the dangerous species list or
16 whatever.

17 But if they are, is this something that
18 might affect them?

19 MR. DRISCOLL: We did do that part of the
20 analysis. That's in the package. That does address
21 that.

22 CITIZEN: I found here it's under the Fish
23 and Wildlife page.

24 MR. DRISCOLL: And this -- this addresses

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1 that there's nothing that needs to be done for those
2 two species that were specifically called out in
3 there.

4 And then another document -- let's see.
5 There's a document called E Cat in here.

6 CITIZEN: Called what? I'm sorry.

7 MR. THOMPSON: EcoCat.

8 MR. DRISCOLL: And this one -- this one did
9 the analysis and said that there's no record of state-
10 listed, threatened or endangered species in this -- on
11 this property or in the area. EcoCat.

12 MR. PHILLIPS: Anymore comments, questions
13 from people in the audience?

14 Okay. I think we'll move ahead and close
15 testimony. So, we appreciate all your comments.

16 We'll now turn to the Zoning Board of
17 Appeals members and see what comments, questions they
18 have before we decide how to proceed.

19 Go ahead, Cathy.

20 MS. EATHINGTON: Okay. What is this lake
21 called that you guys are talking about?

22 CITIZEN: There's not a name on it. Just
23 six of us own around the whole place. It's a strip
24 mine lake.

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1 MS. EATHINGTON: So, it's just strictly a
2 strip mine lake.

3 CITIZEN: Yeah, that six of us own.

4 MS. EATHINGTON: But you do have some homes
5 around --

6 CITIZEN: -- one, two, three.

7 MS. EATHINGTON: Okay. Okay.

8 CITIZEN: And you're more than welcome to
9 come and look at the lake, if you'd like. We'd be
10 more than happy to show it to you --

11 MS. EATHINGTON: -- I was trying to
12 visualize what everything was --

13 CITIZEN: Help you visualize it a little --

14 MS. EATHINGTON: -- none of these guys could
15 tell me the lake. I will -- you brought up the bats.

16 CITIZEN: Yeah.

17 MS. EATHINGTON: Okay. This is a little off
18 the subject a little bit, but I know where they want
19 to put that CO2 pipeline, and I have this bat also.

20 Now, I couldn't fix my levee because that
21 might disturb the bats. But they can run the pipeline
22 through there and cut right into my levee. So, I
23 don't think the bats are going to stop it.

24 CITIZEN: Won't stop it. Nor will the

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1 eagle, because we do have some eagles in the area.
2 And, you know, we have the geese. We have swans. We
3 have cranes. We have -- what are the ones with the
4 big, long bill?

5 MS. EATHINGTON: Pelicans.

6 CITIZEN: Pelicans. You know, the
7 hummingbirds. We're just starting to get the monarchs
8 back by what the -- the wild flowers that we're --

9 CITIZEN: They love it here.

10 CITIZEN: You know, and we would just hate
11 to see any of that be destroyed. Because we -- we
12 look out that window every morning having coffee and
13 seeing beautiful nature. We just hate for any of it
14 to be destroyed.

15 So, you know, if you could look and make
16 sure that none of this is going to be affected, it
17 would be wonderful. Plus --

18 MR. PHILLIPS: Thank you.

19 CITIZEN: -- doesn't affect the water
20 because we use the water.

21 MR. PHILLIPS: Right. No. We -- we have
22 that as testimony. That's right.

23 Bob.

24 MR. ACKERMAN: The permit, which isn't --

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1 which is the next step of this, will require a set of
2 design drawings stamped by the state of Illinois.

3 What I'm -- what's not getting across to the
4 folks is, this is not black magic. This is being done
5 every day. This is -- this is new technology.

6 It's -- it's not experimental anymore. You see it go
7 on every house, every public building.

8 I don't know that I'm necessarily in favor
9 of it, but you see it happening. It is another way to
10 develop energy. And so many of our energy management
11 programs have been curtailed because of climate
12 change, things like that. So, we got to continue to
13 figure out how to produce energy.

14 So, what I'm saying is, you guys aren't
15 doing enough justice. There are so many restrictions
16 on this. Everything you're talking about has to be
17 applied to, developed, and then -- then reviewed by
18 the state of Illinois before they'll -- the state of
19 Illinois engineer will have to stamp these plans. And
20 he has those same questions. Are all these ducks in a
21 row?

22 So, it's not like they're going to go out
23 there and just start staking solar panels down. It's
24 a very specific science. As far as the solar panel

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1 construction, very little -- there is silver in
2 that -- inside that. I've never heard of a problem.

3 I have a little bit of background in solar
4 installations and inspections because I was a building
5 inspector for the City of Canton for seven years, and
6 it just took off for the solar panels.

7 Again, I have very -- I have concerns about
8 their longevity, their productive longevity. But that
9 will be up to Mr. Kemper when he finds that he has
10 damaged panels or anything like that. It would be to
11 his detriment not to get it fixed because he's the one
12 that needs to generate the most amount of power. The
13 paperwork, his end of what it's going to cost to do
14 this.

15 So, I would just -- in my mind -- you have
16 good -- you have great questions, very valid, but it's
17 been gone through. Really, we've done this quite a
18 few times. We haven't been right on the lake, so
19 that's a little different. And Bill's right about
20 that.

21 But Duck Creek is going to happen. This --
22 this doesn't even come close. This is a postage stamp
23 compared to what that solar's going to be. It's going
24 to affect all of.

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1 That's all I really have to say. These
2 guys, they only have so much that they have input
3 into, and they're answering our questions and things
4 like that. But when it comes down to the state and
5 getting a set of plans developed that the state
6 will -- will approve and live by, they still have some
7 hoops to jump through.

8 MR. PHILLIPS: And we also have the
9 conditions where -- I don't think we really explained
10 early on -- this will have a six-foot high fence
11 around it. I don't think we've explained that we may
12 need to get a glare study.

13 Is the glare from the reflection on these
14 panels going to be a problem for everybody? We
15 haven't heard a report on that yet.

16 We also have vegetation that's going to be
17 taken into consideration as pollinators or as grazing.
18 It's beneficial. We don't know what it is. We'll --
19 we'll get to the bottom of that also.

20 And lastly, we have screening. If, in fact,
21 there's screening or objections for houses within a
22 certain distance, I thought it was 250 feet, but if
23 there are, then they're obligated to put up screening
24 to not ruin your view. If -- we don't know where that

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1 is, what that is yet. They have not completed that
2 portion.

3 So, there's a lot of factors that go into
4 this that, as Bob said, are very technical and
5 these -- these engineers, they have to find the soil
6 characteristics.

7 Can they poke these steel rods down -- or
8 posts down? How far are they going to hold? It's --
9 there's just a little more science here that we don't
10 know enough about to make some good comments.

11 The comments raised tonight, I thought, were
12 very good about some additional ideas that we need to
13 check into. And we will ask them to do that, and
14 they've already agreed to do that. So, I think we're
15 having a real good discussion tonight, and see what
16 else the engineering shows.

17 Anybody else on the board? Mat, you got
18 some good comments.

19 MR. FLETCHER: Yeah, I guess I don't
20 understand if now's the time to get into those or if
21 we think we're going to have a continuation where more
22 information can be provided?

23 MR. PHILLIPS: I believe that -- my
24 recommendation to the board is going to be that we

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1 have a continuation, and if we could have that
2 continuation maybe the second week of September.

3 The county's a little disadvantaged right
4 now, frankly, that -- we'd love to have it at the end
5 of August, but we're having a new zoning administrator
6 take office September 1st or 2nd, whatever date that
7 might be.

8 That person really needs to get their feet
9 on the ground for at least a few days and get into
10 this matter. We don't have any staff right now. The
11 person that was here, her last day is this Friday.

12 And Julie is the supervisor of the person
13 that will be replacing her current zoning officer, and
14 they need to work together to get this so we have the
15 most efficient result we can.

16 So, I know you're on a deadline. I don't
17 know how serious the deadline is for you. I don't
18 know if you got a MISO application in, if that's being
19 considered right now?

20 MR. THOMPSON: Yes.

21 MR. PHILLIPS: Do you have a timeline on
22 when that might be?

23 MR. DRISCOLL: We're at the mercy of Ameren.

24 MR. PHILLIPS: Of Ameren.

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1 MR. DRISCOLL: I think we might hear
2 something from them in a couple weeks and then we
3 would know.

4 MR. PHILLIPS: Do they act on these smaller
5 ones more quickly?

6 MR. THOMPSON: This would actually be -- it
7 just kind of depends on what -- if you're talking the
8 Illinois Shines program or if you're talking the USDA.
9 There's a lot of different... So, Ameren, I don't
10 believe -- I mean, it's tough to say, I guess, at this
11 point.

12 MR. DRISCOLL: Anything this size will have
13 to fall into a cue with Ameren. We don't know. It's
14 territory related, kind of.

15 MR. THOMPSON: The other -- the other
16 deadlines, Bill, it's -- it's all more dependent upon
17 financing, and those are hurdles we can get over.

18 MR. PHILLIPS: Okay. Well, we're certainly
19 not trying to slow you down, but we're just caught in
20 a very -- this hasn't happened to the county for 15
21 years.

22 Right? Something like that.

23 MR. ACKERMAN: Bill, you're the only one old
24 enough to know that.

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1 MR. PHILLIPS: Thank you, Bob.

2 Yes.

3 MS. CLARK: Bill, I really think we need to
4 continue this to be fair for both sides.

5 MR. PHILLIPS: I do too.

6 MS. CLARK: You know, we got to be fair on
7 both sides. We got to look at this equally.

8 MR. PHILLIPS: What I think I'd like to
9 propose is that we, as a group, make a motion to
10 continue this to a date in early September. We don't
11 know the date in our motion yet tonight, but we'll
12 have to readvertise for the hearing.

13 And we'll want to -- I think we'll want to
14 hold it here. So, that will be an additional small
15 expense to rent this room again. But this is -- we
16 just don't have the office space as a county to -- for
17 a meeting room. And what meeting room we do have,
18 they want a security guard and it costs a lot more
19 than meeting here. So, I don't know.

20 But could I have a motion for a continuance?

21 MS. CLARK: I'll make that motion.

22 MR. FLETCHER: I'll second.

23 MR. PHILLIPS: So, we'll have a continuance
24 of the hearing. We'll ask that you have your

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1 information to us. I believe we'd like to have it 10
2 days to two weeks ahead. Let's say the last day of
3 August.

4 Would that work for you guys?

5 MR. THOMPSON: Yep.

6 MR. PHILLIPS: Okay. So, this new
7 information or complete information, as it exists,
8 would be available electronically on the last day of
9 August, and we'll need 12 copies.

10 MS. RUSSELL: The additional fee will come
11 out of the conditional use permit fee that you have
12 already deposited.

13 MR. PHILLIPS: So, there --

14 MR. FLETCHER: -- other just general comment
15 from me, and I've said this in some of our other
16 hearings.

17 MR. PHILLIPS: Yes.

18 MR. FLETCHER: The biggest concern for any
19 of these facilities to me is, what's going to happen
20 at the end of life? And so, I ask every developer
21 that comes in here, are you going to be here in 30
22 years to take it down?

23 And that's why our policy has a bond in
24 there to put funds in a bank that can't be touched so

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1 that if the developer skips town, if -- in our
2 situation, this is a lot better. We have a local
3 property owner. It's his property. Much better
4 chance that he'll still be around. But life happens;
5 right?

6 So, my request of this group, you have an
7 initial estimate of a decommissioning plan and cost.
8 I think it's woefully short, frankly. And I would
9 encourage you to do what's right and really do a --
10 include the cost of what it's going to take to really
11 take it down.

12 I understand that's dollars. If you can
13 handle it with a different way, great. But my request
14 is, you know, be fair to your neighbors and make sure
15 that the county is covered in 30 years if -- if
16 something were to happen and this becomes an eyesore
17 that nobody uses. That's my request.

18 MR. PHILLIPS: And wasn't part of your
19 request also that that -- that estimate be made by a
20 certified civil engineering?

21 MR. FLETCHER: I think the policy requires
22 that. The state agreement requires it.

23 MR. THOMPSON: The decommissioning estimate?

24 MR. FLETCHER: Right. And granted, you

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1 know, it's going to cost you -- and I think the -- the
2 state requirement to -- wants you to tell us what it
3 costs to build. And that will give us an indication,
4 okay, what does it cost to tear down; right?

5 The building and tearing down, yeah, you'll
6 save a little bit, but it's not 10 percent. So, I --
7 I just want to get that out. Make sure everybody's
8 clear. And we've had too many estimates come in
9 lowball. I get it, but I don't think it's fair to the
10 community.

11 MR. PHILLIPS: Very good. So, we'll have a
12 deadline of the end of August, last day of August, and
13 I have a motion and a second.

14 The -- I guess the only thing I want to make
15 sure is that we get our copies. Julie was so kind to
16 put these together, we're just running -- poor guys,
17 you're running real tight. We get it. But we'd like
18 to have the 10 days next time.

19 MR. THOMPSON: We will.

20 MR. PHILLIPS: But also -- and then we'll
21 have some way to issue electronically, if you folks
22 can use electronic. I don't know how many people use
23 emails that we could send you to or a link to a
24 website that we could download their documents. But

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1 this is all the part of the public hearing process.
2 You have the right to see that information.

3 MS. RUSSELL: We should be able to post a
4 link to the PDF when we post the agenda for the public
5 hearing.

6 MR. PHILLIPS: Okay. So, you have a couple
7 weeks before the hearing to click that link, and Julie
8 will take care of that. If you have some specific
9 email addresses you'd like, please write them on a
10 card and drop them off here to Julie.

11 Okay. We have a motion. We have a second.
12 Any further discussion?

13 MR. DRISCOLL: May I ask a question or is
14 this inappropriate?

15 MR. PHILLIPS: I'll allow a question.

16 MR. DRISCOLL: Is there a way to delineate
17 what in the ordinance that is your expectation so I
18 don't have a misstep again? I mean --

19 MR. PHILLIPS: Yes, we could -- we could
20 approach it two ways. One, we do have examples on
21 electronically submitted, and it's all public
22 knowledge.

23 We could ask you to make a FOIA, but I don't
24 think that's -- just go ahead and get us your -- I

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1 think we got your contact information.

2 MR. DRISCOLL: That will be helpful.

3 MR. PHILLIPS: We'll send you a link.

4 MS. RUSSELL: And maybe even email me and
5 remind me, because I'm running two apartments right
6 now.

7 MR. THOMPSON: We will for sure follow up
8 with you.

9 MR. PHILLIPS: Okay. Good clarification.

10 Motion made, second. Call for question.

11 Roll call vote.

12 MS. RUSSELL: Bob Ackerman.

13 MR. ACKERMAN: Yes.

14 MS. RUSSELL: Sally Clark.

15 MS. CLARK: Yes.

16 MS. RUSSELL: Cathy Eathington.

17 MS. EATHINGTON: Yes.

18 MS. RUSSELL: Mat Fletcher.

19 MR. FLETCHER: Yes.

20 MS. RUSSELL: Bill Phillips.

21 MR. PHILLIPS: Yes.

22 MS. RUSSELL: David Roberson.

23 MR. ROBERSON: Yes.

24 MS. RUSSELL: Motion carries.

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1 MR. PHILLIPS: Very good. That concludes
2 the first part of our hearing tonight. We have one
3 more hearing to go. It's an ordinance issue we need
4 to discuss.

5 You're all welcome to stay for it, but
6 you're welcome to go also.

7 TRANSCRIPTION ENDED AT 6:17 P.M.

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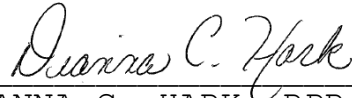
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REPORTER CERTIFICATE

I, Dianna C. Hark, RPR, MO-CCR, IL-CSR, do hereby certify that the previous pages were the proceedings that came before me at Fulton County Farm Bureau Building, 15411 N IL-100, Suite 1, Lewistown, IL 61542.

I further certify that I am neither attorney nor counsel for nor related nor employed by any of the parties to the action in which this examination is taken; further, that I am not a relative or employee of any attorney or counsel employed by the parties hereto or financially interested in this action.

Dated this 12th day of August, 2024.



DIANNA C. HARK, RPR, MO-CCR, IL-CSR

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