

STATE OF ILLINOIS    )  
                              )  
COUNTY OF BUREAU    )

In the Matter of the Petition  
                              of

Providence Heights Wind, LLC

Indiantown Township and Milo Township  
Bureau County, Illinois

Testimony of Witnesses  
Produced, Sworn and  
Examined on this 17th day  
of October, A.D., 2024,  
before the Bureau County  
Zoning Board of Appeals

Present:

Mike Stutzke  
Shirley Ann Smith  
Bill Jensen  
Troy Quest  
Barry Welbers, Chairman

Kristine Donarski, Zoning Administrator

Judge Timothy Slavin, Facilitator

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1 MR. WELBERS: Okay. We have completed our  
2 regular cases for tonight, and now we are going  
3 to begin a public hearing for Providence  
4 Heights, LLC's, application for Conditional Use  
5 Permits to retrofit its existing WECS  
6 development in Bureau County.

7 As contemplated by the Bureau County  
8 Ordinance and our own Rules of Procedure, I will  
9 now entertain a motion to appoint Judge --  
10 retired Judge Tim Slavin as our facilitator for  
11 the duration of this hearing.

12 Is there a motion to do that?

13 MR. QUEST: I --

14 MR. STUTZKE: So moved.

15 MR. WELBERS: Michael moves and Troy  
16 seconds. And everyone is in favor?

17 (All those simultaneously  
18 responded in the affirmative.)

19 MR. WELBERS: And no one is opposed?

20 (No verbal response.)

21 MR. WELBERS: And welcome back, Judge  
22 Slavin, and now it's your hearing.

23 JUDGE SLAVIN: Well, thank you,  
24 Mr. Chairman. It's good to be back, see old

1 friends.

2 Good evening, everyone. I hope you're all  
3 well and enjoying this fine, fine 2024 autumn  
4 season.

5 My name is indeed, as Chairman Welbers  
6 said, Tim Slavin, and I am a retired circuit  
7 judge engaged as an independent contractor to  
8 what is called facilitate this hearing. I have  
9 no adjudicatory responsibilities. I am not for  
10 or against any particular position. I am a  
11 neutral. I am here hopefully, however, to add  
12 some organization and efficiency and flow to  
13 these proceedings.

14 This is Providence Heights Wind, LLC's,  
15 applications for Conditional Use Permits and  
16 zoning Variances to retrofit part of a wind  
17 energy conversion system here in Bureau County.

18 As shown by certificates of publication,  
19 notice of this hearing was published in the  
20 Bureau County Republican on September 28th,  
21 2024, and evidence of notices to adjoining  
22 property owners has been provided.

23 Most importantly of all, please, please  
24 know that all who so desire will absolutely be

1 given an opportunity to be heard during these  
2 proceedings. But, for everyone's benefit, I  
3 want to do it as orderly and as efficiently as  
4 possible.

5 There are many possible reasons for  
6 anyone's appearance here:

7 You could be a member of the public as a  
8 citizen and spectator. If so, welcome. We're  
9 glad you're here;

10 You could be part of the Applicant's  
11 contingent;

12 You could be an Interested Party. In this  
13 context, an Interested Party does not  
14 necessarily mean someone who is for or --  
15 particularly for or against the requested  
16 Special Uses, but someone who wants to be heard.  
17 If you do want to be heard, you will initially  
18 fall into any one or more of three categories:  
19 You own a property, reside, work or operate a  
20 business located within the footprint of the  
21 existing Providence Heights WECS development; or  
22 you own property, reside, work or operate a  
23 business within Bureau County itself; or you are  
24 otherwise interested in these proceedings.

1           Within those categories you have the  
2           opportunity to participate. Participation can  
3           take the form of any one or more activities:

4           One, you want to give testimony. This  
5           means that you desire, under oath, to testify to  
6           facts relevant to the Board's eventual decision.  
7           Such is not the time to describe your feelings  
8           or announce your opinion, but to aver facts, and  
9           you are subject to cross-examination. Everyone  
10          so wishing to testify will be given one  
11          opportunity to do so;

12          Or, Two, you want to be able to cross-  
13          examine witnesses. But, please, that is just  
14          the time to ask questions of a particular  
15          witness, not to argue with him or her. Everyone  
16          so wishing to cross-examine any witness will be  
17          given one opportunity to cross-examine each and  
18          every witness;

19          Or, Three, you want to make a closing  
20          statement or, as some might refer to it, a  
21          public comment. That is the opportunity to tell  
22          the Board how you feel or give them your opinion  
23          based on the facts adduced during the whole  
24          hearing process as to what their decision should

1 be. Everyone so wishing to give a closing  
2 statement will be given one opportunity to do  
3 so.

4 Again, and I'm repeating, I know, everyone  
5 will absolutely have a chance to be heard.  
6 However, I'm going to make an attempt to do so  
7 in an orderly, efficient, organized and fair  
8 fashion.

9 I do want to note that if your opportunity  
10 to participate in one of those activities comes  
11 up in a particular session that, for whatever  
12 reason, you're not able to be present, there  
13 will not be an opportunity to retrace our steps.  
14 We simply can't go backwards to a previous stage  
15 and thus delay the progress of the events.

16 Written communications sent in advance of  
17 this hearing or any written material intended as  
18 something for the Board to consider is subject  
19 to Board Rule Article 5, Section 12, that eight  
20 copies be provided. Any communications received  
21 that did not comply with this requirement may  
22 not be considered by the Board.

23 I will now review the chronological  
24 progress of the hearing.

1           The burden of going forward rests with the  
2 Applicant. So its attorney may make opening  
3 remarks. Then the Applicant presents evidence,  
4 one witness or one document at a time. I will  
5 place each witness under oath or affirmation.  
6 After each witness, Ms. Donarski, the ZBA, and  
7 then Interested Parties, by category, have the  
8 opportunity to cross-examine that witness. And,  
9 please, again, I emphasize, that is the time  
10 only for questions directed to the witness  
11 testifying under oath.

12           Following that, Interested Parties present  
13 evidence, one witness or document at a time. I  
14 will place each witness under oath or  
15 affirmation. After each Interested Party  
16 witness, Ms. Donarski, the ZBA, the Applicant  
17 and then other Interested Parties have the  
18 opportunity to cross-examine.

19           Rebuttal witnesses or documents may be  
20 presented by the Applicant, one at a time, and  
21 cross-examination again by Ms. Donarski, the ZBA  
22 and Interested Parties.

23           Finally, surrebuttal witnesses or any  
24 documents presented by any Interested Parties



1 can occur, one at a time, and for the last time  
2 around the horn we go.

3 Finally, the Applicant first and then  
4 Interested Parties are given the opportunity for  
5 closing remarks or public comment.

6 Some sub-rules. As you may have heard,  
7 each session has a time limit under the Zoning  
8 Board's Rules of two and a half hours. However,  
9 we certainly don't want to cut off anybody right  
10 in the middle of something. So I will certainly  
11 make a reasonable effort to let someone finish a  
12 particular stage when the time limit has been  
13 reached; or if there is very little time  
14 remaining at the end of a stage, I may simply  
15 continue the session rather than starting on  
16 another stage.

17 I also have the discretion to call for  
18 short recesses.

19 Under the Zoning Board Rules, I have the  
20 duty to rule on the admissibility of evidence.  
21 While the strict judicial Rules of Evidence do  
22 not apply, I will exercise some equitable  
23 control of what is being presented, with or  
24 without an objection.

1           We do have a court reporter here  
2 throughout the proceedings taking down what is  
3 said. I ask all to please be mindful of her  
4 job. She cannot take down two people talking at  
5 once. She can't take down nodding heads or  
6 gestures. And while I know from experience how  
7 very skilled she is, there is a limit to how  
8 fast a person can talk, including me, and expect  
9 her to keep up.

10           I do please ask for civility and decorum.  
11 This is certainly a public forum, but please be  
12 respectful of all who consider it important  
13 enough to be here. I ask to refrain from  
14 displays of approval or disapproval. And, as  
15 now with all public gatherings these days, I ask  
16 you to turn your cell phone off or at least to  
17 silent.

18           All right. Enough of me. Messrs. Massie,  
19 would one of you like to give opening remarks?

20           MR. C. MASSIE: I'm not sworn in for the  
21 opening remarks, am I?

22           JUDGE SLAVIN: No.

23           MR. C. MASSIE: Okay. Good evening,  
24 Chairman Welbers, the members of the Bureau

1 County Zoning Board of Appeals. My name is  
2 Chris Massie, and I represent Avangrid, a  
3 renewables company that's been in this community  
4 since 2008.

5 We are here tonight to present Avangrid's  
6 plans to retrofit their existing Providence  
7 Heights wind farm, a wind farm that has been --  
8 or a wind farm that Avangrid was the original  
9 builder of and the current operator and owner  
10 of.

11 We would like to extend our gratitude to  
12 the Zoning Administrator, Kris Donarski, and the  
13 Honorable Retired Judge Tim Slavin for providing  
14 information outlining the requirements and  
15 procedures in Bureau County.

16 Our goal is to ensure that this hearing is  
17 both thorough and efficient, with the ultimate  
18 objective of receiving your positive  
19 recommendation on the Providence Heights  
20 Conditional Use Permit.

21 To ensure efficiency and thoroughness,  
22 Avangrid will structure its presentation to the  
23 findings and facts and recommendations used for  
24 past Conditional Use Permit hearings in Bureau

1 County.

2 Tonight Derek Bus, the lead developer,  
3 will provide an overview of the entire project,  
4 with an opportunity after that presentation for  
5 you all to ask questions of him and the other  
6 members of the Avangrid team. If there are any  
7 questions that require input from our subject  
8 matter experts, they will be available in  
9 subsequent hearings beginning next Monday.

10 The written Conditional Use Permit  
11 application is the primary record. You all have  
12 notebooks of the written application, and  
13 additional notebooks are available in the back  
14 for the members of the public to review.

15 There are also a few supplements to the  
16 application, and those materials have been  
17 handed out today and are in the back as well.  
18 We encourage you to review them all and ask any  
19 questions.

20 The Providence Heights wind farm has been  
21 operating in Bureau County since 2008. This  
22 request is for a retrofit that will upgrade the  
23 existing 2-megawatt turbines to Vestas V110,  
24 2.2-megawatt models, a model that has been

1 previously recommended for approval by this  
2 Board on another wind project.

3 There will be no changes to the existing  
4 turbine locations and no turbines will be  
5 decommissioned. This retrofit will allow  
6 Avangrid to improve its turbine efficiency,  
7 while maintaining the exact, same footprint and  
8 land use of the current project. Avangrid will  
9 also clean the towers as a part of the retrofit  
10 process.

11 The information presented by Avangrid  
12 today and during the upcoming hearings will  
13 demonstrate that Providence Heights' retrofit  
14 merits a positive recommendation from this  
15 Board.

16 We thank you for your time and look  
17 forward to providing you information and  
18 answering your questions.

19 I would now like to introduce you to Derek  
20 Bus, the lead developer on the Providence  
21 Heights retrofit.

22 Derek.

23 JUDGE SLAVIN: Derek, if you'll sit down  
24 for just a minute. I forgot to do one thing.

1           Board, I forgot to go over the schedule to  
2           make sure we're all on the same page. Let me  
3           find my scheduling materials. Between  
4           Ms. Donarski and I, we sketched out some  
5           possible future dates. And, of course, we don't  
6           know how long things will take, but I would like  
7           to go out at least four of them.

8           If you need to check your pocket diary,  
9           please do so. I'll go down the list.

10                           (A discussion was held off  
11                           the record, where dates were  
12                           discussed.)

13           JUDGE SLAVIN: Sorry to interrupt. You  
14           may go ahead.

15           MS. SMITH: What time?

16           JUDGE SLAVIN: I will do that at the end,  
17           but just so everybody knows, so I say it twice,  
18           everybody agrees on 6 o'clock; is that right?

19           MR. JENSEN: That's fine.

20           JUDGE SLAVIN: Does anybody have a problem  
21           with that? At least that's what Kris told me.  
22           Just wanted to be sure. That was the marching  
23           orders.

24           Okay. Want to raise your right hand.

1 (Derek Bus was duly sworn.)

2 JUDGE SLAVIN: I usually say have a seat,  
3 but have a stand.

4 You may inquire, Counselors.

5 MR. C. MASSIE: We would ask that you go  
6 ahead and present. Please go ahead.

7 EXAMINATION

8 BY JUDGE SLAVIN:

9 Q. Well, let's get started here. What's your  
10 name?

11 A. Hello. My name is Derek Bus. I am the lead  
12 developer on the Providence Heights retrofit  
13 project.

14 Q. Would you spell your last name, please.

15 A. B-U-S.

16 Q. D-E-R-E-K or D-E-R-E-C-K?

17 A. D-E-R-E-K.

18 Q. And what's your business or occupation,  
19 Mr. Bus?

20 A. I'm a senior regional manager with Avangrid  
21 Renewables.

22 Q. And in that capacity, what are your  
23 responsibilities?

24 A. To oversee the development of wind projects in

1 the Midwest region.

2 Q. And in that capacity, are you -- do you have  
3 something to do with a proposed retrofit of  
4 Providence Heights, LLC's, development in Bureau  
5 County?

6 A. Yes. I'm the lead developer on the project.

7 Q. And what are your responsibilities as, quote-  
8 unquote, lead developer?

9 A. Lead developer includes real estate related  
10 requirements for the wind retrofit, our existing  
11 wind project, overseeing and managing the -- or  
12 assisting and overseeing the managing of the  
13 Conditional Use Permitting process, and overall  
14 working on internal and external improvements to  
15 facilitate the retrofit of the existing wind  
16 project.

17 Q. So would it be a fair statement that you have a  
18 pretty good handle on the general overview of  
19 what your company is proposing for this  
20 retrofit?

21 A. Yes.

22 Q. All right. Have you prepared some materials to  
23 explain that general overview?

24 A. Yes.



1 JUDGE SLAVIN: All right. Why don't you  
2 go ahead.

3 MR. BUS: Okay. Thank you.

4 As I said, my name is Derek Bus. I'm the  
5 lead developer on the Providence Heights Wind  
6 Retrofit Project. Thank you for taking the time  
7 to listen to our request for Conditional Use  
8 Permits to retrofit the existing Providence  
9 Heights wind project.

10 I would like to thank members of the ZBA  
11 and Chairman Barry Welbers for their flexibility  
12 on the location, as well as Judge Slavin for  
13 overseeing and serving as facilitator during  
14 these meetings. I would like to thank Kris  
15 Donarski and Samantha and the members of the  
16 zoning staff for the support and direction  
17 during the application preparation and process.

18 For tonight's agenda, I would like to  
19 provide an overview and summary of the  
20 Conditional Use Permits and Variations we are  
21 requesting as part of this project. I will then  
22 ask if there are any questions or  
23 clarification --

24 JUDGE SLAVIN: I'll do that. You just

1 give your presentation.

2 MR. BUS: Okay.

3 We believe you will find the Conditional  
4 Use package conforms with the Ordinance and will  
5 warrant your positive recommendation to the  
6 County Board.

7 Throughout this presentation, I will also  
8 highlight the standards for decision and  
9 recommendations of the ZBA and how our  
10 Conditional Use Permitting package conforms with  
11 those five findings of fact.

12 Tonight I will start by covering an  
13 introduction to our project team. I'll then  
14 introduce Avangrid, provide our company profile.  
15 I will discuss the existing Providence Heights  
16 wind farm project and our decision to retrofit  
17 that project. I will provide a summary of the  
18 Conditional Use Permits and the Variations. I  
19 will discuss how the Conditional Use Permits  
20 meet all the technical standards. I will  
21 discuss how the permits and our applications  
22 meet all Bureau County requirements. I will  
23 touch on the Road Use Agreements that are in  
24 progress. I will also touch on the

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1 compatibility with land use, discuss some of the  
2 environmental considerations for the retrofit,  
3 and also provide information on the relevant  
4 studies that are part of our permitting  
5 application. I will conclude with a conclusion.

6 So with me tonight -- as I mentioned, I'm  
7 the lead developer of the project. My name is  
8 Derek Bus. With me tonight is the senior  
9 director of the Mid Continent Region, Jeff  
10 Reinkemeyer. Rachel Grant is also here; she's a  
11 member of the project development team. On the  
12 permitting side, Jessica Setter, who is the lead  
13 permitting manager of the project and helps with  
14 application process and has a good understanding  
15 of the Ordinance requirements. Matthew Becker  
16 is also here; he's the development permitting  
17 director for the -- oversees that portion of the  
18 project. And then as we have mentioned, our  
19 legal counsel, Chris Massie and Mike Massie as  
20 well.

21 So with that, I would like to provide an  
22 overview of Avangrid. Avangrid is comprised of  
23 two primary business lines: a network side and  
24 the renewables side. On networks side, our

1 company provides electricity and natural gas to  
2 over 3.3 million Americans. And we own eight  
3 electric and natural gas companies.

4 On the renewables side, Avangrid has been  
5 a leader in the industry for over two decades.  
6 We currently have 9 gigawatts of operating solar  
7 and wind facilities across the United States.  
8 And to put that into perspective, that's  
9 approximately four Byron Nuclear power plants.  
10 This includes over 70 wind farms across the  
11 United States that are operating and owned --  
12 owned and operated by our company, Avangrid.

13 We are the fourth largest onshore  
14 renewable generation company in the United  
15 States.

16 So as you can see from this map, we have  
17 quite a good coverage of the United States. We  
18 have wind and solar projects that are owned and  
19 operated by our company in 22 states.

20 I would like to highlight some of the  
21 projects in our state, Illinois here, that  
22 Avangrid owns and operates. We own and operate  
23 the Providence Heights Project that we'll be  
24 discussing tonight. We own and operate the

1 Streator Cayuga Ridge Wind Farm in Livingston  
2 County. We have owned and operated that site  
3 since 2010. We also own and operate the Otter  
4 Creek Wind Project in LaSalle County; the  
5 Midland Wind Project in Henry County, which was  
6 completed in recent years; and we also have one  
7 project that's under construction right now in  
8 LaSalle County called Osagrove Flats Wind. So  
9 in total, across the four operating sites and  
10 one site under construction, that is over  
11 700 megawatts of wind projects in the state of  
12 Illinois.

13 Now, as I mentioned, it's Avangrid  
14 Renewables' business model to own and operate  
15 our assets long term. I think Providence  
16 Heights Wind is a great example of that. We  
17 have been operating the site since 2008. The  
18 site is a 72-megawatt site which consists of 36  
19 Siemens Gamesa G87 2.2-megawatt turbines. The  
20 site covers approximately 7700 acres, of which  
21 those turbines themselves and the access roads  
22 take up a very small portion.

23 The project to date, happy to note that  
24 this -- the project has provided a substantial

1 amount of property taxes since its operation 16  
2 years ago: \$8.6 million in property taxes.

3 It's important to note, over \$5.7 million of  
4 that has gone to local school districts and to  
5 community colleges. The County, the townships,  
6 emergency services, fire districts, all are also  
7 benefitting from those property taxes that the  
8 company has paid over the life of the project.

9 About 18,000 homes in the -- in Illinois  
10 can -- are provided energy from the site  
11 annually. And the project pays nearly a half a  
12 million dollars in annual property taxes to the  
13 farmers and local landowners who are  
14 participants in the project.

15 There's also seven employees that work at  
16 the facility as operations and maintenance  
17 staff. So these are Avangrid career employees.  
18 So the project provides that development --  
19 career development as well.

20 I would like to next move on to our  
21 decision to retrofit this project. Being that  
22 the project was constructed and has been  
23 operational since 2008, this is one of the  
24 earlier wind sites in Illinois and one of the

1 earlier wind sites in Bureau County. The site  
2 is sitting on one of the best resources in the  
3 state and in the County, and we are very  
4 interested in prolonging the life of that asset  
5 so we can continue to harvest the wind at that  
6 site.

7 The project also has an exceptional  
8 operational history. Avangrid is excited to  
9 reinvest and prolong the useful life of this  
10 well-performing asset.

11 There's an increased demand for renewable  
12 energy and domestic energy, and we believe that  
13 this wind project would help encourage that  
14 demand or meet that demand.

15 In summary, Avangrid sees retrofitting the  
16 existing project with new equipment as a way to  
17 prolong the life of the project and continue to  
18 put green energy on the grid, while providing  
19 ongoing benefits to landowners and to the local  
20 community.

21 So now I would like to provide a summary  
22 of the Conditional Use Permits and Variations.  
23 As you can see from our package, we have  
24 provided 35 Conditional Use Permits for the

1 turbines. We're seeking some flexibility on  
2 this. You can see in our appendix, there are  
3 scenarios that demonstrate a 32-megawatt -- or  
4 32-turbine retrofit and there are some that  
5 demonstrate the maximum that we're seeking, a  
6 35-turbine retrofit.

7 As was mentioned by Chris, we are  
8 seeking -- or we're looking at Vestas V110  
9 2.2-megawatt equipment to be used during our  
10 retrofit. And I would like to point out again  
11 that this is equipment that's currently being  
12 used in the county at the Big Sky and at  
13 Crescent Ridge projects.

14 As part of our retrofit, in summary, the  
15 locations of the turbines will not change. We  
16 intend on utilizing the existing tower sections  
17 and not replacing the tower sections. So those  
18 will remain in place. The only portion or  
19 equipment that will be changed out as part of  
20 this retrofit will be the nacelles, the blades  
21 and the hubs.

22 As part of this retrofit, we intend on  
23 enhancing the foundations at each of the sites  
24 that are retrofitted with new equipment, and we



1 estimate that there will be some collector line  
2 upgrades that are necessary.

3 We're also seeking or requesting a  
4 Variation on eight of those turbine locations,  
5 and I'll touch on that in my coming slides.

6 Finally, there are four Conditional Use  
7 Permits that we are requesting that will be  
8 utilized as temporary laydown yards during the  
9 construction of the project.

10 So on this slide, it shows a side-by-side  
11 of the existing equipment and the new proposed  
12 retrofit equipment. So on the left here you see  
13 the existing Gamesa G87 towers. They have a tip  
14 height of 399 feet. On the right you see the  
15 Vestas V110 model, which has a tip height of  
16 437 feet. I would like to note that this  
17 difference in height is only 38 feet, which  
18 represents less than a 10 percent increase in  
19 the overall height of the project, and I think  
20 that this diagram illustrates that.

21 Now I would like to describe -- or  
22 continue to describe the project benefits that  
23 the retrofit would allow to continue. The  
24 project, as I mentioned, has paid over

1       \$8.6 million in property taxes since it went  
2       online in 2008. By allowing for the retrofit of  
3       the project and new equipment, it would prolong  
4       the life of that asset and would allow Avangrid  
5       to continue to make those payments to the taxing  
6       bodies in the community.

7               That would also allow Avangrid to continue  
8       to make payments to participating landowners,  
9       and I'll touch on that, the interest from those  
10      landowners, later in the present presentation.

11              As I mentioned, there are a number of  
12      employees, Avangrid employees, that have careers  
13      at the site, and the prolonging activity and  
14      ongoing activities of the wind farm would allow  
15      those folks to continue to have careers at that  
16      site.

17              Furthermore, I want to, you know, stress  
18      the point that this retrofit is a utilization of  
19      the existing tower locations, existing  
20      locations, as well as the tower. So this  
21      retrofit would -- you know, has -- it is just to  
22      utilize those locations and put new equipment  
23      there.

24              There are some new additions to the

1 retrofit that I would like to mention, including  
2 ADLS, or Aircraft Detection Lighting System. So  
3 if you drove past the site at night, you would  
4 see FAA lights are blinking throughout the  
5 night. Avangrid has committed to meeting the  
6 requirements of the Bureau County to allow for  
7 ADLS equipment.

8 And what this would do, it's a radar  
9 system that would identify aircraft that is  
10 nearby the towers and nearby the project, and at  
11 that point the lights would be blinking. The  
12 lights would not be blinking when it would not  
13 be necessary, given -- if there was no aircraft  
14 identified in the area. Again, this is a new  
15 requirement from Bureau County that we intend on  
16 meeting as part of this retrofit.

17 I would also like to highlight that we  
18 have executed an AIMA, or Agricultural Impact  
19 Mitigation Agreement, with the Illinois  
20 Department of Ag. If you're familiar with the  
21 AIMA agreement -- or the AIMA, rather, it's a  
22 basic agreement requiring the developer to  
23 return the project to farm ground after the  
24 project has been decommissioned.

1           Portions of the AIMA include a requirement  
2           to provide the appropriate financial assurance  
3           based on the decommissioning estimations. It  
4           provides requirements in terms of weed control,  
5           soil erosion, as well as compaction and rutting.  
6           And overall, the intent there is to preserve the  
7           topsoil, as I mentioned for future farm use.

8           Finally, as part of the retrofit, we will  
9           be committing to cleaning the existing towers  
10          during that construction process.

11          So I would like to highlight how this is  
12          in compliance with the Findings of Fact  
13          Number 4, that adequate utilities, access road  
14          drainage or necessary facilities have been or  
15          will be provided.

16          It's important to note, again, that the  
17          site is existing and will -- and is providing --  
18          is meeting that requirement and will continue to  
19          meet that requirement. The project has drain  
20          tile requirements that are part of the AIMA.  
21          The project does not anticipate to have an  
22          impact on surface waters during the construction  
23          or through the life of the project. Through our  
24          Road Use Agreement, the project will maintain

1 safe roads during and after the construction.  
2 And the site already provides adequate utilities  
3 as necessary, and those aren't expected to be  
4 impacted by the retrofit.

5 Now I would like to discuss some of the  
6 Variations we are seeking. I would like to  
7 point you to 10.5, standards for Variation in  
8 the Bureau County Ordinance. We believe the  
9 Variations sustain the following:

10 A, The property cannot yield a reasonable  
11 return without this Variation.

12 So without the approval of this Variation,  
13 it would harm the business case because we would  
14 not be able to retrofit those existing towers to  
15 that small increase in tip height.

16 Second, The plight of the owner was not  
17 created by the owner due to unique  
18 circumstances.

19 We find that the project has a permit and  
20 the retrofit would allow for the continuation of  
21 the asset. These requirements were not put in  
22 place when the permit was first obtained, and  
23 these are new requirements by the County.

24 Then finally, the third, That the

1 Variation will not alter the essential character  
2 of the locality.

3 And we'll touch on this later in the  
4 presentation, but we find that the continued use  
5 of agricultural and rural lands is  
6 compliment- -- or is -- the wind farm is a  
7 complimentary use to the agricultural and rural  
8 lands, and that future land development  
9 potential and agricultural districts will not be  
10 altered by the retrofit of the project.

11 So next I would like to touch on the  
12 five -- let me just get to the slide here.

13 Go back to this previous slide. We are  
14 seeking -- our five turbines, we're requesting  
15 five turbines to have a Variation, and these  
16 turbines do not meet the requirement for an  
17 unincorporated platted community or platted  
18 rural community. The County's requirement is  
19 2,640 feet, or half a mile. And I would like to  
20 highlight our request for those Variations on  
21 the next slide, using a map.

22 As you can see by some of those polygons  
23 that are surveyed out here, this is the  
24 community of Providence, which I understand is a

1 community that was plotted out and never came to  
2 be. So you can see on the next slide here, if I  
3 remove those areas showing where the  
4 nonparticipating parcels are, you can see that  
5 there are no existing public roads or public  
6 utilities in that area for the platted community  
7 of Providence. So this represents the five  
8 turbines that we're requesting this Variation  
9 on.

10 The second Variation we're requesting is  
11 for properties that are -- turbines that,  
12 through the retrofit process, would not meet the  
13 nonparticipating property setback requirement or  
14 1.1 times tip height, or 481 feet.

15 So I'll go through examples of those four  
16 turbines: A7, A22, A28 and A46. As you can see  
17 here, this is A7. Again, I would like to  
18 highlight that the adjacent land that is a  
19 nonparticipant is farm ground. We believe  
20 through this Variation that we won't have an  
21 impact on the neighboring property. And we are  
22 seeking waivers from those nonparticipants as  
23 well, which we intend on providing as part of  
24 our building permit application.

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1           Next is A22. As you can see, we fall  
2 about 9 feet short of the requirement from the  
3 County for 1.1 times tip height. We do not  
4 anticipate any impact on that adjacent neighbor,  
5 given the farm use of the property.

6           You see that again for A28. The property  
7 to the north is currently being farmed. We  
8 don't anticipate any impact.

9           And then lastly, A46, a similar situation.

10          Now I would like to discuss the second  
11 portion of the Conditional Use Permits. We are  
12 requesting four Conditional Use Permits for  
13 temporary laydown yards which would be used  
14 during the construction process. These laydown  
15 yards are approximately 10 acres in size and are  
16 really located along the backbone of the project  
17 to provide easy access for the turbine  
18 transport.

19          The first location, which we refer to as  
20 North Option 1, is seen here on the slide. This  
21 is near the cross roads of County Road 800 and  
22 Wyanet Walnut Road.

23          The second Conditional Use Permit for a  
24 temporary laydown yard is North Option 2, off of



1 Kentville Road.

2 The third is South 1, which is off of  
3 Wyanet Walnut Road.

4 And the fourth option that -- or  
5 Conditional Use Permit that we're seeking is  
6 South Option 2, which is close to the  
7 intersection of 300 North and Wyanet Walnut Road  
8 in Milo Township.

9 As you can see, these locations are really  
10 along the backbone of the project and  
11 specifically chosen at locations based on our  
12 negotiations and work with the County engineer  
13 and township engineers for the Road Use  
14 Agreements.

15 So now I would like to point out how our  
16 Conditional Use Permits meet all the technical  
17 standards that are required. As I mentioned,  
18 the Vestas V110 2.2-megawatt equipment is  
19 already been used. It's already an approved  
20 technology by the County that's being utilized  
21 at Big Sky and Crescent Ridge projects.

22 Avangrid has committed to comply with all  
23 County, state and federal regulatory standards  
24 for building, environmental and electrical

1 standards. We agree to be in compliance with  
2 all pertinent codes and safety standards, and we  
3 have met the FAA requirement of obtaining  
4 determinations of "no hazard" for each of the  
5 sites. We also agree to be in compliance with  
6 any EPA regulations. The turbines themselves  
7 are all uniform in color and size and have no  
8 noticeable difference to the existing turbines,  
9 outside of that 10 percent increase in height.

10 And we will work to obtain -- we agree to  
11 have locked access gates where necessary. I  
12 would like to note, this is one area that we are  
13 also working on waivers with existing landowners  
14 if they do intend on waiving that access gate  
15 requirement from the County.

16 Next I would like to talk about how we  
17 meet the Bureau County requirements and also  
18 touch on the Road Use Agreements.

19 The project is in compliance with Bureau  
20 County Ordinance requirements related to the  
21 construction, operations and decommissioning.  
22 We provided a decommissioning plan and agree to  
23 all the financial assurances as illustrated in  
24 the AIMA. We have a complaint resolution or

1 we'll provide a complaint resolution as  
2 necessary for the public through the  
3 construction and operations of the project.

4 As I mentioned, we are in the final stages  
5 of the Road Use Agreements with Bureau County,  
6 Milo Township and Indiantown Township.

7 What these Road Use Agreements, in basic  
8 terms, require is for us to provide a haul  
9 route -- or an agreed-upon haul route where the  
10 turbine nacelles and blades and other new  
11 equipment would utilize.

12 The Road Use Agreements also require us to  
13 implement a traffic control plan and a plan of  
14 day report during construction, and that will  
15 address road closures and roadway activity. Our  
16 agreements with the road authorities will state:  
17 We will not interfere with safe movement of  
18 traffic. We will provide traffic control  
19 measures. And we must display proper signage on  
20 the roads entering and exiting the project site.

21 Overall, these agreements require us to be  
22 in compliance with the Illinois Manual on  
23 Uniform Traffic Control Devices or the IDOT  
24 Construction Manual, which is a guide of uniform

1 procedures in construction fieldwork.

2 Given the Road Use Agreement, we find that  
3 our Conditional Use package meets the  
4 requirements of the Findings of Fact Number 5 by  
5 showing that this project will provide adequate  
6 measures -- or adequate measures have been or  
7 will be taken to provide ingress and egress so  
8 designated as to minimize traffic congestion on  
9 public streets.

10 Next I would like to talk about the  
11 compatibility of wind turbines and wind farms  
12 with agricultural use. If you drove through  
13 this area, you would see that it is agricultural  
14 and rural land use. We believe that wind  
15 turbines and a wind farm is compatible with  
16 farming operations.

17 On average, the 36 turbines and their  
18 access roads take up less than 1 acre of land  
19 from those landowners that have willingly agreed  
20 to lease us that property. In holding meetings  
21 with those landowners earlier this spring, I  
22 think we can say that there's a great interest  
23 from those landowners for us to continue to  
24 operate that project so that they will continue

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1 to see that annual payment. As I mentioned  
2 previously, that's approximately \$500,000  
3 annually that's paid to over 30 local farmers  
4 and landowners.

5 A lot of these landowners and farmers see  
6 this annual income paid by Avangrid as a way to  
7 hedge against farming uncertainty and the  
8 fluctuations in the farming economy, while not  
9 taking up a very large portion of their land.

10 I would also like to point out that the  
11 turbines themselves are outside of the 1.5-mile  
12 municipal planning radius of nearby communities.  
13 We are in compliance with all residential  
14 setbacks from the County and, in fact, exceed  
15 these requirements by over 30 percent.

16 The increased tip height -- it's our  
17 belief that the increased tip height will not  
18 restrict the agriculturally-zoned development of  
19 the project or nearby properties.

20 So this leads me to the Findings of Fact  
21 Number 3, that the establishment of the  
22 Conditional Use will not impede the normal and  
23 orderly development and improvement of the  
24 surrounding properties for uses permitted in the

1 district.

2 Again, the project has been on this site  
3 for 16 years. The retrofit would allow us to  
4 continue to extend the useful life of the  
5 project.

6 I would like to briefly go over some of  
7 the wildlife environmental due diligence for  
8 this site. It is important to note that the  
9 existing wind project was developed and sited in  
10 an effort to avoid or minimize environmental  
11 impacts to the wildlife and to environmental  
12 resources.

13 Over the 16 years of operation, the  
14 project has demonstrated to be low risk to  
15 wildlife, and has not been found to have had any  
16 impact on rare, threatened or endangered  
17 species.

18 Given the retrofit does not substantially  
19 change the characteristics of the overall  
20 turbine blades and project, we do not believe --  
21 we do not expect there to be any change.

22 I would also like to note that Avangrid is  
23 in coordination with the Illinois Department of  
24 Natural Resources and the U.S. Fish and Wildlife

1 Services and is committed to working with both  
2 resource agencies over the operations of the  
3 facility.

4 Through consultation with the Illinois  
5 State Historic Preservation Office, it was  
6 concluded that the project does not have any  
7 known historic properties and is not located  
8 within a high probability area for  
9 archaeological resources.

10 Next I would like to touch on the relevant  
11 studies. As I mentioned, it is a slight  
12 increase in the overall tip height of the  
13 project because of the longer blades,  
14 approximately -- or less than 10 percent.

15 So through our studies that we have  
16 conducted with third-party -- approved third-  
17 party consultants, we found that the retrofit  
18 project will have no adverse impact to  
19 telecommunication systems.

20 We have provided studies which illustrate  
21 our compliance with sound and our compliance  
22 with Illinois Pollution Control Board standards  
23 and the Bureau County requirements.

24 We provided studies showing compliance

1 with the shadow flicker requirements of Bureau  
2 County.

3 We have also provided a real estate impact  
4 analysis which concluded that there were no --  
5 there's no market data indicating the project  
6 will have a negative impact on either the rural,  
7 residential or agricultural property values in  
8 the surrounding area.

9 So this leads me to Findings of Fact  
10 Number 1 and where we are compliant. Again,  
11 this Findings of Facts Number 4 is that the  
12 establishment, maintenance or operations of the  
13 Conditional Use will not be detrimental or  
14 endanger the public health, safety, morale  
15 (sic), comfort or general welfare. And we show  
16 evidence of this in our studies and compliance  
17 with Bureau County requirements.

18 Then lastly, the Findings of Fact Number  
19 2, the Conditional Uses will not be injurious to  
20 the use and enjoyment of other property in the  
21 immediate vicinity for the purposes already  
22 permitted, nor substantially diminish property  
23 values within the neighborhood.

24 I would like to point again to our real



1 estate -- approved third-party real estate  
2 findings that demonstrate that the real estate  
3 market analysis shows that there will not be any  
4 negative impact to rural residential or  
5 agricultural properties in the surrounding  
6 areas. I would also like to point out here  
7 again our compliance with residential setbacks  
8 that are in the project area.

9 In conclusion, I would like to just  
10 briefly go over some of the benefits that I  
11 discussed in this presentation, including the  
12 landowner payments.

13 As I mentioned, the approval of this  
14 project would allow for Avangrid to continue to  
15 operate the project, which would continue to  
16 bring rent payments to farmers and landowners  
17 who are participating in the project. The  
18 project to date has paid over \$8.6 million in  
19 property taxes, the majority of which have  
20 benefitted local schools and community colleges.  
21 And by approving this project or providing a  
22 positive recommendation to the County Board,  
23 this would allow the project to continue to pay  
24 those property taxes to those taxing bodies.

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1           There are seven individuals who are  
2           career -- Avangrid career employees, and the  
3           continued life of this project would mean  
4           continued career opportunities for those  
5           individuals and new individuals. There are --  
6           touching briefly on that. There are seven  
7           individuals who work at the site, five of which  
8           live in Bureau County.

9           Then I would like to discuss briefly the  
10          improvements to this site. I mentioned these,  
11          which include the implementation of the new  
12          technology requirement from the County  
13          Ordinance, which is the Aircraft Detection  
14          Lighting System, or ADLS. We will adopt the new  
15          requirements per our AIMA, or Agricultural  
16          Impact Mitigation Agreement, with the State and  
17          ensure that there are -- we will mitigate  
18          impacts to the farmland.

19          And finally, we will have a new Road Use  
20          Agreement in place with the County and  
21          Townships, which, as I mentioned, is well under  
22          way, and we will ultimate -- which will  
23          ultimately benefit the roads.

24          I would also like to state once again how

1 we -- how the Conditional Use Permitting package  
2 adequately addresses the five standards,  
3 including:

4 Number 1, The project will continue to  
5 operate safely and will not be detrimental to  
6 the public health;

7 2, The public will not be injurious -- or  
8 the project will not be injurious to the  
9 enjoyment of the nearby community or negatively  
10 impact property taxes of the surrounding land;

11 3, The project will be as a -- is  
12 compatible with farming operations and does not  
13 impede on the future development of the  
14 surrounding properties;

15 4, Adequate utilities, roads and drainage  
16 have been provided to the site and will continue  
17 to be provided to the site through this retrofit  
18 process;

19 And finally, Number 5, That adequate  
20 measures will be taken to provide ingress and  
21 egress to minimize traffic on public streets  
22 through our Road Use Agreements which we intend  
23 on executing with the County and two Townships.

24 So in closing, I want to thank you once

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1 again for your time and attention to this  
2 presentation. We believe that this application  
3 warrants --

4 JUDGE SLAVIN: All right. That's a  
5 closing argument. Thank you.

6 Questions of this witness. Ms. Donarski?

7 MS. DONARSKI: Sure.

8 EXAMINATION

9 BY MS. DONARSKI:

10 Q. I have a number of questions for you. On your  
11 Slide 5 that you showed up there, you have that  
12 we currently have how many turbines? Is it 36?

13 A. Yes, there are 36 turbines at the site.

14 Q. Okay. Then when we go on to another slide, it  
15 says you're going to retrofit 35.

16 You just went past it there.

17 A. Okay.

18 Q. Back one. Right there.

19 A. Yup.

20 Q. Okay. What happens to the other turbine that's  
21 not upgraded?

22 A. It will continue to run as is.

23 Q. Okay. So -- okay. So there's none that are  
24 going to be removed, and you're going to replace

1 up to 35 of the 36?

2 A. Correct.

3 Q. Okay. What happens -- I mean, why is that one  
4 not being upgraded?

5 A. Yeah, we believe that we -- retrofitting or the  
6 potential of retrofitting up to 35 meets the  
7 maximum economic production of the project.

8 Q. Okay. Now, on Slide 7 you have a term called  
9 foundation enhancement. What exactly does that  
10 mean?

11 A. Right, and I would like to ask Jeff Reinkemeyer  
12 if he would like to come up and --

13 JUDGE SLAVIN: No, you're testifying. If  
14 you don't know the answer to a question, just  
15 say I don't know.

16 A. Okay. Yeah, basically the foundation  
17 enhancement will include a collar -- a concrete  
18 collar around the existing foundation to allow  
19 for the new technology.

20 Q. (By Ms. Donarski:) Okay. And then on Slide 9,  
21 you said you were going to be cleaning towers  
22 during construction. That's the last line on  
23 there.

24 What do you mean by that? What does that

1 include? How is that again?

2 A. So towards the top of the towers will require a  
3 cleaning, which will be completed during the  
4 retrofit process. This will include scrubbing  
5 of the tops of those towers as the new -- as the  
6 old blades are taken off and new blades are put  
7 on.

8 Q. So they'll be physically scrubbed and cleaned?

9 A. Physically scrubbed and cleaned, yes.

10 Q. Okay. Is somebody going to testify more about  
11 these items in your witnesses or is this our  
12 only information we have on this?

13 A. On the cleaning?

14 Q. On the cleaning or the collars around the  
15 foundation.

16 A. Yeah, somebody can -- Jeff can testify to that.

17 MS. DONARSKI: Okay. Thank you. That's  
18 all I have.

19 JUDGE SLAVIN: Okay. Members of the ZBA.  
20 Mr. Welbers?

21 MR. WELBERS: I have no further questions  
22 of the witness.

23 JUDGE SLAVIN: Mr. Quest?

24 MR. QUEST: I have none.

1 JUDGE SLAVIN: Mr. Jensen?

2 EXAMINATION

3 BY MR. JENSEN:

4 Q. So the issue of cleaning will be addressed in  
5 further depth from what you can answer?

6 A. Yes.

7 MS. SMITH: I had had a question with  
8 regards to that too, but I also --

9 JUDGE SLAVIN: Mrs. Smith, yeah, go ahead.  
10 Go ahead. I'm sorry.

11 EXAMINATION

12 BY MS. SMITH:

13 Q. Will you be upgrading the entrances to the  
14 towers to -- with culverts and wider entrances  
15 for the equipment to get in?

16 A. Yeah. As part of our Road Use Agreement, there  
17 will be some areas of the existing access roads  
18 that will require additional -- to be widened  
19 for the equipment to enter into the site.

20 Q. Okay. And you say that you're going to be  
21 doing foundation enhancement. Is this due to  
22 additional weight? Or what is the reason for  
23 the -- if you're just doing the nacelles and the  
24 top?

1 A. Yeah, I'm not certain on the weight, if the  
2 weight is changing, but we have performed  
3 environmental -- or an engineering foundation  
4 analysis that demonstrated that there was a  
5 requirement to enhance the foundation for the  
6 new equipment.

7 MS. SMITH: Okay. Thank you.

8 JUDGE SLAVIN: Mr. Stutzke?

9 MR. STUTZKE: Mrs. Smith must have seen my  
10 notes?

11 MS. SMITH: I had my own.

12 JUDGE SLAVIN: Looking over your shoulder.

13 MR. STUTZKE: I have nothing until your  
14 colleague will be able to expound a little bit  
15 more on this foundation enhancement.

16 JUDGE SLAVIN: So that's it?

17 MR. STUTZKE: Yes, sir.

18 JUDGE SLAVIN: All right. Interested  
19 Parties, those of you who have not had a chance  
20 to ask questions yet. If you have questions,  
21 I'd appreciate letting me know that you do have  
22 questions by raising your hand. I'll try to  
23 take the first come, first serve but don't  
24 promise. Raise your hand if you have got a



1 question.

2 MS. STETSON: Connie Stetson.

3 EXAMINATION

4 BY MS. STETSON:

5 Q. I went down 1000 North --

6 JUDGE SLAVIN: Connie, would you tell me,  
7 please, do you live within the footprint?

8 MS. STETSON: I live five miles -- I can  
9 see those right outside my kitchen window.

10 JUDGE SLAVIN: So in Bureau County though?

11 MS. STETSON: Yes.

12 JUDGE SLAVIN: Go ahead.

13 Q. (By Ms. Stetson:) I went down 1000 North  
14 Street -- or Road just today, took pictures, and  
15 there -- what is all over those? Is it oil?  
16 What's all over those towers? They been leaking  
17 or whatever --

18 JUDGE SLAVIN: Hold on. He can only  
19 answer one question at a time. It's not a time  
20 to tell him things. It's a time to ask him  
21 questions.

22 It's a good question. What is on the  
23 towers?

24 Q. (By Ms. Stetson:) What is all over them? They

1 have been like that for about six years.

2 A. I would like to defer that question to Jeff  
3 Reinkemeyer.

4 Q. I have another question about the waivers.  
5 The -- they are going to be taller, the tips.  
6 So you're talking -- the nonparticipating  
7 landowners, when do you get those waivers or  
8 have you received those waivers?

9 JUDGE SLAVIN: Well, let's ask -- he can  
10 only answer one question at a time.

11 MS. STETSON: Okay. I'm sorry.

12 JUDGE SLAVIN: I'll help you.

13 Have you gotten waivers from any  
14 nonparticipating landowners for a Variance from  
15 the tip height to residences?

16 THE WITNESS: Just to clarify, these  
17 are --

18 JUDGE SLAVIN: Have you gotten any waivers  
19 from any nonparticipating landowners for  
20 retrofit turbines that are intruding inside the  
21 Variance -- the setback distance? Yes or no.

22 THE WITNESS: No. We are in the process  
23 of obtaining those requirements.

24 JUDGE SLAVIN: Are you attempting -- just

1 answer the question, please.

2 Are you attempting to get waivers?

3 THE WITNESS: Yes.

4 JUDGE SLAVIN: But if you don't get  
5 waivers, then you will be asking for Variances;  
6 is that correct?

7 THE WITNESS: We are asking for a  
8 Variation, and which will be supported by a  
9 waiver from a nonparticipating landowner.

10 JUDGE SLAVIN: Okay. Go ahead.

11 Q. (By Ms. Stetson:) So you need that waiver to  
12 get a Variance?

13 JUDGE SLAVIN: That's a legal question.  
14 He's not permitted to answer that. That's a  
15 legal conclusion.

16 MS. STETSON: Okay. Well --

17 JUDGE SLAVIN: You would be asking him to  
18 testify what he thinks the Ordinance means, and  
19 that's not in his purview. That's up to the  
20 ZBA.

21 MS. STETSON: I just want to know if we  
22 can go further. We're at the stage of asking  
23 for a Variance. Is it going -- if they can't  
24 get the waiver, will it go forward?

1 JUDGE SLAVIN: Then just ask him that.

2 MS. STETSON: That's what I'm asking.

3 THE WITNESS: I think that's up to the  
4 interpretation of the Zoning Board.

5 JUDGE SLAVIN: I don't think that was her  
6 question. Let me help her.

7 THE WITNESS: Okay.

8 JUDGE SLAVIN: The question was, if you  
9 don't get a waiver, are you going to go forward  
10 anyway with that turbine --

11 MS. STETSON: That's the question.

12 JUDGE SLAVIN: -- with that turbine  
13 retrofit?

14 If you don't get a waiver for a turbine  
15 that would be a violation of a setback, you  
16 don't get a waiver from a nonparticipating  
17 landowner, are you going to attempt to get a  
18 Variance regardless?

19 MR. M. MASSIE: Your Honor --

20 JUDGE SLAVIN: No, just --

21 MR. M. MASSIE: May I interject? I think  
22 you correctly assessed this as being a legal  
23 question, and so --

24 JUDGE SLAVIN: No, I'm asking him what

1 they intend to do, not what the result will be.

2 MR. M. MASSIE: The intent is to get a  
3 Variance. That's our intent.

4 JUDGE SLAVIN: Okay.

5 Q. (By Ms. Stetson:) I'm just saying, this is a  
6 nonparticipating landowner, and you are still  
7 going to go forward with this even though you're  
8 not going to get that waiver?

9 JUDGE SLAVIN: Let me help you ask the  
10 question again. I think the word "go forward  
11 with this" is inartful.

12 Do you, as you stand there now, the lead  
13 developer, intend, if you don't get a waiver  
14 from a nonparticipating landowner, for a turbine  
15 that violates the set- -- for a retrofit turbine  
16 that violates the setback to continue to ask for  
17 a Variance?

18 THE WITNESS: Yes.

19 Q. (By Ms. Stetson:) So you would ignore the  
20 landowner if -- even though you don't get one?

21 JUDGE SLAVIN: Even though you don't "get  
22 one" what? I'm sorry, but --

23 MS. STETSON: Variance.

24 JUDGE SLAVIN: A waiver?

1 MS. STETSON: A waiver, yes.

2 JUDGE SLAVIN: I think you need to  
3 understand the process. The Variance is given  
4 by the ZBA.

5 MS. STETSON: Right, but I think the --

6 JUDGE SLAVIN: All he can do is ask the  
7 ZBA for a Variance.

8 So your question is, I thought, Would you  
9 intend to continue to ask the ZBA for a Variance  
10 even if you don't get a waiver?

11 MS. STETSON: Yes. Is that the -- that's  
12 what I'm asking, You're going to go ahead with  
13 that?

14 JUDGE SLAVIN: And he's answered that yes.

15 Q. (By Ms. Stetson:) Okay. So it's like -- I'm  
16 sorry. I'm trying to get it -- so it's -- it's  
17 like you're not even wanting to get a waiver?  
18 If you don't get one, you're just going to go  
19 ahead and go forward?

20 JUDGE SLAVIN: Is that a question in  
21 there? I'm not trying to be difficult, but he's  
22 here to answer questions.

23 Q. (By Ms. Stetson:) If you don't get one, you're  
24 still going to go forward, correct, a waiver?

1 A. Yes, if the ZBA allows for that Variation.

2 MS. STETSON: Okay.

3 JUDGE SLAVIN: Tell me when you're -- if  
4 and when you're finished. I just can't -- I  
5 want to give you a chance, but I don't know when  
6 you're finished.

7 MS. STETSON: I'm done. Thank you.

8 JUDGE SLAVIN: Okay. Anybody else, by  
9 raise of the hand?

10 Okay. You may step down. Thanks.

11 I am going to reserve the right to call  
12 you, because I think there's some -- I have got  
13 to check some things, but go ahead.

14 MS. M. MASSIE: Your Honor, we would next  
15 like to call Jeff Reinkemeyer to the stand.  
16 Raise your right hand.

17 JEFF REINKEMEYER,  
18 being first duly sworn, was examined and  
19 testified as follows:

20 EXAMINATION

21 BY JUDGE SLAVIN:

22 Q. Have a seat -- have a stand.

23 I'll help you get started. State your  
24 name.

1 A. Jeff Reinkemeyer.

2 Q. And for the court reporter and me, would you  
3 spell your last name, please.

4 A. Yeah. R-E-I-N, as in Nancy --

5 Q. R-E-I-N, yup.

6 A. K-E-M-, as in Mary, E-Y-E-R.

7 Q. Okay. Thank you.

8 What is your business or occupation,  
9 Mr. Reinkemeyer?

10 A. Yeah, I'm senior director of Midwest Renewable  
11 Development for Avangrid.

12 Q. Senior director of Midwest -- Region or Area or  
13 just Regional --

14 A. Regional.

15 Q. Senior director of Midwest?

16 A. Region. Yeah, Midwest Region of Renewables  
17 Development or Avangrid.

18 Q. Okay.

19 A. I'm also a licensed professional engineer in  
20 Illinois.

21 Q. Okay. In that capacity -- and you're a  
22 licensed engineer.

23 In that capacity, what are your --  
24 generally speaking, what are your duties?



1 A. I oversee the overall development of several  
2 projects in the Midwest with folks that work in  
3 my group. I have been a developer, so I'm  
4 familiar with developing projects, myself, but  
5 right now it's mainly overseeing and advise the  
6 developers working on my staff as we progress  
7 with our portfolio of projects in the region.

8 Q. And in that capacity of generally overseeing, I  
9 think you said, is Providence Heights' retrofit  
10 project part of your scope of duty?

11 A. Yes.

12 Q. Okay. You probably have some materials  
13 prepared or explanations, so why don't you go  
14 ahead.

15 A. Yeah, not a lot. I'm just going to go -- it's  
16 my understanding that there were some questions  
17 that were asked regarding the foundation and  
18 also the -- you know, the turbine -- I guess the  
19 turbine leakage issues. So I'm here to discuss  
20 those and answer questions, you know, about  
21 this.

22 This should be -- I believe this is part  
23 of the application, you know, but may not be.  
24 But this -- what we're talking about on these --

1 for every foundation in the project, there will  
2 be -- there will be two different enhancements:  
3 one at the pedestal level and then one at the  
4 base level. The --

5 Trying to find -- oh, here we go.

6 Okay. At the pedestal level, you know,  
7 we'll have approximately about a 4-and-a-half by  
8 2-foot, roughly, collar that will go around the  
9 perimeter, around the circumference, of the  
10 pedestal. Basically for each foundation, that  
11 would comprise about 31 yards of concrete. It  
12 would be dolled in via chemically -- or epoxy-  
13 anchored dowels into both the pedestal portion  
14 and also downward into the base portion.

15 Then at the actual base level, there is a  
16 smaller enhancement that will run along the  
17 octagonal, you know, portion of the base.  
18 Approximately 1 foot wide, and I think -- hard  
19 to read this, a little over 2 foot, maybe 2 and  
20 a half foot, you know, depth. And as with the  
21 pedestal, there will be one set of dowels,  
22 mainly going into the base, that will be  
23 epoxy -- epoxy-sealed or epoxy-glued or  
24 fastened, you know, with that base.

1           Epoxy is what will be in existing concrete  
2           to bring in anchor bolts, basically.

3           So with that, I guess, if we have  
4           questions about the foundation or the, you know,  
5           or the leakage issue, I'm happy to answer  
6           questions.

7           JUDGE SLAVIN: Well, just you tell me when  
8           you're finished.

9           MR. REINKEMEYER: Okay. I'm finished.

10          JUDGE SLAVIN: Okay. Ms. Donarski,  
11          questions?

12   EXAMINATION

13 BY MS. DONARSKI:

14 Q.      So as part of that foundation enhancement,  
15          there's no deep digging or large excavations?  
16          It's, more or less, gluing more concrete around  
17          the base of the tower on top of the existing pad  
18          and then a small -- like a curb around the edge  
19          of it?

20 A.      Of the base.

21 Q.      Of the base?

22 A.      Yeah, which that will be at the bottom of the  
23          base level. Yeah, it will not be the whole sill  
24          excavation of a full foundation.

1 Q. Okay. That's my question on the foundation  
2 enhancement.

3 Now, can you tell us more -- my question  
4 that I was asking the previous witness. Can you  
5 tell us a little bit more about the cleaning of  
6 the towers, how that is performed? How is that  
7 done?

8 A. Yeah. Well, when we -- when the existing  
9 nacelle and blades and everything is removed, at  
10 that point, you know, we will have a fully-  
11 exposed tower. You know, that fully-exposed  
12 tower will be much more accessible for a much  
13 more thorough cleaning than currently, you know,  
14 just due to interference with the equipment  
15 that's sitting on top of it.

16 So that's why we feel that it will be much  
17 more thorough to do after -- you know, in  
18 between the removal of the old equipment and the  
19 installation of the new.

20 Q. Okay. So is it, like, somebody with, like, a  
21 pressure washer or is it, like, scrubbed or how  
22 is that -- I'm trying to picture it. It's way  
23 up off the ground in the air. What is this  
24 going to look like?

1 A. It's my understanding that it would be more of  
2 a scrub, you know, than -- and for reasons that  
3 you want to limit -- you want to keep the  
4 material, you know, there.

5 Q. Okay. And then what type of material is it, in  
6 your opinion, that actually has leaked onto the  
7 towers?

8 A. Yeah, that -- we did talk with our operations  
9 folks, and it is a hydraulic oil. It's from the  
10 yaw, you know, the yaw section that is coming  
11 out from the seal.

12 Q. Okay. And then does that have any type of  
13 environmental impacts when it's cleaned?

14 A. We will keep it at tower level and to where it  
15 will not go to ground. So there would be none.

16 Q. Okay. And then has the source of the leak been  
17 identified and repaired, so once it's cleaned  
18 the leak will not happen again?

19 A. Well, the best way of repairing it is to  
20 install the new nacelle section and blades. So  
21 we've identified -- as with anytime you have an  
22 issue, you do an investigation of what could be  
23 causing it, even on the existing, and we are  
24 addressing those problems now. However, the

1 ultimate -- the ultimate way of repairing this  
2 more long-term would be a replacement of the  
3 nacelle and equipment itself.

4 Q. So the replacement of the nacelle will take  
5 care of the leakage problem?

6 A. Yes.

7 MS. DONARSKI: Okay. I think that's my  
8 questions. Thank you.

9 JUDGE SLAVIN: Mr. Welbers?

10 EXAMINATION

11 BY MR. WELBERS:

12 Q. This new nacelle, it's -- the leakage problem  
13 has sort of been maybe solved? It's more  
14 advanced? It's better?

15 A. Yeah, I think there's been lessons learned just  
16 in the industry from 16 years of evolution of  
17 equipment, along with more increased efficiency  
18 with longer blades and more efficient nacelle  
19 operation. There have been lessons learned on  
20 proper location of different supplementary  
21 equipment inside the nacelle to help limit the  
22 exposure to limits like this.

23 MR. WELBERS: That's all I have, sir.  
24 Thank you.

1 JUDGE SLAVIN: Mr. Quest?

2 MR. QUEST: No questions at this time.

3 JUDGE SLAVIN: Mr. Jensen?

4 EXAMINATION

5 BY MR. JENSEN:

6 Q. So you said that when you wash, remove the oil,  
7 that it will not hit the ground. How do you  
8 propose to contain that?

9 A. We would both minimize the potential for it to  
10 start going into the ground, but we would also  
11 contain the area local to the bottom of the  
12 tower to provide a barrier in case anything  
13 would roll down.

14 Q. And what do you do with the wastewater or  
15 whatever it is that you remove from the tower?

16 A. We would have to contain that and we would have  
17 to dispose of it appropriately.

18 MR. JENSEN: That's all I have.

19 JUDGE SLAVIN: Mrs. Smith?

20 EXAMINATION

21 BY MS. SMITH:

22 Q. What type of agent will you use to take that  
23 hydraulic oil off?

24 A. That I'm not going to be able to answer.

1 Q. Since we have all of these other towers leaking  
2 and whatnot going up, why would you not want to  
3 replace 20 then as well?

4 A. Turbine 20? Well, we -- part of why we're not  
5 repowering all this is, we are also working to  
6 conform to the current Pollution Control Board  
7 sound standards. So some of our decisions on  
8 what we're replacing and what we're not were  
9 based on making sure that the project conforms  
10 to that sound standard.

11 However, you know, we do still intend to  
12 both, you know, clean the remaining turbine or  
13 turbines that we have and continue with the  
14 repairs and improvements that we have learned,  
15 you know, that are the root cause of the  
16 problem.

17 Q. Okay. So you wouldn't have 36 of them nice and  
18 clean and new and one leaking oil?

19 A. No. We're cleaning all of them, and we're  
20 going to implement the other -- you know, the  
21 reparative and maintenance, you know, issues  
22 that need to be dealt with on the existing  
23 tower.

24 MS. SMITH: Okay. Thank you.



1 JUDGE SLAVIN: Is that it?

2 MS. SMITH: Yes.

3 JUDGE SLAVIN: Mr. Stutzke?

4 MR. STUTZKE: Yes.

5 EXAMINATION

6 BY MR. STUTZKE:

7 Q. The new equipment, Vestas. You're replacing  
8 the Siemens, is the brand that's up there now?

9 A. Yeah, it -- yes.

10 Q. Okay. And the Vestas, where are they  
11 manufactured?

12 A. Vestas is based in Denmark, but they have  
13 manufacturing operations in Colorado.

14 Q. Okay. All right. Then when your colleague was  
15 speaking and he was talking about the foundation  
16 enhancement, he said it was to accommodate new  
17 technology?

18 A. Yeah.

19 Q. What do you mean by that?

20 A. Yeah. What that means is, basically when you  
21 have -- it's probably roughly, the nacelle  
22 maybe -- I don't know the exact weights of one  
23 versus the other. I don't know that it's a  
24 weight issue.

1           But what you have is, with the longer  
2 blades, you know, when you have longer blades  
3 and the -- it's called torque. You know, the  
4 torque -- or the torque that it takes to stop  
5 that blade or the torque that's driven when you  
6 have a wind condition, you know, puts a load --  
7 you know, it puts a load that -- well, now I  
8 just -- let me go back. Well, now I'm --

9           Okay. Well, anyway, it puts a load that  
10 will cause the base to want to lift, you know,  
11 or it will cause the pedestal to lift. So what  
12 these enhancements do is it actually offsets  
13 that increased loading to reinforce it and allow  
14 it to continue to resist that load within -- you  
15 know, within design standards.

16 Q.   And the Vestas, you have those in your other  
17 projects currently? Or are you converting over  
18 to it?

19 A.   We have -- the Vestas V110 is more specific  
20 towards retrofits, you know, for us. However,  
21 at our Midland project, or actually Otter Creek  
22 as well. You know, at Otter Creek, you know,  
23 the turbine is a Vestas. At Midland, the  
24 turbine is a Vestas as well. And at Osagrove

1 Flats, it will be a Vestas.

2 MR. STUTZKE: Thank you.

3 JUDGE SLAVIN: By raise of the hand, any  
4 other questions? Yes.

5 MS. STETSON: Connie Stetson.

6 EXAMINATION

7 BY MS. STETSON:

8 Q. Are you aware that these have been leaking for  
9 about six years?

10 A. That's been my understanding. I was made aware  
11 of that. I was made aware of that when we  
12 started looking at the repowering of this  
13 project.

14 Q. May I ask why it took you so long to -- I mean,  
15 they have been leaking. So I'm just saying,  
16 you know, you're --

17 JUDGE SLAVIN: Just finish the question.  
18 Why did it take you so long to get it done --

19 Q. (By Ms. Stetson:) Why did it take so long?

20 JUDGE SLAVIN: -- to get it cleaned up?

21 A. It takes time to investigate the root cause of  
22 an issue. It's not from not trying other  
23 mitigative measures to repair. It's just when  
24 you have an issue like that, you take your --

1           you try and find your root cause, you work that  
2           solution.

3           You know, and I think now we have found  
4           the appropriate root cause.

5 Q.       (By Ms. Stetson:) Well, there's not only  
6           debris going down the tower, but it's on the  
7           blades themselves. Have you noticed that?

8 A.       I have not noticed that.

9 Q.       I have got some pictures that you -- like I  
10          say --

11                 JUDGE SLAVIN: Now you're telling him  
12           things.

13 Q.       (By Ms. Stetson:) I went down 1000 North  
14           Street just today and I have been down that  
15           street many times.

16                 JUDGE SLAVIN: I'm sorry. Yeah, just ask  
17           him a question.

18 Q.       (By Ms. Stetson:) Are you worried about oil  
19           already being in the ground?

20 A.       We -- it's my understanding that we have not  
21           had a reportable spill, you know, on the ground  
22           since -- during this time period.

23 Q.       Have you done soil tests to see if there has  
24           been oil seepage into the ground?

1 A. We have not.

2 Q. Because there -- am I correct --

3 JUDGE SLAVIN: Ask him a question.

4 Q. (By Ms. Stetson:) Am I correct in saying that  
5 there's 80 gallons of oil in these turbines?

6 A. I don't have the exact number, but there is oil  
7 in these turbines.

8 I would also say that oil levels in these  
9 turbines are continuously monitored by our  
10 staff. And so I think that if there was a  
11 significant loss, it's going to be noticeable to  
12 the staff. Because you need certain oil levels  
13 to maintain operation of the unit itself.

14 Q. So do they add oil, like a car, you know, gets  
15 low and you put more oil in it?

16 A. I would say that you would -- you may -- you  
17 would either add or sometimes you do just  
18 replace the oil. Because over time, the same as  
19 a car, you know, you need to change your oil,  
20 and that's not -- that's similar with this.

21 Q. Are you willing to do soil tests around these  
22 turbines to confirm that there is no  
23 environmental problems going on with the soil?

24 A. Again, I don't believe that any type of leakage

1 has caused a problem to rise to that level.

2 Q. That's -- you believe, but you don't have  
3 facts?

4 A. We have not had -- we have not had a reportable  
5 incident, yes, since this time.

6 Q. But you have no facts to say that the soil is  
7 good or --

8 JUDGE SLAVIN: That's a question.

9 Q. (By Ms. Stetson:) -- damaged?

10 JUDGE SLAVIN: That's a question.

11 Q. (By Ms. Stetson:) You don't have facts?

12 JUDGE SLAVIN: Do you have facts to show  
13 that --

14 Q. (By Ms. Stetson:) Do you have facts? Yes or  
15 no.

16 A. I don't -- we don't have -- we -- normally the  
17 people who will let us know if there's  
18 contaminants on the ground are the farmers  
19 themselves, and we have not been told by our  
20 farmers that this has been an issue.

21 Q. Are you willing to get soil tests done?

22 A. I don't believe that this issue has raised to  
23 the level that requires that.

24 Q. But you don't have facts to back that?

1 JUDGE SLAVIN: Okay. You're starting to  
2 argue with him again.

3 MS. STETSON: I'm sorry.

4 JUDGE SLAVIN: You're telling him things.

5 Q. (By Ms. Stetson:) Are you willing -- you're  
6 not going to get soil tests to --

7 A. I don't believe that this issue has raised to  
8 that level.

9 Q. Even though that these have been leaking for  
10 over six -- six years?

11 A. They have been leaking mainly on the tower, you  
12 know, and we have been working to address the  
13 issue. We continue to monitor our oil levels.  
14 So we don't believe that it has raised to that  
15 level.

16 JUDGE SLAVIN: Any other questions?

17 (No verbal response.)

18 JUDGE SLAVIN: Kris (sic), any other  
19 questions?

20 (No verbal response.)

21 JUDGE SLAVIN: Hello? Any other  
22 questions?

23 MS. STETSON: No. I'm sorry.

24 JUDGE SLAVIN: Any other folks, by raise

1 of hand.

2 Yes, sir. Would you help us get started  
3 with your name and where you live in regards to  
4 this project?

5 MR. LORD: My name is Farrell Lord. I  
6 live in Metamora, Illinois. I farm in Milo, and  
7 I have an interest in this because I have two  
8 towers on my property. I became involved in  
9 this in 2005 --

10 JUDGE SLAVIN: You're telling him things.  
11 You have got to ask a question, Farrell.

12 COURT REPORTER: Judge Slavin, can you ask  
13 him to come to a microphone?

14 JUDGE SLAVIN: Oh, sure.

15 MS. DONARSKI: Do you have a microphone?

16 COURT REPORTER: He's kind of quiet and  
17 I'm having a hard time hearing him.

18 JUDGE SLAVIN: Why don't you come up here.

19 MR. LORD: Mine is not a question. It's a  
20 comment.

21 MR. M. MASSIE: Your Honor, we'll call  
22 Mr. Lord later. Do you have a question?

23 JUDGE SLAVIN: Mr. Massie, let me.

24 MR. M. MASSIE: Yeah, you bet. Thank you.



1 JUDGE SLAVIN: You said you had a  
2 question. Do you have a question?

3 MR. LORD: I just want to make a comment.

4 JUDGE SLAVIN: Now's not the time for  
5 comments. It's the time for questions.

6 Any other folks with a question?

7 (No verbal response.)

8 JUDGE SLAVIN: All right. I have a few.

9 EXAMINATION

10 BY JUDGE SLAVIN:

11 Q. With regards to the foundation, is it -- is my  
12 understanding correct that the pedestal will not  
13 increase in size but just in mass? Is that  
14 correct?

15 A. The diameter -- the diameter of the pedestal,  
16 with the addition, will widen.

17 Q. How far will it widen?

18 A. Let me go look at this measurement.

19 Q. Sure.

20 And maybe I have got the words mixed up.  
21 Which one is the pedestal and which one is the  
22 base?

23 A. The pedestal is --

24 Q. Is the bigger --

1 A. Yeah, the pedestal is here, and that's also at  
2 the higher level.

3 Q. I apologize. Let me rephrase.

4 Is my understanding correct that the base  
5 will -- the dimensions of the base will not  
6 increase but the mass or the -- will?

7 A. The diameter --

8 Q. The base --

9 A. Yeah, I don't want to call it a diameter  
10 because it's octagon.

11 But you will have --

12 Q. No, I'm sorry, and I'm not trying to be  
13 difficult. I've got to make sure. The inside  
14 circle, what's that?

15 A. Pedestal.

16 Q. Okay. That's what I was talking about, the  
17 pedestal. Will it get dimensions increased?

18 A. This gray ring would indicate the increase in  
19 diameter.

20 Q. Okay. And that's about how far? I don't  
21 expect you to know --

22 A. I think it's 4 and a half feet, right? Is  
23 that -- yeah.

24 Q. Okay.

1 A. Should have brought my glasses.

2 Q. Now, with regard to the foundation then, the  
3 whole -- the base, the dimensions of that, am I  
4 correct the dimensions of that would only  
5 increase by a 1-foot boundary all the way  
6 around? Is that correct?

7 A. That is correct.

8 Q. Did you hear your -- Mr. Bus testify that in  
9 cleaning, it would be the top of the towers?  
10 Did you hear him say that?

11 A. Yes.

12 Q. Is that the intent or do you intend to clean  
13 the whole tower?

14 A. We would intend to remove any constituents off  
15 of that tower. So if there's --

16 Q. So all the way down to the ground?

17 A. Yeah, we would get rid of the -- we would get  
18 rid of the material.

19 Q. All right. Okay. As the senior director of  
20 Midwest Region and having authority over the  
21 Providence Heights retrofit, would you agree on  
22 behalf of Avangrid and Providence Heights, LLC,  
23 to be bound by all representations made in your  
24 application and testimony given by any of

1 your -- any one or more of your agents under  
2 oath?

3 A. Yes.

4 JUDGE SLAVIN: Okay. All right. Based on  
5 my questions, do you have any other questions of  
6 your witness, either Messrs. Massie?

7 MR. M. MASSIE: I don't.

8 JUDGE SLAVIN: Okay. Thank you.

9 Either Messrs. Massie, do you want to --  
10 we've got about 18 minutes. We got about 18  
11 minutes before the time limit is reached. Do  
12 you have anything you can do for 18 minutes? If  
13 not, I understand. I'm just asking.

14 MR. M. MASSIE: May I take just a moment?

15 JUDGE SLAVIN: Absolutely.

16 (A brief recess was taken.)

17 MR. M. MASSIE: I think we're ready to  
18 call it a night.

19 JUDGE SLAVIN: Okay. All right. We  
20 will -- let's see. Just give me a general --  
21 I'm not going to hold you to it, it's not a  
22 courtroom, but give me a general idea what you  
23 think you might produce on Monday night.

24 MR. M. MASSIE: The idea, Your Honor, is

1 in the context of sound, shadow flicker,  
2 decommissioning, property values, the expert --  
3 all of the experts that will be called that  
4 relate to these -- these various areas that you  
5 have, that would be the plan for Monday night.

6 JUDGE SLAVIN: And you understand you have  
7 got -- just generally speaking, two and a half  
8 hours?

9 MR. M. MASSIE: I understand that.

10 JUDGE SLAVIN: And if you want to organize  
11 them according to that, I understand. I'd hate  
12 to have you haul somebody here and not have them  
13 testify.

14 MR. M. MASSIE: My plan at this point is,  
15 they would present a brief kind of overview of  
16 the work they have done, refer to the written  
17 material that's in here, and have an opportunity  
18 for you all to ask questions about each one of  
19 those things, whether it's sound or whatever.  
20 That's the plan.

21 JUDGE SLAVIN: Okay. Anything else,  
22 Ms. Donarski, before I recess?

23 MS. DONARSKI: I have nothing more.

24 JUDGE SLAVIN: I will recess this until

1 6 o'clock, here at the Moose Lodge on Euclid  
2 Avenue, on Monday, the 21st of October.

3 MR. M. MASSIE: May I ask just one --

4 JUDGE SLAVIN: Sure.

5 MR. M. MASSIE: Again, with the two  
6 nights, if we don't get some finished --

7 JUDGE SLAVIN: Oh, yeah.

8 MR. M. MASSIE: Our hope is to get all of  
9 those -- again, we want to answer whatever  
10 questions that the ZBA has and anyone else has  
11 in this process.

12 JUDGE SLAVIN: Yes, we'll get them.

13 MR. M. MASSIE: But we -- so we will take  
14 as much as we can on those two nights.

15 JUDGE SLAVIN: Yup. That's what I was  
16 trying to say.

17 Okay. Recess until Monday night, the  
18 26th, at 6 o'clock. Be here or be square.

19 (The hearing was recessed at  
20 9:15 p.m.)

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Now on this 17th day of October, A.D., 2024, I do signify that the foregoing testimony was given before the Bureau County Zoning Board of Appeals.

Barry Welbers, Chairman

Kristine Donarski,  
Zoning Administrator

-----  
*Callie S. Bodmer*

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