

Members Present

Mr. Olthoff, Mr. Stauffenberg, Ms. Barber, Mr. Hess, Mr. James, Ms. McBride, Mr. Marcotte, Ms. Schmidt, Mr. Tholen, Mr. Tripp, Mr. Washington, and Mr. Whitten

Members Absent

Mr. Scholl

In Attendance

• **Board Members**

Todd Arseneau

• **Department Heads**

Mike Van Mill and Jamie Boyd

• **Others**

Bob McElroy, Delbert Skimerhorn, Mike Lammey, Don Pallissard, Michelle Sadler, Jeff Harris, Turner Hunt, Mark Gershon, and Adrienne Martin

• **Media**

Leigh Marcotte

1. Call to Order

The meeting was called to order by the Chairman, Mr. Olthoff, at 9:00 a.m. Quorum present.

2. Public Comment

3. Approval of Minutes

A motion to approve the January 28, 2009, minutes was made by Mr. Whitten and seconded by Mr. Tripp. Motion carried.

4. Zoning

- **ZBA Case #09-01; request for a Special Use Permit Section 121-295 (Wind Energy Conversion Systems) in an A1-Agricultural District, on parcels generally situated in Sections 03, 04, 05, 06, 07, 08, 09, 33, and 34 of Otto Township and Sections 01, 02, 03, 04, 07, 08, 09, 10, 11, 12, 35, and 36 of Pilot Township. The petitioner is K4 Wind Farm LLC, applicant.**

A motion to send this on to the County Board was made by Mr. Whitten and seconded by Mr. Hess.

Mark Gershon, Jeff Harris, and Turner Hunt gave a presentation on the wind farm project. They represented Vision Energy and K4 Wind Farm LLC. Mark Gershon stated that they have met each of the County standards for this project. The County's Zoning Board of Appeals reviewed the standards and the project and unanimously recommended approval of the project.

Delbert Skimerhorn stated that at the Zoning Board of Appeals hearing the Zoning Board placed five conditions upon the recommendation for approval.

- 1. Decommissioning Plan** – They asked that the estimated cost of decommissioning be recalculated every five years from the date of County Board approval of the Special Use Permit.

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This estimate shall be prepared by an independent third party firm. The expense for preparing the estimates shall be at the expense of the WECS owner/operator.

2. **Road Authority Agreement** – They have to provide an agreement between themselves and all affected road district authorities.
3. **Section 121-295.b.7 Requirements** – They must meet all requirements of this section of the WECS Ordinance which includes:
 - Proof of liability insurance sufficient to cover the operation of the WECS.
 - A map of project boundary and parcel lines clearly depicted and certified by a license/registered surveyor.
 - A plan depicting how they will comply with all requirements of the Kankakee County Stormwater Ordinance.
 - Proof of an escrow account or bond, with the County as a beneficiary, with sufficient funds (accounting for inflation) to pay for the decommissioning of the facility as outlined in the decommissioning plan.
4. **All sites shall be maintained in a clean, safe, and orderly fashion in accordance with all Federal, State, and County regulations and in accordance with standard construction and maintenance practices.**
5. **Staging Area and Temporary Storage Sites** – The staging area as shown on the plan maps, as well as, any other temporary storage sites must be cleaned and returned to their preconstruction condition within 120 days of the completion of construction of the Wind Farm.

Mr. Olthoff asked what the amount was on the road bond and the decommissioning bond.

Turner Hunt stated that the value of the road bond has not yet been set. From their experience, the typical value of the bond is \$80,000.00 per mile. The cost of the decommissioning bond was calculated and is in the application packet; they had a third party actually estimate the cost of the decommissioning of the 88 towers. In the report, they identify \$517,000.00 as the cost, which would be recalculated as they go along.

Mr. Olthoff asked if that was similar to their other projects.

Turner Hunt stated that in Benton County, which has 87 turbines, \$140,000.00 was the number for that project.

Mr. Olthoff asked if the tax issue in Illinois is sun setting in 2011.

Turner Hunt said that when it was originally passed about 18 months ago, they said they'd look at this again in five years so that may be about three and a half years from now. We are at the whim of the state legislator on that.

Mr. Arseneau asked about the physical depreciation on the wind farms over the first couple of years.

In the uniform state law, it specifies how it depreciates over the whole entire time frame. It is preset in the taxation law and it is uniform throughout the State of Illinois.

Mr. Washington asked if wind towers have interfered with crop dusters.

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Turner Hunt stated that they do not. He showed a short video that showed a crop duster spraying a field with towers on it.

Mr. Washington asked if he envisions wind towers being tied into a national grid for power transfer in the future.

Turner Hunt said he thinks it will. There's a lot of resource out there but there is very little way to get that power to market.

Mr. Olthoff asked how much wind it takes to run a turbine.

Turner Hunt stated that a turbine will turn on at about five miles per hour on the ground. If it is five miles on the ground, it is about seven or eight at the hub.

Mr. Hess stated that he attended a public hearing over in Herscher and he thought it was excellent. He asked if it was correct that a nonparticipating landowner could not change their mind and join.

Mark Gershon stated that was correct. The current site plan is the site plan they are allowed to build without going through the entire process all over again.

Mr. Boyd stated that because of some of the outstanding tax issues he would recommend passing this on to the County Board but doing so without a recommendation as to passage or failure. Hoping, that in the next week or so his office can get some further information that he needs with regard to what the actual income to the County is going to be. He would be more comfortable with having some time to get some more information on how we are going to tax it after 2011, how it is going to be amortized out, and whether there is going to be an increase in value after 2011 or whether it is going to be considered completely reduced in value. He supports the project but he is concerned that three or four years down the line we will have residents asking us where the tax money is now.

Mark Gershon stated that he would say the opposite. He thinks we have a more solid sense of the tax on this project than probably any other development project in the County because of the fact that the State has established what the taxes are through 2011.

Mr. Boyd stated that is his concern, that the State is establishing the taxes, which means if we don't do our due diligence here in the next week or two whatever the whim of the Governor is will determine our tax base in two and a half years. He is not comfortable with that as a representative of the County residents. He thinks the right thing to do is to pass it on to the County Board but it is not ready at this time for recommendation for approval.

Mark Gershon stated that in the State's ordinance in passing it they said that one of the reasons they are doing it is because of the fact that it is a source of revenue. He can't imagine them deciding not to have that.

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Mr. Washington stated that he thinks we need to pass this on with the recommendation conditional on further info coming from the State's Attorney's office. It is important that we put the recommendation that it pass to the County Board.

Mr. Washington made a motion to amend the previous motion and Mr. Marcotte seconded it.

Mr. Washington stated the amendment "recommendation for passage to the County Board conditional upon the discovery of further information from the State's Attorney's office".

Ms. Schmidt stated that she isn't sure what the amendment would do. She understands where Mr. Boyd is concerned and she is glad he is doing his due diligence on this issue. She thinks that we would probably want this wind farm anyway because of its energy value and all the other values that come with it. She would hate to lose \$60,000 worth of tax income but at the same time there are benefits to the wind farm.

Mr. Olthoff asked if she was speaking against the amendment.

Ms. Schmidt questioned what we will do with the info we get from Mr. Boyd. If what he says ends up being true, will we still want the wind farm? What is more info going to do?

Mr. Washington said that would be up to the full County Board to decide.

Motion to amend carried with a roll call vote of 10 ayes and 0 nays.

Motion to pass the original motion with the amendment carried with a roll call vote of 10 ayes and 0 nays.

5. Other

6. Old/New Business

7. Adjournment

A motion to adjourn the meeting was made at 10:00 a.m.

Bill Olthoff, Chairman
Joanne Langlois, Executive Coordinator