

STATE OF ILLINOIS)
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COUNTY OF LEE)

In the Matter of the Petition
 of
South Dixon Solar Development
Lee County, Illinois

Testimony of Witnesses
Produced, Sworn and
Examined on this 10th day
of December, A.D., 2020,
before the Lee County
Zoning Board of Appeals

Present:

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

Alice Henkel, Secretary
Dee Duffy, Zoning Enforcement Officer

Honorable Judge Tim Slavin, Facilitator

1 APPEARANCES:

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1 JUDGE SLAVIN: All righty then. Good
2 evening, ladies and gentlemen.

3 MS. HENKEL: Hold up.

4 JUDGE SLAVIN: Sorry, Alice.

5 MS. HENKEL: That's okay. Okay.

6 JUDGE SLAVIN: All right. Good evening,
7 ladies and gentlemen. I call out of recess Lee
8 County Zoning Board of Appeals hearing on
9 Petition 20-P-1558, South Dixon Solar, LLC's,
10 request for Special Use Permit to construct a
11 solar energy system in South Dixon Township.

12 If you want to be on Zoom but somehow have
13 lost the ability, the Zoom meeting ID -- but can
14 hear us, the Zoom meeting ID is 915-3923-9154.
15 The password is 209840.

16 If you just want to view and listen to the
17 proceedings but not participate, you can do so
18 on YouTube. You go to www.youtube.com. In the
19 search bar type "Lee County IL," short for
20 Illinois, "Zoning Board of Appeals." You don't
21 have to be concerned with upper- or lowercase
22 letters. That should bring you to a menu that
23 allows you to pick the session you want to
24 listen to. And, of course, today is December

1 10th, 2020. And you click on that and whala.

2 I will call the roll for tonight. I note
3 that all honorable members of the Lee County
4 Zoning Board of Appeals are present: Chairman
5 Foster, Vice Chairman Buhrow, Mr. Bothe,
6 Mr. Hughes, and Mr. Meyer.

7 Dee Duffy is here and wandering around but
8 not -- I shouldn't say that. She is not in the
9 meeting room, but she is hovering on the edges,
10 as is the case with your new State's Attorney,
11 Mr. Boonstra.

12 Mr. Barry, the attorney for the
13 Petitioner, is present with one of his
14 representatives. Alice, our IT expert, is
15 present, court reporter, and himself.

16 We have an IT expert wandering around the
17 hallway as well in case of a technology
18 malfunction.

19 That makes, once again, ten people in the
20 meeting room, complying with Governor Pritzker's
21 Tier 3 mitigation protocol.

22 We have, I understand, tonight four people
23 in attendance in the rear former jury
24 deliberation room. And I don't count heads on

1 Zoom, but it appears a lot of folks are joining
2 us on Zoom, and we welcome them as well, of
3 course.

4 All right. When we left off, the -- we
5 finished the evidence-taking stage, and the next
6 stage of the proceedings, the second-to-last, is
7 for -- people call it various things: closing
8 arguments, final statements, public comment. As
9 far as I'm concerned, it's all the same. This
10 is the opportunity to tell the Zoning Board how
11 you feel. It's too late to allege facts
12 because, after all, you're not under oath and
13 not subject to cross-examination.

14 So generally what you have to say should
15 be the flavor of, "I think, based on the
16 evidence, you should," or, "I believe that,
17 because of what you heard, you should." "It is
18 my opinion that, given what you have heard, you
19 should do this."

20 So with no further ado, under the Board
21 rules, the Petitioner goes first, and you may,
22 Mr. Barry.

23 MR. BARRY: Thank you, Judge Slavin, and
24 thank you for presiding over these hearings.

1 I also want to thank Alice and Zack, the
2 IT department, for doing a fabulous job under
3 trying circumstances, as well as the court
4 reporter, as I know it's challenging to manage
5 the folks who are participating remotely. I
6 want to thank Dee Duffy and the State's Attorney
7 as well for spending so much time with us in the
8 evening. And lastly, Mr. Chairman, members of
9 the Board, I want to thank you for your
10 commitment to doing a volunteer task like that.

11 I'm a member of a school board and it's an
12 unpaid position, and I know the difficulties
13 associated with spending a lot of time on a
14 volunteer board. So just thank you for your
15 efforts. I know you have got to sit through a
16 lot of materials for this.

17 I think we all know, the Lee County Board,
18 specifically adopted citing regulations for
19 solar energy systems, quote, That promote
20 economic development and ensure the protection
21 of the health, safety, and welfare by also
22 avoiding adverse impacts to important areas such
23 as agricultural lands, endangered species
24 habitat, conservation lands, and other sensitive

1 lands, end quote.

2 Solar energy systems are permitted in AG-1
3 districts as Special Uses. Accordingly, the Lee
4 County Board has already concluded that solar
5 energy systems are an appropriate use for the
6 area that's included in the application for a
7 Special Use Permit that's the subject of these
8 hearings since all of that land is zoned AG-1 or
9 agriculture.

10 So in the spirit of keeping our eyes on
11 the ball, I first want to talk about what this
12 hearing is not about. In spite of some of the
13 questions that have been raised during the
14 course of the hearings, this is not a proceeding
15 to determine whether Lee County should allow
16 solar projects. That question has already been
17 answered.

18 In addition, as Judge Slavin indicated
19 early in the proceedings, the recent changes to
20 the Solar Ordinance do not apply to this
21 application because it was filed before those
22 changes went into effect. This is also not a
23 proceeding about whether a solar project can be
24 sited on the parcels included in the

1 application. Again, Lee County has already
2 determined that this area may host a solar
3 project.

4 Instead, this is a public hearing to
5 determine whether the Applicant has satisfied
6 the standards for siting a solar energy system
7 on the parcels included in the permit
8 application. On behalf of the Applicant, I
9 submit that the permit application has submitted
10 more than sufficient evidence to demonstrate
11 that the Applicant has met those standards.

12 Although I'm quite confident that the
13 members of this Zoning Board of Appeals are well
14 aware of your duties, for the benefit of
15 everyone else I think it might be worth a
16 reminder at this point of what the Zoning Board
17 is charged to do.

18 This is an official public hearing. It is
19 a quasi-judicial proceeding, which is one reason
20 why Judge Slavin has been asked to preside over
21 it and why witnesses are sworn to testify under
22 oath. One function of the Zoning Board is to
23 act as the finders of fact and make findings of
24 fact from these hearings. This is why the

1 Applicant has submitted evidence in the form of
2 its permit application, exhibits and appendices
3 to the permit application, and testimony from
4 witnesses and experts.

5 Another job of the Zoning Board, again, as
6 you know, is to issue a recommendation to the
7 County Board about whether the permit
8 application meets the standards of the Zoning
9 Code and whether the County Board should
10 approve a Special Use Permit for the project.

11 Again, it is not the job of the Zoning
12 Board to evaluate whether Lee County should
13 allow solar energy systems on
14 agriculturally-zoned land. That question has
15 already been answered.

16 So let's talk about the standards under
17 the solar siting provisions of the Zoning Code
18 and the evidence submitted by the Applicant.
19 Through expert testimony and other evidence
20 submitted, the Applicant has satisfied -- excuse
21 me, has established the following points
22 regarding the project design standards in the
23 Zoning Code:

24 Setbacks. As Mr. Coon testified, the

1 project will meet or exceed all setbacks and
2 will utilize residential setbacks that exceed
3 those required in the Solar Ordinance.

4 Foundations. The permit application
5 states that the foundations will be certified by
6 a professional engineer. It's not something
7 that has to happen at this point, but before a
8 building permit can be issued, those foundations
9 have to be certified by an engineer.

10 The National Electric Code. This is
11 covered in the permit application and Mr. Cooper
12 and Ms. Smith's testimony, specifically,
13 indicating that the project will comply with all
14 the requirements of the National Electric Code,
15 such as a security fence, if you recall.

16 The application complies with applicable
17 federal standards. As we discussed with the FAA
18 standards, there's no glare with respect to --
19 and as the glint and glare study showed, there
20 will be no glare that will affect runways or any
21 other aviation with respect to the City of
22 Dixon's Airport.

23 U.S. Fish and Wildlife Service, there's no
24 expected impact because the project will be

1 designed in such a way on endangered species at
2 the federal level. There will be no detrimental
3 impact to wildlife and their habitat in general,
4 and pollinators will be planted -- or pollinated
5 plants will be planted that will improve habitat
6 for butterflies, bees, and other species.

7 In terms of cultural studies, as
8 Ms. Klingshirn testified, there's a phase one
9 study that's being undertaken right now, and the
10 project is consulting with the, what we call the
11 SHIPO, the State Historic Preservation Office.

12 Power and communication lines will be
13 buried, and they will eventually be removed up
14 to 5 feet, per the decommissioning plan, as
15 required by the Ordinance.

16 The height of the facilities. The permit
17 application shows, and Mr. Coon testified, that
18 the solar panels will be less than 10 feet tall,
19 which is well below the 30-foot limit set forth
20 in the Ordinance, except for the substation --
21 equipment associated with the substation, which
22 is exempted from the 30-foot height limitation.

23 In terms of project security, the project
24 will be secured by a fence with Knox boxes for

1 access by emergency personnel, as indicated in
2 the application. And as Mr. Coon testified, if
3 security cameras are deployed, they will not be
4 aimed at residences.

5 Any lighting that will be used at the
6 project will be shielded and encased and faced
7 downward so as not to -- so the light won't
8 spread out and spill onto neighboring
9 properties.

10 If you recall, there was a discussion
11 about a noise study that was performed. This
12 was covered by Mr. Cooper. It shows that the
13 project will comply not only with the standards
14 and the limitations set forth in the Zoning
15 Ordinance, but also with the limitations that
16 are prescribed by the Illinois Pollution Control
17 Board, and it will comply to neighboring
18 property lines.

19 Again, in terms of glare, there was a --
20 the project submitted a glint and glare analysis
21 that Mr. Cooper testified about. And as a
22 reminder, he said that the project solar panels
23 will not have a glare effect on aviation, roads,
24 or neighboring properties.

1 The Ordinance sets forth specific
2 applications -- excuse me, specific requirements
3 for a permit application. That calls for a site
4 plan. Well, the site plan was submitted with
5 the permit application. And if you recall,
6 Mr. Cooper discussed it in his PowerPoint
7 presentation.

8 There's a requirement for a solar energy
9 system plan that shows the proposed location of
10 equipment and roads. Again, that was submitted
11 with the application and was shown on some of
12 the slides presented by Mr. Cooper.

13 In terms of weed and grass control, that
14 was discussed by, I believe, a couple of
15 witnesses. And the application includes a
16 landscape management plan. It also includes a
17 buffer plan and, as more than one witness
18 says -- said and as is indicated in the
19 application, the project will plant and maintain
20 tree buffers to visually screen residences, even
21 though that's not necessarily a requirement in
22 the Ordinance. The project intends to do that
23 anyway.

24 The project submitted an interconnection

1 plan, as required by the Ordinance. That's in
2 the application.

3 The Ordinance discusses the avoidance of
4 endangered species. If you recall, there was
5 testimony about what's called the EcoCAT system
6 by Ms. Klingshirn, and as she testified and as
7 indicated in the application, the Department of
8 Natural Resources stated in correspondence
9 that's included in the application that there's
10 no expected impact on State endangered species,
11 and as a result, the case is closed. The
12 consultation requirement that's included in
13 State statute is considered terminated by the
14 Department of Natural Resources.

15 So in spite of what we heard about some
16 critters that might be near the project, the
17 Illinois Department of Natural Resources has
18 determined that there's no issue associated with
19 any endangered species.

20 The project submitted a wetlands study.
21 As Ms. Klingshirn testified, the study shows
22 that wetlands will be avoided through the
23 construction of the project.

24 The project submitted a fire protection

1 plan. That's included in the permit
2 application.

3 In terms of road issues, the Ordinance
4 requires the project to submit a road plan, and
5 the project submitted some maps and road plans
6 in connection with the application. I believe
7 Mr. Smith discussed that in his testimony.

8 In terms of the drainage, which the
9 Ordinance requires to be addressed, the permit
10 application includes a drain tile repair plan.
11 And the AIMA, which has been signed by the
12 project, that requires a drain tile repair as
13 well.

14 If you recall also, Mr. Huddleston
15 testified about the process for repairing drain
16 tiles. And in addition, we heard testimony
17 about how surface and subsurface drain- -- water
18 drainage will be maintained or even improved.

19 The project submitted a decommissioning
20 plan. This was covered by Mr. Cooper, and it's
21 included as part of the permit application. The
22 permit application also states that liability
23 insurance will be provided at the appropriate
24 time. That was included in the permit

1 application.

2 In terms of the LESA scoring, if you
3 recall, Ms. Klingshirn discussed the NRI report
4 which was completed, and that has now been
5 provided to the -- to Ms. Duffy. If you recall,
6 I think she indicated that it's 1400 pages long.
7 So it's a pretty big document.

8 Just in terms of the LESA requirements in
9 the Ordinance, they specifically state -- the
10 Ordinance specifically states that solar
11 projects are compatible with agriculture. The
12 Ordinance directs that the scoring for LESA
13 should not be followed blindly, and, rather, the
14 County Board should consider the totality of the
15 circumstances.

16 There are -- there's a directive to
17 consider if there's a bona fide ag use,
18 agricultural use, and if a project is consistent
19 with desirable public policy. Those factors
20 should be considered when evaluating the LESA
21 score.

22 As you heard a lot of testimony about from
23 a variety of witnesses, this project will be a
24 temporary use. And by planting and maintaining

1 a consistent, year-round vegetative cover of
2 grasses and forbs, the quality of the land and
3 soils will be preserved or improved.

4 I think there was some witnesses who
5 questioned that concept. Again, we had some
6 experts talk about it, but I also think it's
7 common sense. I mean, I'll just tell you, my
8 grandpa was a farmer, and I never knew what the
9 word fallow meant until we were walking around
10 the farm one day and he pointed to a field and
11 he said -- told me he didn't plant that field
12 because he was leaving it fallow for a year so
13 the soil could recharge.

14 Well, that's the whole concept behind
15 planting the solar project and native grasses
16 and forbs. As you saw some of the photographs
17 that were presented by Mr. Smith, the project in
18 a lot of ways will resemble a prairie field with
19 some poles sticking out of it and on top of
20 those poles will be the solar panels.

21 As a couple witnesses testified, the
22 project will cause no increase, and may actually
23 cause a decrease, in stormwater runoff and
24 flooding because of that vegetation that's

1 planted under the panels.

2 At the end of the project life, the
3 facilities will be removed and the land will be
4 restored, including decompaction of the soil
5 that may have experienced some compaction during
6 operations and decommissioning.

7 And I think we heard some discussion from
8 some witnesses' references to 5,000 acres, if
9 you may recall, but the actual project area, as
10 I believe was covered by Mr. Smith, is 3,838
11 acres. And as Mr. Smith testified, the project
12 will only use about one-third of the signed
13 acreage to host project infrastructure, which
14 will equal about 1300 acres, not 5,000.

15 Almost all of the land, including the land
16 under the panels, will be, again, planted and
17 maintained in native grasses and forbs, and in
18 many ways it will be just like putting the
19 project into -- excuse me, putting the land into
20 a CRP program for the life of the project.

21 There's been -- speaking of the life of
22 the project, there was some talk about the fact
23 that the project will be there for 70 years,
24 because, I think as was covered in some of the

1 testimony, the length of the lease is 35 years
2 but it has a right to extend it. But I'll just
3 say that there's no way to predict whether this
4 type of solar project will be an efficient use
5 by the project owner more than 35 years from
6 now. I mean, this Board has already seen wind
7 projects be repowered in about 15 years because
8 of significant advances in wind energy
9 technology in just that short period of time.
10 And, in fact, as you know, next week you'll be
11 hearing an application from Big Sky Wind where
12 they will be talking about something similar.

13 I'll just say that solar technology in a
14 lot of ways is probably advancing a lot faster
15 than wind. So we just don't know what the
16 situation is going to be 35 years from now. So
17 I don't think it's appropriate to assume that
18 the project's life is going to be much more than
19 the original term of the lease.

20 Okay. So that covered the solar-specific
21 provisions of the Zoning Code. The Code also
22 includes other more general provisions that
23 apply to most projects. As I believe the
24 application indicates, and I think it was

1 Mr. Smith that indicated, there's no vibration
2 caused by solar. It generates electricity just
3 by capturing the sun. There are no significant
4 moving parts. Solar projects also do not
5 generate air pollution. They don't use
6 combustion, and there are no air emissions or
7 odors.

8 We heard a little bit of the testimony
9 about electromagnetic radiation. As Mr. Smith
10 testified, electromagnetic radiation is emitted
11 at safe levels even inside the project. If you
12 recall, he said that workers work on panels in
13 the middle of the project and they are not
14 exposed to any hazardous levels of
15 electromagnetic radiation. He also testified
16 that most sources of -- most electronics
17 generate electromagnetic radiation, and he also
18 said that there are no unsafe emissions outside
19 of the project's property line.

20 Again, we have already covered glare
21 and -- glare with -- that was covered in the
22 glint and glare analysis. The project will not
23 present any issues with respect to glare.

24 Mr. Smith testified that panels will

1 generate heat but only directly above the
2 panels. And that -- I believe he said that it
3 will -- the heat will only increase the
4 temperature by a degree or two, and he said that
5 would only happen during the day when the sun is
6 shining. He also testified that any heat
7 generating -- generated will have no effect on
8 localized weather patterns.

9 In terms of fire and explosion issues,
10 Mr. Smith testified that the project will be
11 monitored 24 hours a day, seven days a week. In
12 addition, the project, as part of the
13 application, submitted a fire protection plan.

14 In terms of complying with the toxic and
15 noxious or hazardous materials provision, again,
16 the only hazardous material that the panels may
17 contain is lead, as Mr. Smith testified. If you
18 recall, he said that it could -- lead may be in
19 the panels because of the soldering of material
20 that's used to construct them, but he also said
21 that those panels are sealed and the lead would
22 be inside those sealed panels. And in any
23 event, the lead would be only in trace amounts
24 and amounts that are considered acceptable by

1 the U.S. EPA.

2 In terms of waste and recycling, Mr. Smith
3 testified that the project will attempt to
4 recycle most materials because they have
5 significant value. He also testified that very
6 minimal waste will be generated during the
7 operations of the project.

8 And, finally, in terms of airport hazards,
9 the project will present no physical hazards to
10 the -- any local airport. As already discussed,
11 the glint and glare analysis shows that there's
12 no potential impact on runways or aircraft
13 nearby, and I think Mr. Cooper covered that as
14 well.

15 Before I conclude, I have a few other
16 considerations I would like to present.

17 Mr. Mike MaRous testified about the
18 property value impact study he prepared. As a
19 reminder, that study demonstrates that the
20 project will have no negative impact on
21 neighboring property values. The study was
22 supplemented by the testimony of Mr. MaRous,
23 who, I think he said he has 40 years' of
24 experience as a real estate appraiser, he has

1 what's called an MAI certification, and has the
2 highest credentials possible to obtain as a real
3 estate appraiser.

4 I also want to point out, if you remember,
5 that Mr. MaRous, in his study, relied on
6 different types of data. He looked at actual
7 sales. If you recall, he did -- went through a
8 few examples of what he called a matched-pair
9 analysis. He spoke to tax assessors in Illinois
10 that have solar projects in their counties, and,
11 as Mr. MaRous testified, not one of them in
12 Illinois or elsewhere in other states indicated
13 that they had observed any value -- excuse me,
14 any decrease in value of assessments on property
15 located near solar projects.

16 And, finally, Mr. MaRous testified, and
17 his report includes, a discussion about other
18 peer-reviewed studies about solar projects which
19 showed no impact on -- or no negative impact on
20 property values for neighboring properties.

21 The project, as the application sets forth
22 and as we heard testimony from Mr. Coon in
23 particular, through property taxes alone will
24 increase local tax revenue by more than a

1 million dollars annually. More than half of
2 this income will benefit local school districts,
3 with the remainder of the income supporting
4 South Dixon Township, the rural fire district,
5 the county, and the community college.

6 The 25 landowners participating in the
7 project will benefit from increased and
8 consistent income on their land. The
9 construction of the project would provide a
10 substantial economic stimulus to the community
11 over a period of 18 to 24 months by providing
12 hundreds of jobs and ancillary benefits to local
13 hotels, restaurants, and stores.

14 During the operations period of the
15 project, it will employ five to ten new jobs and
16 will present additional opportunities for
17 contracted services for local businesses, such
18 as vegetation and drainage management.

19 And in the end, the construction of the
20 project and the equipment installed with it will
21 not have a detrimental impact to the land, as
22 was discussed by more than one witness.

23 So in closing, I would like to focus on
24 the evidence that was presented. So the

1 Applicant has submitted documentary evidence,
2 including site plans and designs, studies and
3 reports. The Applicant has also presented
4 testimony from experts and persons with
5 experience in their fields who have knowledge of
6 the project.

7 Although several Interested Parties asked
8 a number of questions of witnesses and presented
9 some discussion themselves, the Applicant's
10 evidence -- or I should say, the evidence that
11 the Applicant submitted is uncontroverted. No
12 one presented any evidence to challenge the
13 evidence presented by the Applicant. No party
14 presented any reports or expert witnesses of
15 their own.

16 Just to emphasize that, there's no
17 contradictory evidence that was submitted
18 indicating that the project failed to meet the
19 Ordinance's standards. That evidence showing
20 that the project meets the standards was simply
21 not controverted. It wasn't contradicted at any
22 point.

23 And as a reminder, this is a quasi
24 judicial proceeding. People are entitled to

1 their opinions, but the opinions and the
2 evidence submitted, especially from experts, I
3 would submit, is entitled to greater weight than
4 someone's opinion who is not an expert in the
5 field or who lacks experience in a particular
6 area.

7 So one last thing I would like to say --
8 well, first, again, thank you for hosting us for
9 these hearings. I also want to say that South
10 Dixon Solar wants to be a good member of the
11 community. And, as he has expressed more than
12 once before, Tyler Coon, who is the project
13 developer for the project, would be more than
14 happy to talk to anyone to see if the project
15 can accommodate their requests.

16 So the project encourages folks to reach
17 out if they have questions or concerns.

18 Again, I want to thank you, Judge Slavin,
19 for presiding.

20 And with that, I'll close.

21 JUDGE SLAVIN: All right. Thank you very
22 much.

23 The only other set of folks allowed to
24 give closing statements, public comment, of

1 course, are Interested Parties.

2 Having thought about it, I think the
3 fairest thing to do, given the COVID-19
4 circumstances is to help the people that appear
5 here in person, so, and give their -- if any of
6 them want to give a closing comment, they can go
7 first. That means that if they didn't want to,
8 they wouldn't have to come back at another
9 night. There's more potential exposure, of
10 course, being here than being safe at home.

11 So I will start with the back jury
12 deliberation room. Is there anybody back there
13 who wants to give their own public comment/
14 closing statement?

15 It's a new day, so state your name,
16 please, remind us where you live in relation to
17 the project.

18 MS. SHIPPERT: Angie Shippert. I live
19 adjacent to the project within 1.5 miles.

20 JUDGE SLAVIN: Okay. Go ahead.

21 MS. SHIPPERT: All right. Dear Lee County
22 Zoning Board of Appeals, my name is Angie
23 Shippert. I want to address the evidence or
24 lack of evidence provided by Duke Energy

1 Renewables and its expert witnesses. In my
2 opinion, what was presented before this Board is
3 a house of cards and a bag of empty promises.

4 Jason Cooper, the first expert witness
5 from Kimley-Horn. Mr. Cooper covered his site
6 plan design, decommissioning, noise, glare,
7 drainage, and vegetative plan. For being in
8 charge of decommissioning, I was appalled with
9 the lack of information he had.

10 What comes to mind with decommissioning is
11 the number of panels, how long they will last,
12 what the Board can expect in metric tons of
13 waste and hazardous waste, where each material
14 will go. I asked these questions about the
15 matters, along with what materials are in each
16 panel, and if toxic material is in the panel.
17 No such questions were answered. To this point
18 I have no idea where these panels and materials
19 will go at the end of their life cycle.

20 As another witness later stated, Duke
21 places no guarantee that these panels will be
22 recycled at all, which leads me to deduce that
23 there's a good chance these cells could end up
24 in a local landfill.

1 The second expert was Tom Huddleston, who
2 spoke on drain tiles and the agricultural land
3 impact. I do understand why Tom was asked to
4 give testimony to his expertise on drain tiles,
5 yet I'm surprised that he also imposed his
6 opinion on the agricultural land impact.

7 On the latter, I think he was trying to
8 state his opinion about how the project would be
9 better for the land. He knew nothing when asked
10 about the loss of bushels of corn and soy and
11 the impact to the agribusiness and food supply.

12 The next was Jennifer Klingshirn of Energy
13 Renewal Partners, who was the expert on
14 wildlife, environmental, soils, and cultural
15 resources. The glaring issue with this entire
16 testimony is that Ms. Klingshirn stated there is
17 no long-term data available for the impacts of
18 solar projects on wildlife. How could this even
19 be possible? Why would we even consider doing a
20 project without long-term information? I really
21 hope that this is a major part of the
22 consideration on the Board's part.

23 Then there was Mr. Mike MaRous of MaRous
24 and Company . I'm really curious if Duke will

1 hire this individual again after his testimony
2 and failure to provide any applicable data.
3 Examples, limited examples I might add, were not
4 comparable in size, scope, or surrounded by
5 panels on three or more sides. To say there
6 would be zero loss to property value is either a
7 flat-out lie or Mr. MaRous is not good at his
8 job.

9 And, finally, Patrick Smith of Duke Energy
10 Renewables, whose main topic was health and
11 safety, engineering -- although the engineering
12 part is really what was covered, given that Duke
13 has yet to provide the make and model that they
14 would be using. Without that information, it is
15 not clear, and Mr. Smith did not answer as to
16 the materials used. He also could not provide a
17 low or high estimate of how many panels or even
18 a range.

19 Does this Board think that Duke doesn't
20 have this information, or that they're just --
21 or are they just pulling the wool over your
22 eyes? Without a panel estimation, how could the
23 company have any idea of the approximate cost of
24 the project?

1 Based on the dimensions that they gave, my
2 approximation is 3 million panels. Which could
3 come out to 22 pounds of lead per acre, given 13
4 grams are in each panel. My guess is just based
5 on the limited information that was provided in
6 the permit.

7 I don't know about all of you, but I care
8 about the health and safety of this community.
9 According to the EPA, lead is persistent in the
10 environment and can be added to soils and
11 sediments through deposition from sources of
12 lead air pollution. Other sources of lead to
13 ecosystems include direct discharge of waste
14 streams to water bodies and mining. This could
15 be a problem if they do end up in the landfill.
16 Elevated lead in the environment can cause
17 decreased growth and reproductive rates in
18 plants and animals and neurological effects in
19 bird groups.

20 There were an unbelievable amount of "I
21 don't knows." There's no way at this time to
22 know the impacts to human health and animal
23 health, the impacts to our ground, the impacts
24 to our property values, and the impacts to the

1 economy in this area.

2 Based on this and the project you have
3 already approved, I think it's fair to say, if
4 this is approved that this Board could end up
5 crippling the economy in the local area.

6 Members of the committee, I urge you, do
7 not sign your name by this project. This may be
8 one of the most important decisions that you
9 will make for this generation and other
10 generations to come. Please make the right one.
11 People are counting on you. Thank you.

12 JUDGE SLAVIN: Thank you.

13 Is there anyone else in the back room?

14 MS. SHIPPERT: Yes.

15 JUDGE SLAVIN: Like I told your wife,
16 Brad, it's a new day, so name and where you live
17 in relation to the project.

18 MR. SHIPPERT: My name is Brad Shippert.
19 I live adjacent to the project.

20 JUDGE SLAVIN: Go ahead, please.

21 MR. SHIPPERT: As stated before, my name
22 is Brad Shippert. I reside adjacent to the
23 solar energy project. I live there with my
24 wife, Angela, and my three young children -- our

1 three young children. I'm a sixth-generation
2 family farmer with a degree in agricultural
3 science from Western Illinois University.

4 Our farm has been in continual operation
5 since 1864. I personally have been involved
6 with the farm throughout my whole life, being
7 solely on my own for 15 years. Within one mile
8 of the proposed project on the east side we own
9 and operate two certified Illinois Centennial
10 Farms. In addition to that, along the north
11 central side of the project we operate a farm
12 that is in the process of being another Illinois
13 certified centennial farm. Dates of original
14 ownership of these properties date back to 1864,
15 1888, and 1918.

16 I take great pride on the history of our
17 farmland and being the caretaker of the property
18 during my lifetime and career. It is my desire
19 to continue our family legacy and for my
20 children to do the same if they so wish to do
21 so.

22 It is safe to assume that myself and my
23 family will be residing at the same residences
24 in South Dixon Township for the duration of the

1 proposed lease agreement.

2 I would like to take this opportunity to
3 voice my opposition to the Special Use Permit
4 for South Dixon Solar.

5 From an agricultural perspective, many
6 claimed the land would vastly be improved after
7 resting, quote-unquote, for 35 years. It is the
8 general opinion of researchers and farmers alike
9 that letting land to rest for long periods of
10 time is generally good; however, there's no
11 factual evidence of farmland being more or less
12 productive when PV panels are installed. We
13 essentially would be the first example of such
14 an arrangement.

15 Claims have been made that our farmland
16 could, quote-quote, use the rest, or,
17 quote-unquote, need the rest. These claims are
18 usually made by someone who has absolutely no
19 understanding or knowledge of modern
20 agricultural practices. In fact, it is my
21 observation and knowledge, through many
22 different farming practices, that our farm
23 ground is more productive and vibrant than ever.

24 From a land use and planning perspective,

In Totidem Verbis, LLC (ITV)
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In Totidem Verbis, LLC (ITV)

1 I'm appalled at the Zoning Board's lack of --
2 Appeal's lack of questioning and concern for the
3 nonparticipating residents who live within and
4 adjacent to the project area.

5 Upon my own investigation of Duke Energy's
6 other solar projects listed in the informational
7 pamphlet that was handed out, none of them
8 surround residences directly on three or four
9 sides of their property. Nearly all of them are
10 significantly smaller in scale, size, and shape,
11 with some of them clearly out in land of
12 desolation or at least located within or near a
13 greater industrial complex.

14 When the representative of Duke Energy was
15 asked why the location of South Dixon Township
16 was selected for the project, the answer that
17 was given, and I am paraphrasing, was the
18 location of the nearby transmission line. The
19 fact that there would be residences surrounded
20 by the project, prime A farm ground occupied, or
21 it's locale to the city of Dixon was not taken
22 into account.

23 In total, there are 13 nonparticipating
24 residences that are surrounded by this proposed

1 project on three or more sides. Of those 13, I
2 was able to contact six of them, which all six
3 were in extreme displeasure with the situation,
4 with three of them suggesting they will leave
5 the area and list the property for sale.

6 JUDGE SLAVIN: Brad, that's new evidence.
7 You can't be --

8 MR. SHIPPERT: Okay. I'm sorry. I
9 apologize.

10 JUDGE SLAVIN: Sorry.

11 MR. SHIPPERT: That's okay.

12 JUDGE SLAVIN: I hope you understand.

13 MR. SHIPPERT: Yeah, I do. I do.

14 JUDGE SLAVIN: Nobody can ask you
15 questions about that.

16 MR. SHIPPERT: Okay. So based off of the
17 evidence I have conducted on my own -- is that
18 permissible?

19 JUDGE SLAVIN: No, because that's
20 evidence. You just said it yourself, it's
21 evidence.

22 MR. SHIPPERT: Okay. Most of the people I
23 have talked to do not have a positive outlook
24 for this project. None are in favor of a

1 project of this magnitude. Most have a positive
2 outlook for solar and green energy, but not on
3 productive farm ground and not on the scale
4 that's being proposed.

5 It seems the only people that are in
6 support of this project are the participating
7 landowners. I might add that only four of 25 of
8 these landowners are directly affected by this
9 project. The rest of them are safely tucked
10 away, out of sight, out of mind, with little to
11 no daily repercussions.

12 It is my opinion, approval of this project
13 is irresponsible use and extremely poor
14 management of the resources God has given us in
15 the form of healthy, productive, and
16 aesthetically-pleasing agricultural land to be
17 cultivated for row crop production.

18 It was presented by a witness that land
19 values would not be affected during the
20 construction of the project; however, the
21 witness had zero factual evidence of his
22 statement. Examples that were provided were not
23 comparable in size, scope, or surrounded by
24 solar panels on three or more sides of the given

1 property.

2 Of that factual data that was presented,
3 the witness purposefully omitted sales data to
4 fit his narrative. Sales data that was
5 presented from the sale was not a true
6 reflection of market activity. Statements this
7 witness made were merely the opinion of one
8 single person who happens to reside more than
9 one hundred miles away from the project area.

10 It is my opinion that this witness clearly
11 does not understand the aesthetics of the land
12 or the culture of our agriculturally-based
13 county. A 6-foot-tall chain link fence with
14 barbed wire is not reflective to the aesthetics
15 of agricultural land; rather, it reflects the
16 aesthetics of a more industrial power plant,
17 factory, or prison.

18 To further take away from the aesthetics
19 and rural character of this area, the glint and
20 glare study that was stated in the testimony was
21 only from the scope of the view from local
22 roadways, which is a public safety concern. It
23 did not take into account any of the
24 nonparticipating adjacent residences that would

1 have to tolerate a glint and glare on a daily
2 basis.

3 It is my opinion the property and
4 residences that are located directly adjacent to
5 and surrounded by this project would be highly
6 undesirable to potential buyers seeking to move
7 to the area, thus negatively impacting land
8 values.

9 The Lee County Comprehensive Plan was
10 adopted in May of 2010. It is a 158-page
11 document that, quote, Serves as a blueprint for
12 growth and development in the county, unquote.
13 It is designed to aid government officials,
14 developers, landowners, and the general public
15 when making decisions regarding growth in the
16 county.

17 Under Chapter 2.1, numerous goals and
18 objectives are listed. Under the heading of,
19 quote, Land Use Agricultural Preservation and
20 Natural Resource Protection, unquote, the first
21 objective listed is, quote, Discourage
22 nonagricultural development in areas of prime
23 farmland through continued use of the LESA
24 system, zoning regulations, and subdivision

1 regulations, end quote.

2 The second objective listed is, quote,
3 Preserve large tracts of continuous productive
4 agricultural land through County and local
5 cooperation and minimizing zoning map amendments
6 and in, quote, rural/agricultural, unquote,
7 areas on the future land use map, unquote.

8 Under the Community Character heading,
9 objectives include, quote, Preserve the
10 aesthetic character of the rural countryside,
11 unquote, and, quote, develop a document that
12 identifies the essential qualities defining the
13 rural character of Lee County, unquote.

14 The act of the Zoning Board of Appeals to
15 approve large-scale solar projects such as this
16 project is clear and complete disregard for the
17 Lee County Comprehensive Plan and the efforts
18 that were so diligently used to develop this
19 plan.

20 It is my opinion that approval of this
21 project is reflective of pure and negligent
22 planning on the part of the Zoning Board.

23 From a health and safety perspective, as
24 some of you may know, my late wife had passed

1 away from pancreatic cancer in December of 2014,
2 at the age of 32, following a year-and-a-half
3 battle fighting the disease.

4 Currently, I'm in a battle of my own,
5 fighting CML leukemia. While little
6 understanding is known of the true causes of
7 most cancers, in the specific case of CML
8 leukemia, there is a mutation of a Philadelphia
9 chromosome that, from what scientists can
10 understand, can be triggered from exposure from
11 something in our environment.

12 So when the proposal of a large-scale --
13 large utility-scale power plant neighboring to
14 our property, having the possibility of
15 hazardous chemicals being present throughout the
16 entirety of the 3800-acre project, my concerns
17 were elevated and questions needed to be asked.
18 During questioning of the witnesses provided,
19 some of our questions were answered and some
20 were not.

21 While my health and safety concerns have
22 eased somewhat, the lack of factual evidence
23 regarding the long-term use of PV panels to
24 neighboring residences and communities is not

1 only alarming, it's also disturbing.

2 The realm of unknown conditions that our
3 children and grandchildren are going to have to
4 deal with is also alarming. It is my opinion
5 that the lack of factual evidence regarding the
6 safe operation and decommissioning of a
7 utility-scale solar energy system such as this
8 one is alarming enough, I have great concern
9 over the future safety of our area.

10 From a common sense perspective, this
11 project is going to negatively affect the
12 livelihood and overall happiness of the people
13 that will be surrounding it. These people live
14 in a rural setting to get away from tall
15 fencing, structures, and industry. They enjoy
16 the seasons of land being fallow and get to
17 enjoy watching the growing crop come to
18 maturity. They get to enjoy the view of farm
19 equipment bringing in an abundant harvest and
20 watch the cycle of the seasons repeat itself.
21 They are fully aware of what it means to be
22 close to farm fields and enjoy the elbow room it
23 provides.

24 Home is supposed to be a place of rest,

1 relax, and the feeling of safety and security.
2 Having a utility-scale power plant mere feet
3 away from the residence, surrounded with chain
4 link fence and barbed wire, with security
5 lighting and cameras doesn't give the appearance
6 of safety, security, or of a rural lifestyle.

7 Lastly, I would like to take the time to
8 suggest for your reading pleasure the children's
9 book If You Give a Moose a Muffin by Laura
10 Numeroff. It is an enlightening and
11 entertaining tale of a moose's insatiable
12 appetite. The story starts off by the moose
13 wanting a muffin, then another, then another,
14 and some jam to go with it, and then for you to
15 make more muffins, for you to go to the store,
16 for a sweater to go to the store with, for a
17 needle and thread to mend the sweater, to play
18 sock puppets, for cardboard and paints, for a
19 bedsheet from your bed to wash up the mess he
20 created, and when he sees your mother's
21 blackberry bushes, it will remind him of the
22 jam, and if you give him the jam, he will want a
23 muffin to go with it.

24 It illustrates how someone's original

1 intent for something can be quite simple, but
2 due to the lack of foresight and planning, it
3 can snowball into a long, drawn-out journey.

4 Such is our County's journey with the
5 pursuit of green energy. It started over 15
6 years ago with the windmills, then transmission
7 lines, then proposed solar panels, and the story
8 goes on. When will enough be enough?

9 In conclusion, it is my opinion, from the
10 principles that I have mentioned, that this
11 solar project would be detrimental to the
12 residents of South Dixon Township. The
13 negligible tax revenue compared to other
14 industry does not offset the great costs to our
15 overall wellbeing and our most precious
16 resource, our farmland.

17 I strongly urge that the Zoning Board of
18 Appeals vote no on this application for a
19 Special Use Permit. Thank you.

20 JUDGE SLAVIN: Thank you. Would you ask
21 if there's anyone else out there, please?

22 Good evening. Want to state your name and
23 where you live in relation to the project for
24 us, please.

1 MS. JOHANNSEN: Martha Johannsen, within
2 one and a half miles of the boundary.

3 JUDGE SLAVIN: All right. Go ahead.

4 MS. JOHANNSEN: These 3,838 acres with an
5 average CPI of 137 are among the best farmland
6 in Lee County, in the state, and in the country.
7 Using this soil for 20 percent efficiency rating
8 of solar panels seems a poor return for the gift
9 of best land.

10 2020 has been an unusual year, not just in
11 the United States but worldwide. Multiple
12 devastating hurricanes, typhoons, derechos,
13 drought in some areas, and extensive wildfires
14 have caused the destruction of many acres of
15 crops, crops that feed us and animals but also
16 provide us with multiple products made from corn
17 and soybeans. The long-term weather prediction
18 is for larger and more destructive changes in
19 the weather, affecting crop production not only
20 in the United States but worldwide. Along with
21 urban encroachment and animal diseases that can
22 destroy entire herds, such as in China, our food
23 supply will be affected.

24 I am totally against removing this

1 farmland from row crop production. The land is
2 zoned for agriculture, and a solar system is not
3 anywhere close to being ag related. It is an
4 industry.

5 Two solar systems located less than
6 one-half mile apart in South Dixon Township,
7 along with two others in Lee County, and the
8 wind systems in Lee County is too much for a
9 rural community. The people that live here
10 enjoy the rural aspect of life and want it to
11 remain.

12 I suspect the strong local support that
13 Duke Energy used as one reason for choosing this
14 site consisted of only the 25 landowners
15 involved and maybe some of the taxing bodies.
16 No surveys were taken in the township.

17 I rather doubt that overall employment of
18 the area will increase. It could actually
19 decrease. Yes, there will be a large, but
20 short-lived, economical boost during the two
21 years of construction.

22 The five to ten permanent employees of
23 Duke Energy are not particularly assigned to
24 this project. They can cover other sites in the

1 state. Does this mean that if another site is
2 chosen, that Duke Energy could claim these same
3 five to ten employees as increased employment
4 for that area? And these employees are not
5 required to live in the Dixon area, but will
6 spend most of their salaries where they reside.

7 Since these 3,838 acres will not be
8 cultivated, there will be a loss of ag-related
9 employment lost to the community in the form of
10 less nitrogen, less fertilizer, less chemicals,
11 less seed, less machinery sold or repaired, less
12 transportation needed in the harvest process.

13 With the generous payment to the
14 landowners, I have concern that some of the
15 participating landowners could use the money to
16 outbid cash renting of farmland that
17 nonparticipating farmers are now using. This
18 proposed site is taking away cash-related --
19 cash-rented farmland from nonparticipating --
20 from -- okay, I can't see. This proposed site
21 is taking away cash-rented farmland from
22 nonparticipating farmers.

23 Most of the property value comparisons
24 were in conjunction with 70-acre sites, not

1 3,838-acre sites. Property values that were
2 decreased in certain years cannot be compared to
3 years that are more robust.

4 There is no information on property values
5 of acres of solar panels, as there have not been
6 any of these large sites operational yet. There
7 is no information on soil productivity after
8 decommission, as no decommission has occurred.
9 This is all theory, that the soil will be as
10 productive afterwards as it is now. Most of us
11 will not be alive after 35 or 70 years to see
12 how this project plays out, but
13 great-grandchildren and
14 great-great-grandchildren will be.

15 Since the poles that support the racking
16 are simply driven into the ground, there is a
17 possibility that the poles will sink further,
18 and as the ground freezes and thaws, as the
19 winds blow on these panels, with the weight of
20 55 pounds per panel, and the porous nature of
21 the soil. If this should happen, would Duke
22 Energy have to come back and reinstall or
23 reanchor these poles?

24 Since Duke Energy is a prosperous company

1 and well-respected, according to one fact
2 presented, why can't they be a good neighbor and
3 grant a 600-foot setback from the foundation of
4 primary residences on all sides of
5 nonparticipating residents that either will be
6 in the site or adjacent to?

7 During the chaos of construction and
8 deconstruction, what guaranty will there be that
9 the topsoil will not be removed from one
10 landowner to another?

11 \$43 million sounds wonderful, but divided
12 by 35 years only amounts to \$1.2 million per
13 year. 1.2 million is not very much money
14 considering the size of the project. If tax
15 abatement is applied for, then how much tax
16 money is there? If, after a few years Duke
17 Energy applies for a lower-assessed value, how
18 much tax money will there be?

19 The pictures presented by the company were
20 beautiful. What would these pictures look like
21 during a dry spell or a drought year, which will
22 occur several times during a 35- to 70-year
23 period?

24 My overall impression was that a

1 significant number of questions were answered
2 with "I don't know." Many studies or reports
3 were not yet completed. How can one receive an
4 accurate picture of the project?

5 There will be no soothing green of corn
6 and soybeans growing; just black glass. No
7 golden color of crops; just black panels. No
8 snow covering of fields; just a sea of black
9 glass. There will be no quietness of nature;
10 just the noise of panels rotating and inverters
11 at work.

12 Please consider all the residents of Lee
13 County and particularly those in the South Dixon
14 Township. I would urge the ZBA to deny this
15 special permit.

16 JUDGE SLAVIN: Thank you. Would you ask
17 on your way out if there's anyone -- I
18 understand there might be somebody else back
19 there.

20 MS. JOHANNSEN: Anybody else want to?

21 JUDGE SLAVIN: I thought there were four
22 people back there, that's the only reason I'm
23 asking.

24 MR. BOONSTRA: There's five of them. I'm

1 just making sure the last --

2 JUDGE SLAVIN: Okay. Thanks,
3 Mr. Boonstra.

4 MR. BOONSTRA: Nope, we're all good.

5 JUDGE SLAVIN: Okay. Thank you.

6 All right. First, folks are fair to stay,
7 obviously, but if they want -- there will be no
8 more public participation. So if they wanted to
9 hike, that's fine. If they want to stay, that's
10 great too.

11 I think, just because it's a nice break
12 point, we'll take ten here. Come back at 7:10.

13 (A recess was taken at 7:04 p.m.
14 and proceedings resumed at
15 7:12 p.m.)

16 JUDGE SLAVIN: All right. Back on the
17 record. Took our ten minutes, I guess. We'll
18 continue with closing statements, final
19 comments, public comments.

20 I turn to the Zoom board, looking over my
21 shoulder. Folks joining us on Zoom, if you
22 would like to make a final statement, now is the
23 time. If you need reminding in order to
24 indicate that you want to do so, down at the

1 bottom, find "participants," the word
2 participants, click on that, and then it should
3 show a pop-up menu that includes, among other
4 things, "raise hand." Click the "raise hand,"
5 and we should see it on this end, and I'll start
6 calling on people in order across the top of the
7 screen we see.

8 That's if you're videoconferencing. If
9 you're teleconferencing, stay on the phone but
10 go to your keypad and hit star, or asterisk, and
11 then the numeral nine, and that should also
12 raise your hand.

13 Okay. Jennifer Lawson I see up in the
14 upper left. Jennifer, can you hear me?

15 MS. LAWSON: Yes, I can. Can you hear me?

16 JUDGE SLAVIN: Sure can.

17 MS. LAWSON: Perfect.

18 JUDGE SLAVIN: And want to start tonight
19 again -- again, I know it gets boring, but state
20 your name and where you live in relation to the
21 project.

22 MS. LAWSON: My name is Jennifer Lawson,
23 and I reside adjacent to.

24 JUDGE SLAVIN: All right. Go ahead.

1 MS. LAWSON: As I stated, my name is
2 Jennifer Lawson. I am an environmental health
3 and safety manager at one of the larger
4 employers in Whiteside County. I am a certified
5 environmental manager, a licensed safety
6 professional, I have my bachelor of science in
7 mechanical engineering, and my master's degree
8 in project management.

9 So with that being said, I do agree that
10 clean, green energy is a good thing; however,
11 sometimes the risks in the projects outweigh the
12 opportunities.

13 As an EHS manager, I feel that with the
14 many uncertainties during this hearing which
15 have been repeatedly exemplified out by the
16 multiple "I do not know" comments, "we have not
17 done that yet" comments and responses from these
18 expert witnesses, outweighs the opportunities we
19 have for this project that it presents.

20 I am actually greatly disheartened with
21 the IDNR's termination of the evaluation for the
22 review of endangered plant and wildlife species
23 affected by this project. As I mentioned in my
24 testimony of evidence of the smooth softshell

1 turtle, Illinois State endangered, and the
2 monarch butterfly, which is federally
3 endangered, which I did not state in my
4 testimony, as well as the potential negative
5 effect on migratory birds through the lake
6 effect on solar panels, it does not even begin
7 to cover any endangered plant species within the
8 project boundary.

9 I feel there is other potential solutions
10 that should be worked out. I feel this project
11 is trying to -- and forgive me -- fit 5 pounds
12 of crud in a 2-pound bag, to be the biggest and
13 best solar project yet, and just a feather in a
14 cap for Duke Energy.

15 I'm not saying not to move forward with
16 this project. I'm just saying that not now and
17 not with this project layout and structure, that
18 there should be a round table meeting with all
19 involved and all affected to develop the
20 solutions that all parties agree to and a
21 compromise instead of just yes or no.

22 With these abundant uncertainty responses,
23 the blatant neglect of the appropriate review by
24 the IDNR, and the potential to come to

1 comparable solutions for those that oppose this
2 project, can you in clear conscience state that
3 moving forward with granting the zoning change
4 is the best decision for all involved and
5 affected in this project? Are you truly taking
6 all stakeholders' concerns into consideration?

7 When we did COVID training at my employer,
8 we actually presented a little screen that
9 showed the stages of COVID, which was going
10 from -- or the early stages of a pandemic,
11 excuse me, that goes from hoarding the toilet
12 paper, to all-out panic, to fear and some
13 understanding, to more of a calm state and
14 wanting to assist people in any way we can.

15 We asked them, do they want to be that
16 guy? Do they want to be the hoarder of the
17 toilet paper? Do they want to be the people
18 that spread the rumors and start the panic?

19 So I ask you, do you want to be -- to the
20 Lee County residents that rely on you, do you
21 want to be that guy? Do you want to be the
22 hoarder of the toilet paper? Do you want to be
23 the person that gets people in a panic? Or
24 would you rather be the guy that's out there

1 trying to assist others during this pandemic and
2 be the hero like our care workers are?

3 That's all I have.

4 JUDGE SLAVIN: Thank you.

5 I'm looking for other raised hands. There
6 we go. I see, upper left, Adam Lusz.

7 Can you hear me, Adam? Hello?

8 MR. LUSZ: Yes, I can.

9 JUDGE SLAVIN: Okay. I can hear you. All
10 right. Again, we make a record, so it's a
11 different night, so state your name and where
12 you are in relation to the project, and go
13 ahead.

14 MR. LUSZ: Yeah. Adam Lusz. I'm within a
15 mile and a half of the project.

16 So yet again several County Board members,
17 it seems, have joined and the ZBA is here and
18 we've fast-tracked another massive solar project
19 to the ZBA without taking the proper pause that
20 was needed to correct the Ordinance. So it
21 seems as though this fits somebody's agenda to
22 push this through.

23 So yet again we have another project that
24 now comes to these residents that has permission

1 to be right on the property lines with no
2 setbacks of the fence and only 15-foot setbacks
3 of panels and a 30-foot height restriction
4 allowable to these folks with this project.

5 We forced residents probably into private
6 contracts to try to secure some sort of distance
7 from their property to this solar generating
8 site, which is ridiculous.

9 This project has got the smallest setback
10 of any of the projects that have come through
11 the County of only a hundred feet for
12 nonparticipating residents. Yet, participating
13 members are able to afford themselves whatever
14 egregious setbacks that they would like for
15 their property, as Mr. Schielein referenced and
16 is what's outlined for the Book family and what
17 seems to be outlined for the Hermes property.

18 We should be treating others as we would
19 expect to be treated, and that is not
20 demonstrated by any leadership so far in this
21 county with regard to this Ordinance.

22 We just look at the money. So let's look
23 at the money. South Dixon Solar has talked
24 about wanting to get the taxes abated or

1 applying for tax abatement, and their numbers
2 show \$1.3 million annually. A 500-megawatt
3 facility should be paying \$3 million annually to
4 the community. Why not pay your fair share?
5 Why not go back to the drawing board and go,
6 since it's so easy to invite solar to our
7 county, and find someone that wants to actually
8 pay their fair share?

9 They have already been given breaks with
10 solar at a State level. They have got the
11 lowest megawatt cost compared to wind, compared
12 to other electrical energy generation. They
13 should pay the full amount.

14 We watched Mr. MaRous give some sort of a
15 presentation on the topic that these homes that
16 are impacted on three and four sides are not
17 going to be negatively impacted on their home
18 values. We focused on looking at proximity to
19 solar panels. There was no conversation at all
20 offered in how you would assess a property with
21 chain link and barbed wire on three and four
22 sides in a rural farm environment, a rural
23 aesthetic.

24 There was no comps given to anything even

1 close to this science experiment that will add
2 up to be 5,126 acres when you include the other
3 site that's within an eighth of a mile of this
4 one. A sliver separates what's already been
5 approved.

6 And in between those two projects, this
7 one that's being proposed and the other one, is
8 a whole bunch of residential houses of people
9 that invested a lot of money to this community,
10 a lot of money in their properties. Beautiful
11 homes are along there, and they're pinched
12 between two massive industrial sites with this
13 one that's being proposed and one that's already
14 been produced.

15 To not consider other projects that have
16 been approved is ignorant when you're looking at
17 this. To not consider the environmental impacts
18 of both together is ignorant. You have to.

19 We don't have millions of dollars, as
20 residents, to try to go and be the David in the
21 situation and bring in the well-educated people
22 that can give the presentations, you know, that
23 a corporation can. We do the best we can as
24 citizens.

1 And all's we do is sit and get fed that
2 smoke and mirrors from a few witnesses. There's
3 very little evidence that was brought forth
4 that's actually studies. It was all a lot of
5 professional opinion of people that were
6 talking, but there's really no data that was
7 backed up that was presented to you all that's
8 given as factual information for you to look at.

9 Where is all the scientific data? Each
10 one of their slides is presented to you, but
11 where's all the scientific data behind all of
12 this? Well, it's my this or it's my that, but
13 where is the scientific data? There is none.
14 It's all a science experiment and we'll all, I
15 guess, learn together.

16 The boyhood home of Ronald Reagan
17 landlocked to the south for 70 years, and
18 there's no guarantee that it would end in 70
19 years. There's no reason why it wouldn't
20 continue to go on. There was an attempt at the
21 last solar farm, I believe, to try to prove that
22 it was temporary so that we would just limit --
23 we would limit it to, you know, maybe 35 years
24 of a permit. That didn't seem plausible at the

1 Board level, so I don't see how temporary any of
2 this.

3 We're taking Grade A farmland, 3,838 acres
4 of what equates to 137 PI index, Grade A, the
5 best of the best that we have in the U.S. for
6 tillable ground, we're taking such a wonderful
7 technology of solar and we're deploying it over
8 the most productive soil in the country, taking
9 it out of production, out of food production,
10 and eventually this will have to stop. We will
11 have to become wiser on where we're putting it.
12 We can't stay on the track that we're on. It's
13 not sustainable.

14 I am urging you to vote no. Thank you.

15 JUDGE SLAVIN: Thank you. Looking for
16 other raised hands on Zoom.

17 MS. HENKEL: Jim.

18 JUDGE SLAVIN: Jim, whoever you are, can
19 you hear me?

20 MR. SCHIELEIN: Judge Slavin, I can, and
21 let me get my video going so you can see who's
22 talking.

23 And my name is James Schielein. I am -- I
24 live at 1381 Dutch Road. I am within the -- I

1 am a participant and live within the project.

2 JUDGE SLAVIN: Go ahead.

3 MR. SCHIELEIN: I am testifying in strong
4 support of Duke Energy's South Dixon Solar
5 Project. I and my sister, Diana Westart, are
6 Trustees of two Trusts that own land within the
7 project footprint and are participants in the
8 project. Also, we both live full-time within
9 the project and at this time have no plans for
10 that to change.

11 As renewable solar energy projects have
12 gained favor in our national and State energy
13 policies, I prudently contemplated about whether
14 it would be in our family's interest to become
15 part of a project if the right opportunity
16 arose. I had -- before my dad died, you know,
17 we had -- you know, wind was starting, and Dad
18 and I would talk about whether or not -- if we
19 had an opportunity to participate in a wind
20 project, whether that was something that was
21 attractive to us.

22 And as with any contemplative thinking,
23 the devil is always in the details, but the
24 framework of necessary items slowly began to

1 emerge. When I found out about the Duke Energy
2 interest in our area, the potential scope of the
3 project, I began my due diligence in regards to
4 whether or not Duke would be a good fit.

5 I also needed to be able to answer
6 questions for my sisters and siblings and
7 co-Trustee whether or not this would be a good
8 idea and why. So I started to evaluate the
9 potential against the items I had determined to
10 be necessary for my consideration. And those
11 are as follow:

12 The company and developer that I would
13 want to work with had to be well-established,
14 preferably a Fortune 500 company with a track
15 record of renewable energy projects progressed
16 to at least past the regulatory phase and
17 preferably completed projects in operation.

18 This is partly because we have a -- on a
19 farm in Peoria County, we own a farm that has a
20 cell tower on it. When Dad signed the contract
21 with the cell tower that was, you know, early
22 2000, late 1999, cell towers were being treated
23 like matchsticks. Companies were coming and
24 going, and you never knew who you were going to

1 deal with. Dad signed a lease agreement, and
2 that thing changed hands four different times.

3 I didn't want to be a part of it. I
4 didn't like the way it worked out. We finally
5 settled down and work with a stable company at
6 this point in New Jersey, but it's still not a
7 company that I really know, have comfort with,
8 or trust.

9 So that was part of my parameters, that I
10 wanted to be -- if I was going to do anything in
11 this nature, I wanted to work with a company
12 that I could track, had a history, and was
13 trustworthy.

14 Duke Energy is a top utility firm listed
15 on the New York Stock Exchange with revenues of
16 over \$25 billion in 2019. Duke has completed,
17 owned, and operated -- now, the information that
18 I had that I had looked at on some of the -- on
19 their website was 600 megawatts. During the
20 testimony that's been given during this hearing,
21 it's been much greater than that.

22 And, of course, solar being a nascent
23 industry, continually changes. So it's not
24 surprising that the information that I was able

1 to gather has changed from today.

2 Duke is actually fairly well known to me.
3 I was supervisor of the South Dixon Township
4 when Duke constructed the natural gas peaker
5 plant over on Red Brick Road. I can say that
6 Duke was a very good company to work with
7 through that process and treated the Township
8 right and worked well through that entire
9 process. So that was one box checked.

10 Secondly, a project must be utility-sized
11 in scope. I have seen friends and neighbors
12 sign contracts with community solar projects.
13 To date, none of them have been built, to my
14 knowledge, including one that was supposed to be
15 right next door to me north of Dixon.

16 I was also uninterested in committing a
17 large amount of acreage only to have the
18 developing company utilize only a small portion,
19 as has happened in some projects to date.
20 Therefore, I had established an 80-acre minimum
21 for my participation in any project in the
22 entire acreage to be built out by contract.

23 My family participation in this project is
24 well beyond my established minimum, and the

1 contract negotiated satisfies my build-out
2 requirement.

3 The project owner must be willing to, if
4 needed, go beyond local Ordinances, utilize best
5 management practices, and in general be a good
6 neighbor.

7 Duke has satisfied and gone beyond those
8 requirements of Lee County's Solar Ordinance.
9 They have also been willing to adhere to
10 participating landowners' setbacks, and has set
11 the bar in regards to nonparticipating resident
12 setbacks and vegetative screening. They also
13 have addressed other siting issues and drainage
14 concerns with participating landowners
15 satisfactorily.

16 Duke, because of its presence in the local
17 community already, has a track record of being a
18 good neighbor. As exemplified by their
19 application here in this Lee County ZBA, we are
20 working with a very detailed-oriented and
21 professional company that does things right. I
22 am thrilled to be in partnership with such a
23 company. Third box checked.

24 Company must be willing to sign, adhere to

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1 an Agricultural Impact Mitigation Agreement,
2 otherwise known as AIMA, with the Illinois
3 Department of Agriculture. These agreements
4 developed by the Illinois Farm Bureau are
5 intended to commit developing companies, upon
6 decommissioning, to restoring the land back to
7 farming and prior existing drainage tiles
8 repaired and functioning.

9 This gives comfort and confidence to a
10 landowner that, given the likelihood that the
11 contract will exceed the life expectancy of the
12 current owners once the useful life of the
13 project ceases with decommissioning, to allow
14 future landowners to be able to once again
15 resume production of agricultural good as
16 before.

17 Duke is over-a-century-old company.
18 Because of this, they have a long-term view of
19 the utility business and will more than
20 likely -- there's no guarantees in life, but
21 more than likely be a viable player in the
22 energy business a century in the future. They
23 understand and appreciate a farmer's view of
24 being a good steward of the land. They have

1 agreed to sign the AIMA, plus have agreed to
2 restoration provisions in our individual lease
3 agreements. This to me, and to the other
4 participating landowners, was a deal breaker.
5 We had to have confidence in Duke's commitment
6 to restoring land to productivity, which we do.

7 In all other potential developments,
8 whether they be residential, commercial,
9 industrial, utilities, a solar farm is the only
10 one that has the ability to return the land to
11 productivity and more than likely improve the
12 soil profile from what it was prior.

13 Now, that is not pie in the sky statement.
14 As a farmer who's farmed his life -- farmed his
15 entire life, I have used fallow practices, I
16 have used rotational practices, I have seen the
17 benefits of giving land a chance to rest. It's
18 almost common sense, but the data, if you
19 research it, is there.

20 The lease income from any project must
21 have a substantial premium over the income
22 derived from the growing of sales of row crops,
23 small grains, corn and soybeans and wheat.

24 While the specific terms of my lease are

1 confidential, I am comfortable in saying that
2 the terms agreed to are well within my
3 requirements. More importantly, the terms
4 satisfy my fiduciary responsibility to my
5 siblings and the responsibility I have in my
6 Trust. And I think that's really important to
7 think about. I have a responsibility to others
8 to do the right thing.

9 I had the -- the sixth point that I made,
10 I had to have confidence in any project that was
11 not intrusive to my residence, where I live, or
12 to the community.

13 As part of my diligence, I studied
14 information from the existing solar farms
15 online, visited existing farms in Streator, for
16 one example, and flown, because I am a pilot,
17 over existing farms at various altitudes and
18 angles to try to determine potential glare.

19 Bird and I, my wife, have lived in my
20 house for over 35 years and have raised seven
21 children there. If one of our kids want to take
22 over the farmhouse after I retire, I want them
23 to be in a good environment.

24 Happily, I did not find the panels

1 intrusive at all. In fact, I can see that --

2 JUDGE SLAVIN: Mr. Thompson, you're
3 starting to get into evidence. Nobody can ask
4 you questions and you're not under oath. What
5 you did in flying over and what you discovered
6 is evidence. Let's just stick to closing
7 statements, please.

8 MR. SCHIELEIN: Thank you, sir.
9 Appreciate the clarification.

10 The only concern -- oh, okay. In fact, I
11 could see that, once used to seeing, in that
12 regard -- oh, wait a minute -- used to seeing an
13 ocean of panels instead of corn or soybeans, the
14 aesthetics look very similar. What -- you know,
15 aesthetics is all subjective. You know, I
16 have -- so to my seeing, to my sight, the ocean
17 of panels that's going to be provided by this
18 project is very little different than what I see
19 when I grow a field of corn or soybeans. It is
20 still a project that is collecting sun to create
21 a product.

22 The only concern that I have in regard to
23 the project as far as being -- living within it,
24 I do agree with some of the testimony that had

1 been given that a woven wire fence would be
2 preferable to -- especially around residences,
3 would be preferable to a chain link fence.

4 And I think we have heard from evidence
5 that the company, Duke, would be more than
6 willing to look at -- as long as it abides by
7 Code, that they would be willing to look at
8 other alternatives.

9 In regards to our community, this type of
10 project should be very welcomed to the various
11 units of government impacted. Unlike
12 subdivisions and housing, this type of
13 development brings additional tax revenue
14 without a corresponding burden of government
15 extending additional services. This
16 dramatically increases the impact of the added
17 revenue.

18 Dixon Public Schools 170, Lee County, and
19 South Dixon Township, all of which I have been a
20 board member of, will greatly benefit from the
21 revenue stream derived from the project. Also,
22 while the City of Dixon does not directly
23 benefit from tax revenue, Kevin Marks, the
24 Executive Director of Lee County Industrial

1 Development Association, stated publicly at a
2 Lee County Board meeting that having Lee County
3 being welcoming to renewable projects is a net
4 benefit to attracting businesses to our county
5 and specifically to his work in attracting
6 businesses to the Dixon Industrial Park.

7 There are other net benefits to this
8 project that cannot be overestimated. Wildlife
9 habitat for small mammals and birds will greatly
10 be enhanced. Think of an area rivaling the size
11 of Nachusa Grasslands generating clean energy,
12 solar energy above, while encouraging a rich
13 ecosystem for birds, small animals -- small
14 mammals, butterflies, and other pollinators
15 below.

16 There has been several concerns raised in
17 the course of this hearing which I would like to
18 address. I found no credible evidence of any
19 pollution, chemicals, noise, or otherwise that
20 is associated with these projects.

21 While the risk of tornadoes damaging the
22 array is real, the overall risk is low or Duke
23 would not be able to retain insurance on the
24 project.

1 In regards to the taking of farmland, and
2 I would like to spend some time here. I have
3 been in agriculture my entire life. I have also
4 been a leader in my industry at the local,
5 State, and national levels. I served on the
6 Board and as president of Lee County Farm
7 Bureau, I served on the Illinois Farm Bureau
8 Board of Directors, and I also did stints on the
9 Illinois Wheat Association and Illinois Corn
10 Growers Association. I have lobbied in
11 Springfield and Washington D.C. on behalf of
12 agriculture and have dealt in ag policy for well
13 over a quarter of a century.

14 The viability and profitability of farming
15 has been a race to the bottom. Because the
16 product we produce is a commodity -- meaning
17 that the corn I produce is not distinguishable
18 from Rex, from Craig, to Brad -- means that we
19 are subject to the fluctuations of the
20 marketplace. We are -- we produce as the market
21 continually seeks to value grains at a level
22 that ensures an adequate supply to meet demand.

23 My entire career has been an object lesson
24 in year-over-year price fluctuations, but yet

1 viewed over that same time period, 40 years and
2 counting, deflation has been the name of the
3 game driven by those same 40 years of nearly
4 continuing increases in trend-lying yields.

5 I sold corn in 1980 for \$3.88 a bushel.
6 Correct for inflation, that same bushel should
7 be selling today for \$12 a bushel. In January,
8 I will be delivering on a corn contract priced
9 at \$3.70, and I was thrilled to get it, because
10 if it hadn't been for a storm in Iowa and some
11 other problems -- production problems elsewhere,
12 I would be looking, and I was expecting, to
13 price that same bushel of corn for a dollar,
14 dollar and a half less.

15 We are producing evermore crops on a
16 per-acre basis while driving down our commodity
17 values at the same time with that very
18 production. While our emotional plea of
19 preserving farm -- prime farm ground sounds
20 good, the pure economics does not support that
21 thesis.

22 In fact, within ag policy circles again,
23 had we not had the production losses this year
24 that stabilized prices for now, there was, once

1 again, quiet discussion of bringing back some
2 type of production controls, for example, set
3 asides, to attempt to stop the overproduction of
4 grains.

5 Taking prime farm ground out of production
6 for a period of time but having the ability to
7 resume production sometime in the future should
8 be a net benefit, not only to the landowners
9 leasing the property but also to other farmers
10 not having to sell their product in an evermore
11 depressed, oversupplied market.

12 I understand that some of my friends and
13 neighbors are skeptical of these points. Some
14 of what I have said is objective fact, some is
15 simply my subjective opinion. Change is hard,
16 and change that you feel you have no control
17 over is harder yet. I understand that. But
18 this is change with forethought and
19 consideration.

20 I encourage my neighbors that are not
21 participating to keep an open mind. I also
22 encourage strongly the ZBA to objectively look
23 at the facts of this petition, consider the net
24 benefits to our community, and endorse a

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1 positive recommendation to the full County
2 Board.

3 Thank you for your consideration.

4 JUDGE SLAVIN: Thank you.

5 All right. Raised hands. Upper left
6 corner, Mr. Apple. Brad Apple.

7 First of all, can you hear me, Mr. Apple?

8 MR. APPLE: Yes.

9 JUDGE SLAVIN: And we can hear you.

10 Would you state your name, spell your last
11 name, and tell us where you live in relation to
12 the project, please.

13 MR. APPLE: Brad Apple. I live directly
14 adjacent to the project.

15 JUDGE SLAVIN: That's A-P-P-L-E?

16 MR. APPLE: Yes.

17 JUDGE SLAVIN: Okay. Thank you. Go
18 ahead.

19 MR. APPLE: Okay. To start off with, I
20 would like to make it clear that I oppose this
21 project.

22 With that being said, over the last four
23 nights there have been a large number of
24 questions that have been unanswered. Last night

1 alone, there was 39 times by Mr. Smith that he
2 stated he did not know the answer to the
3 question.

4 I believe the Zoning Board and the County
5 residents deserve answers to all of these
6 questions prior to anything being approved.

7 Also, why would the County consider
8 landlocking the Route 26 corridor south of Dixon
9 for such a small amount of tax dollars, \$1.2
10 million roughly per year?

11 I also would like to know or ask, what is
12 Lee County's long range plan? Or does this
13 County have a long range plan regarding solar
14 projects? And when will enough be enough? And
15 that is with the wind projects and the solar
16 projects within Lee County.

17 And that's all I have.

18 JUDGE SLAVIN: Thank you, sir.

19 Looking for more raised hands.

20 Jamie, I think you already -- no. Jamie
21 Lawson, can you hear me?

22 MR. LAWSON: Yes. Can you hear me?

23 JUDGE SLAVIN: Okay. Very good. State
24 your name and where you live in relation to the

1 project, and go ahead.

2 MR. LAWSON: Jamie Lawson. I live on the
3 northwest corner of the property -- or of the
4 project.

5 JUDGE SLAVIN: Go ahead.

6 MR. LAWSON: I just want -- I'll make it
7 short and sweet.

8 McDonald's, Walt Disney, along with Duke,
9 is a Fortune 500 company. None have built a
10 solar farm of this size, as well as none own a
11 peaker plant in Lee County, Illinois. The
12 wonderful Duke company that we are sitting here
13 suggesting build a wind farm didn't have the
14 common courtesy to give the Lee County Board
15 notification they sold the plant. They had to
16 find out through a press release.

17 That's my statement. Thank you.

18 JUDGE SLAVIN: Thank you.

19 Looking for any other raised hands. Give
20 you a few seconds here to gather your
21 technology.

22 All right. I don't see any other raised
23 hands. I'm going to go slow to make sure.

24 All right. That concludes the stage of

1 the hearing for public comments, and now we're
2 presented with an issue -- a couple housekeeping
3 things.

4 First of all, I'm going to correct -- I'm
5 going to modify something I did last night.
6 Last night you were handed 14 communications by
7 Ms. Duffy, and I numbered them ZO -- or
8 suggested they be numbered ZO Number 2 through
9 ZO Number 14. For a couple very practical
10 reasons, I'm just making that all one big packet
11 and I'm calling it ZO Number 2. So if you see
12 that as we move through our fact-finding and
13 recommendations, it refers to all 14 of those
14 rather than -- so you can just leave the top
15 sheet on and not pay attention to the numbers on
16 the ones after.

17 That having been said, we have a
18 calendaring issue. I'm not going to put anybody
19 on the spot, including myself. But as it works
20 out -- first of all, I would prefer on the
21 fact-finding and rec -- and I'm sure the ZBA and
22 Ms. Duffy would as well -- in fact, I know they
23 would -- prefer that all members of the ZBA be
24 able to participate. That knocks out the next

1 two available dates, December 15th and December
2 21st. Another reason knocks out December 30th.
3 After that, just by an oddity of the calendar
4 and what's already scheduled with the ZBA, the
5 next date that will be for the first day or
6 the -- the only day or the first of two days for
7 fact-finding and recommendations, I'm going to
8 go through the roll and ask about Monday,
9 January 18th.

10 (A discussion was held off the
11 record.)

12 JUDGE SLAVIN: All right. We'll leave
13 those two dates as the next two available dates,
14 and I will recess this hearing --

15 MR. BARRY: Judge, I'm sorry to interrupt.
16 Can I ask a couple questions about the schedule?

17 JUDGE SLAVIN: Sure.

18 MR. BARRY: I think we talked about some
19 other available dates in January. Should I
20 assume that those earlier dates are unavailable?

21 JUDGE SLAVIN: That's correct.

22 MR. BARRY: Okay. And is everyone else
23 available besides me, potentially, on December
24 30th?

1 JUDGE SLAVIN: Yeah, but it doesn't -- it
2 really doesn't matter all that much because this
3 fact-finding usually takes two nights, and we go
4 to January 25th anyway, so. Can't -- I can't --

5 MR. COON: There's no other dates earlier
6 in January?

7 JUDGE SLAVIN: Folks, I am not trying to
8 be difficult, but I have been -- I have spent
9 all the time -- not all the time, but I have
10 spent quite a bit of time with you to go over
11 these dates, and no, there's not, not if we're
12 going to have the whole contingent of the ZBA,
13 which I think is important.

14 So I will recess until Monday, January
15 25th, still 6 o'clock, here in the Old Lee
16 County Courthouse, Third Floor Courtroom.

17 (The hearing was recessed at
18 7:53 p.m.)

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On this 10th day of December, A.D., 2020,
I do signify that the foregoing testimony was given
before the Lee County Zoning Board of Appeals.

Bruce Forster, Chairman

Dee Duffy,
Zoning Enforcement Officer

Callie S. Bodmer

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