

1 CITY OF KANKAKEE  
2 PLANNING BOARD

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7 TRANSCRIPT OF PROCEEDINGS had at the  
8 hearing of the City of Kankakee Planning Board, held  
9 at City Council Chambers, 385 East Oak Street,  
10 Kankakee, Illinois, on the 9th day of January, 2018,  
11 commencing at 7:00 p.m.

12  
13 PRESENT:

14 MS. LORETTO COWHIG, Chairperson  
15 MR. CLIFFORD M. CROSS, City Planner  
16 MR. TERRANCE HOOPER, Member  
17 MS. DEBRA TERRILL, Member  
18 MR. BERRY McCRACKEN, Member  
19 MR. DAVID ROBINSON, Member  
20 MR. EDWIN ECKHARDT, Member  
21 MS. BEVERLY HOOD, Member  
22 MR. ARTHUR LAX, Member  
23 MR. CHIP ROREM, Member  
24

1 MS. COWHIG: I will call this meeting to  
2 order.

3 Mr. Cross, would you call the roll, please.

4 MR. CROSS: I will.

5 Edwin Eckhardt.

6 MR. ECKHARDT: Here.

7 MR. CROSS: Arthur Lax.

8 David Robinson.

9 MR. ROBINSON: Yes.

07:02PM 10 MR. CROSS: Elizabeth Dunbar.

11 Terrance Hooper.

12 MR. HOOPER: Here.

13 MR. CROSS: Beverly Hood.

14 Barry McCracken.

15 MR. McCRACKEN: Here.

16 MR. CROSS: Debra Terrill.

17 MS. TERRILL: Here.

18 MR. CROSS: Chip Rorem.

19 MR. ROREM: Here.

07:03PM 20 MR. CROSS: Willie Ames.

21 Loretto Cowhig.

22 MS. COWHIG: Here.

23 MR. CROSS: We have a quorum.

24 MS. COWHIG: I don't think we have any

1 minutes of recent meetings.

2 Add Mr. Lax to the attendance.

3 We don't have any minutes of recent  
4 meetings because we haven't had any recent meetings.

5 MR. CROSS: Yeah. And anything we've  
6 had has been an informal nonactionary meeting where  
7 we discussed some 2018 long-term goals, but there  
8 was no action items, so no minutes were required.

9 MS. COWHIG: And have there been any  
07:03PM 10 communications that we should share?

11 MR. CROSS: No communications other than  
12 council did approve the 2018 planning board dates  
13 which were provided -- which are provided both to  
14 the administration building and were presented to  
15 each of the planning board members last month.

16 MS. COWHIG: Thank you.

17 Any city council action that we should  
18 be aware of?

19 MR. CROSS: No city council action at  
07:04PM 20 this time other than the approval of the 2018  
21 minutes.

22 MS. COWHIG: And I don't think we have  
23 any unfinished business.

24 MR. CROSS: No.

1 MS. COWHIG: So that brings us to our  
2 first case tonight which is No. 18-01. The  
3 applicant is Microgrid Energy of Chicago. And they  
4 are requesting a conditional use permit for property  
5 at 1835 American Way which is on the west side of  
6 the I-57 right of way line. It's roughly 36 acres.  
7 And they are requesting the conditional use permit  
8 to allow a solar array, what's often called a solar  
9 farm.

07:04PM

10 So we'll hear first from the spokesman  
11 for the applicant. And then we will have any  
12 questions from plan commission members. And then  
13 anyone in the audience is welcome to ask questions  
14 or make comments.

15 Anyone who does so is asked to come up  
16 to the microphone to give a name and address for the  
17 record and to be sworn in and then to address the  
18 audience as a whole.

07:05PM

19 So we're delighted to have this many  
20 people here, but that means the speaker needs to  
21 speak loudly and the rest of us need to sit quietly  
22 while we're listening to whatever the speaker has to  
23 say.

24 Let's start with the spokesman for the

1 applicant. Who is that?

2 (WHEREUPON, the witness was duly sworn.)

3 MR. CROSS: Please state your name for  
4 the record, sir.

5 MR. SULLIVAN: John Sullivan from  
6 Microgrid Energy. Okay. Thanks for having us  
7 tonight. We'll go a little bit into our company.  
8 We'll go really quickly through that. Then we'll  
9 discuss the program, why we're here, why you're  
10 hearing so much about solar in general, and then  
11 we'll get into the project details.

07:06PM

12 MS. COWHIG: Excuse me. Can people in  
13 the audience hear?

14 VOICES: No.

15 MR. CROSS: You can pull that mike up  
16 too if you want.

17 MS. COWHIG: But you have to hold it  
18 close to your mouth.

19 MR. SULLIVAN: I'm not used to adjusting  
20 microphones.

07:06PM

21 All right. So we're with Microgrid  
22 Energy. We were founded in 2009. We have offices  
23 in St. Louis, Denver and Chicago. In Chicago, we  
24 have about six employees. I imagine it's going to

1 be growing as this program picks up more momentum.

2 We focus on community solar, which is  
3 what this is, and commercial solar. We don't do  
4 residential. We don't do big utility scale stuff.  
5 We're right in between.

6 We've done 250 projects in nine  
7 different states. Most of those projects are in the  
8 midwest and Colorado.

9 All of these have been financed  
07:07PM 10 transactions. Why that matters is because we can  
11 get the land lease, we can get the permit, but if  
12 you can't assemble the money to actually build the  
13 project, then it stagnates, or it just never gets  
14 built.

15 We're a certified B corporation. It's a  
16 new way of governing a company. Instead of one  
17 bottom line being profit, we're triple bottom line,  
18 so people, plan, profit. So it's a new governing  
19 metric where you take more social responsibility in  
07:07PM 20 your community, take care of your employees a little  
21 bit better in terms of health insurance, and it's  
22 just kind of a new nice way to manage a company. We  
23 volunteer a lot for environment causes and other  
24 social causes.

1           You guys have your PowerPoint. The next  
2 slide is a list of our various corporate clients. A  
3 lot of times what we do is we identify a corporate  
4 client or a government client. We'll build them a  
5 rooftop solar project. They like the result, it  
6 saved them money, so then maybe we do a solar  
7 carport for them. If they didn't have a community  
8 solar program, we do that. They can subscribe to  
9 that.

07:08PM

10           So we kind of specialize in finding a  
11 government client or a corporate client and doing  
12 many different energy efficiency or solar measures  
13 for them. So this is just a list of our various  
14 clients. But a lot of big names there.

15           So why community solar gardens? There's  
16 renewable portfolio standard. That's a law that was  
17 passed in Illinois. It's known as FEJA. That's the  
18 Future Energy Jobs Act.

07:08PM

19           The way I think of it is Illinois' goal  
20 is to go 25 percent renewables by the year 2025, so  
21 that means implementing wind programs, solar programs  
22 to try and comply with that law. So Illinois voters  
23 passed a law. And now the utilities have to figure  
24 out a way to comply with it. And so what they do is

1 they make up solar programs to try and instigate  
2 complying with the law.

3 So community solar is a cool way to  
4 comply with it. I'll explain two different  
5 paradigms and then what community solar is.

6 So one is residential. With residential  
7 solar, it's awesome because you bring the power  
8 right to the people. It's on your roof. It  
9 benefits the people underneath. But it's  
07:09PM 10 inefficient. Some roofs are facing east. Some are  
11 facing west. Some are shaded.

12 The utility finds it hard to control  
13 from an electric perspective because there's just  
14 solar everywhere and it's hard to know how it's  
15 going to affect the grid. And you have to be a  
16 homeowner and have a good credit score to do that.  
17 Okay. So that's one model.

18 The other model is utility scale where  
19 you build a mega array, hundreds of acres. The  
07:09PM 20 utility owns those projects, so the people don't  
21 really benefit. The utility treats it like a power  
22 plant.

23 Community solar is right in between  
24 where we can build a pretty big project, we get to

1 benefit from the economy on the scale of bigger  
2 project, build it cheaper, but the actual benefits  
3 go to the subscriber, so members of the community  
4 that use to subscribe and they get the energy  
5 savings from the solar. So if you're an apartment  
6 owner, a business, a school, whoever, can subscribe  
7 to the garden and get those benefits. You no longer  
8 have to be a homeowner. It's kind of cool.

9 So we usually work with local  
07:10PM 10 municipalities, businesses and schools to subscribe.  
11 In Colorado, we have a lot of these systems built  
12 already. It's that exact mix. It's usually one  
13 school district subscribes to 40 percent, a  
14 government municipality will subscribe to the other  
15 40 percent, and the remaining 20 will be kind of  
16 a mixture of businesses, residences and maybe  
17 another government entity.

18 There's no upfront cost. It's pay month  
19 to month, pay as you go. So if, for example, the  
07:10PM 20 City of Kankakee became a subscriber to our garden,  
21 we would look at your electric usage. We would say  
22 you need 500 kilowatts of this garden. And those  
23 500 kilowatts will generate kilowatt hours for you  
24 and those kilowatt hours would offset your electric

1 bill. I won't go into the details of that. It's  
2 not going to be a sales presentation. But the net  
3 effect is City of Kankakee would save money.

4 The idea of these gardens that we're  
5 building would be that we would subscribe to a local  
6 community. They would be benefitting from the  
7 savings.

8 No maintenance. We take care of  
9 everything. We own and operate the system. The  
07:11PM 10 people who choose to subscribe don't have to worry  
11 about if it's operating or not. Just you only pay  
12 for the kilowatt hours that are produced.

13 There's a few laws that govern us within  
14 the ComEd program. For example, one subscriber can  
15 only have 40 percent of the garden, so they do that  
16 to make sure that a huge entity like Wal-Mart can't  
17 just take 100 percent of garden. They want it to be  
18 spread cross the community so a big entity can only  
19 take 40 percent.

07:12PM 20 They want our facilities to only be two  
21 megawatts in so size, no bigger. And that's to  
22 prevent developers from building mega arrays. They  
23 want them to be medium size and spread across the  
24 state.

1           We can't locate them right next to each  
2 other, so we can't gang the system and put two  
3 megawatts, two megawatts, two megawatts. They have  
4 to be spread out.

5           So that's what you're hearing about on  
6 the news is just all of us developers are trying to  
7 find land sites that are spread out. We're trying  
8 to find good electrical interconnect points and a  
9 willing land owner and a willing jurisdiction and we  
10 build a project.

07:12PM

11           Once we have permission and we think  
12 that we're going to be able to build the project,  
13 then we start subscribing, we start talking to the  
14 community thereafter.

15           Okay. So the next few pictures are of  
16 our technology and equipment. This starts to  
17 explain what it's going to look like and feel like  
18 to the community.

19           So starting with the modules also known  
20 as solar panels, that's the majority of the site.  
21 We use tier 1 module or panel manufacturers. Tier 1  
22 just means that they're big companies. They have  
23 quality manufacturing process, quality financial  
24 statements, but something we consider bankable. We

07:12PM

1 just can't with an entrepreneur or a brand new solar  
2 company that no one has ever heard of.

3 The panels are PV technology,  
4 photovoltaic. What that means is they're -- you've  
5 probably seen them around or maybe seen them in the  
6 news, kind of a blueish blackish color about the  
7 size of this table right here. We'll mount them  
8 about this high. And they'll be flat at night.  
9 Flat at solar noon. I'll use this as my solar  
10 panel.

07:13PM

11 So in the morning, they will be facing  
12 east towards the sun. And they track with the sun  
13 throughout the day. So at noon, it will in the flat  
14 position. And then after noon facing west.

15 So when it's in its flat position, it's  
16 about this high. When it's tilted toward the east  
17 or west, it's about six, seven feet tall. That's  
18 your height.

07:14PM

19 All of that -- all the solar panels  
20 collect the sun's photons, convert it to electricity.  
21 And then that goes to central point called an  
22 inverter. So about the size of this middle area  
23 right here is where we're going to have all of our  
24 equipment, our inverter, our transformers, some

1 disconnects. So the majority of the acreage that  
2 you're talking about is the solar panels and then it  
3 all goes to a central point about this size.

4 Talked about the racking. It's on  
5 trackers. We do not -- for our foundations, we  
6 don't excavate and pour concrete. We use the soil  
7 itself as the foundation. That's a key  
8 consideration because it means that it won't be a  
9 very invasive construction process.

07:14PM 10 So what we do is we have an I-beam and  
11 it goes into a machine called a pallet driver and it  
12 pounds it in like a nail so the soil itself becomes  
13 the foundation. And then when it comes time to  
14 remove the system, it pries out kind of like a nail  
15 would. No concrete. So when the land goes back  
16 into ag status or whatever the next use is going to  
17 be, it's pretty easy to do that.

18 We connect to the existing distribution  
19 lines. So when we're looking for a site, we're  
07:15PM 20 looking for something that's right next to  
21 three-phase power lines. We don't have much of a  
22 budget to be extending for miles and miles the way  
23 the wind industry might. So in the case of this,  
24 it's just a couple hundred feet of extension to

1 connect to the three-phase.

2 No pollution. No emissions. There's no  
3 on-site employees. Once we build the system, it  
4 just sits there and quietly operates.

5 The next page is some more pictures of  
6 what this equipment would look like. In the upper  
7 left-hand corner, you have the equipment pad. So  
8 that's the area kind of this size, the central area.  
9 You have a tracker motor. That's a motor that  
07:15PM 10 powers that movement. That's pretty quiet. So  
11 every five, ten minutes, you'll hear just a chi,  
12 chi. That just slowly adjusts with the sun.

13 We have a weather station in the central  
14 area. We just need to monitor the radiants,  
15 temperature, a few other conditions to help us  
16 monitor if they're producing correctly. If they're  
17 not producing, we have to know why.

18 The next slide is about our vegetation  
19 or our plan to control erosion. That's usually a  
07:16PM 20 pretty big topic for the decision-making process.

21 So, first of all, we don't grade the  
22 site. We look for sites that don't require grading  
23 just for the cost savings. And that's been pretty  
24 easy to come by in Illinois compared to other states

1 where we operated in. So we're not going to grade  
2 the site. We're just going to start driving right  
3 on top of whatever the vegetation or the crop, the  
4 corn surface.

5 But once we finish construction, we do  
6 reseed. And we work with the county or the city to  
7 decide what that mix is going to be. But what we  
8 want is low growth so that we don't have to do a  
9 shruck roll which would be a lawn mower truck.

07:17PM 10 We're trying to prevent that as often as possible.  
11 So we want low growth to save costs, but also to  
12 prevent shading. Because if it's high growth, it  
13 would grow and shade the solar panels.

14 We like pollinator friendly so that  
15 native seed mix that we choose is going to have  
16 flowers that are going to attract butterflies and  
17 bees which the local farm communities always like.  
18 And that's something that we kind of learned as an  
19 industry in Minnesota that farmers became okay with  
07:17PM 20 having the solar next to their farm as long as we  
21 have pollinator friendly seed mix. That's what we  
22 decided on in the industry really.

23 The other thing we're concerned about  
24 and which I think you're concerned about is erosion.

1 We don't want the site to erode causing any problems  
2 for neighbors but also for our foundations. We want  
3 everything to stay intact. So we just want something  
4 that's going to keep the dirt intact.

5 So the next slide is just some nice  
6 pictures of existing solar arrays where you have  
7 that vegetation grown after a few months and just  
8 kind of give you an example of what it's going to  
9 look like once it's operating.

07:18PM

10 All right. So now we're into the  
11 project specifics. So we're talking about the site  
12 we call Kankakee Solar 5. It's on American Way. So  
13 this parcel -- this land is zoned industrial. It's  
14 compatible land use with the surrounding area.  
15 There's a few light industrial complexes nearby that  
16 you can see the south, southwest. There's highway  
17 on the east. We visited it today. We drove the --  
18 yeah. So there's a neighborhood to the northwest of  
19 this. So we drove by it today just to get a feel  
20 for if the neighbors could see into the solar  
21 project. And you actually can't see into it.

07:19PM

22 There's several hundred feet of open  
23 land. There's a creek with a bunch of trees,  
24 bushes, kind of visually obstructing, but I think

1 the -- from the neighborhood, you can't really see  
2 the project. You can barely see the highway that's  
3 beyond the project. We took photos. We thought we  
4 were going to be able to show them, but it's all  
5 right. Basically you can't see the project.

6 So you mentioned that this is a 36-acre  
7 parcel. The project size we're shooting for is 16  
8 acres. So we're just carving out 16 acres out of  
9 the 36 acres. 16 acres is the perfect size for our  
10 two megawatt project.

07:19PM

11 This will produce about 4,000 megawatt  
12 hours per year which you probably don't know how to  
13 quote megawatt hours. What that really means is  
14 that should be the equivalent of powering about 453  
15 homes. That gives you some scale of what kind of  
16 impact this would make in terms of electricity  
17 offset.

18 We have 100-foot setback from the front,  
19 50-foot setback on either side. The fencing will be  
20 8-foot chain link. And that's the City of Kankakee  
21 code for this type of project. And that complies  
22 with what we want also from a security standpoint.  
23 We usually do 6-foot chain link, but 8-foot chain  
24 link is all the better in terms of security and

07:20PM

1 access, so that's fine.

2 The distribution lines, the three-phase  
3 lines that we're connecting to are to the west of  
4 site. The driveway will actually be from the south.  
5 It's hard to see on this. Yeah. The driveway  
6 material that we use, I call it class 5 gravel. It  
7 will just be a very compacted gravel. That's  
8 compliant with fire code so that a heavy fire truck  
9 can come in. If it's muddy, it's not going to sink  
10 in our driveway.

07:20PM

11 The next page is just a zoom-in to give  
12 you a better feel. You guys are probably pretty  
13 familiar with this land site. We talked about the  
14 setbacks. We talked about the dew shed. We can  
15 send you guys photos if you're not familiar with the  
16 land site so you can see what it feels like from the  
17 various corners looking in.

18 Okay. So we're also going to talk about  
19 Kankakee 4, the other project we're presenting. Did  
20 you want to do questions about Kankakee 5 now or  
21 should I just talk about them both and then you can  
22 do questions?

07:21PM

23 MR. CROSS: Are you talking about the  
24 second site?

1 MR. SULLIVAN: Yeah.

2 MR. CROSS: For everyone to know, I  
3 mean, I think they're going to be similar in design,  
4 but there's actually two separate sites. One of  
5 them is out in East Gate Industrial Boulevard.  
6 There was an error in the notice. So that's going  
7 to be part of another meeting.

07:22PM

8 I think if you're going to talk about  
9 generalities about the second site that you can, but  
10 there will not be the availability to do public  
11 comment on the second site tonight.

12 MR. SULLIVAN: Okay.

13 MR. CROSS: But I think if you want to  
14 educate the board on the actual second site and the  
15 layout, that's something you can do because I'm  
16 assuming it's very similar.

17 MR. SULLIVAN: All the same equipment,  
18 the same acreage, approximately the same acreage.

07:22PM

19 Well, I'll just go into it. So it's  
20 also zoned industrial. It's a compatible land use  
21 with the surrounding area once again. I would say  
22 that this land site on 2801 East Court Street is  
23 even more industrial than the other. This will be  
24 on 14 acres instead of 16. It's a little bit more

1 of an efficient shape for us to use. It also will  
2 be two megawatts. It would have the same exact  
3 electricity output offsetting 453 homes. Same  
4 setback, 100 feet from the front, 50 feet from the  
5 sides. Same fence which would be an 8-foot chain  
6 link. It's really just a different location.

7 MR. CROSS: And if I recall when you  
8 pull into East Gate Industrial -- on East Gate  
9 Industrial Boulevard, this is the large tract that  
07:23PM 10 is on the east side of that street for those of  
11 you -- and I think probably because you got the  
12 three-phase connection right there at the corner.

13 MR. SULLIVAN: Yeah. It meets all of  
14 our criteria. It's flat, next to three-phase, the  
15 driveway extension is somewhat minimal. It's near  
16 compatible use.

17 Jerry Alexander, as you may know, is the  
18 land owner for both of these sites. And so we were  
19 able to talk about a lease agreement once and then  
07:23PM 20 just use it for both sites so it made sense in that  
21 way. Yeah.

22 So that is the crash course solar tour.  
23 I think there's going to be a ton of questions, and  
24 so maybe we'll just let those all take place.

1                   Question for you though, will I have a  
2 chance to address all the questions and comments  
3 afterward?

4                   MS. COWHIG: We'll start with questions  
5 or comments from the plan commission members. And  
6 you can respond to those as they arise.

7                   And then we'll have questions and  
8 comments from members of the public.

9                   MR. SULLIVAN: Okay.

07:24PM 10                  MS. COWHIG: So does anyone on the  
11 commission have any questions?

12                  MR. ECKHARDT: Who is going to benefit  
13 from the energy that's produced?

14                  MR. SULLIVAN: Right. So we haven't  
15 started subscribing yet, but what we do is we see  
16 what projects are approved and then our sales team  
17 kind of comes behind our land team and then they  
18 start working with the local community.

19                  Our goal would be City of Kankakee,  
07:24PM 20 Kankakee County, the school districts, water  
21 districts. These are all the first people we talk  
22 to are governmental entities and then local  
23 businesses as well.

24                  MR. ECKHARDT: Right.

1 MR. SULLIVAN: Residents are allowed to  
2 subscribe. So we haven't really decided as a  
3 company, but in other states where we have done  
4 this, we have a small carve-out for residents that  
5 wanted to subscribe.

6 MR. ECKHARDT: Will there be people  
7 employed in this thing?

8 MR. SULLIVAN: During the construction,  
9 for sure. So during construction, there will be  
07:25PM 10 several dozen employees, the trades, civil,  
11 electrical, mechanical. So that will be about a  
12 three-month process.

13 But once it's built, it's pretty --

14 MR. ECKHARDT: This will be in a secured  
15 area.

16 MR. SULLIVAN: It will be secured. It  
17 will be behind the fence, yep. Only qualified  
18 personnel can enter, so qualified electricians.

19 MS. TERRILL: It was my understanding  
07:25PM 20 talking to ComEd today that we have the opportunity  
21 on our electric bill to check a box for renewable  
22 energy. And if there are renewable energy credits  
23 available in the area, we might qualify for a  
24 portion of those discounts.

1           Their explanation was that all of the  
2 energy that you create goes into a giant pool. And  
3 that we wouldn't be getting it directly from the  
4 solar farm to homes or businesses in Kankakee. We  
5 would just maybe qualify for credits based on  
6 available credits.

7           So is it more fair to say that once this  
8 is up and running and you allot those 40 percent of  
9 your power to be given credits, then we may or may  
10 not benefit from it?

07:26PM

11           MR. SULLIVAN: Yeah. So that's a  
12 different program but related. So it starts to  
13 be -- I'll explain it the best way I can. It starts  
14 to get confusing.

15           So let's say that the City of Kankakee  
16 came up with a goal that by -- within three years,  
17 you want to be 100 percent renewably offset. How  
18 that is counted is by the acquisition of rec  
19 credits. And you can do that in a couple of ways.

07:27PM

20           So what ComEd is providing you is  
21 opportunity to pay a slight premium on your bill,  
22 the bill that you already get, pay a premium, and  
23 then you're acquiring recs. And those recs are used  
24 to offset your usage here.

1           So you can have a press release that  
2 says we're 100 percent offset. So that product is a  
3 premium product and it's virtual. So ComEd is  
4 counting them by buying wind farms or solar farms,  
5 banking these virtual credits. And then people who  
6 buy them can then take credit for those credits that  
7 were generated. It's kind of abstract.

8           Ours is a little different. Ours is  
9 lowering your bill instead of paying a premium. So  
10 that's one difference. But the nuance is you can't  
11 claim the rec credits. So ComEd is claiming the rec  
12 credits. That's what they get out of this program.  
13 That's how they comply with the 25 percent rule. So  
14 they get the recs, but you get the savings.

15           So you can't say that you're 100 percent  
16 offset by renewables, but you could have a press  
17 release that says 100 percent of our electricity is  
18 in the solar garden and we benefit. So that's like  
19 a really nuance way that you can describe it.

07:27PM 20           MS. TERRILL: So it's all marketing.

21           MR. SULLIVAN: Kind of. It is marketing.

22           MS. TERRILL: Because this is a very,  
23 very, very small operation. And one or two  
24 megawatts is a drop in the bucket, correct?

1 MR. SULLIVAN: For --

2 MS. TERRILL: For usage for our community.

3 MR. SULLIVAN: Yeah. Yeah. In terms of  
4 offsetting --

5 MS. TERRILL: So 40 percent of that  
6 being available for these energy credits, it's not  
7 going to amount -- it's not like we're going to be  
8 able to tap into your garden and lower our bills.

9 MR. SULLIVAN: Kind of. It's just a  
07:28PM 10 virtual process. So what we would do is we would  
11 start by looking at City of Kankakee's electricity  
12 bills. And we'd say, okay, as a city based on all  
13 of your historical usage, we think you need one  
14 megawatt of our garden and one megawatt will offset  
15 100 percent of your electric use and the physical  
16 electricity just goes out into the grid which just  
17 kind of supports ComEd's grid, but the credits are  
18 counted before they exit our site.

19 So we have a meter that counts your  
07:29PM 20 kilowatt hours, and if that produces 10,000 kilowatt  
21 hours, you'll get a credit on your ComEd bill  
22 that -- you have your top line it's usually what you  
23 pay, and then all of a sudden you'll have a credit  
24 that lowers what your ComEd bill will be.

1                   So it's -- I mean, it's directly  
2 affecting you lowering your operating costs is the  
3 idea, but in the virtual way. It could be next door  
4 or it could be 20 miles away and the effect will be  
5 the same. Hopefully that answers it. It gets kind  
6 of confusing.

7                   MR. HOOPER: It's a guaranteed savings  
8 because price of electricity fluctuates.

9                   MR. SULLIVAN: Yeah. Yes.

07:29PM 10                  MR. HOOPER: So you're always going to  
11 fluctuate below what a ComEd rate would be?

12                  MR. SULLIVAN: Yeah. That's a good  
13 question. So what we do is -- I'll just choose some  
14 numbers for an example, but your credit from ComEd  
15 for your kilowatt hours, let's just say it's 7  
16 cents. So for every kilowatt hour generated, you're  
17 saving 7 cents. But we need to make money, so we  
18 charge you 6 cents. Okay. So you save 1 cent on  
19 that kilowatt hour.

07:30PM 20                  ComEd goes up over time, it's kind of  
21 like a zig zag on an upward trend. We have a fixed  
22 escalator of 1.25, 1.35 percent. So the idea is  
23 that they diverge over time. Start with the 1 cent  
24 discount and over time they're diverging so you're

1 saving more and more.

2 With government entities, you can't pay  
3 premium for kilowatt hours. This is what we  
4 encountered in other states. So what we do is let's  
5 just say we're diverging and then -- or ComEd lowers  
6 rates for years and years and years and they  
7 eventually catch us. We have what we call a  
8 write-down clause where we just write the rates  
9 down, so you're saving unless they do this, and then  
10 it's just a parting of the exact same cost.

07:31PM

11 MR. HOOPER: Since you've been in  
12 business for a period of time, have you seen or  
13 recognized a final savings across the board where  
14 you say on average people are saving 14 percent or  
15 whatever it is.

16 MR. SULLIVAN: Yes. So it's different  
17 market to market depending on the cost of  
18 electricity. But Colorado, we're charting about 10  
19 percent savings. And that works there. Minnesota,  
20 it was more so just because of the way the bill  
21 credit structure works.

07:31PM

22 MR. HOOPER: Do you know what the  
23 projection here is?

24 MR. SULLIVAN: Yeah. We're shooting for

1 20 percent product savings. And the reason is it's  
2 all about the ComEd incentives. We can charge  
3 subscribers a slightly lower rate because ComEd is  
4 also paying us for the kilowatt hours. So let's  
5 just say so you're paying us 5 cents and ComEd is  
6 paying us 2 cents. Together we're getting 7 cents  
7 for the kilowatt hours.

8 MR. HOOPER: Okay.

9 MR. SULLIVAN: So basically ComEd is  
07:32PM 10 really trying to instigate the program so they have  
11 pretty nice incentives to get this whole industry  
12 going.

13 MR. ROBINSON: Question. You are not  
14 purchasing land. You are leasing land on both  
15 sites?

16 MR. SULLIVAN: Uh-huh.

17 MR. ROBINSON: So this is not a brick  
18 and mortar construction. So how does the city  
19 benefit when it comes to taxable income?

07:32PM 20 MR. SULLIVAN: Yeah. Good question. So  
21 you would be taxed based on the use of the land, not  
22 necessarily the zoning. So if it were an ag zoned  
23 parcel, the use would revert to commercial  
24 industrial because that's what our use is. The

1 taxes would go up.

2 In this case, it's already zoned  
3 industrial. So I think the tax effect is going to  
4 be about the same as it was.

5 MR. ROBINSON: So the person who you are  
6 leasing from is paying the taxes?

7 MR. SULLIVAN: Currently. But the way  
8 our lease reads, we take over the property taxes  
9 once we are under -- well, once we start our use.  
07:33PM 10 So if it does increase in taxes, then it's up to us  
11 to pay that.

12 MR. ROBINSON: And how long a lease are  
13 you looking at?

14 MR. SULLIVAN: So the program to  
15 construct is 20-year agreements, so a 20-year  
16 interconnect agreement, you can call it a permission  
17 slip from ComEd for us to tap in for 20 years. We  
18 want our land lease to be 20 years. The permit to  
19 be 20 years. We know that the equipment is going to  
07:33PM 20 last beyond 20 years, so our lease has extensions in  
21 it. And we hope that ComEd will extend the program.  
22 So we get 30 years out of this system.

23 MR. ROBINSON: And within the contract  
24 you can sell this business to somebody else during

1 the 20-year period?

2 MR. SULLIVAN: Correct. We call that  
3 assigning. So we'll -- yeah, it's a pretty good  
4 chance it's going to happen. It's kind of how the  
5 solar industry works. So we developers package up  
6 the whole thing where we get the land lease, get the  
7 conditional use permit, the special use permit, the  
8 subscribers, the interconnect agreement from ComEd.

9 And once you have all of that and some  
07:34PM 10 other approvals, we derisk the whole project, prove  
11 that it can operate and is safe. So then we go to  
12 the finance market. And they say, yeah, this is a  
13 fully financeable project. They give us the money  
14 to build it.

15 And so that's kind of the ownership  
16 transfer where we're still the one that's operating  
17 and I guess aware of the project. Operating is the  
18 best word. But we don't own it. Kind of like a  
19 mortgage where you don't really own your house until  
07:34PM 20 you're --

21 MS. TERRILL: The likelihood of that is  
22 pretty strong?

23 MR. SULLIVAN: Yeah.

24 MS. TERRILL: You have what, until

1 August to get all the permits and stuff in place to  
2 get the tax credits that the state is offering?

3 MR. SULLIVAN: We think. So the ComEd  
4 program is being shaped as we speak. So we know the  
5 basic structure of the program, but they haven't  
6 said when their opening day is going to be to start  
7 submitting applications.

8 So at first we thought it was spring.  
9 Now it's looking like later spring. It's kind of a  
07:35PM 10 moving date. But what we do know is to submit an  
11 application; you have to have site control and the  
12 permit. And that's a pretty high bar. So if we  
13 want to have a certain amount of megawatts in the  
14 state, we need like to be going now and be ready for  
15 that day.

16 MS. TERRILL: So when this happens and  
17 it does change ownership, what does that do to the  
18 contract that you have with Mr. Alexander? Will you  
19 still have a 20-year --

07:35PM 20 MR. SULLIVAN: Yes. Everything passes  
21 through exactly as we planned. So the lease we  
22 signed is designed to hand it off to the next owner.  
23 They can't renegotiate. They can't change the  
24 terms. They can't scratch out this clause. And we

1 know since we've done this for so many years that  
2 the lease we signed will be accepted by the finance  
3 market. The conditional use permit we're working  
4 towards we know is something that can last.  
5 Everything.

6 MR. ROBINSON: So this is going to be  
7 5th, 6th, 7th project? How many projects like this?

8 MR. SULLIVAN: In Colorado, we have  
9 several dozen. Here in Kankakee, we're planning  
10 07:36PM five total. So that's why we just call them  
11 Kankakee 1 through 5. So this is Kankakee 4 and 5.

12 MR. McCracken: How many in Illinois so  
13 far?

14 MR. SULLIVAN: It's just getting  
15 started. So our company goal is to do 30 total  
16 spread across the entire state. There's other  
17 companies that are developing anything from one site  
18 to ten sites. I don't know all their goal. But I  
19 think there's going to be -- there will be dozens of  
20 07:36PM these things spread across the state.

21 And eventually it will reach a cap  
22 because ComEd has limited incentives to give out.  
23 So all of us developers will compete for those  
24 incentives. And once they're used, the program will

1 kind of phase down.

2 MR. ROBINSON: So no cost to the city?

3 MR. SULLIVAN: Correct. No cost. If  
4 you choose to subscribe, it would be savings, but  
5 for the project just to sit there and operate,  
6 there's no cost.

7 We don't need city services. That's  
8 another question that usually comes up. We don't  
9 need sewer to be extended or gas, police, fire.  
07:37PM 10 It's just sitting there. And the service we do need  
11 is electricity, but we pay to send that in. And  
12 we're actually then exporting it back.

13 MR. ROBINSON: And as you said, there is  
14 minimal noise.

15 MR. SULLIVAN: Yeah. The inverter is  
16 kind of the brains of the system at the central  
17 point. During the day when it's producing, it makes  
18 a faint humming sound which --

19 MR. HOOPER: Do you have a decibel  
07:37PM 20 rating on them?

21 MR. SULLIVAN: We have may that.

22 MS. REDDINGTON: 51 decibels.

23 MR. SULLIVAN: 51. I compare it to a  
24 commercial HVAC unit.

1 MR. CROSS: I think residential is what,  
2 40? Standard residential decibels.

3 MR. SULLIVAN: A residential air  
4 conditioner.

5 MR. CROSS: Something around that.

6 MR. HOOPER: A dishwasher is about 50  
7 so...

8 MR. CROSS: What's that?

9 MR. HOOPER: A crappy dishwasher is  
10 about 50.

11 MR. CROSS: Typical with the residential  
12 type.

13 MR. SULLIVAN: And it's during the day.  
14 So the key point is --

15 MR. HOOPER: You have other noise  
16 pollution so...

17 MR. SULLIVAN: Well, yeah. You have  
18 road noise in these locations, highway noise, but  
19 again like if you walk a couple hundred feet, you're  
20 outside the fence line, you can't hear it.

21 MR. HOOPER: Okay.

22 MS. TERRILL: Correct me if I'm wrong,  
23 but it's my understanding that the average solar  
24 panel of the kind that you're using has a life span

1 of about 10 years.

2 MR. SULLIVAN: No.

3 MS. TERRILL: Longer?

4 MR. SULLIVAN: Yeah. We think 30, 40  
5 years. The solar panels themselves are the simplest  
6 part of the system. They don't have moving parts.  
7 They just simply sit there. So what we think in the  
8 industry -- it's sort of a new industry. I'm in the  
9 12th year, and I'm considered super old school,  
10 but -- so we don't really know. We haven't gotten  
11 to the 20th and 30th year of this industry. But the  
12 panel is something that we assume is going to last.  
13 It's the inverter, that central thing, that we think  
14 we'll swap out once in the life of the system and  
15 that will kind of rejuvenate the existing panels.

16 MS. TERRILL: When the panels are  
17 disposed of, that's when they become -- not  
18 dangerous but do leach some heavy metals when  
19 they're broken?

20 MR. SULLIVAN: These don't have any  
21 heavy metals or toxic chemicals. There's other  
22 solar panels that you'll read about. Since it's a  
23 new industry, there's a lot of experiments going on  
24 of what's the best combination to get the most

1 production. So what you may have read about is  
2 called a CDT which is a different kind of --

3 MS. TERRILL: Now these were  
4 photovoltaic.

5 MR. SULLIVAN: That's still considered  
6 PV. It's just like a derivative of PV, but that has  
7 heavy metals, cadmium, what is it -- I forget the  
8 whole acronym, but this -- the common solar panel  
9 is -- silicon is the main material with phosphorous  
10 and boron in trace amounts.

07:40PM

11 It's a long story, but the phosphorous  
12 and boron create a positive negative electromagnetic  
13 field and when the photon hits it, an electron is  
14 released. And that's the whole effect. But, yeah,  
15 it's not heavy metals.

16 MS. TERRILL: So when you do dispose of  
17 them though, do you reclaim them and recycle or do  
18 you put them in a landfill?

19 MR. SULLIVAN: So when a site is  
20 decommissioned, what -- starting from the ground up,  
21 the racking is steel and aluminum, so that will just  
22 be recycled as the raw material. The wiring is  
23 copper or aluminum. So that will be recycled for  
24 that value.

07:40PM

1           So now you're up to the solar panels.  
2 This is the theory because the industry hasn't  
3 gotten that old or matured that much, I think that  
4 there's going to be secondhand market first where we  
5 sell used solar panels. After that, then, yes, then  
6 they have to be disposed of.

7           I think that probably the aluminum will  
8 be removed and then the rest of it would just be --  
9 I don't know if it's going to be going in the  
10 landfill, a special landfill. These aren't like  
11 batteries or other things that are known to be  
12 highly toxic. I think it's just common scrap.

07:41PM

13           MR. ROREM: What does it cost to a build  
14 a two-megawatt field?

15           MR. SULLIVAN: It will be about  
16 \$3 million.

17           MR. ROREM: The origin of the panels.  
18 Who are the manufacturers? Are they manufactured in  
19 this country or China?

07:41PM

20           MR. SULLIVAN: It's to be determined.  
21 Our only criteria is that they're tier 1 modules.  
22 Just means that has to meet certain quality criteria.

23           From there, once it meets that quality  
24 criteria, it's about availability and cost. So a

1 lot of the modules you see in projects in other  
2 states are Chinese, Korean. There are a few  
3 American manufacturers. There was a German  
4 manufacturer, but they relocated to China. Strong  
5 chance it will be Chinese.

6 MR. ROREM: One more question. Have you  
7 looked at other materials for the fence? Have you  
8 used other materials for the fence?

9 MR. SULLIVAN: In one project I'm  
07:42PM 10 thinking of in Colorado, we did a cedar fence along  
11 the street frontage as a means of screening. That  
12 works. We have done it. We're not big fans of it  
13 just because that deteriorates pretty easily, so it  
14 starts to just warp and whatnot, pieces blow out.

15 So most commonly, it's chain link.  
16 Sometimes we do game fence. I don't know if you  
17 know what that is, but it's chain link but a little  
18 bit higher with a woven top so deer and elk in  
19 Colorado can jump over it and pass through.

07:43PM 20 MR. ROREM: Have you done anything  
21 reflective?

22 MR. SULLIVAN: Reflective? No. A  
23 separate industry is concentrating solar. It's just  
24 a different technology where it's mirrors and it's

1 concentrating sunlight to create huge amount of heat  
2 to a central point. That's just a different  
3 technology.

4 MR. ROREM: No. I'm talking about the  
5 fence.

6 MR. SULLIVAN: Oh, reflective fence.  
7 Uh-uh. No. No. We've done woven slats through  
8 chain link as a means of screening. That's about  
9 it.

07:43PM 10 MR. LAX: What kind of down time, non-  
11 operational hours do your --

12 MR. SULLIVAN: Well, on a daily  
13 schedule, it's just really when the sun rises to the  
14 sun sets is when it's operating.

15 MR. LAX: No. The sun is operating.  
16 I'm talking about your material.

17 MR. SULLIVAN: I mean, that's -- that's  
18 it. I mean, it's just -- there's no employees.  
19 Nothing to turn on. It's just as soon as the sun  
07:44PM 20 comes out, it starts the voltage.

21 There is scheduled maintenance a couple  
22 times a year where electric crews -- couple  
23 electricians will come out and just do just  
24 diagnostics on the combiner boxes and the inverter

1 to make sure they're all producing correctly, but  
2 that's --

3 MR. LAX: So it's never off.

4 MR. SULLIVAN: It's never off unless the  
5 sun goes down, the process stops, but there's not  
6 like a switch per se.

7 MR. LAX: No. I'm saying like the  
8 product fails.

9 MR. SULLIVAN: It's built into our  
07:44PM 10 financial model. We assume there will be some  
11 failure in the life of this system. We don't know  
12 when, but maybe just a ground fault or something  
13 occurs and we get automatic warnings back at our  
14 asset management team. And if we get that warning  
15 that it's not producing, that it's a ground fault,  
16 then we get a local electric crew to come and do the  
17 diagnostics, but there's no schedule for that. Just  
18 when it happens, we go and troubleshoot.

19 MR. LAX: Well, I'm thinking in terms of  
07:45PM 20 a storm. I'm thinking in terms of --

21 MS. TERRILL: Hail.

22 MR. LAX: Yeah. Something like that.

23 MR. SULLIVAN: In terms of wind, at  
24 night, they're in the flat position so you can call

1 it furling where it's slightly more aerodynamic at  
2 night. Hail, there's nothing we can really do.  
3 We're out there in the elements. It's tempered  
4 glass. It's about as strong as your windshield.  
5 So, I mean, if it's hail that can get a windshield,  
6 it can get our panels. That would be an insurance  
7 claim. We'd have swap everything out.

8 MS. TERRILL: What about vandalism?

07:45PM

9 MR. SULLIVAN: Hasn't happened with any  
10 of my companies that I worked for, but I've read  
11 about it. Not so much vandalism but theft. Hasn't  
12 been for the solar panels themselves but for the  
13 copper. That's a little more known available or way  
14 to sell it. So it's happened. But we just -- we  
15 just hope that our fence --

16 MR. HOOPER: Does your company have any  
17 stats on security or issues or concerns?

07:46PM

18 MR. SULLIVAN: I don't have any  
19 statistics. I just read the occasional article like  
20 if you're in a more economically depressed  
21 neighborhood is one concern. If you're super remote  
22 where there's no one there to watch it, just no one  
23 driving by, that's another concern. But it's just  
24 part of the risk of operating it.

1           Some companies have cameras monitoring  
2 24-7. We've done that in some projects. I'm not  
3 sure if we're going to on this one or not, but it  
4 serves two functions. It's a security function but  
5 also weather monitoring. Like we realize we're not  
6 producing any kilowatt hours. We can just simply  
7 log in and see that there's snow all over  
8 everything. We don't have to roll an electric crew.  
9 We just have to uncover the snow. We need a camera  
10 for that. Yeah.

07:46PM

11           MR. HOOPER: Is there equipment people  
12 can be injured on if they do obtain access to the  
13 site? Like electricity --

14           MR. SULLIVAN: Yeah. I mean, it's -- I  
15 mean, it's a little miniature power plant. There's  
16 high voltage. And so it has to be treated with  
17 respect. So we have to comply with the NEC code,  
18 National Electric Code, which is written by the  
19 National Fire Protection Agency. So, I mean, the  
20 stuff's protected in conduit. The AC switchgear is  
21 locked. Only qualified personnel should have the  
22 key or the combo to unlock it. Big red handle  
23 disconnects.

07:47PM

24           You know, that -- a worry of mine is

1 that the average vandal, a teenager could jump the  
2 fence and just shut off the disconnect. And that  
3 would mean the next day it's not operating. So that  
4 kind of stuff worries me. But it wouldn't be an  
5 electric danger I would say.

6 MR. HOOPER: Okay.

7 MR. SULLIVAN: But if they were going to  
8 chop a wire during the day and it remains active,  
9 that would be a concern for sure. That could be --

07:47PM 10 MS. TERRILL: There will be high voltage  
11 warning signs, right?

12 MR. SULLIVAN: Oh, yeah. All the  
13 required plaques by the NEC all over the place.  
14 Yeah.

15 MR. HOOPER: Transitioning, have you  
16 guys had any failed projects?

17 MR. SULLIVAN: I mean, what we try and  
18 do as developers is find fatal flaws early so we  
19 don't spend too much money developing it and kill it  
07:48PM 20 later. So, yeah, I mean, there's a range of  
21 diligence we go through to make sure the project is  
22 going to go forward. So it's title work. It's  
23 environmental work. The subsurface investigation.  
24 Feasibility studies with the utility. All sorts of

1 studies. It's more than that. And if that will all  
2 comes back clear, we know it's going to work. It's  
3 going to get built.

4 MR. HOOPER: So you haven't had any  
5 failed projects?

6 MR. SULLIVAN: Um-um. I mean, when I  
7 say failed, we might discover in the first month of  
8 investigating a site a fatal flaw comes up and then  
9 we kill it. So I guess you could say that was  
10 fatal, but nothing where it's been fully --

07:48PM

11 MR. HOOPER: Put into operation --

12 MR. SULLIVAN: Nothing within operation,  
13 no. It's like if the thing is built, it means that  
14 it's been heavily, heavily scrutinized by the  
15 finance team, the legal team, everyone. So it's --  
16 yeah, it's a pretty big cash outlay, the \$3 million  
17 for this type of project. So, yeah, you want to  
18 make sure it's going to operate because it might be  
19 halfway through the life of the system where the  
20 investment is even realized. So you need to get to  
21 10 years. And then if you ever want to make a  
22 profit, you got to get to year 11, 12, 13 and 14.

07:49PM

23 MR. HOOPER: So that hasn't been done  
24 yet obviously because you're still -- that has not

1       been done yet, the due diligence?

2                   MR. SULLIVAN: On this site, yeah. For  
3       sure. This is the site --

4                   MR. HOOPER: (Inaudible)

5                   MR. SULLIVAN: We're still going. So we  
6       need this permit. This is the major one. And then  
7       the interconnect process with ComEd is going in  
8       parallel. We assume it's going to go well, but --  
9       that has to go well and this has to go well with  
07:49PM 10       that and then all the other diligence has come back  
11       good and ready.

12                   MR. HOOPER: Okay.

13                   MR. ROREM: There are three pieces of  
14       equipment here that look to be taller than the seven  
15       feet that you discussed with the solar panels.  
16       Could you tell us how tall those pieces are?

17                   MR. SULLIVAN: Yeah. So the upper left  
18       corner, the inverter, that's the -- like what I call  
19       the central brain of the system, that's -- it's  
07:50PM 20       about this tall, so seven feet, thereabouts. We may  
21       not use that kind. So the picture that's below it  
22       is called a string inverter where instead of a one  
23       big central, we'll do a smaller, about the size of a  
24       breaker box at your house. We'll use something

1 about that size but spread across the site. It's  
2 just a different electric architecture.

3 There's a weather station that -- that  
4 say is nine feet. About the size of this microphone  
5 at the tallest point. That's the wind gauge  
6 dynamometer.

7 MR. ROREM: Okay. Thank you.

8 MR. SULLIVAN: That's about it. That's  
9 all in that central area is where we keep that stuff.

07:50PM 10 MR. LAX: Can you house that? Can you  
11 built a complex around it?

12 MR. SULLIVAN: What we've done  
13 occasionally in Colorado is a pergola. Do you know  
14 what pergola porches are? Like when they do the  
15 wood kind of like a porch cover looking thing. So  
16 we built those as a means of shading the inverter.  
17 If it's shaded, it's a little bit happier, performs  
18 a little bit better. So we have done that. But we  
19 haven't -- we haven't done a full on shed house  
07:51PM 20 looking thing.

21 MR. LAX: Supply energy for your HVAC,  
22 for your AC.

23 MR. SULLIVAN: Yeah. Could. But so far  
24 that -- it just hasn't been worth it. When I say

1 they're happier in the shade, it's not worth  
2 building a house to get them incrementally happier.

3 MS. TERRILL: Looking at these  
4 photographs, the vegetation that you're planting for  
5 erosion control and stability of the soil, it's  
6 permeable, so great. But it looks like it's being  
7 mowed regularly.

8 MR. SULLIVAN: Yes. We do mow it. So  
9 it's just the balance of -- we mow because we want  
07:52PM 10 to control shading. We want it to look groomed, but  
11 we don't want to do it every week like you might do  
12 at your house. So we hope that with the seed mix  
13 that it will just be slow so that we can only do  
14 that a couple times over the summer.

15 MS. TERRILL: Well, all of these depend  
16 on producing seed for viability to regenerate. If  
17 you're mowing it, A, it's not going to be a  
18 pollinator without the flowers.

19 MR. SULLIVAN: We'll let it get decently  
07:52PM 20 tall. So, I mean, it will be doing its thing and,  
21 yeah, maybe it's not doing it at a 100 percent rate  
22 if it was left completely natural, but it -- I mean,  
23 it reseeds and revegetates even in Colorado where we  
24 don't really get much rain.

1 MS. TERRILL: Yeah. I don't see any  
2 pollinators on your graphic here. I see, you know,  
3 a lot of things that are wind pollinated, but as far  
4 as being pollinators for bees, butterflies, wasps,  
5 flies and beetles needed for agriculture, none of  
6 these really qualify.

7 MR. SULLIVAN: I'd say -- well, these  
8 are just images that we've taken from the Internet  
9 to kind of give an example, but if you have a  
07:53PM 10 specific seed mix that you think is the mix that  
11 you're talking about, I mean, we're open to it.

12 MS. TERRILL: Could we have some input  
13 into that?

14 MR. SULLIVAN: Yeah. That is what this  
15 is all about. I'm not really an expert in that sort  
16 of thing. So I rely on the civil engineering  
17 department. What's the name of the other agency --

18 MS. REDDINGTON: We're also working with  
19 the Soil and Water Conservation District in Kankakee  
07:53PM 20 and they are looking at seed mixes that we can use  
21 from their department as well.

22 THE COURT REPORTER: What's your name,  
23 ma'am?

24 MS. REDDINGTON: Liz Reddington.

1 MR. ROREM: Does Miss Reddington need to  
2 be sworn?

3 MR. CROSS: I need to swear her in when  
4 she comes up to reaffirm that.

5 (WHEREUPON, the witness was duly sworn.)

6 MR. CROSS: Do you state your prior  
7 statement was true and factual?

8 MR. REDDINGTON: Yes. It was true and  
9 factual.

07:54PM 10 MR. CROSS: Okay.

11 MR. ROREM: So may we stipulate to a  
12 seed mix that is in favor of pollinators?

13 MR. SULLIVAN: Yeah. I mean, that's our  
14 intention. Maybe the graphic we choose is not a  
15 great one, but I mean we're --

16 MR. ROREM: Okay.

17 MS. COWHIG: We can make that a  
18 condition of the permit --

19 MR. ROREM: Correct.

07:54PM 20 MS. COWHIG: -- that we would -- might  
21 recommend.

22 MR. SULLIVAN: So I guess captured in  
23 other jurisdictions we work with is just a condition  
24 of approval of -- you can't built a system where the

1 permit is not approved unless you do the exact seed  
2 mix that you're talking about.

3 MR. CROSS: There are a couple of things  
4 from a planning standpoint that we will want to  
5 clarify.

6 Now, if I understood, you said the fence  
7 was going to be 8 foot. Are you looking to go chain  
8 link above -- I mean, barbed wire above a certain  
9 height?

07:55PM 10 MR. SULLIVAN: No. Just 8-foot chain  
11 link.

12 MR. CROSS: Okay. Because the ordinance  
13 does allow once you get over 6 and a half feet, you  
14 can go to chain link -- or, I mean, barbed wire up  
15 to 8 and a half feet if I recall. So that's  
16 something for security. Just a thought.

17 MR. SULLIVAN: We haven't wanted to do  
18 that for any of the systems we've owned or operated.  
19 We haven't seen that as a security concern yet.

07:55PM 20 MR. CROSS: I'm just saying if you do  
21 have problems with people getting in in the future,  
22 that is an option. You don't need any change in  
23 your conditional use permit to do that. That's per  
24 the ordinance.

1           And then any conditions, obviously we  
2 want to incorporate it into the ordinance. As a  
3 condition of approval, specifically if you think  
4 that this could be potentially sell in the future, I  
5 think we need to put that in there that this  
6 conditional use carries over to any new owner  
7 because sometimes we actually put conditions that  
8 remove it if it's sold. And so we want to make sure  
9 it stays with the property and not the individual.

07:56PM

10           The other thing is if this is part of a  
11 due diligence case and for the potential leasing of  
12 it, if for some reason or another you do not put  
13 this there that by default this conditional use  
14 permit will go away prior to the August -- after  
15 August or whatever it may be. Because generally it  
16 will carry 12 months for the conditional use permit.  
17 And if nothing is done, then it goes away by  
18 default. So if you think it could potentially be  
19 longer than 12 months, we need to put that in there  
20 as well.

07:57PM

21           MR. SULLIVAN: Oh, yeah. That's a good  
22 reminder. So that that 12-month clock would start  
23 from the final approval.

24           MR. CROSS: Final council approval of

1 the conditional use permit. And then if he was to  
2 pull a permit from like the code department, that  
3 would be six months. That might buy you six months.  
4 But the way the ordinance is written if the  
5 conditional use permit is not active for 12 months,  
6 it is -- it goes away by default.

7 MR. SULLIVAN: Okay. So I guess --

8 MR. CROSS: So if you want to put that  
9 in there, we need to define a time frame. If you  
10 think it's going to be 24 months, we need that.

11 MR. SULLIVAN: That's what I was going  
12 to ask for is 24. I think it is going to be under  
13 12 months, but whenever our financier sees impending  
14 deadlines, they just want to see extensions to  
15 remove risk. I guess I'd prefer to ask for 24  
16 months and then just try --

17 MR. CROSS: Yeah. We could do 24  
18 months. And then if for some reason you have to  
19 come back and get another -- say, for example, you  
20 pull a permit month 23, that would be enough to be a  
21 kicker to buy six more months.

22 MR. SULLIVAN: I see.

23 MR. CROSS: But if you think it's going  
24 to be longer than that, then what you would have to

1 do is come back, do another public hearing and  
2 chances are, you know, if everything was fine, it  
3 would go, but you'd have to go through this whole  
4 process again.

5 MR. SULLIVAN: I think 24 months is  
6 reasonable.

7 MR. CROSS: So theoretically if you had  
8 a permit, you could have 30, 24 months and six more.

9 MR. SULLIVAN: That would be perfect.

07:58PM 10 MS. COWHIG: Is there anyone in the  
11 audience who wants to ask a question or to speak for  
12 or against this proposal?

13 Yes, ma'am. You need to come forward  
14 and be sworn in.

15 (WHEREUPON, the witness was duly sworn.)

16 MR. CROSS: Please state your name for  
17 the record.

18 MS. NOWICKI: Rosemary Nowicki. I'd  
19 like to ask how far are the posts going to be sunk  
07:58PM 20 into the ground?

21 MR. SULLIVAN: Six feet.

22 MS. NOWICKI: Six feet.

23 MR. SULLIVAN: So that's -- it will be a  
24 function of what our structural engineer designed

1 based on local wind loads, but six feet has been  
2 pretty much the answer to every install we have done  
3 so far.

4 MS. NOWICKI: And so the panels are you  
5 said tempered glass?

6 MR. SULLIVAN: Correct.

7 MS. NOWICKI: Okay. How much experience  
8 do you have with tornadoes?

9 MR. SULLIVAN: It's -- I mean, yeah,  
07:59PM 10 it's a real -- it's a thought. So the modular is  
11 held down by clamps that are designed for the local  
12 wind load which I believe here it's 120-mile per  
13 hour for the highest recorded wind gusts. It's  
14 designed for that. A tornado can be more than that.  
15 So that's one of those things that we call a force  
16 majeure or act of God. I mean, we can't --  
17 (inaudible) a direct hit.

18 MS. NOWICKI: Right. Well, who is going  
19 to pay for the damage if one of these panels gets  
07:59PM 20 lose within an act of God? Is it going to be your  
21 company or is it going to be the City of Kankakee?

22 MR. SULLIVAN: Well, for our specific  
23 site, we'd pay for that. An insurance claim pays  
24 for that.

1           If you're talking about something  
2 external like your house --

3           MS. NOWICKI: Right.

4           MR. SULLIVAN: -- I think it would be an  
5 insurance claim for your house because a tornado  
6 just came through the neighborhood and stirred up  
7 all sorts of debris, your neighbors, our debris and  
8 everything. I would assume it would be an insurance  
9 claim for your house. But, I mean, you can -- I  
08:00PM 10 haven't experienced that.

11           MS. NOWICKI: Well, I think that's a big  
12 worry down here because, you know, there's been so  
13 many across the nation, natural disasters, things  
14 like that that insurances don't pay for.

15           I would like to consider that. That's  
16 all I want to say. Thank you.

17           MS. COWHIG: Thank you.

18           Anyone else?

19           Yes, sir.

08:00PM 20           (WHEREUPON, the witness was duly sworn.)

21           MR. CROSS: Please state your name for  
22 the record, sir.

23           MR. BAPTIST: My name is Joseph Baptist.  
24 I stay in the 1900 block of East Pine. I've here to

1 seek no vote to this -- the B column there. I live  
2 in the neighborhood there. And I would not like to  
3 see this system go up in my neighborhood.

4 MS. TERRILL: It's the wrong case.

5 MR. CROSS: Which case -- are you  
6 talking about over there on Court Street?

7 MR. BAPTIST: On Court Street.

8 MR. CROSS: This is not that case. It's  
9 the next case, sir.

08:01PM 10 MR. BAPTIST: Oh, okay. Sorry about that.

11 MR. CROSS: That's okay.

12 MS. COWHIG: Hold that thought and come  
13 back.

14 Anyone else with a comment in relation  
15 to the solar proposal?

16 Plan Commissioners, are you ready to act  
17 or do you need further information?

18 MR. HOOPER: I just have one final  
19 question. You said that the max subscription is 40  
08:02PM 20 percent by any one entity, is that correct?

21 MR. SULLIVAN: Right.

22 MR. HOOPER: So, in theory, two and a  
23 half or three entities could take the entire solar  
24 farm or the property?

1 MR. SULLIVAN: Correct. Yeah. So it  
2 could be 40 percent, 40 percent, 20 percent, three  
3 entities based on the ComEd rules.

4 MR. HOOPER: Okay.

5 MR. CROSS: I do have one question for  
6 you in looking at the aerial. Currently it looks  
7 like this is -- is this two separate parcels? This  
8 is two separate legal lots of record, correct?

9 MR. SULLIVAN: On the Kankakee 5 site?

08:02PM

10 MR. CROSS: Yes.

11 MR. SULLIVAN: We're double checking.

12 MS. REDDINGTON: I'll double check our  
13 lease.

14 MR. CROSS: Because I was showing it  
15 under PIN No. 023 and 004. Mr. Alexander is the  
16 owner. I think he might be able to answer that.  
17 But if I remember, there were two tracts on this.

18 Mr. Alexander, could I swear you in and  
19 ask you.

08:03PM

20 (WHEREUPON, the witness was duly sworn.)

21 MR. ALEXANDER: It's two.

22 MR. CROSS: It is two?

23 MR. ALEXANDER: It's two tracts. That's  
24 the way the property was divided up a long time ago.

1 MR. CROSS: Gotcha.

2 MR. ALEXANDER: It is two tracts.  
3 They're taking a portion of each tract.

4 MR. CROSS: The reason I bring that up  
5 because you could theoretically have a setback  
6 problem if it goes across the center.

7 MR. SULLIVAN: Oh, got it. We've  
8 encountered that in other jurisdictions where they  
9 have a --

08:03PM 10 MR. CROSS: We have a simple fix. I  
11 mean -- two things. And, Mr. Alexander, you  
12 obviously have large enough lots where if you ever  
13 wanted to do a subdivision in the future, that  
14 clearly would meet those requirements.

15 We do have an administrative subdivision  
16 process that we did put in place about six or seven  
17 years ago. When you would submit this for approval,  
18 what you would do is just have your engineer do  
19 what's known as a lot line eraser and we could  
08:04PM 20 record a lot line eraser plat consolidation. Then  
21 it would just become one legal lot of record.

22 The issue with that is if you ever go to  
23 resubdivide it, you have to go through that  
24 subdivision process 20 years from now. Or if you

1 can find a way to do a lot reconfiguration where you  
2 reconfigure the two lots and the lot closest to the  
3 interstate is big enough and it's a second lot, you  
4 could do that lot reconfiguration and then five  
5 years later, you could do another lot reconfiguration  
6 without going through that public hearing process.  
7 I think we could make that work.

8 I just want to make you aware of that  
9 because you could have financing issues in terms of  
08:05PM 10 rebuild provisions because it doesn't need setbacks  
11 and things like that for future sells. So just want  
12 to make you aware that that is something that we  
13 would have to potentially look into. Or the other  
14 option is a variance, but then you got to renotece  
15 and do a --

16 MR. ALEXANDER: I'd just prefer to leave  
17 it as it is, but we'll do whatever the --

18 MR. CROSS: The lot reconfiguration is  
19 an easy fix. He's going to have to draw it up  
08:05PM 20 anyway they draw up the plans for submittal. It's a  
21 \$35 recorder fee. And then you can come back and do  
22 the same thing and it's approved the same way. It's  
23 20 years from now.

24 MR. ALEXANDER: Okay.

1 MR. CROSS: That's what I would  
2 recommend. And I can work with him to get that  
3 done.

4 MR. ALEXANDER: If you can work with  
5 them, it just went over my head.

6 MR. CROSS: I would be happy to. Just  
7 want to make you aware of that. So I don't think --  
8 it's not going to change anything. It's just  
9 preventing setback issues.

08:06PM 10 MR. SULLIVAN: We have a surveyor  
11 engaged. We have the whole lot lines written out as  
12 the legal description. So once that's taken place,  
13 when we drew new lines, we'll just ask the surveyor  
14 to draw a new line, write a new legal.

15 MR. CROSS: Absolutely. Just leave a  
16 50-foot wide access strip.

17 MR. SULLIVAN: Yeah.

18 MR. CROSS: That's perfect.

19 MR. ROREM: I heard some language that I  
08:06PM 20 would like some clarification on as it related to  
21 what you said Jerry has to do with being part of two  
22 parcels or are they two parcels --

23 MR. CROSS: There are actually two  
24 parcel numbers, but they are two legal lots of

1 record. Sometimes you will see a parcel number  
2 that's only utilized for tax bill purposes only.

3 If you look at an old tax map, you can  
4 see four legal lots that have been recorded and they  
5 got that little squiggly line. Common ownership  
6 under one tax bill. So if you look at the tax bill  
7 closely, it's going to say tract 1, tract 2, tract  
8 3, Swindell Subdivision, lot 2 -- block 2, whatever  
9 it may be. So there are two separate recorded lots  
10 at this time.

08:07PM

11 MR. ROREM: Okay. The language that I  
12 heard was -- perhaps I was misunderstanding, but it  
13 was like there were -- that this parcel was going to  
14 be comprised of parts of two parcels, you know, part  
15 of parcel A and part of parcel B. If that's the  
16 case, the lot eraser it more difficult.

17 MR. CROSS: It will be, but fortunately  
18 because of the industrial and the size of these,  
19 when they reconfigure that, as long as they  
20 reconfigure that to accommodate solar farm within an  
21 entire area where they can meet those setbacks and  
22 the setbacks you're actually getting are much  
23 greater than what's required in the industrial  
24 zoning district, so that gives you a lot of leeway.

08:07PM

1 And in a sense you create a setback, but what will  
2 happen is when they reconfigure these, I will ensure  
3 the both of these lots are defined as buildable  
4 legal lots of record which means they each are a  
5 minimum of 7500 square feet, which they clearly will  
6 be, and have 50-foot frontage on American Way. And  
7 then both of them have are going to be ready to go.  
8 But he could theoretically on reconfiguration if  
9 they draw it up take a piece of each lot and create  
10 two lots from two lots. It's just a reconfiguration  
11 of them.

08:08PM 12 MS. COWHIG: On the plat that we  
13 received, roughly where is the development to occur?

14 MR. SULLIVAN: Do you have your  
15 PowerPoint presentation handy?

16 MS. COWHIG: I didn't get that. Is it  
17 the northern half? Is it the southern half near  
18 American Way? Where in relation to this?

19 MS. REDDINGTON: It's on the northern  
08:09PM 20 part.

21 MS. COWHIG: This is the creek?

22 MS. REDDINGTON: Yes.

23 MR. CROSS: That's 57, right?

24 MS. COWHIG: Yeah.

1 MS. REDDINGTON: Uh-huh.

2 MR. CROSS: So, yeah, you could make it  
3 work as long as you got 50 foot, you know what I'm  
4 saying, if you ever had to access that.

5 MS. COWHIG: Okay. Thank you.

6 MR. CROSS: We'll work it out.

7 MS. COWHIG: So are you ready to act or  
8 do you need further information, time to think about  
9 it?

08:09PM 10 MR. CORUM: I do have a question.

11 MR. CROSS: Please come forward and be  
12 sworn in.

13 (WHEREUPON, the witness was duly sworn.)

14 MR. CROSS: Please state your name for  
15 the record, sir.

16 MR. CORUM: Bill Corum, C-o-r-u-m. I  
17 live on the east side of Bradley there just on the  
18 other side of the creek. I was wondering where is  
19 that going to be in relation to that? I'm at  
08:10PM 20 Jackson and Franklin. So is that something that's  
21 going to be close to me?

22 Because I got a certified letter saying  
23 that the property is within 250 feet of my property.

24 MR. SULLIVAN: Can you -- I need to get

1 oriented. Can you point it out on this map?

2 (WHEREUPON, discussion was had  
3 off the record.)

4 MS. COWHIG: Excuse me. We need to have  
5 this testimony on the record.

6 MR. SULLIVAN: So we were just getting  
7 oriented on where he lived within the neighborhood.  
8 It looks like he lives northwest of the parcel. I  
9 don't know the name of the neighborhood but --

08:11PM 10 MR. CORUM: I don't think there's a  
11 name.

12 MR. SULLIVAN: Okay. But what we did  
13 is -- it's hard to see, but in the -- can you read  
14 the road names at all?

15 We don't know the road names, but what  
16 we did is we drove today around the perimeter of  
17 that neighborhood and we took pictures looking into  
18 where the site would be because we were curious if  
19 the neighbors would be able to see if you're walking  
08:11PM 20 your dogs or whatever.

21 The creek basically acts as a nice  
22 visual buffer, the trees, the bushes, there is kind  
23 of a little berm thing, so I think you'd have to be  
24 looking really hard and concentrating to see the

1 solar panels through that.

2 MR. CORUM: Okay. That's good. Thank  
3 you.

4 MS. COWHIG: Thank you.

5 Anyone else? Last chance.

6 MS. TERRILL: Madam Chairman, I'm ready  
7 to act.

8 MS. COWHIG: Okay. Thank you.

9 MS. TERRILL: In the case of PB16-01, an  
08:12PM 10 application by Microgrid Energy, LLC, requesting a  
11 conditional use permit to construct and operate a  
12 solar array farm at property commonly known as 1835  
13 American Way, I would like to propose that we  
14 recommend approval of this project.

15 And the findings that I'm looking at  
16 here, the proposed use is consistent with the  
17 existing and proposed uses zoning classification  
18 relating to that subject property.

19 The site is suitable for the proposed  
08:13PM 20 use or improvement.

21 Development trends in the general area  
22 including land use changes and zoning ordinance  
23 amendments have not changed the conditions for use  
24 and development. This is something new so that's

1 hard to quantify with that finding.

2 And the proposed use is in keeping with  
3 our comprehensive plan, its stated objectives and  
4 impact on those objectives.

5 The proposed use does or does not  
6 contribute to the maintenance of the public's  
7 health, safety and welfare. I think we can check  
8 that box because it doesn't impact the public's  
9 health safety and welfare.

08:14PM 10 And the proposed use does allow the  
11 neighbors the enjoyment of their property for its  
12 intended use.

13 As a stipulation to the conditional use  
14 permit, we'd like to add that this planning board  
15 have final approval of the seed mix that's used for  
16 erosion control. And that the conditional use  
17 permit be rescinded in 24 months from the date its  
18 approved if the project is not viable by that date.  
19 And that the stipulations set forth in this  
08:15PM 20 agreement be passed along to any subsequent owner of  
21 the project.

22 MS. COWHIG: Is there a second to the  
23 motion?

24 MR. ROREM: Second.

1 MS. COWHIG: Mr. Eckhardt said -- raised  
2 his hand first.

3 We have a motion to recommend approval  
4 of the requested conditional use permit with I think  
5 it was three conditions, one regarding the seed mix  
6 to be used, one, the length of time that the permit  
7 would be valid. And what was the third?

8 MS. TERRILL: That it be passed along to  
9 subsequent owners of the project.

08:15PM 10 MS. COWHIG: Right.

11 MS. TERRILL: That the stipulations be  
12 passed along.

13 MS. COWHIG: Any further discussion?  
14 Would you call the roll, please.

15 MR. CROSS: I will.

16 MS. COWHIG: Oh, excuse me. Yes.

17 MR. ROREM: Do we need to add anything  
18 regarding lot line eraser to this?

19 MR. CROSS: No. Because that's an  
08:15PM 20 administrative approval.

21 MR. ROREM: Thank you.

22 MR. LAX: Question.

23 MR. CROSS: And if something -- oh, I'm  
24 sorry. Go ahead, Mr. Lax.

1 MR. LAX: On an agenda, new business, it  
2 looks like it's PB16-01. And on the conditional use  
3 report, it's 18-01.

4 MR. CROSS: Oh, yeah. It should identify  
5 18. Yeah. Sorry.

6 MS. COWHIG: Good call.

7 MR. CROSS: Good call, Mr. Lax. So this  
8 will be -- yeah. I got them on 18-01.

9 MS. COWHIG: Okay. Now, I think we're  
10 ready for roll call.

08:16PM

11 MR. CROSS: Yep.

12 Edwin Eckhardt.

13 MR. ECKHARDT: Yes.

14 MR. CROSS: Arthur Lax.

15 MR. LAX: Yes.

16 MR. CROSS: Dave Robinson.

17 MR. ROBINSON: Yes.

18 MR. CROSS: Terrance Hooper.

19 MR. HOOPER: Yes.

08:16PM

20 MR. CROSS: Beverly Hood.

21 MS. HOOD: Yes.

22 MR. CROSS: Berry McCracken.

23 MR. McCracken: Yes.

24 MR. CROSS: Debra Terrill.

1 MS. TERRILL: Yes.

2 MR. CROSS: Chip Rorem.

3 MR. ROREM: Yes.

4 MR. CROSS: Willie Ames.

5 Loretto Cowhig.

6 MS. COWHIG: Yes.

7 MR. CROSS: Motion carries.

8 This case will be -- these  
9 recommendations will be forwarded to the city  
10 council for their February 5th meeting.

08:17PM

11 I do want to give the board a heads up  
12 and anyone in the public, I don't have the exact  
13 date, but I -- we potentially could have a special  
14 called meeting to accommodate the second site in  
15 January. The goal would be to take both cases to  
16 council by February 5th, if possible.

17 So a notice will go out for that second  
18 site here in the very near future.

19 The other thing is on the lot line  
20 eraser, it is administrative. If something comes up  
21 where there could potentially be an issue with that,  
22 council does have the authority to add that  
23 additional condition. Yeah.

08:17PM

24 MS. COWHIG: Okay. Thank you, Mr. Sullivan.

1 MR. SULLIVAN: Thank you.

2 MR. CROSS: Thank you. I'll be in touch  
3 with --

4 MS. COWHIG: The second case on our  
5 agenda tonight is No. 18-02. That is a request for  
6 a conditional use permit to allow outdoor accessory  
7 storage for property at 1935 to 1937 East Court  
8 Street. The property is currently zoned C2 service  
9 commercial. The applicant is BFD Investment Group.

08:18PM 10 Who is here to represent the applicant?

11 MR. HUMPHREY: I am.

12 MS. COWHIG: Would you come forward,  
13 please. You need to be sworn in.

14 (WHEREUPON, the witness was duly sworn.)

15 MR. CROSS: Please state your name for  
16 the record.

17 MR. HUMPHREY: Chuck Humphrey.

18 MS. COWHIG: Tell us what you have in  
19 mind, Mr. Humphrey.

08:19PM 20 MR. HUMPHREY: We have a warehouse at  
21 1935 Court Street. And what we do is it warehouses  
22 swimming pool supplies which is an E-commerce, so  
23 there's no customers coming or going. It's all  
24 E-commerce, all shipped out daily.

1           What we have now presently is 17 storage  
2 units in the back. Seven have been there since the  
3 fall of 2016. And the following 10 have been there  
4 since the fall of 2016.

5           What we did is we painted them. We got  
6 custom paint, painted them the exact same color as  
7 our building which we've painted -- we've bought the  
8 building in 2012. I think we painted the outside in  
9 the spring of 2013.

08:20PM 10           Also other improvements we did to the  
11 property. Updated the sprinkler system up to code.  
12 The electrical, the plumbing, the mechanicals.  
13 Redid the parking lot. Resealed. And some  
14 landscaping in the front of the unit. We plan on  
15 doing more of that. Landscaping in the back. And  
16 continue improving on the site.

17           The building is approximately  
18 18,000 square feet. So since we've been there, our  
19 company has grown. So what we need the storage for  
08:21PM 20 is the overflow that we cannot fit in the warehouse.  
21 It's a seasonal business, so we have different  
22 seasonal products coming at different times of the  
23 year. So we have to move the old stuff or the  
24 nonseasonal out so we can get the new stuff so we

1 can sell it during the season that it's there.

2 We'd just seek an additional use permit  
3 to use the outdoor storage. Thank you.

4 MS. TERRILL: What chemicals are being  
5 stored?

6 MR. HUMPHREY: No chemicals.

7 MS. TERRILL: I thought you were a pool  
8 chemical company.

9 MR. HUMPHREY: Not chemicals. Pool  
08:21PM 10 supplies as in pool liners, pool pumps. No chemicals  
11 whatsoever.

12 MS. TERRILL: Okay. And these are  
13 temporary units that are on pallets?

14 MR. HUMPHREY: Definitely.

15 MS. TERRILL: What landscaping is on the  
16 property? I think I missed that.

17 MR. HUMPHREY: Not much. You know what,  
18 I do have a picture of the overhead of our building  
19 if you want to see that. And I have --

08:22PM 20 MR. LAX: Was that a warehouse when you  
21 bought it?

22 MR. HUMPHREY: It was a store,  
23 warehouse, auto parts. There was a couple different  
24 things in there. Since we have been in there, we

1 improved it tremendously. I mean, the day we bought  
2 it, it was raining on the inside because the roof  
3 was so bad. Couple of the pipes for the sprinklers  
4 were cracked. Had that all taken care of.  
5 Sprinkler system's tested yearly. Everything is up  
6 to code. And anything that we could do to improve  
7 that site, we'll do it. We don't have a problem  
8 with that.

08:23PM 9 MS. TERRILL: Can I point out -- the  
10 landscaping has nothing to do with our decision, but  
11 where is the landscaping?

12 MR. HUMPHREY: That little spot there is  
13 the landscaping. There's a little. Yeah. And then  
14 the landscaping in the back we could do.

15 MS. TERRILL: Okay. And that's a  
16 parking lot essentially in back?

17 MR. HUMPHREY: Yes.

18 MR. ECKHARDT: Are these all storage  
19 units here? Is that all storage?

08:23PM 20 MR. HUMPHREY: These are all storage.  
21 Yes.

22 MR. ECKHARDT: Those are all yours?

23 MR. HUMPHREY: Those are all ours.

24 MR. ECKHARDT: But you're not going to

1 add any more to that?

2 MR. HUMPHREY: No.

3 MR. ECKHARDT: You want to use this  
4 building for that?

5 MR. HUMPHREY: The overflow of what we  
6 cannot fit in our building goes out here.

7 MR. ECKHARDT: Okay.

8 MR. HUMPHREY: And we only use these --  
9 we're only in business and the hours are during the  
08:24PM 10 day. So nobody is out there at night going through  
11 any of these storage units. I'd like to point that  
12 out.

13 MR. ECKHARDT: Okay. Thank you.

14 MR. HUMPHREY: You're welcome.

15 MS. COWHIG: Is the parking lot where  
16 these units are fenced?

17 MR. HUMPHREY: No, it's not.

18 MS. COWHIG: Should it be?

19 MR. HUMPHREY: We have no problems  
08:24PM 20 putting a fence on it. We've never had any problem  
21 with security as in anyone breaking into them. They  
22 do have locks on them, but anyone could break a  
23 lock. We've never had any issue since we've been  
24 there with the building or any of the storage units

1 at all. We love the site. We don't want to move.

2 MR. CROSS: Yeah. And I can -- the work  
3 they've done on the building, they have done a  
4 significant amount of work. They've improved the  
5 lighting.

6 The trick is, in talking to the owners,  
7 these are what's considered as being similar to  
8 storage units which require conditional use permit  
9 within the C2 zoning district. Therefore, for the  
08:25PM 10 permit utilization of these, we have to have this.  
11 This is part of the formal process. So that's why  
12 they are here.

13 We have been talking to them for quite a  
14 while. We were working with them because I know you  
15 talked about doing some additional work to the  
16 parking lot.

17 MR. HUMPHREY: Oh, yes.

18 MR. CROSS: But, you know, we -- to move  
19 forward with it, we have to have this conditional  
08:25PM 20 use permit as part of this process. So that's why  
21 he's here. They've been there a while. We know  
22 that. But now we're here to work to see if we can  
23 get the conditional use permit.

24 If he cannot, then obviously we -- he

1 cannot utilize the self storage units outside of  
2 the -- they're just not an accessory use.

3 MS. TERRILL: Would this qualify under  
4 the landscape ordinance requiring a buffer for  
5 incompatible uses?

6 MR. CROSS: To the rear. To the rear  
7 would be my concern. I would think you would not  
8 want to put one going up along the access alley  
9 because you might run the fence up to the building,  
10 but you do not want to run it into that access alley  
11 because that is used by the senior assisted living  
12 facility and so forth.

13 You may want to fence, you know, to  
14 the -- basically put a box fence around the back of  
15 the property and landscape a little bit along the  
16 rear of the property. That's what would be required  
17 for the ordinance in terms of the landscape.

18 MS. TERRILL: My concern when I looked  
19 at this site was for the people that live directly  
20 across the street from it. Lovely homes. Very well  
21 kept. And they have to look at something that's  
22 extremely unattractive.

23 I would think that a fence would only  
24 make it more unattractive. I don't have -- having

1 not heard from these people yet, I don't know what  
2 their feelings are, but if we did this, I would  
3 think that we would need stipulation for a very  
4 strong landscape buffer.

5 MR. HUMPHREY: Agree.

6 MR. LAX: What do you use the parking  
7 lot for?

8 MR. HUMPHREY: The back?

9 MR. LAX: Uh-huh.

08:27PM 10 MR. HUMPHREY: Nothing.

11 MR. LAX: Okay. So why are you making  
12 improvements on the parking lot? Why wouldn't you  
13 just build another building?

14 MR. HUMPHREY: Parking lot, it's because  
15 the asphalt is crumbling. So that's what we have to  
16 do.

17 MR. LAX: I understand, but just build  
18 another portion on to your building.

19 MR. HUMPHREY: It's considered.

08:27PM 20 MR. LAX: Okay.

21 MS. COWHIG: Is there anyone in the  
22 audience who would like to speak either for or  
23 against this petition or ask a question?

24 You need to come forward and be sworn in.

1 (WHEREUPON, the witness was duly sworn.)

2 MR. CROSS: Please state your name for  
3 the record.

4 MS. WILLIAMS: Nettie Williams. And I  
5 live in the subdivision where these storage units  
6 are. Yeah. And they've been there too long. Where  
7 is -- is your business in the building up front that  
8 you're talking about doing the improvements on?

9 MR. HUMPHREY: Pardon?

08:28PM 10 MS. WILLIAMS: Your business. You said  
11 you got a warehouse type business?

12 MR. HUMPHREY: Yes, ma'am.

13 MS. WILLIAMS: That's what I heard.  
14 Well, I'm with the brother over here then. Why  
15 don't you build instead of bringing all these  
16 storage units in because we are afraid of what that  
17 can bring in because it really do look bad.

18 And when you're on Oak Street there and  
19 you're looking at this all day and there are  
08:29PM 20 other -- the storage units are there, and today I  
21 drove through there, you also got dumpsters out  
22 there. I don't know if those dumpsters are yours or  
23 not. But it's a mess. And we -- we just will  
24 not -- I mean, you got to move them. They got to be

1 moved. We can't stand by and let them get a permit  
2 to keep them there. You know, I don't know. Do you  
3 live in the area?

4 MR. HUMPHREY: No, ma'am.

5 MS. WILLIAMS: Okay. Well, we do. We  
6 live here. We love -- and another thing, it's  
7 coming off exit 312. And I thought the plan for the  
8 city was to make it look better there. Okay. So if  
9 we're going to leave something like that for people  
10 to look at when they come into the city, into the  
08:30PM 11 main entrance for downtown, you know, I think we are  
12 giving, you know, the wrong impression.

13 So, my thing, you know, I would say  
14 build on to your building and move those units.  
15 Because it's -- they look bad. Thank you.

16 MS. COWHIG: Thank you.

17 Anyone else?

18 (WHEREUPON, the witness was duly sworn.)

19 MR. BAPTIST: Now I guess it's time for  
08:30PM 20 me to say what I got to say about the storage  
21 units --

22 MR. CROSS: State your name for the  
23 record again, please.

24 MR. BAPTIST: Joseph Baptist, Sr. I've

1       been living in the Marycrest area for over 25 years.  
2       I've seen it develop. I was a policeman for 28  
3       years over in that area. And I seen it develop.  
4       And it was developing real good. But right now I  
5       want to talk about the storage units over there.

6                Okay. It first started off with seven  
7       storage units there. Okay. And the guy told me,  
8       the owner of the business there said that they was  
9       using it to supply stuff to remodel the business  
08:31PM 10       after the bowling alley had burnt down. So I said,  
11       okay.

12               And then next thing you know we got ten  
13       more up there. I'm seeking for a no vote for those  
14       storage units to be -- I want them to be removed,  
15       not to have them there. And if he gots to use those  
16       storage business to do whatever he got to do, he  
17       need to add on to the building, not store those big  
18       buildings there.

19               I see kids walking through there. It's  
08:31PM 20       a bus stop. They're throwing rocks and all this  
21       stuff. And the senior living is right there too.  
22       And I see some of them walking with canes and trying  
23       to get through that alley with holes all in it. And  
24       I think -- I'm seeking to vote no, remove -- I said

1 yes, remove those storage units from over there.

2 Thank you.

3 MS. COWHIG: Thank you, Mr. Baptist.

4 MS. TERRILL: Can I ask a question based  
5 on something he said?

6 MS. COWHIG: Certainly.

7 MS. TERRILL: How many trucks pull in  
8 there every day?

9 MR. HUMPHREY: In the busy time?

08:32PM 10 MS. TERRILL: Any time.

11 MR. HUMPHREY: One.

12 MS. TERRILL: One?

13 MR. HUMPHREY: Yes.

14 MS. TERRILL: Per day?

15 MR. HUMPHREY: Yes. A UPS truck picks  
16 up everything that gets shipped out.

17 MS. TERRILL: Okay.

18 MR. HUMPHREY: At this time it's only a  
19 brown truck which comes to the side door. I got two  
08:32PM 20 docks on there. I think there's a truck in there  
21 right now in one of the docks.

22 MS. TERRILL: But during your busy  
23 season, it could be a semi using that alley?

24 MR. HUMPHREY: Yes. And our busy time

1 is from April to right around the 4th of July.

2 MR. HOOPER: May I clarify? So our vote  
3 is particularly about additional storage units. We  
4 have no power to remove current --

5 MR. CROSS: No. We have power to remove  
6 them. We've spoke with the owner and talked to them  
7 about, you know, the requirement for the conditional  
8 use permit.

9 MR. HOOPER: They haven't gotten  
10 previous --

08:33PM

11 MR. CROSS: They have not gotten  
12 previous approval. I want to make this clear. They  
13 are not -- they haven't just -- they haven't defied  
14 the code. I'm saying we made them aware of the  
15 situation. They haven't continued to -- the point  
16 I'm making is they are -- they are required to keep  
17 the storage units -- all the storage units to get  
18 this conditional use permit. Otherwise if they are  
19 not granted this conditional use permit, then we  
20 have to talk to them about removing them.

08:34PM

21 Now, how long that takes, that's  
22 something we've got to -- we have to determine.  
23 But, yeah, you have to remove them.

24 You can keep some storage trailers

1 that's associated with permit, whenever we're  
2 talking about the permit. You got a construction  
3 site. You can have a construction trailer or some  
4 trailers on the site during the six months of  
5 construction. That's pretty common on construction  
6 sites. But otherwise they would have to go within a  
7 lotted time frame.

8 MR. HOOPER: May I have ask Mr. Humphrey  
9 a few more questions based on that?

08:34PM

10 MR. CROSS: Sure.

11 MR. HOOPER: Removing the storage units  
12 would impact the business how?

13 MR. HUMPHREY: We might have to look for  
14 another space because we don't have the room in the  
15 warehouse as of right now. So we might have to  
16 possibly sell the unit and move somewhere else. So  
17 that's how it's going to impact us.

18 MR. HOOPER: How many people are  
19 employed in your site?

08:35PM

20 MR. HUMPHREY: Off season, three to  
21 four. Seasonal, like I said, between April to  
22 August, eight to ten. And that's full-time hours.

23 MR. HOOPER: That's local?

24 MR. HUMPHREY: Local.

1 MR. HOOPER: Thank you.

2 MR. HUMPHREY: All local. Everyone that  
3 works there is local.

4 MR. HOOPER: Thank you.

5 MR. HUMPHREY: Thank you.

6 MS. COWHIG: Yes, sir.

7 (WHEREUPON, the witness was duly sworn.)

8 MR. CROSS: Please state your name for  
9 the record, sir.

08:35PM 10 MR. GREEN: My name is Roosevelt Green.

11 I have property right across the street. And I  
12 concur with the rest of them. It's blight. The  
13 area looks blight. And there's a reason why other  
14 companies move way. Because of crime. And the --  
15 being the property is six to eight feet tall, but  
16 any kid would get up and hide. He can hide behind  
17 something. They can break in. It is a residential  
18 area. And it shouldn't be there. Point blank. It  
19 should have been gone before now. It really should  
20 have.

08:36PM

21 So, Alderman, it should have been gone.

22 Thank you.

23 MS. COWHIG: Thank you, Mr. Green.

24 Anyone else? Yes, ma'am.

1 (WHEREUPON, the witness was duly sworn.)

2 MR. CROSS: Please state your name for  
3 the record, ma'am.

4 MS. BANKS: Doris Banks. I want to say  
5 I've been in the Marycrest area for over 40 years.  
6 And we take a lot of pride in our property.

7 During the leadership of Mayor Green,  
8 there was a problem in the area and people were  
9 coming through the empty lots taking things and  
08:37PM 10 there was a fence installed up to Spruce under the  
11 leadership of Mayor Green and Larry Nolan and some  
12 of the alderman. And that's just an example of what  
13 we do to take care of our community.

14 I have noticed -- we have been having  
15 neighborhood meetings and this issue has come up  
16 several times about the -- those empty -- those  
17 things that they're using for storage. It's an eye  
18 sore to the community. When we turn off there to  
19 come on St. Joseph, it looks ridiculous. And we  
08:37PM 20 have brought this up several times. And I hope  
21 something can be done. We don't want this. We know  
22 that it's a business, but we don't -- find someplace  
23 else. We need grocery stores. We need other things  
24 there to enhance our community. So we're pleading

1 with you please take consideration in removing it.  
2 Thank you.

3 MS. COWHIG: Thank you.

4 Yes, ma'am.

5 (WHEREUPON, the witness was duly sworn.)

6 MR. CROSS: Please state your name for  
7 the record.

8 MS. NOWICKI: Rosemary Nowicki. I live  
9 in Marycrest. I lived there over 10 years now. And  
08:38PM 10 what I'd like to say about the units is this. I  
11 feel very sorry for the people who live right across  
12 the street from there. If these units are there  
13 because of a temporary reason during the busy  
14 season, I mean, if it's April to July, it's only a  
15 few months, I think he should move them over to a  
16 storage facility like Michigan Avenue storage.

17 If you let one retailer do this, it will  
18 set precedent for other ones to do it too. It could  
19 be a crime spot. Putting up a fence is not going to  
08:38PM 20 help. Putting up an actual buffer is not going to  
21 help. It's still going to look odd. It's going to  
22 detract from the house values. Thank you.

23 MS. COWHIG: Thank you.

24 (WHEREUPON, the witness was duly sworn.)

1 MR. CROSS: Please state your name for  
2 the record.

3 MS. NELSON: Tamora Nelson. I live in  
4 Marycrest. I grew up in Marycrest. And I left and  
5 I came back. Love Marycrest. He said that's just  
6 for -- his business is seasonal which is fine.  
7 During your busy season, if you bring them out  
8 there, okay, fine. But then take them away. If  
9 you're storing your parts, don't order so many that  
10 you need to store for the next season. Just -- I  
11 just think -- I don't like them being there. It's  
12 an eye sore.

08:39PM

13 I can understand him using it for his  
14 business. And we need business on the east side of  
15 town, but for us as residents to have the look at  
16 that, we've been looking at it for a long time.  
17 It's been like that for a couple years now. And  
18 it's been a mess.

08:40PM

19 He keeps -- he keep the property up, but  
20 it's still -- we shouldn't have to look at that  
21 every day. One or two, maybe even three or four.  
22 But a whole parking lot full of these pods is  
23 ridiculous.

24 I don't think he should be able to keep

1 all of them there all the time. If he do, make it  
2 three or four during the busy season, maybe that  
3 wouldn't be a problem, but just to keep them there  
4 all the time, I don't think it's right. So I don't  
5 think he should keep them there. I think he should  
6 remove if not all of them, at least over half of  
7 them. Thank you.

8 MS. COWHIG: Thank you.

9 MR. CROSS: You do not have to be sworn  
10 in, Alderman. You're already sworn in as an agent,  
11 but please state your name.

12 MS. KENNEDY: Gloria Kennedy. Marycrest  
13 is one of the few majority African American  
14 communities that we have in the City of Kankakee.  
15 And that's one of the communities that we can ride  
16 through that is pretty appealing to the eye. And we  
17 definitely want to keep that.

18 So I ask this committee to consider that  
19 when you do vote tonight. Because of the fact that  
20 if the residents are not happy, the taxpayers are  
21 not happy, then we do have a problem. We have a  
22 really big problem.

23 We want to keep business owners in our  
24 community. And I'm hoping that we can find a

1 solution that that will work for both the business  
2 owner and the property owners, maybe helping to  
3 relocate him to another area, but I do agree that  
4 it's not appealing.

5 I grew up in Marycrest. I go there two  
6 to three times a week to visit my mom. And it's not  
7 appealing. It is something that we do need to do  
8 something about. So thank you very much.

9 MS. COWHIG: Thank you.

08:41PM

10 MR. CROSS: Alderman, you do not need to  
11 be sworn in, but you do need to state your name,  
12 please.

13 MR. BROWN: Name is Carl -- P. Carl  
14 Brown. I'm, first of all, glad to be here and happy  
15 new year to all of you. I just want to state for  
16 the record, first of all, this has been an issue  
17 that basically we have been concerned with for a  
18 long time. This is not the first time that  
19 basically we have objected to those pods being  
20 there.

08:42PM

21 We have talked through channels we  
22 thought with the procedure and Cliff knows because  
23 he's been to some of our meetings to explain that  
24 they need to be removed. And I thought they was

1 going to be removed. Next thing we know there was a  
2 permit here that they want to make it permanent. We  
3 have no problem with the owner. That's not it. But  
4 we do take great pride in our community.

5 We work hard to work on crime. The  
6 reason we don't have a lot of break-ins at this  
7 building is because we have worked that hard in  
8 trying to make Marycrest one of the most safest  
9 places in the City of Kankakee.

08:42PM

10 We need those moved because we talked  
11 about a comprehensive plan where we're going to  
12 develop or try to develop that side of town for all  
13 the visitors to come in and see. That is not  
14 attractive at all.

15 And to put a fence around it or to do  
16 something just doesn't make any sense at all. We  
17 want business. And we beg for business if you want  
18 to know the truth. But the fact of the matter is he  
19 need to move those. Those need to be moved. They  
20 should have been moved years ago. They shouldn't  
21 have never -- shouldn't have never got that far.

08:43PM

22 I mean, the seven that he put in years  
23 ago, we asked that those be removed. Next thing we  
24 know there was more. And now if you go to the

1 Asbury Independent Living, you see they got one.  
2 So, you see, it's growing and growing and growing  
3 and making our community look worse and worse.

4 We do planting every year where we plant  
5 flowers right there at the corner of Oak and -- Oak  
6 and Hammes and also on the -- right there by the  
7 housing authority. Those planters have flowers in  
8 them. We water them and everything to make our  
9 community look good.

08:44PM 10 That is not attractive by having those  
11 pods there. So we're asking you -- we're asking you  
12 for this committee to send to the city council a no  
13 vote on those pods.

14 MS. COWHIG: Thank you, Mr. Brown.

15 Anyone else?

16 (WHEREUPON, the witness was duly sworn.)

17 MR. CROSS: Alderman Tetter, you do not  
18 need to be sworn in, but please state your name for  
19 the record.

08:44PM 20 MR. TETTER: Fred Tetter. First of all,  
21 thank you all for being here. I too concur with the  
22 residents. I live in Marycrest as well. And I see  
23 this every day. And this is not the first time it's  
24 been discussed. I hope that this brings some

1 remedy. It is an eye sore. It is a safety issue.  
2 There are children in that area that's on that  
3 street. There's a junior high school. And just  
4 because an incident has not happened does not mean  
5 that it will not.

6 I think we need to be proactive. And I  
7 think that those items certainly need to be removed  
8 immediately. It's affecting property values of the  
9 residential properties there on Oak Street and other  
10 areas well into the Marycrest area.

08:45PM

11 There are barriers that -- someone said  
12 landscaping. There are barriers. And I know we're  
13 not here tonight to discuss the front, but that is  
14 an eye sore. And I think it's a safety issue as  
15 well. And there's barriers there that should not be  
16 there. And I want those also looked at to be  
17 removed along with those pods.

18 That's coming right off of Route 17 or  
19 Court Street as we refer to it as. It is -- the  
20 bottom line is I would ask that this committee or  
21 this body reject any of those storage facilities  
22 being utilized there and to have those removed  
23 immediately. That is my request to this body.  
24 Thank you.

08:46PM

1 MS. COWHIG: Thank you.

2 Anyone else? Last call.

3 Is the commission ready to act or do you  
4 have further questions?

5 MS. TERRILL: Mr. Humphrey?

6 MR. HUMPHREY: Yes.

7 MS. TERRILL: Do you own the entire  
8 building or just that one-third of it?

9 MR. HUMPHREY: Just the one-third.

08:46PM 10 MS. TERRILL: Okay. So you don't know  
11 anything about the semi truck that's parked back  
12 there?

13 MR. HUMPHREY: Which one?

14 MS. TERRILL: There's a semi truck  
15 that's always parked behind the building. Is that  
16 nothing that has anything to do with you?

17 MR. HUMPHREY: No. That's not me.

18 MR. BROWN: You want me to answer that?  
19 Do I need to come back?

08:47PM 20 MS. COWHIG: Please.

21 MS. TERRILL: It doesn't have any  
22 bearing on the case, but I would like to know.

23 MR. BROWN: We have -- we have an  
24 ordinance that semis are not allowed in the

1 community. Some of the people that works and lives  
2 in that community drive semis. So times they park  
3 the truck there overnight or that day. So that's  
4 the reason sometimes you might see a semi truck  
5 there.

6 MS. TERRILL: I see. I wondered if that  
7 was the case.

8 MS. COWHIG: Yes, sir.

9 MR. BAPTIST: I have question for him  
08:47PM 10 because there's a food wagon truck back there --

11 MS. COWHIG: You need to come forward.

12 MR. BAPTIST: There's -- yes. There's a  
13 food wagon truck that's been abandoned back there  
14 for at least three months.

15 Do you know anything that about the food  
16 wagon back there that's been abandoned back there  
17 for three months?

18 MR. HUMPHREY: There's no -- any  
19 vehicles on my property.

08:48PM 20 MR. CROSS: If those vehicles are  
21 abandoned on the other property and unlicensed and  
22 unoperational, we can go after them from a code  
23 standpoint.

24 MR. BAPTIST: There's a food truck been

1 back there for at least three months.

2 MR. CROSS: And, you know, for a semi, I  
3 guess, I didn't -- if there's a semi parked there on  
4 that property and it's not an accessory semi to the  
5 operation of that business, it cannot be parked  
6 there either. And that business will be required to  
7 get a conditional use permit, just the same to do  
8 that, to allow for that.

9 So we will address that as well, as well  
08:48PM 10 as the storage bin at the senior independent living  
11 facility because they will be one or 20, you got to  
12 have a conditional use permit. It's just -- that's  
13 the requirement. So we will address all of this.

14 MR. BAPTIST: When the snow hit the  
15 ground just before Christmas, there's no prints that  
16 goes to none of those bins in the snow. And so do  
17 you know anything about that?

18 THE COURT REPORTER: I can't hear what  
19 he's saying. Wait, wait, wait. I'm not getting any  
08:49PM 20 of this on the record right now.

21 MR. CROSS: Please speak to her. And  
22 then we'll respond. But what was the question?

23 MR. BAPTIST: There's no prints.

24 MR. CROSS: Footprints.

1 MR. BAPTIST: Or tire prints going to  
2 those bins since the snow hit the ground just before  
3 Christmas.

4 MR. CROSS: Which bins? Are you talking  
5 his storage bins?

6 MR. BAPTIST: His storage pins.

7 MR. CROSS: Probably because it's off  
8 season I'm guessing. So, yeah, I mean, but it  
9 doesn't change the fact. Off season, on season, you  
10 have to have the conditional use permit.

08:50PM

11 MR. BAPTIST: Okay. Thank you.

12 MS. COWHIG: Thank you.

13 Yes, ma'am.

14 (WHEREUPON, the witness was duly sworn.)

15 MR. CROSS: Please state your name for  
16 the record.

17 MS. WILLIAMS: My name is Christine  
18 Williams. My concern is I'm not quite sure and I  
19 don't understand exactly what type of products you  
20 have within the pods.

08:50PM

21 And my main concern is are -- is it a  
22 product that could be chemically or dangerous or  
23 hazardous to the community because that is my main  
24 concern because we really don't know what's in it.

1           And is there a way that you could -- the  
2 city can verify and make sure that there is -- you  
3 know, there isn't any hazardous chemicals or  
4 products within those pods because we can't see  
5 what's in it. And that is my concern. Environmental  
6 issues.

7           MS. COWHIG: We have had testimony that  
8 there aren't any chemicals such as chlorine in the  
9 pods.

08:51PM 10           MR. CROSS: And if the city suspected  
11 there was, I mean, code or the health department, we  
12 could work with the health department. We could  
13 seek a court injunction to get in there, but there's  
14 got to be pretty strong evidence that that's the  
15 case.

16           I mean, it's very difficult, but the  
17 testimony like Chairman Cowhig said is I don't  
18 believe there's any chemicals stored in there  
19 probably because they're not controlled, you know,  
08:51PM 20           via temperature. They're just cold units. So I  
21 would think you wouldn't want that in there anyway.

22           MS. WILLIAMS: Okay. May I -- I'm not  
23 trying to be a smart Alec or anything, but there's a  
24 lot of people that give testimony in court cases

1 that aren't, you know -- I'm not trying to --

2 MS. COWHIG: I understand.

3 MR. CROSS: I understand.

4 MS. WILLIAMS: I think it would make me  
5 feel more comfortable if someone from the health  
6 department or someone from code enforcement would go  
7 in to check. If there's nothing bad, then it  
8 shouldn't be a problem.

9 MR. CROSS: I understand, but we have to  
10 get permission of the court.

11 MR. HUMPHREY: I have no problem with  
12 anybody coming out and opening those containers and  
13 looking in them. I have zero chemicals. Nothing  
14 hazardous.

15 MS. WILLIAMS: Thank you, sir.

16 MR. HUMPHREY: No problem.

17 MS. WILLIAMS: So he's just stated that  
18 he doesn't have a problem with that.

19 MS. COWHIG: That's what he volunteered.

08:52PM 20 MR. CROSS: We'll talk and see who we  
21 can get out there. If it's a code issue, we'll talk  
22 to the code department because they conduct health  
23 and safety --

24 MS. WILLIAMS: Well, he stated that --

1 you just said that you can't do it, he just made a  
2 statement that he doesn't --

3 MR. CROSS: I understand, but I'm not  
4 code.

5 MS. WILLIAMS: No, you're not.

6 MR. CROSS: Code official has to do  
7 that.

8 MS. WILLIAMS: So is that up to this  
9 panel to make that decision?

08:52PM

10 MS. COWHIG: No.

11 MR. CROSS: This is a planning board.

12 MS. WILLIAMS: Okay. So who --

13 MR. CROSS: The code department.

14 MS. WILLIAMS: The code department.

15 MR. CROSS: Because they enforce --

16 MS. WILLIAMS: So as a member of the  
17 community, we request for the code department to  
18 seek into that.

19 MR. CROSS: You can go speak with them.

08:53PM

20 And if they feel that they want to go, absolutely,  
21 if he wants to work with them.

22 MS. WILLIAMS: Thank you, sir.

23 MS. COWHIG: Thank you.

24 Anyone else?

1 MR. LAX: I'm new to this board. This  
2 current zoning is C2 service commercial.

3 MR. CROSS: Yes, sir.

4 MR. LAX: Now, service to me sounds like  
5 where you can go buy clothing or food or something  
6 like that.

7 MR. CROSS: Sure.

8 MR. LAX: Does that -- does his product  
9 or goods fall into that category?

08:53PM 10 MR. CROSS: Well --

11 MR. LAX: Or am I wrong about the service?

12 MR. CROSS: The way our zoning ordinance  
13 is written we have three primary commercial zoning  
14 classes. And if you -- in each class, you have  
15 what's identified as permitted uses and conditional  
16 uses.

17 This type of use is permitted as being  
18 one that's allowed per the conditional use permit in  
19 the C2 zoning district. That's why we're here. It  
08:54PM 20 may also be allowed in the C3.

21 The primary differences between the  
22 individual zoning classes outside of a couple uses  
23 here or there are your height, your setbacks, your  
24 buildable areas for your businesses.

1           Your C1 is traditionally more towards  
2 your neighborhood stuff. C2 is kind of in the  
3 middle. And C3 is more your bigger --

4           MR. LAX: Factory.

5           MR. CROSS: Well, like, for example --  
6 and they all really cross each other in one way or  
7 the other. Like, for example, Wal-Mart development  
8 out there, that's C3. Meadowview is C2. Downtown  
9 is C3. So it's -- the use is really dictated by  
10 appendix A of the ordinance.

08:54PM

11           MS. COWHIG: Are you ready to make a  
12 decision? Have you made one?

13           MS. TERRILL: I am.

14           Okay. In the case of PB16-01 --

15           MS. COWHIG: Excuse me. It's 18.

16           MS. TERRILL: That's right. We  
17 established that, didn't we.

18           MS. COWHIG: 18-02.

19           MS. TERRILL: 18-02. It's all wrong on  
20 here, isn't it.

08:55PM

21           An application by BFD Investment Group  
22 requesting a conditional use permit to allow for the  
23 utilization of accessory storage units at the  
24 property commonly known as 1935 and 1937 East Court

1 Street, I would make to move that the city council  
2 vote no on this proposal.

3 In looking at our findings here, I can't  
4 satisfy enough -- can't check enough boxes to make  
5 me think otherwise. This is a high priority area.  
6 We pride ourselves on being business friendly in  
7 Kankakee. It's a fine line between being business  
8 friendly and allowing the citizens to fully enjoy  
9 their property. And as far as I'm concerned of all  
08:56PM 10 these findings, that's the most important is does  
11 this proposed use allow or not allow neighbors the  
12 enjoyment of their property for its intended use.  
13 And I would have to say it does not.

14 Also in the findings where we decide  
15 whether the proposed use does or does not contribute  
16 to the maintenance of the public's health, safety  
17 and welfare, I have a great concern about rodents.  
18 These storage units are up on pallets. Anybody who  
19 has ever had a backyard shed up on pallets knows  
08:56PM 20 that things live under there.

21 We also have dumpsters on the same lot.  
22 That's a combination that guarantees rats, some kind  
23 of rodents. And we know that rodents are a health  
24 hazard.

1           The proposed use is not in keeping with  
2 our comprehensive plan. The comprehensive plan for  
3 that area is to improve it. And this is a clear  
4 degradation of the land use.

5           I don't think the site is suitable for  
6 the proposed use and not consistent with the  
7 existing or proposed uses in the abutting zoning  
8 lots.

9           Thank you.

08:57PM 10           MS. COWHIG: Is there a second?

11           MR. ROREM: Second.

12           MS. COWHIG: Motion is to recommend  
13 denial of the application. Is there --

14           MS. TERRILL: Can I add a stipulation?

15           MS. COWHIG: Yes.

16           MS. TERRILL: I would also like to  
17 stipulate that these be removed in a timely fashion  
18 like within a certain number of days, 60, 90. Can  
19 we stipulate to --

08:58PM 20           MR. CROSS: We can stipulate it. Just  
21 goes back to -- because there's not an approval  
22 to -- and an ordinance to hold this, after the  
23 council denial, we'll have to work on getting them  
24 removed.

1           Now, the applicant can withdraw his  
2 request without prejudice and voluntarily remove  
3 them before then as a good faith effort. What we  
4 can do is if it is not approved and they refuse to  
5 remove them, I'm not saying that's going to happen,  
6 we cannot physically go remove them without a court  
7 order.

8           Okay. We had sent the original notice  
9 for the removal of them. It was put on hold because  
10 they have the opportunity to apply for the case  
11 which was some of the delay. But since that notice  
12 has been served, if they do not remove them, then we  
13 have to file an injunction with the court.

14           MS. TERRILL: Okay.

15           MR. CROSS: And I know -- you know, I  
16 know people don't always like to hear this, but  
17 depending on how the court responds, it takes time  
18 -- we've got a house on the west side we've been  
19 trying to take down for three years, because -- you  
20 know what, I'm just saying.

21           So we're at the mercy of the court. It  
22 would be no different than if I went to an  
23 individual property owner and said I don't like your  
24 shed, we're removing it. I would be trespassing on

1 their property. And it will be eventually. I'm  
2 just saying that that dictates time.

3 MS. COWHIG: Mr. Rorem, is addition to  
4 the motion acceptable to you?

5 MR. ROREM: Yes.

6 MS. COWHIG: The motion is to recommend  
7 denial. Is there any further discussion?

8 If not, I think we're ready for a roll  
9 call.

08:59PM 10 MR. CROSS: Edwin Eckhardt.

11 MR. ECKHARDT: Yes.

12 MR. CROSS: Arthur Lax.

13 MR. LAX: Yes.

14 MR. CROSS: David Robinson.

15 MR. ROBINSON: Yes.

16 MR. CROSS: Terrence Hooper.

17 MR. HOOPER: Yes.

18 MR. CROSS: Beverly Hood.

19 MS. HOOD: Yes.

09:00PM 20 MR. CROSS: Berry McCracken.

21 MR. McCracken: Yes.

22 MR. CROSS: Debra Terrill.

23 MS. TERRILL: Yes.

24 MR. CROSS: Chip Rorem.

1 MR. ROREM: Yes.

2 MR. CROSS: Willie Ames.

3 Loretto Cowhig.

4 MS. COWHIG: Yes.

5 MR. CROSS: Motion to deny. This too  
6 will go after the minutes on the February 5th and --  
7 on the council meeting on February 5th.

8 MS. COWHIG: And you will let us know as  
9 soon as possible if we have to have the special  
10 meeting.

09:00PM

11 MR. CROSS: Yes. I would have to have  
12 it posted -- I am suspecting it would be the  
13 fourth -- possibly fourth Tuesday of this month,  
14 maybe a Thursday. Just so we can get it -- I want  
15 to get it done to try to get those put together. So  
16 I'll let you know. Thank you.

17 MS. COWHIG: And keep in mind that our  
18 February meeting is on the second Tuesday, not the  
19 first.

09:01PM

20 MR. CROSS: And that's the other thing  
21 with the holiday. If we do it later this month, we  
22 may not -- and nobody gets anything submitted, it  
23 will just take the place of our February meeting.

24 MS. COWHIG: Okay. If there's no

1 further business, we are adjourned.

2 Thank you all.

3 (WHEREUPON, the hearing was adjourned  
4 at 9:01 p.m.)

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1 STATE OF ILLINOIS )

2 COUNTY OF C O O K )

3 I, SHARON A. STUCKLY, a Certified  
4 Shorthand Reporter of the State of Illinois, do  
5 hereby certify that I reported in shorthand the  
6 proceedings had at the hearing aforesaid, and that  
7 the foregoing is a true, complete and correct  
8 transcript of the proceeding of said hearing as  
9 appears from my stenographic notes so taken and  
10 transcribed under my personal direction.

11

12



13

Certified Shorthand Reporter

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15 C.S.R. Certificate No. 84-1640.

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<b>\$</b>	2012 [1] - 71:8 2013 [1] - 71:9 2016 [2] - 71:3, 71:4 2018 [4] - 1:10, 3:7, 3:12, 3:20 2025 [1] - 7:20 20th [1] - 35:11 23 [1] - 52:20 24 [7] - 52:10, 52:12, 52:15, 52:17, 53:5, 53:8, 66:17 24-7 [1] - 42:2 25 [3] - 7:20, 24:13, 80:1 250 [2] - 6:6, 63:23 28 [1] - 80:2 2801 [1] - 19:22	<b>6</b>	Act [1] - 7:18 act [6] - 54:16, 54:20, 56:16, 63:7, 65:7, 93:3 action [3] - 3:8, 3:17, 3:19 active [2] - 43:8, 52:5 acts [1] - 64:21 actual [3] - 9:2, 19:14, 86:20 add [7] - 3:2, 66:14, 67:17, 69:22, 74:1, 80:17, 103:14 addition [1] - 105:3 additional [4] - 69:23, 72:2, 75:15, 82:3 address [5] - 4:16, 4:17, 21:2, 95:9, 95:13 adjourned [2] - 107:1, 107:3 adjusting [1] - 5:19 adjusts [1] - 14:12 administration [1] - 3:14 administrative [3] - 58:15, 67:20, 69:20 aerial [1] - 57:6 aerodynamic [1] - 41:1 affect [1] - 8:15 affecting [2] - 26:2, 92:8 aforesaid [1] - 108:6 afraid [1] - 78:16 African [1] - 88:13 ag [2] - 13:16, 28:22 agency [1] - 48:17 Agency [1] - 42:19 agenda [2] - 68:1, 70:5 agent [1] - 88:10 ago [4] - 57:24, 58:17, 90:20, 90:23 agree [2] - 77:5, 89:3 agreement [4] - 20:19, 29:16, 30:8, 66:20 agreements [1] - 29:15 agriculture [1] - 48:5 ahead [1] - 67:24 air [1] - 34:3 Alderman [2] - 84:21, 88:10 alderman [3] - 85:12, 89:10, 91:17 alec [1] - 97:23 ALEXANDER [6] - 57:21, 57:23, 58:2, 59:16, 59:24, 60:4	<b>7</b>	7 [3] - 26:15, 26:17, 28:6 7500 [1] - 62:5 7:00 [1] - 1:11 7th [1] - 32:7	<b>8</b>	8 [2] - 50:7, 50:15 8-foot [4] - 17:20, 17:23, 20:5, 50:10 84-1640 [1] - 108:15	<b>9</b>	90 [1] - 103:18 9:01 [1] - 107:4 9th [1] - 1:10	<b>A</b>	abandoned [3] - 94:13, 94:16, 94:21 able [7] - 11:12, 17:4, 20:19, 25:8, 57:16, 64:19, 87:24 absolutely [2] - 60:15, 99:20 abstract [1] - 24:7 abutting [1] - 103:7 AC [2] - 42:20, 46:22 acceptable [1] - 105:4 accepted [1] - 32:2 access [6] - 18:1, 42:12, 60:16, 63:4, 76:8, 76:10 accessory [4] - 70:6, 76:2, 95:4, 101:23 accommodate [2] - 61:20, 69:14 acquiring [1] - 23:23 acquisition [1] - 23:18 acreage [3] - 13:1, 19:18 acres [7] - 4:6, 8:19, 17:8, 17:9, 19:24 acronym [1] - 36:8	<b>3</b>	3 [3] - 37:16, 44:16, 61:8 30 [4] - 29:22, 32:15, 35:4, 53:8 30th [1] - 35:11 312 [1] - 79:7 36 [2] - 4:6, 17:9 36-acre [1] - 17:6 385 [1] - 1:9	<b>4</b>	4 [2] - 18:19, 32:11 4,000 [1] - 17:11 40 [12] - 9:13, 9:15, 10:15, 10:19, 23:8, 25:5, 34:2, 35:4, 56:19, 57:2, 85:5 453 [2] - 17:14, 20:3 4th [1] - 82:1	<b>5</b>	5 [7] - 16:12, 18:6, 18:20, 28:5, 32:11, 57:9 50 [4] - 20:4, 34:6, 34:10, 63:3 50-foot [3] - 17:19, 60:16, 62:6 500 [2] - 9:22, 9:23 51 [2] - 33:22, 33:23 57 [1] - 62:23 5th [5] - 32:7, 69:10, 69:16, 106:6, 106:7	<b>1</b>	1 [7] - 11:21, 26:18, 26:23, 32:11, 37:21, 61:7 1.25 [1] - 26:22 1.35 [1] - 26:22 10 [5] - 27:18, 35:1, 44:21, 71:3, 86:9 10,000 [1] - 25:20 100 [8] - 10:17, 20:4, 23:17, 24:2, 24:15, 24:17, 25:15, 47:21 100-foot [1] - 17:18 11 [1] - 44:22 12 [5] - 44:22, 51:16, 51:19, 52:5, 52:13 12-month [1] - 51:22 120-mile [1] - 54:12 12th [1] - 35:9 13 [1] - 44:22 14 [3] - 19:24, 27:14, 44:22 16 [4] - 17:7, 17:8, 17:9, 19:24 17 [2] - 71:1, 92:18 18 [2] - 68:5, 101:15 18,000 [1] - 71:18 18-01 [3] - 4:2, 68:3, 68:8 18-02 [3] - 70:5, 101:18, 101:19 1835 [2] - 4:5, 65:12 1900 [1] - 55:24 1935 [3] - 70:7, 70:21, 101:24 1937 [2] - 70:7, 101:24	<b>2</b>	2 [4] - 28:6, 61:7, 61:8 20 [11] - 9:15, 26:4, 28:1, 29:17, 29:18, 29:19, 29:20, 57:2, 58:24, 59:23, 95:11 20-year [4] - 29:15, 30:1, 31:19 2009 [1] - 5:22	<b>2012</b> [1] - 71:8 <b>2013</b> [1] - 71:9 <b>2016</b> [2] - 71:3, 71:4 <b>2018</b> [4] - 1:10, 3:7, 3:12, 3:20 <b>2025</b> [1] - 7:20 <b>20th</b> [1] - 35:11 <b>23</b> [1] - 52:20 <b>24</b> [7] - 52:10, 52:12, 52:15, 52:17, 53:5, 53:8, 66:17 <b>24-7</b> [1] - 42:2 <b>25</b> [3] - 7:20, 24:13, 80:1 <b>250</b> [2] - 6:6, 63:23 <b>28</b> [1] - 80:2 <b>2801</b> [1] - 19:22
-----------	--	----------	---	----------	---	----------	--	----------	---	----------	--	----------	--	----------	--	----------	---	----------	---	----------	--	---

84:18, 85:5, 85:8,  
89:3, 92:2, 92:10,  
102:5, 103:3  
**areas** [2] - 92:10,  
100:24  
**arise** [1] - 21:6  
**array** [3] - 4:8, 8:19,  
65:12  
**arrays** [2] - 10:22,  
16:6  
**ARTHUR** [1] - 1:22  
**Arthur** [3] - 2:7, 68:14,  
105:12  
**article** [1] - 41:19  
**Asbury** [1] - 91:1  
**asphalt** [1] - 77:15  
**assemble** [1] - 6:12  
**asset** [1] - 40:14  
**assigning** [1] - 30:3  
**assisted** [1] - 76:11  
**associated** [1] - 83:1  
**assume** [4] - 35:12,  
40:10, 45:8, 55:8  
**assuming** [1] - 19:16  
**attendance** [1] - 3:2  
**attract** [1] - 15:16  
**attractive** [2] - 90:14,  
91:10  
**audience** [5] - 4:13,  
4:18, 5:13, 53:11,  
77:22  
**August** [4] - 31:1,  
51:14, 51:15, 83:22  
**authority** [2] - 69:22,  
91:7  
**auto** [1] - 72:23  
**automatic** [1] - 40:13  
**availability** [2] - 19:10,  
37:24  
**available** [4] - 22:23,  
23:6, 25:6, 41:13  
**Avenue** [1] - 86:16  
**average** [3] - 27:14,  
34:23, 43:1  
**aware** [6] - 3:18,  
30:17, 59:8, 59:12,  
60:7, 82:14  
**awesome** [1] - 8:7

## B

**backyard** [1] - 102:19  
**bad** [4] - 73:3, 78:17,  
79:15, 98:7  
**balance** [1] - 47:9  
**bankable** [1] - 11:24  
**banking** [1] - 24:5  
**BANKS** [1] - 85:4  
**Banks** [1] - 85:4

**BAPTIST** [13] - 55:23,  
56:7, 56:10, 79:19,  
79:24, 94:9, 94:12,  
94:24, 95:14, 95:23,  
96:1, 96:6, 96:11  
**Baptist** [3] - 55:23,  
79:24, 81:3  
**bar** [1] - 31:12  
**barbed** [2] - 50:8,  
50:14  
**barely** [1] - 17:2  
**barriers** [3] - 92:11,  
92:12, 92:15  
**Barry** [1] - 2:14  
**based** [7] - 23:5,  
25:12, 28:21, 54:1,  
57:3, 81:4, 83:9  
**basic** [1] - 31:5  
**batteries** [1] - 37:11  
**beam** [1] - 13:10  
**bearing** [1] - 93:22  
**became** [2] - 9:20,  
15:19  
**become** [2] - 35:17,  
58:21  
**becomes** [1] - 13:12  
**bees** [2] - 15:17, 48:4  
**beetles** [1] - 48:5  
**beg** [1] - 90:17  
**behind** [4] - 21:17,  
22:17, 84:16, 93:15  
**below** [2] - 26:11,  
45:21  
**benefit** [6] - 8:21, 9:1,  
21:12, 23:10, 24:18,  
28:19  
**benefits** [3] - 8:9, 9:2,  
9:7  
**benefitting** [1] - 10:6  
**berm** [1] - 64:23  
**BERRY** [1] - 1:18  
**Berry** [2] - 68:22,  
105:20  
**best** [3] - 23:13, 30:18,  
35:24  
**better** [5] - 6:21,  
17:24, 18:12, 46:18,  
79:8  
**between** [5] - 6:5,  
8:23, 83:21, 100:21,  
102:7  
**Beverly** [3] - 2:13,  
68:20, 105:18  
**BEVERLY** [1] - 1:21  
**beyond** [2] - 17:3,  
29:20  
**BFD** [2] - 70:9, 101:21  
**big** [14] - 6:4, 7:14,  
8:24, 10:18, 11:22,  
14:20, 38:12, 42:22,

44:16, 45:23, 55:11,  
59:3, 80:17, 88:22  
**bigger** [3] - 9:1, 10:21,  
101:3  
**bill** [12] - 10:1, 22:21,  
23:21, 23:22, 24:9,  
25:21, 25:24, 27:20,  
61:2, 61:6, 63:16  
**bills** [2] - 25:8, 25:12  
**bin** [1] - 95:10  
**bins** [4] - 95:16, 96:2,  
96:4, 96:5  
**bit** [6] - 5:7, 6:21,  
19:24, 38:18, 46:18,  
76:15  
**blackish** [1] - 12:6  
**blank** [1] - 84:18  
**blight** [2] - 84:12,  
84:13  
**block** [2] - 55:24, 61:8  
**blow** [1] - 38:14  
**blueish** [1] - 12:6  
**BOARD** [1] - 1:2  
**board** [8] - 3:12, 3:15,  
19:14, 27:13, 66:14,  
69:11, 99:11, 100:1  
**Board** [1] - 1:8  
**body** [2] - 92:21, 92:23  
**boron** [2] - 36:10,  
36:12  
**bottom** [3] - 6:17,  
92:20  
**bought** [3] - 71:7,  
72:21, 73:1  
**Boulevard** [2] - 19:5,  
20:9  
**bowling** [1] - 80:10  
**box** [4] - 22:21, 45:24,  
66:8, 76:14  
**boxes** [2] - 39:24,  
102:4  
**Bradley** [1] - 63:17  
**brain** [1] - 45:19  
**brains** [1] - 33:16  
**brand** [1] - 12:1  
**break** [3] - 74:22,  
84:17, 90:6  
**break-ins** [1] - 90:6  
**breaker** [1] - 45:24  
**breaking** [1] - 74:21  
**brick** [1] - 28:17  
**bring** [4] - 8:7, 58:4,  
78:17, 87:7  
**bringing** [1] - 78:15  
**brings** [2] - 4:1, 91:24  
**broken** [1] - 35:19  
**brother** [1] - 78:14  
**brought** [1] - 85:20  
**brown** [2] - 81:19,  
91:14

**BROWN** [3] - 89:13,  
93:18, 93:23  
**Brown** [1] - 89:14  
**bucket** [1] - 24:24  
**budget** [1] - 13:22  
**buffer** [4] - 64:22,  
76:4, 77:4, 86:20  
**build** [14] - 6:12, 7:4,  
8:19, 8:24, 9:2,  
11:10, 11:12, 14:3,  
30:14, 37:13, 77:13,  
77:17, 78:15, 79:14  
**buildable** [2] - 62:3,  
100:24  
**building** [21] - 3:14,  
10:5, 10:22, 47:2,  
71:7, 71:8, 71:17,  
72:18, 74:4, 74:6,  
74:24, 75:3, 76:9,  
77:13, 77:18, 78:7,  
79:14, 80:17, 90:7,  
93:8, 93:15  
**buildings** [1] - 80:18  
**built** [9] - 6:14, 9:11,  
22:13, 40:9, 44:3,  
44:13, 46:11, 46:16,  
49:24  
**bunch** [1] - 16:23  
**burnt** [1] - 80:10  
**bus** [1] - 80:20  
**bushes** [2] - 16:24,  
64:22  
**business** [27] - 3:23,  
9:6, 27:12, 29:24,  
68:1, 71:21, 74:9,  
78:7, 78:10, 78:11,  
80:8, 80:9, 80:16,  
83:12, 85:22, 87:6,  
87:14, 88:23, 89:1,  
90:17, 95:5, 95:6,  
102:6, 102:7, 107:1  
**businesses** [5] - 9:10,  
9:16, 21:23, 23:4,  
100:24  
**busy** [6] - 81:9, 81:22,  
81:24, 86:13, 87:7,  
88:2  
**butterflies** [2] - 15:16,  
48:4  
**buy** [4] - 24:6, 52:3,  
52:21, 100:5  
**buying** [1] - 24:4

## C

**C-o-r-u-m** [1] - 63:16  
**C.S.R** [1] - 108:15  
**C1** [1] - 101:1  
**C2** [6] - 70:8, 75:9,

100:2, 100:19,  
101:2, 101:8  
**C3** [4] - 100:20, 101:3,  
101:8, 101:9  
**cadmium** [1] - 36:7  
**camera** [1] - 42:9  
**cameras** [1] - 42:1  
**canes** [1] - 80:22  
**cannot** [6] - 71:20,  
74:6, 75:24, 76:1,  
95:5, 104:6  
**cap** [1] - 32:21  
**captured** [1] - 49:22  
**care** [4] - 6:20, 10:8,  
73:4, 85:13  
**Carl** [2] - 89:13  
**carport** [1] - 7:7  
**carries** [2] - 51:6, 69:7  
**carry** [1] - 51:16  
**carve** [1] - 22:4  
**carve-out** [1] - 22:4  
**carving** [1] - 17:8  
**case** [17] - 4:2, 13:23,  
29:2, 51:11, 56:4,  
56:5, 56:8, 56:9,  
61:16, 65:9, 69:8,  
70:4, 93:22, 94:7,  
97:15, 101:14,  
104:10  
**cases** [2] - 69:15,  
97:24  
**cash** [1] - 44:16  
**catch** [1] - 27:7  
**category** [1] - 100:9  
**causes** [2] - 6:23, 6:24  
**causing** [1] - 16:1  
**CDT** [1] - 36:2  
**cedar** [1] - 38:10  
**cent** [2] - 26:18, 26:23  
**center** [1] - 58:6  
**central** [10] - 12:21,  
13:3, 14:8, 14:13,  
33:16, 35:13, 39:2,  
45:19, 45:23, 46:9  
**cents** [6] - 26:16,  
26:17, 26:18, 28:5,  
28:6  
**certain** [4] - 31:13,  
37:22, 50:8, 103:18  
**certainly** [2] - 81:6,  
92:7  
**Certificate** [1] - 108:15  
**certified** [2] - 6:15,  
63:22  
**Certified** [2] - 108:3,  
108:13  
**certify** [1] - 108:5  
**chain** [10] - 17:20,  
17:23, 20:5, 38:15,  
38:17, 39:8, 50:7,

- 50:10, 50:14  
**Chairman** [2] - 65:6, 97:17  
**Chairperson** [1] - 1:14  
**Chambers** [1] - 1:9  
**chance** [4] - 21:2, 30:4, 38:5, 65:5  
**chances** [1] - 53:2  
**change** [5] - 31:17, 31:23, 50:22, 60:8, 96:9  
**changed** [1] - 65:23  
**changes** [1] - 65:22  
**channels** [1] - 89:21  
**charge** [2] - 26:18, 28:2  
**charting** [1] - 27:18  
**cheaper** [1] - 9:2  
**check** [5] - 22:21, 57:12, 66:7, 98:7, 102:4  
**checking** [1] - 57:11  
**chemical** [1] - 72:8  
**chemically** [1] - 96:22  
**chemicals** [9] - 35:21, 72:4, 72:6, 72:9, 72:10, 97:3, 97:8, 97:18, 98:13  
**chi** [2] - 14:11, 14:12  
**Chicago** [3] - 4:3, 5:23  
**children** [1] - 92:2  
**China** [2] - 37:19, 38:4  
**Chinese** [2] - 38:2, 38:5  
**CHIP** [1] - 1:23  
**chip** [2] - 69:2, 105:24  
**Chip** [1] - 2:18  
**chlorine** [1] - 97:8  
**choose** [5] - 10:10, 15:15, 26:13, 33:4, 49:14  
**chop** [1] - 43:8  
**Christine** [1] - 96:17  
**Christmas** [2] - 95:15, 96:3  
**Chuck** [1] - 70:17  
**citizens** [1] - 102:8  
**city** [14] - 3:17, 3:19, 15:6, 25:12, 28:18, 33:2, 33:7, 69:9, 79:8, 79:10, 91:12, 97:2, 97:10, 102:1  
**CITY** [1] - 1:1  
**City** [12] - 1:8, 1:9, 1:15, 9:20, 10:3, 17:20, 21:19, 23:15, 25:11, 54:21, 88:14, 90:9  
**civil** [2] - 22:10, 48:16  
**claim** [5] - 24:11, 41:7, 54:23, 55:5, 55:9  
**claiming** [1] - 24:11  
**clamps** [1] - 54:11  
**clarification** [1] - 60:20  
**clarify** [2] - 50:5, 82:2  
**class** [2] - 18:6, 100:14  
**classes** [2] - 100:14, 100:22  
**classification** [1] - 65:17  
**clause** [2] - 27:8, 31:24  
**clear** [3] - 44:2, 82:12, 103:3  
**clearly** [2] - 58:14, 62:5  
**client** [4] - 7:4, 7:11  
**clients** [2] - 7:2, 7:14  
**Cliff** [1] - 89:22  
**CLIFFORD** [1] - 1:15  
**clock** [1] - 51:22  
**close** [2] - 5:18, 63:21  
**closely** [1] - 61:7  
**closest** [1] - 59:2  
**clothing** [1] - 100:5  
**code** [17] - 17:21, 18:8, 42:17, 52:2, 71:11, 73:6, 82:14, 94:22, 97:11, 98:6, 98:21, 98:22, 99:4, 99:6, 99:13, 99:14, 99:17  
**Code** [1] - 42:18  
**cold** [1] - 97:20  
**collect** [1] - 12:20  
**color** [2] - 12:6, 71:6  
**Colorado** [8] - 6:8, 9:11, 27:18, 32:8, 38:10, 38:19, 46:13, 47:23  
**column** [1] - 56:1  
**combination** [2] - 35:24, 102:22  
**combiner** [1] - 39:24  
**combo** [1] - 42:22  
**ComEd** [22] - 10:14, 22:20, 23:20, 24:3, 24:11, 25:21, 25:24, 26:11, 26:14, 26:20, 27:5, 28:2, 28:3, 28:5, 28:9, 29:17, 29:21, 30:8, 31:3, 32:22, 45:7, 57:3  
**ComEd's** [1] - 25:17  
**comfortable** [1] - 98:5  
**coming** [6] - 70:23, 71:22, 79:7, 85:9, 92:18, 98:12  
**commencing** [1] - 1:11  
**comment** [2] - 19:11, 56:14  
**comments** [4] - 4:14, 21:2, 21:5, 21:8  
**commerce** [2] - 70:22, 70:24  
**commercial** [6] - 6:3, 28:23, 33:24, 70:9, 100:2, 100:13  
**commission** [4] - 4:12, 21:5, 21:11, 93:3  
**Commissioners** [1] - 56:16  
**committee** [3] - 88:18, 91:12, 92:20  
**common** [4] - 36:8, 37:12, 61:5, 83:5  
**commonly** [3] - 38:15, 65:12, 101:24  
**communications** [2] - 3:10, 3:11  
**communities** [3] - 15:17, 88:14, 88:15  
**community** [25] - 6:2, 6:20, 7:7, 7:15, 8:3, 8:5, 8:23, 9:3, 10:6, 10:18, 11:14, 11:18, 21:18, 25:2, 85:13, 85:18, 85:24, 88:24, 90:4, 91:3, 91:9, 94:1, 94:2, 96:23, 99:17  
**compacted** [1] - 18:7  
**companies** [5] - 11:22, 32:17, 41:10, 42:1, 84:14  
**company** [10] - 5:7, 6:16, 6:22, 12:2, 22:3, 32:15, 41:16, 54:21, 71:19, 72:8  
**compare** [1] - 33:23  
**compared** [1] - 14:24  
**compatible** [3] - 16:14, 19:20, 20:16  
**compete** [1] - 32:23  
**complete** [1] - 108:7  
**completely** [1] - 47:22  
**complex** [1] - 46:11  
**complexes** [1] - 16:15  
**compliant** [1] - 18:8  
**complies** [1] - 17:21  
**comply** [5] - 7:22, 7:24, 8:4, 24:13, 42:17  
**complying** [1] - 8:2  
**comprehensive** [4] - 66:3, 90:11, 103:2  
**comprised** [1] - 61:14  
**concentrating** [3] - 38:23, 39:1, 64:24  
**concern** [11] - 41:21, 41:23, 43:9, 50:19, 76:7, 76:18, 96:18, 96:21, 96:24, 97:5, 102:17  
**concerned** [4] - 15:23, 15:24, 89:17, 102:9  
**concerns** [1] - 41:17  
**concrete** [2] - 13:6, 13:15  
**concur** [2] - 84:12, 91:21  
**condition** [4] - 49:18, 49:23, 51:3, 69:23  
**conditional** [26] - 4:4, 4:7, 30:7, 32:3, 50:23, 51:6, 51:13, 51:16, 52:1, 52:5, 65:11, 66:13, 66:16, 67:4, 68:2, 70:6, 75:8, 75:19, 75:23, 82:7, 82:18, 82:19, 95:7, 95:12, 96:10, 100:15, 100:18, 101:22  
**conditioner** [1] - 34:4  
**conditions** [5] - 14:15, 51:1, 51:7, 65:23, 67:5  
**conduct** [1] - 98:22  
**conduit** [1] - 42:20  
**confusing** [2] - 23:14, 26:6  
**connect** [2] - 13:18, 14:1  
**connecting** [1] - 18:3  
**connection** [1] - 20:12  
**Conservation** [1] - 48:19  
**consider** [3] - 11:24, 55:15, 88:18  
**consideration** [2] - 13:8, 86:1  
**considered** [4] - 35:9, 36:5, 75:7, 77:19  
**consistent** [2] - 65:16, 103:6  
**consolidation** [1] - 58:20  
**construct** [2] - 29:15, 65:11  
**construction** [9] - 13:9, 15:5, 22:8, 22:9, 28:18, 83:2, 83:3, 83:5  
**containers** [1] - 98:12  
**continue** [1] - 71:16  
**continued** [1] - 82:15  
**contract** [2] - 29:23, 31:18  
**contribute** [2] - 66:6, 102:15  
**control** [6] - 8:12, 14:19, 31:11, 47:5, 47:10, 66:16  
**controlled** [1] - 97:19  
**convert** [1] - 12:20  
**cool** [2] - 8:3, 9:8  
**copper** [2] - 36:23, 41:13  
**corn** [1] - 15:4  
**corner** [4] - 14:7, 20:12, 45:18, 91:5  
**corners** [1] - 18:17  
**corporate** [3] - 7:2, 7:3, 7:11  
**corporation** [1] - 6:15  
**correct** [10] - 24:24, 30:2, 33:3, 34:22, 49:19, 54:6, 56:20, 57:1, 57:8, 108:7  
**correctly** [2] - 14:16, 40:1  
**Corum** [1] - 63:16  
**CORUM** [4] - 63:10, 63:16, 64:10, 65:2  
**cost** [9] - 9:18, 14:23, 27:10, 27:17, 33:2, 33:3, 33:6, 37:13, 37:24  
**costs** [2] - 15:11, 26:2  
**council** [1] - 3:12, 3:17, 3:19, 51:24, 69:10, 69:16, 69:22, 91:12, 102:1, 103:23, 106:7  
**Council** [1] - 1:9  
**counted** [2] - 23:18, 25:18  
**counting** [1] - 24:4  
**country** [1] - 37:19  
**counts** [1] - 25:19  
**County** [1] - 21:20  
**COUNTY** [1] - 108:2  
**county** [1] - 15:6  
**couple** [11] - 13:24, 23:19, 34:19, 39:21, 39:22, 47:14, 50:3, 72:23, 73:3, 87:17, 100:22  
**course** [1] - 20:22  
**COURT** [2] - 48:22, 95:18  
**Court** [7] - 19:22, 56:6, 56:7, 70:7, 70:21, 92:19, 101:24  
**court** [7] - 97:13,

97:24, 98:10, 104:6,  
104:13, 104:17,  
104:21  
**cover** [1] - 46:15  
**Cowhig** [4] - 2:21,  
69:5, 97:17, 106:3  
**COWHIG** [73] - 1:14,  
2:1, 2:22, 2:24, 3:9,  
3:16, 3:22, 4:1, 5:12,  
5:17, 21:4, 21:10,  
49:17, 49:20, 53:10,  
55:17, 56:12, 62:12,  
62:16, 62:21, 62:24,  
63:5, 63:7, 64:4,  
65:4, 65:8, 66:22,  
67:1, 67:10, 67:13,  
67:16, 68:6, 68:9,  
69:6, 69:24, 70:4,  
70:12, 70:18, 74:15,  
74:18, 77:21, 79:16,  
81:3, 81:6, 84:6,  
84:23, 86:3, 86:23,  
88:8, 89:9, 91:14,  
93:1, 93:20, 94:8,  
94:11, 96:12, 97:7,  
98:2, 98:19, 99:10,  
99:23, 101:11,  
101:15, 101:18,  
103:10, 103:12,  
103:15, 105:3,  
105:6, 106:4, 106:8,  
106:17, 106:24  
**cracked** [1] - 73:4  
**crappy** [1] - 34:9  
**crash** [1] - 20:22  
**create** [5] - 23:2,  
36:12, 39:1, 62:1,  
62:9  
**credit** [6] - 8:16, 24:6,  
25:21, 25:23, 26:14,  
27:21  
**credits** [12] - 22:22,  
23:5, 23:6, 23:9,  
23:19, 24:5, 24:6,  
24:11, 24:12, 25:6,  
25:17, 31:2  
**creek** [4] - 16:23,  
62:21, 63:18, 64:21  
**crew** [2] - 40:16, 42:8  
**crews** [1] - 39:22  
**crime** [3] - 84:14,  
86:19, 90:5  
**criteria** [4] - 20:14,  
37:21, 37:22, 37:24  
**crop** [1] - 15:3  
**CROSS** [126] - 1:15,  
2:4, 2:7, 2:10, 2:13,  
2:16, 2:18, 2:20,  
2:23, 3:5, 3:11, 3:19,  
3:24, 5:3, 5:15,

18:23, 19:2, 19:13,  
20:7, 34:1, 34:5,  
34:8, 34:11, 49:3,  
49:6, 49:10, 50:3,  
50:12, 50:20, 51:24,  
52:8, 52:17, 52:23,  
53:7, 53:16, 55:21,  
56:5, 56:8, 56:11,  
57:5, 57:10, 57:14,  
57:22, 58:1, 58:4,  
58:10, 59:18, 60:1,  
60:6, 60:15, 60:18,  
60:23, 61:17, 62:23,  
63:2, 63:6, 63:11,  
63:14, 67:15, 67:19,  
67:23, 68:4, 68:7,  
68:11, 68:14, 68:16,  
68:18, 68:20, 68:22,  
68:24, 69:2, 69:4,  
69:7, 70:2, 70:15,  
75:2, 75:18, 76:6,  
78:2, 79:22, 82:5,  
82:11, 83:10, 84:8,  
85:2, 86:6, 87:1,  
88:9, 89:10, 91:17,  
94:20, 95:2, 95:21,  
95:24, 96:4, 96:7,  
96:15, 97:10, 98:3,  
98:9, 98:20, 99:3,  
99:6, 99:11, 99:13,  
99:15, 99:19, 100:3,  
100:7, 100:10,  
100:12, 101:5,  
103:20, 104:15,  
105:10, 105:12,  
105:14, 105:16,  
105:18, 105:20,  
105:22, 105:24,  
106:2, 106:5,  
106:11, 106:20  
**cross** [3] - 2:3, 10:18,  
101:6  
**crumbling** [1] - 77:15  
**curious** [1] - 64:18  
**current** [2] - 82:4,  
100:2  
**custom** [1] - 71:6  
**customers** [1] - 70:23

## D

**daily** [2] - 39:12, 70:24  
**damage** [1] - 54:19  
**danger** [1] - 43:5  
**dangerous** [2] - 35:18,  
96:22  
**date** [4] - 31:10, 66:17,  
66:18, 69:13  
**dates** [1] - 3:12  
**Dave** [1] - 68:16

**DAVID** [1] - 1:19  
**David** [2] - 2:8, 105:14  
**days** [1] - 103:18  
**deadlines** [1] - 52:14  
**DEBRA** [1] - 1:17  
**Debra** [3] - 2:16,  
68:24, 105:22  
**debris** [2] - 55:7  
**decently** [1] - 47:19  
**decibel** [1] - 33:19  
**decibels** [2] - 33:22,  
34:2  
**decide** [2] - 15:7,  
102:14  
**decided** [2] - 15:22,  
22:2  
**decision** [4] - 14:20,  
73:10, 99:9, 101:12  
**decision-making** [1] -  
14:20  
**decommissioned** [1] -  
36:20  
**deer** [1] - 38:18  
**default** [3] - 51:13,  
51:18, 52:6  
**defied** [1] - 82:13  
**define** [1] - 52:9  
**defined** [1] - 62:3  
**definitely** [2] - 72:14,  
88:17  
**degradation** [1] -  
103:4  
**delay** [1] - 104:11  
**delighted** [1] - 4:19  
**denial** [3] - 103:13,  
103:23, 105:7  
**Denver** [1] - 5:23  
**deny** [1] - 106:5  
**department** [10] -  
48:17, 48:21, 52:2,  
97:11, 97:12, 98:6,  
98:22, 99:13, 99:14,  
99:17  
**depressed** [1] - 41:20  
**derisk** [1] - 30:10  
**derivative** [1] - 36:6  
**describe** [1] - 24:19  
**description** [1] - 60:12  
**design** [1] - 19:3  
**designed** [4] - 31:22,  
53:24, 54:11, 54:14  
**details** [2] - 5:11, 10:1  
**deteriorates** [1] -  
38:13  
**determine** [1] - 82:22  
**determined** [1] - 37:20  
**detract** [1] - 86:22  
**develop** [4] - 80:2,  
80:3, 90:12

**developers** [5] -  
10:22, 11:6, 30:5,  
32:23, 43:18  
**developing** [3] -  
32:17, 43:19, 80:4  
**development** [4] -  
62:13, 65:21, 65:24,  
101:7  
**dew** [1] - 18:14  
**diagnostics** [2] -  
39:24, 40:17  
**dictated** [1] - 101:9  
**dictates** [1] - 105:2  
**difference** [1] - 24:10  
**differences** [1] -  
100:21  
**different** [15] - 6:7,  
7:12, 8:4, 20:6,  
23:12, 24:8, 27:16,  
36:2, 38:24, 39:2,  
46:2, 71:21, 71:22,  
72:23, 104:22  
**difficult** [2] - 61:16,  
97:16  
**diligence** [4] - 43:21,  
45:1, 45:10, 51:11  
**direct** [1] - 54:17  
**direction** [1] - 108:10  
**directly** [3] - 23:3,  
26:1, 76:19  
**dirt** [1] - 16:4  
**disasters** [1] - 55:13  
**disconnect** [1] - 43:2  
**disconnects** [2] -  
13:1, 42:23  
**discount** [1] - 26:24  
**discounts** [1] - 22:24  
**discover** [1] - 44:7  
**discuss** [2] - 5:9,  
92:13  
**discussed** [3] - 3:7,  
45:15, 91:24  
**discussion** [3] - 64:2,  
67:13, 105:7  
**dishwasher** [2] - 34:6,  
34:9  
**dispose** [1] - 36:16  
**disposed** [2] - 35:17,  
37:6  
**distribution** [2] -  
13:18, 18:2  
**district** [4] - 9:13,  
61:24, 75:9, 100:19  
**District** [1] - 48:19  
**districts** [2] - 21:20,  
21:21  
**diverge** [1] - 26:23  
**diverging** [2] - 26:24,  
27:5  
**divided** [1] - 57:24

**docks** [2] - 81:20,  
81:21  
**dogs** [1] - 64:20  
**done** [19] - 6:6, 22:3,  
32:1, 38:12, 38:20,  
39:7, 42:2, 44:23,  
45:1, 46:12, 46:18,  
46:19, 51:17, 54:2,  
60:3, 75:3, 85:21,  
106:15  
**door** [2] - 26:3, 81:19  
**Doris** [1] - 85:4  
**double** [2] - 57:11,  
57:12  
**down** [9] - 27:8, 27:9,  
33:1, 39:10, 40:5,  
54:11, 55:12, 80:10,  
104:19  
**downtown** [2] - 79:11,  
101:8  
**dozen** [2] - 22:10, 32:9  
**dozens** [1] - 32:19  
**draw** [4] - 59:19,  
59:20, 60:14, 62:9  
**drew** [1] - 60:13  
**drive** [1] - 94:2  
**driver** [1] - 13:11  
**driveway** [4] - 18:4,  
18:5, 18:10, 20:15  
**driving** [2] - 15:2,  
41:23  
**drop** [1] - 24:24  
**drove** [4] - 16:17,  
16:19, 64:16, 78:21  
**due** [2] - 45:1, 51:11  
**duly** [15] - 5:2, 49:5,  
53:15, 55:20, 57:20,  
63:13, 70:14, 78:1,  
79:18, 84:7, 85:1,  
86:5, 86:24, 91:16,  
96:14  
**dumpsters** [3] - 78:21,  
78:22, 102:21  
**Dunbar** [1] - 2:10  
**during** [14] - 22:8,  
22:9, 29:24, 33:17,  
34:13, 43:8, 72:1,  
74:9, 81:22, 83:4,  
85:7, 86:13, 87:7,  
88:2  
**dynamometer** [1] -  
46:6

## E

**E-commerce** [2] -  
70:22, 70:24  
**early** [1] - 43:18  
**easily** [1] - 38:13

**East** [8] - 1:9, 19:5, 19:22, 20:8, 55:24, 70:7, 101:24  
**east** [7] - 8:10, 12:12, 12:16, 16:17, 20:10, 63:17, 87:14  
**easy** [3] - 13:17, 14:24, 59:19  
**ECKHARDT** [14] - 1:20, 2:6, 21:12, 21:24, 22:6, 22:14, 68:13, 73:18, 73:22, 73:24, 74:3, 74:7, 74:13, 105:11  
**Eckhardt** [4] - 2:5, 67:1, 68:12, 105:10  
**economically** [1] - 41:20  
**economy** [1] - 9:1  
**educate** [1] - 19:14  
**EDWIN** [1] - 1:20  
**Edwin** [3] - 2:5, 68:12, 105:10  
**effect** [4] - 10:3, 26:4, 29:3, 36:14  
**efficiency** [1] - 7:12  
**efficient** [1] - 20:1  
**effort** [1] - 104:3  
**eight** [2] - 83:22, 84:15  
**either** [3] - 17:19, 77:22, 95:6  
**electric** [10] - 8:13, 9:21, 9:24, 22:21, 25:15, 39:22, 40:16, 42:8, 43:5, 46:2  
**Electric** [1] - 42:18  
**electrical** [3] - 11:8, 22:11, 71:12  
**electricians** [2] - 22:18, 39:23  
**electricity** [10] - 12:20, 17:16, 20:3, 24:17, 25:11, 25:16, 26:8, 27:18, 33:11, 42:13  
**electromagnetic** [1] - 36:12  
**electron** [1] - 36:13  
**elements** [1] - 41:3  
**Elizabeth** [1] - 2:10  
**elk** [1] - 38:18  
**emissions** [1] - 14:2  
**employed** [2] - 22:7, 83:19  
**employees** [5] - 5:24, 6:20, 14:3, 22:10, 39:18  
**empty** [2] - 85:9, 85:16  
**encountered** [2] - 27:4, 58:8  
**energy** [8] - 7:12, 9:4, 21:13, 22:22, 23:2, 25:6, 46:21  
**Energy** [5] - 4:3, 5:6, 5:22, 7:18, 65:10  
**enforce** [1] - 99:15  
**enforcement** [1] - 98:6  
**engaged** [1] - 60:11  
**engineer** [2] - 53:24, 58:18  
**engineering** [1] - 48:16  
**enhance** [1] - 85:24  
**enjoy** [1] - 102:8  
**enjoyment** [2] - 66:11, 102:12  
**ensure** [1] - 62:2  
**enter** [1] - 22:18  
**entire** [4] - 32:16, 56:23, 61:21, 93:7  
**entities** [4] - 21:22, 27:2, 56:23, 57:3  
**entity** [4] - 9:17, 10:16, 10:18, 56:20  
**entrance** [1] - 79:11  
**entrepreneur** [1] - 12:1  
**environment** [1] - 6:23  
**environmental** [2] - 43:23, 97:5  
**equipment** [8] - 11:16, 12:24, 14:6, 14:7, 19:17, 29:19, 42:11, 45:14  
**equivalent** [1] - 17:14  
**eraser** [5] - 58:19, 58:20, 61:16, 67:18, 69:20  
**erode** [1] - 16:1  
**erosion** [4] - 14:19, 15:24, 47:5, 66:16  
**error** [1] - 19:6  
**escalator** [1] - 26:22  
**essentially** [1] - 73:16  
**established** [1] - 101:17  
**eventually** [3] - 27:7, 32:21, 105:1  
**everywhere** [1] - 8:14  
**evidence** [1] - 97:14  
**exact** [5] - 9:12, 20:2, 27:10, 50:1, 69:12, 71:6  
**exactly** [2] - 31:21, 96:19  
**example** [9] - 9:19, 10:14, 16:8, 26:14, 48:9, 52:19, 85:12, 101:5, 101:7  
**excavate** [1] - 13:6

**excuse** [4] - 5:12, 64:4, 67:16, 101:15  
**existing** [5] - 13:18, 16:6, 35:15, 65:17, 103:7  
**exit** [2] - 25:18, 79:7  
**experience** [1] - 54:7  
**experienced** [1] - 55:10  
**experiments** [1] - 35:23  
**expert** [1] - 48:15  
**explain** [4] - 8:4, 11:17, 23:13, 89:23  
**explanation** [1] - 23:1  
**exporting** [1] - 33:12  
**extend** [1] - 29:21  
**extended** [1] - 33:9  
**extending** [1] - 13:22  
**extension** [2] - 13:24, 20:15  
**extensions** [2] - 29:20, 52:14  
**external** [1] - 55:2  
**extremely** [1] - 76:22  
**eye** [5] - 85:17, 87:12, 88:16, 92:1, 92:14

## F

**facilities** [2] - 10:20, 92:21  
**facility** [3] - 76:12, 86:16, 95:11  
**facing** [4] - 8:10, 8:11, 12:11, 12:14  
**fact** [3] - 88:19, 90:18, 96:9  
**factory** [1] - 101:4  
**factual** [2] - 49:7, 49:9  
**failed** [3] - 43:16, 44:5, 44:7  
**fails** [1] - 40:8  
**failure** [1] - 40:11  
**faint** [1] - 33:18  
**fair** [1] - 23:7  
**faith** [1] - 104:3  
**fall** [3] - 71:3, 71:4, 100:9  
**familiar** [2] - 18:13, 18:15  
**fans** [1] - 38:12  
**far** [7] - 32:13, 46:23, 48:3, 53:19, 54:3, 90:21, 102:9  
**farm** [7] - 4:9, 15:17, 15:20, 23:4, 56:24, 61:20, 65:12  
**farmers** [1] - 15:19

**farms** [2] - 24:4  
**fashion** [1] - 103:17  
**fatal** [3] - 43:18, 44:8, 44:10  
**fault** [2] - 40:12, 40:15  
**favor** [1] - 49:12  
**feasibility** [1] - 43:24  
**February** [6] - 69:10, 69:16, 106:6, 106:7, 106:18, 106:23  
**fee** [1] - 59:21  
**feelings** [1] - 77:2  
**feet** [18] - 12:17, 13:24, 16:22, 20:4, 34:19, 45:15, 45:20, 46:4, 50:13, 50:15, 53:21, 53:22, 54:1, 62:5, 63:23, 71:18, 84:15  
**FEJA** [1] - 7:17  
**fence** [20] - 20:5, 22:17, 34:20, 38:7, 38:8, 38:10, 38:16, 39:5, 39:6, 41:15, 43:2, 50:6, 74:20, 76:9, 76:13, 76:14, 76:23, 85:10, 86:19, 90:15  
**fenced** [1] - 74:16  
**fencing** [1] - 17:19  
**few** [9] - 10:13, 11:15, 14:15, 16:7, 16:15, 38:2, 83:9, 86:15, 88:13  
**field** [2] - 36:13, 37:14  
**figure** [1] - 7:23  
**file** [1] - 104:13  
**final** [5] - 27:13, 51:23, 51:24, 56:18, 66:15  
**finance** [3] - 30:12, 32:2, 44:15  
**financeable** [1] - 30:13  
**financed** [1] - 6:9  
**financial** [2] - 11:23, 40:10  
**financier** [1] - 52:13  
**financing** [1] - 59:9  
**findings** [4] - 65:15, 102:3, 102:10, 102:14  
**fine** [5] - 18:1, 53:2, 87:6, 87:8, 102:7  
**finish** [1] - 15:5  
**fire** [3] - 18:8, 33:9  
**Fire** [1] - 42:19  
**first** [15] - 4:2, 4:10, 14:21, 21:21, 31:8, 37:4, 44:7, 67:2, 80:6, 89:14, 89:16, 89:18, 91:20, 91:23, 106:19  
**fit** [2] - 71:20, 74:6  
**five** [3] - 14:11, 32:10, 59:4  
**fix** [2] - 58:10, 59:19  
**fixed** [1] - 26:21  
**flat** [5] - 12:8, 12:13, 12:15, 20:14, 40:24  
**Flat** [1] - 12:9  
**flaw** [1] - 44:8  
**flaws** [1] - 43:18  
**flies** [1] - 48:5  
**flowers** [4] - 15:16, 47:18, 91:5, 91:7  
**fluctuate** [1] - 26:11  
**fluctuates** [1] - 26:8  
**focus** [1] - 6:2  
**following** [1] - 71:3  
**food** [5] - 94:10, 94:13, 94:15, 94:24, 100:5  
**foot** [2] - 50:7, 63:3  
**footprints** [1] - 95:24  
**force** [1] - 54:15  
**foregoing** [1] - 108:7  
**forget** [1] - 36:7  
**formal** [1] - 75:11  
**forth** [2] - 66:19, 76:12  
**fortunately** [1] - 61:17  
**forward** [7] - 43:22, 53:13, 63:11, 70:12, 75:19, 77:24, 94:11  
**forwarded** [1] - 69:9  
**foundation** [2] - 13:7, 13:13  
**foundations** [2] - 13:5, 16:2  
**founded** [1] - 5:22  
**four** [4] - 61:4, 83:21, 87:21, 88:2  
**fourth** [2] - 106:13  
**frame** [2] - 52:9, 83:7  
**Franklin** [1] - 63:20  
**Fred** [1] - 91:20  
**friendly** [4] - 15:14, 15:21, 102:6, 102:8  
**front** [5] - 17:18, 20:4, 71:14, 78:7, 92:13  
**frontage** [2] - 38:11, 62:6  
**full** [3] - 46:19, 83:22, 87:22  
**full-time** [1] - 83:22  
**fully** [3] - 30:13, 44:10, 102:8  
**function** [2] - 42:4, 53:24  
**functions** [1] - 42:4

furling [1] - 41:1  
 Future [1] - 7:18  
 future [5] - 50:21,  
 51:4, 58:13, 59:11,  
 69:18

## G

game [1] - 38:16  
 gang [1] - 11:2  
 garden [8] - 9:7, 9:20,  
 9:22, 10:15, 10:17,  
 24:18, 25:8, 25:14  
 gardens [2] - 7:15,  
 10:4  
 gas [1] - 33:9  
 Gate [3] - 19:5, 20:8  
 gauge [1] - 46:5  
 general [2] - 5:10,  
 65:21  
 generalities [1] - 19:9  
 generally [1] - 51:15  
 generate [1] - 9:23  
 generated [2] - 24:7,  
 26:16  
 German [1] - 38:3  
 giant [1] - 23:2  
 given [1] - 23:9  
 glad [1] - 89:14  
 glass [2] - 41:4, 54:5  
 Gloria [1] - 88:12  
 goal [6] - 7:19, 21:19,  
 23:16, 32:15, 32:18,  
 69:15  
 goals [1] - 3:7  
 God [2] - 54:16, 54:20  
 goods [1] - 100:9  
 gotcha [1] - 58:1  
 gots [1] - 80:15  
 govern [1] - 10:13  
 governing [2] - 6:16,  
 6:18  
 government [5] - 7:4,  
 7:11, 9:14, 9:17,  
 27:2  
 governmental [1] -  
 21:22  
 grade [2] - 14:21, 15:1  
 grading [1] - 14:22  
 granted [1] - 82:19  
 graphic [2] - 48:2,  
 49:14  
 gravel [2] - 18:6, 18:7  
 great [4] - 47:6, 49:15,  
 90:4, 102:17  
 greater [1] - 61:23  
 GREEN [1] - 84:10  
 Green [3] - 84:10,  
 85:7, 85:11

green [1] - 84:23  
 grew [2] - 87:4, 89:5  
 grid [3] - 8:15, 25:16,  
 25:17  
 grocery [1] - 85:23  
 groomed [1] - 47:10  
 ground [6] - 36:20,  
 40:12, 40:15, 53:20,  
 95:15, 96:2  
 Group [2] - 70:9,  
 101:21  
 grow [1] - 15:13  
 growing [4] - 6:1, 91:2  
 grown [2] - 16:7,  
 71:19  
 growth [3] - 15:8,  
 15:11, 15:12  
 guaranteed [1] - 26:7  
 guarantees [1] -  
 102:22  
 guess [7] - 30:17,  
 44:9, 49:22, 52:7,  
 52:15, 79:19, 95:3  
 guessing [1] - 96:8  
 gusts [1] - 54:13  
 guy [1] - 80:7  
 guys [4] - 7:1, 18:12,  
 18:15, 43:16

## H

hail [3] - 40:21, 41:2,  
 41:5  
 half [6] - 50:13, 50:15,  
 56:23, 62:17, 88:6  
 halfway [1] - 44:19  
 Hammes [1] - 91:6  
 hand [3] - 14:7, 31:22,  
 67:2  
 handle [1] - 42:22  
 handy [1] - 62:15  
 happier [3] - 46:17,  
 47:1, 47:2  
 happy [4] - 60:6,  
 88:20, 88:21, 89:14  
 hard [8] - 8:12, 8:14,  
 18:5, 64:13, 64:24,  
 66:1, 90:5, 90:7  
 hazard [1] - 102:24  
 hazardous [3] - 96:23,  
 97:3, 98:14  
 head [1] - 60:5  
 heads [1] - 69:11  
 health [9] - 6:21, 66:7,  
 66:9, 97:11, 97:12,  
 98:5, 98:22, 102:16,  
 102:23  
 hear [6] - 4:10, 5:13,  
 14:11, 34:20, 95:18,

104:16  
 heard [5] - 12:2,  
 60:19, 61:12, 77:1,  
 78:13  
 hearing [8] - 1:8, 5:10,  
 11:5, 53:1, 59:6,  
 107:3, 108:6, 108:8  
 heat [1] - 39:1  
 heavily [2] - 44:14  
 heavy [5] - 18:8,  
 35:18, 35:21, 36:7,  
 36:15  
 height [3] - 12:18,  
 50:9, 100:23  
 held [2] - 1:8, 54:11  
 help [3] - 14:15, 86:20,  
 86:21  
 helping [1] - 89:2  
 hereby [1] - 108:5  
 hide [2] - 84:16  
 high [8] - 12:8, 12:16,  
 15:12, 31:12, 42:16,  
 43:10, 92:3, 102:5  
 higher [1] - 38:18  
 highest [1] - 54:13  
 highly [1] - 37:12  
 highway [3] - 16:16,  
 17:2, 34:18  
 historical [1] - 25:13  
 hit [4] - 46:17, 54:17,  
 95:14, 96:2  
 hits [1] - 36:13  
 hold [4] - 5:17, 56:12,  
 103:22, 104:9  
 holes [1] - 80:23  
 holiday [1] - 106:21  
 homeowner [2] - 8:16,  
 9:8  
 homes [4] - 17:15,  
 20:3, 23:4, 76:20  
 Hood [3] - 2:13, 68:20,  
 105:18  
 HOOD [3] - 1:21,  
 68:21, 105:19  
 Hooper [3] - 2:11,  
 68:18, 105:16  
 HOOPER [34] - 1:16,  
 2:12, 26:7, 26:10,  
 27:11, 27:22, 28:8,  
 33:19, 34:6, 34:9,  
 34:15, 34:21, 41:16,  
 42:11, 43:6, 43:15,  
 44:4, 44:11, 44:23,  
 45:4, 45:12, 56:18,  
 56:22, 57:4, 68:19,  
 82:2, 82:9, 83:8,  
 83:11, 83:18, 83:23,  
 84:1, 84:4, 105:17  
 hope [5] - 29:21,  
 41:15, 47:12, 85:20,

91:24  
 hopefully [1] - 26:5  
 hoping [1] - 88:24  
 hour [3] - 26:16,  
 26:19, 54:13  
 hours [15] - 9:23, 9:24,  
 10:12, 17:12, 17:13,  
 25:20, 25:21, 26:15,  
 27:3, 28:4, 28:7,  
 39:11, 42:6, 74:9,  
 83:22  
 house [11] - 30:19,  
 45:24, 46:10, 46:19,  
 47:2, 47:12, 55:2,  
 55:5, 55:9, 86:22,  
 104:18  
 housing [1] - 91:7  
 huge [2] - 10:16, 39:1  
 humming [1] - 33:18  
 HUMPHREY [45] -  
 70:11, 70:17, 70:20,  
 72:6, 72:9, 72:14,  
 72:17, 72:22, 73:12,  
 73:17, 73:20, 73:23,  
 74:2, 74:5, 74:8,  
 74:14, 74:17, 74:19,  
 75:17, 77:5, 77:8,  
 77:10, 77:14, 77:19,  
 78:9, 78:12, 79:4,  
 81:9, 81:11, 81:13,  
 81:15, 81:18, 81:24,  
 83:13, 83:20, 83:24,  
 84:2, 84:5, 93:6,  
 93:9, 93:13, 93:17,  
 94:18, 98:11, 98:16  
 Humphrey [4] - 70:17,  
 70:19, 83:8, 93:5  
 hundred [3] - 13:24,  
 16:22, 34:19  
 hundreds [1] - 8:19  
 HVAC [2] - 33:24,  
 46:21

## I

I-57 [1] - 4:6  
 I-beam [1] - 13:10  
 idea [3] - 10:4, 26:3,  
 26:22  
 identified [1] - 100:15  
 identify [2] - 7:3, 68:4  
 ILLINOIS [1] - 108:1  
 Illinois [6] - 1:10, 7:17,  
 7:22, 14:24, 32:12,  
 108:4  
 Illinois' [1] - 7:19  
 images [1] - 48:8  
 imagine [1] - 5:24  
 immediately [2] -  
 92:8, 92:23  
 impact [5] - 17:16,  
 66:4, 66:8, 83:12,  
 83:17  
 impending [1] - 52:13  
 implementing [1] -  
 7:21  
 important [1] - 102:10  
 impression [1] - 79:12  
 improve [2] - 73:6,  
 103:3  
 improved [2] - 73:1,  
 75:4  
 improvement [1] -  
 65:20  
 improvements [3] -  
 71:10, 77:12, 78:8  
 improving [1] - 71:16  
 inaudible [2] - 45:4,  
 54:17  
 incentives [4] - 28:2,  
 28:11, 32:22, 32:24  
 incident [1] - 92:4  
 including [1] - 65:22  
 income [1] - 28:19  
 incompatible [1] -  
 76:5  
 incorporate [1] - 51:2  
 increase [1] - 29:10  
 incrementally [1] -  
 47:2  
 independent [1] -  
 95:10  
 Independent [1] - 91:1  
 individual [3] - 51:9,  
 100:22, 104:23  
 Industrial [3] - 19:5,  
 20:8, 20:9  
 industrial [8] - 16:13,  
 16:15, 19:20, 19:23,  
 28:24, 29:3, 61:18,  
 61:23  
 industry [11] - 13:23,  
 15:19, 15:22, 28:11,  
 30:5, 35:8, 35:11,  
 35:23, 37:2, 38:23  
 inefficient [1] - 8:10  
 informal [1] - 3:6  
 information [2] -  
 56:17, 63:8  
 injunction [2] - 97:13,  
 104:13  
 injured [1] - 42:12  
 input [1] - 48:12  
 inside [1] - 73:2  
 install [1] - 54:2  
 installed [1] - 85:10  
 instead [5] - 6:16,  
 19:24, 24:9, 45:22,  
 78:15

instigate [2] - 8:1, 28:10  
 insurance [5] - 6:21, 41:6, 54:23, 55:5, 55:8  
 insurances [1] - 55:14  
 intact [2] - 16:3, 16:4  
 intended [2] - 66:12, 102:12  
 intention [1] - 49:14  
 interconnect [4] - 11:8, 29:16, 30:8, 45:7  
 Internet [1] - 48:8  
 interstate [1] - 59:3  
 invasive [1] - 13:9  
 inverter [8] - 12:22, 12:24, 33:15, 35:13, 39:24, 45:18, 45:22, 46:16  
 investigating [1] - 44:8  
 investigation [1] - 43:23  
 Investment [2] - 70:9, 101:21  
 investment [1] - 44:20  
 issue [8] - 58:22, 69:21, 74:23, 85:15, 89:16, 92:1, 92:14, 98:21  
 issues [4] - 41:17, 59:9, 60:9, 97:6  
 items [2] - 3:8, 92:7  
 itself [2] - 13:7, 13:12

## J

Jackson [1] - 63:20  
 January [2] - 1:10, 69:15  
 Jerry [2] - 20:17, 60:21  
 Jobs [1] - 7:18  
 John [1] - 5:5  
 Joseph [3] - 55:23, 79:24, 85:19  
 July [2] - 82:1, 86:14  
 jump [2] - 38:19, 43:1  
 junior [1] - 92:3  
 jurisdiction [1] - 11:9  
 jurisdictions [2] - 49:23, 58:8

## K

KANKAKEE [1] - 1:1  
 Kankakee [2] - 1:8,

1:10, 9:20, 10:3, 16:12, 17:20, 18:19, 18:20, 21:19, 21:20, 23:4, 23:15, 32:9, 32:11, 48:19, 54:21, 57:9, 88:14, 90:9, 102:7  
 Kankakee's [1] - 25:11  
 keep [12] - 16:4, 46:9, 79:2, 82:16, 82:24, 87:19, 87:24, 88:3, 88:5, 88:17, 88:23, 105:17  
 keeping [2] - 66:2, 103:1  
 keeps [1] - 87:19  
 KENNEDY [1] - 88:12  
 Kennedy [1] - 88:12  
 kept [1] - 76:21  
 key [3] - 13:7, 34:14, 42:22  
 kicker [1] - 52:21  
 kid [1] - 84:16  
 kids [1] - 80:19  
 kill [2] - 43:19, 44:9  
 kilowatt [12] - 9:23, 9:24, 10:12, 25:20, 26:15, 26:16, 26:19, 27:3, 28:4, 28:7, 42:6  
 kilowatts [2] - 9:22, 9:23  
 kind [35] - 6:22, 7:10, 9:8, 9:15, 12:6, 13:14, 14:8, 15:18, 16:8, 16:24, 17:15, 21:17, 24:7, 24:21, 25:9, 25:17, 26:5, 26:20, 30:4, 30:15, 30:18, 31:9, 33:1, 33:16, 34:24, 35:15, 36:2, 39:10, 43:4, 45:21, 46:15, 48:9, 64:22, 101:2, 102:22  
 known [7] - 7:17, 11:19, 37:11, 41:13, 58:19, 65:12, 101:24  
 knows [2] - 89:22, 102:19  
 Korean [1] - 38:2

## L

land [20] - 6:11, 11:7, 11:9, 13:15, 16:13, 16:14, 16:23, 18:13, 18:16, 19:20, 19:22, 20:18, 21:17, 28:14,

28:21, 29:18, 30:6, 65:22, 103:4  
 landfill [3] - 36:18, 37:10  
 landscape [4] - 76:4, 76:15, 76:17, 77:4  
 landscaping [8] - 71:14, 71:15, 72:15, 73:10, 73:11, 73:13, 73:14, 92:12  
 language [2] - 60:19, 61:11  
 large [2] - 20:9, 58:12  
 Larry [1] - 85:11  
 last [6] - 3:15, 29:20, 32:4, 35:12, 65:5, 93:2  
 law [4] - 7:16, 7:22, 7:23, 8:2  
 lawn [1] - 15:9  
 laws [1] - 10:13  
 LAX [24] - 1:22, 39:10, 39:15, 40:3, 40:7, 40:19, 40:22, 46:10, 46:21, 67:22, 68:1, 68:15, 72:20, 77:6, 77:9, 77:11, 77:17, 77:20, 100:1, 100:4, 100:8, 100:11, 101:4, 105:13  
 Lax [5] - 2:7, 3:2, 67:24, 68:7, 68:14, 105:12  
 layout [1] - 19:15  
 leach [1] - 35:18  
 leadership [2] - 85:7, 85:11  
 learned [1] - 15:18  
 lease [10] - 6:11, 20:19, 29:8, 29:12, 29:18, 29:20, 30:6, 31:21, 32:2, 57:13  
 leasing [3] - 28:14, 29:6, 51:11  
 least [3] - 88:6, 94:14, 95:1  
 leave [3] - 59:16, 60:15, 79:9  
 leeway [1] - 61:24  
 left [4] - 14:7, 45:17, 47:22, 87:4  
 left-hand [1] - 14:7  
 legal [8] - 44:15, 57:8, 58:21, 60:12, 60:14, 60:24, 61:4, 62:4  
 length [1] - 67:6  
 letter [1] - 63:22  
 life [4] - 34:24, 35:14, 40:11, 44:19  
 light [1] - 16:15

lighting [1] - 75:5  
 likelihood [1] - 30:21  
 limited [1] - 32:22  
 line [13] - 4:6, 6:17, 25:22, 34:20, 58:19, 58:20, 60:14, 61:5, 67:18, 69:19, 92:20, 102:7  
 liners [1] - 72:10  
 lines [6] - 13:19, 13:21, 18:2, 18:3, 60:11, 60:13  
 link [10] - 17:20, 17:23, 17:24, 20:6, 38:15, 38:17, 39:8, 50:8, 50:11, 50:14  
 list [2] - 7:2, 7:13  
 listening [1] - 4:22  
 live [11] - 56:1, 63:17, 76:19, 78:5, 79:3, 79:6, 86:8, 86:11, 87:3, 91:22, 102:20  
 lived [2] - 64:7, 86:9  
 lives [2] - 64:8, 94:1  
 Living [1] - 91:1  
 living [4] - 76:11, 80:1, 80:21, 95:10  
 Liz [1] - 48:24  
 LLC [1] - 65:10  
 load [1] - 54:12  
 loads [1] - 54:1  
 local [12] - 9:9, 10:5, 15:17, 21:18, 21:22, 40:16, 54:1, 54:11, 83:23, 83:24, 84:2, 84:3  
 locate [1] - 11:1  
 location [1] - 20:6  
 locations [1] - 34:18  
 lock [1] - 74:23  
 locked [1] - 42:21  
 locks [1] - 74:22  
 log [1] - 42:7  
 long-term [1] - 3:7  
 look [2] - 9:21, 11:17, 14:6, 14:22, 16:9, 45:14, 47:10, 59:13, 61:3, 61:6, 76:21, 78:17, 79:8, 79:10, 79:15, 83:13, 86:21, 87:15, 87:20, 91:3, 91:9  
 looked [3] - 38:7, 76:18, 92:16  
 looking [19] - 13:19, 13:20, 18:17, 25:11, 29:13, 31:9, 46:15, 46:20, 47:3, 48:20, 50:7, 57:6, 64:17, 64:24, 65:15, 78:19,

87:16, 98:13, 102:3  
 looks [6] - 47:6, 57:6, 64:8, 68:2, 84:13, 85:19  
 LORETTO [1] - 1:14  
 Loretto [3] - 2:21, 69:5, 106:3  
 lose [1] - 54:20  
 lotted [1] - 83:7  
 loudly [1] - 4:21  
 Louis [1] - 5:23  
 love [3] - 75:1, 79:6, 87:5  
 lovely [1] - 76:20  
 low [2] - 15:8, 15:11  
 lower [2] - 25:8, 28:3  
 lowering [2] - 24:9, 26:2  
 lowers [2] - 25:24, 27:5

## M

ma'am [8] - 48:23, 53:13, 78:12, 79:4, 84:24, 85:3, 86:4, 96:13  
 machine [1] - 13:11  
 Madam [1] - 65:6  
 main [4] - 36:9, 79:11, 96:21, 96:23  
 maintenance [4] - 10:8, 39:21, 66:6, 102:16  
 majeure [1] - 54:16  
 major [1] - 45:6  
 majority [3] - 11:20, 13:1, 88:13  
 manage [1] - 6:22  
 management [1] - 40:14  
 manufactured [1] - 37:18  
 manufacturer [1] - 38:4  
 manufacturers [3] - 11:21, 37:18, 38:3  
 manufacturing [1] - 11:23  
 map [2] - 61:3, 64:1  
 market [5] - 27:17, 30:12, 32:3, 37:4  
 marketing [2] - 24:20, 24:21  
 Mart [2] - 10:16, 101:7  
 Marycrest [11] - 80:1, 85:5, 86:9, 87:4, 87:5, 88:12, 89:5, 90:8, 91:22, 92:10

- material** [4] - 18:6, 36:9, 36:22, 39:16  
**materials** [2] - 38:7, 38:8  
**matter** [1] - 90:18  
**matters** [1] - 6:10  
**matured** [1] - 37:3  
**max** [1] - 56:19  
**Mayor** [2] - 85:7, 85:11  
**McCracken** [8] - 1:18, 2:14, 2:15, 32:12, 68:22, 68:23, 105:20, 105:21  
**Meadowview** [1] - 101:8  
**mean** [31] - 19:3, 26:1, 39:17, 39:18, 41:5, 42:14, 42:15, 42:19, 43:3, 43:17, 43:20, 44:6, 47:20, 47:22, 48:11, 49:13, 49:15, 50:8, 50:14, 54:9, 54:16, 55:9, 58:11, 73:1, 78:24, 86:14, 90:22, 92:4, 96:8, 97:11, 97:16  
**means** [12] - 4:20, 7:21, 11:22, 12:4, 13:8, 17:13, 37:22, 38:11, 39:8, 44:13, 46:16, 62:4  
**measures** [1] - 7:12  
**mechanical** [1] - 22:11  
**mechanicals** [1] - 71:12  
**medium** [1] - 10:23  
**meet** [3] - 37:22, 58:14, 61:21  
**meeting** [9] - 2:1, 3:6, 19:7, 69:10, 69:14, 106:7, 106:10, 106:18, 106:23  
**meetings** [5] - 3:1, 3:4, 85:15, 89:23  
**meets** [2] - 20:13, 37:23  
**mega** [2] - 8:19, 10:22  
**megawatt** [5] - 17:10, 17:11, 17:13, 25:14, 37:14  
**megawatts** [7] - 10:21, 11:3, 20:2, 24:24, 31:13  
**member** [1] - 99:16  
**Member** [8] - 1:16, 1:17, 1:18, 1:19, 1:20, 1:21, 1:22, 1:23  
**members** [5] - 3:15, 4:12, 9:3, 21:5, 21:8  
**mentioned** [1] - 17:6  
**mercy** [1] - 104:21  
**mess** [2] - 78:23, 87:18  
**metals** [4] - 35:18, 35:21, 36:7, 36:15  
**meter** [1] - 25:19  
**metric** [1] - 6:19  
**Michigan** [1] - 86:16  
**Microgrid** [4] - 4:3, 5:6, 5:21, 65:10  
**microphone** [2] - 4:16, 46:4  
**microphones** [1] - 5:20  
**middle** [2] - 12:22, 101:3  
**midwest** [1] - 6:8  
**might** [12] - 13:23, 22:23, 44:7, 44:18, 47:11, 49:20, 52:3, 57:16, 76:9, 83:13, 83:15, 94:4  
**mike** [1] - 5:15  
**miles** [3] - 13:22, 26:4  
**million** [2] - 37:16, 44:16  
**mind** [2] - 70:19, 106:17  
**mine** [1] - 42:24  
**miniature** [1] - 42:15  
**minimal** [2] - 20:15, 33:14  
**minimum** [1] - 62:5  
**Minnesota** [2] - 15:19, 27:19  
**minutes** [6] - 3:1, 3:3, 3:8, 3:21, 14:11, 106:6  
**mirrors** [1] - 38:24  
**Miss** [1] - 49:1  
**missed** [1] - 72:16  
**misunderstanding** [1] - 61:12  
**mix** [11] - 9:12, 15:7, 15:15, 15:21, 47:12, 48:10, 49:12, 50:2, 66:15, 67:5  
**mixes** [1] - 48:20  
**mixture** [1] - 9:16  
**model** [3] - 8:17, 8:18, 40:10  
**modular** [1] - 54:10  
**module** [1] - 11:21  
**modules** [3] - 11:19, 37:21, 38:1  
**mom** [1] - 89:6  
**momentum** [1] - 6:1  
**money** [6] - 6:12, 7:6, 10:3, 26:17, 30:13, 43:19  
**monitor** [2] - 14:14, 14:16  
**monitoring** [2] - 42:1, 42:5  
**month** [8] - 3:15, 9:18, 9:19, 22:12, 44:7, 52:20, 106:13, 106:21  
**months** [19] - 16:7, 51:16, 51:19, 52:3, 52:5, 52:10, 52:13, 52:16, 52:18, 52:21, 53:5, 53:8, 66:17, 83:4, 86:15, 94:14, 94:17, 95:1  
**morning** [1] - 12:11  
**mortar** [1] - 28:18  
**mortgage** [1] - 30:19  
**most** [5] - 6:7, 35:24, 38:15, 90:8, 102:10  
**motion** [7] - 66:23, 67:3, 69:7, 103:12, 105:4, 105:6, 106:5  
**motor** [2] - 14:9  
**mount** [1] - 12:7  
**mouth** [1] - 5:18  
**move** [10] - 71:23, 75:1, 75:18, 78:24, 79:14, 83:16, 84:14, 86:15, 90:19, 102:1  
**moved** [4] - 79:1, 90:10, 90:19, 90:20  
**movement** [1] - 14:10  
**moving** [2] - 31:10, 35:6  
**mow** [2] - 47:8, 47:9  
**mowed** [1] - 47:7  
**mower** [1] - 15:9  
**mowing** [1] - 47:17  
**MR** [409] - 1:15, 1:18, 1:19, 1:20, 1:22, 1:23, 2:4, 2:6, 2:7, 2:9, 2:10, 2:12, 2:13, 2:15, 2:16, 2:18, 2:19, 2:20, 2:23, 3:5, 3:11, 3:19, 3:24, 5:3, 5:5, 5:15, 5:19, 18:23, 19:1, 19:2, 19:12, 19:13, 19:17, 20:7, 20:13, 21:9, 21:12, 21:14, 21:24, 22:1, 22:6, 22:8, 22:14, 22:16, 23:11, 24:21, 25:1, 25:3, 25:9, 26:7, 26:9, 26:10, 26:12, 27:11, 27:16, 27:22, 27:24, 28:8, 28:9, 28:13, 28:16, 28:17, 28:20, 29:5, 29:7, 29:12, 29:14, 29:23, 30:2, 30:23, 31:3, 31:20, 32:6, 32:8, 32:12, 32:14, 33:2, 33:3, 33:13, 33:15, 33:19, 33:21, 33:23, 34:1, 34:3, 34:5, 34:6, 34:8, 34:9, 34:11, 34:13, 34:15, 34:17, 34:21, 35:2, 35:4, 35:20, 36:5, 36:19, 37:13, 37:15, 37:17, 37:20, 38:6, 38:9, 38:20, 38:22, 39:4, 39:6, 39:10, 39:12, 39:15, 39:17, 40:3, 40:4, 40:7, 40:9, 40:19, 40:22, 40:23, 41:9, 41:16, 41:18, 42:11, 42:14, 43:6, 43:7, 43:12, 43:15, 43:17, 44:4, 44:6, 44:11, 44:12, 44:23, 45:2, 45:4, 45:5, 45:12, 45:13, 45:17, 46:7, 46:8, 46:10, 46:12, 46:21, 46:23, 47:8, 47:19, 48:7, 48:14, 49:1, 49:3, 49:6, 49:8, 49:10, 49:11, 49:13, 49:16, 49:19, 49:22, 50:3, 50:10, 50:12, 50:17, 50:20, 51:21, 51:24, 52:7, 52:8, 52:11, 52:17, 52:22, 52:23, 53:5, 53:7, 53:9, 53:16, 53:21, 53:23, 54:6, 54:9, 54:22, 55:4, 55:21, 55:23, 56:5, 56:7, 56:8, 56:10, 56:11, 56:18, 56:21, 56:22, 57:1, 57:4, 57:5, 57:9, 57:10, 57:11, 57:14, 57:21, 57:22, 57:23, 58:1, 58:2, 58:4, 58:7, 58:10, 59:16, 59:18, 59:24, 60:1, 60:4, 60:6, 60:10, 60:15, 60:17, 60:18, 60:19, 60:23, 61:11, 61:17, 62:14, 62:23, 63:2, 63:6, 63:10, 63:11, 63:14, 63:16, 63:24, 64:6, 64:10, 64:12, 65:2, 66:24, 67:15, 67:17, 67:19, 67:21, 67:22, 67:23, 68:1, 68:4, 68:7, 68:11, 68:13, 68:14, 68:15, 68:16, 68:17, 68:18, 68:19, 68:20, 68:22, 68:23, 68:24, 69:2, 69:3, 69:4, 69:7, 70:1, 70:2, 70:11, 70:15, 70:17, 70:20, 72:6, 72:9, 72:14, 72:17, 72:20, 72:22, 73:12, 73:17, 73:18, 73:20, 73:22, 73:23, 73:24, 74:2, 74:3, 74:5, 74:7, 74:8, 74:13, 74:14, 74:17, 74:19, 75:2, 75:17, 75:18, 76:6, 77:5, 77:6, 77:8, 77:9, 77:10, 77:11, 77:14, 77:17, 77:19, 77:20, 78:2, 78:9, 78:12, 79:4, 79:19, 79:22, 79:24, 81:9, 81:11, 81:13, 81:15, 81:18, 81:24, 82:2, 82:5, 82:9, 82:11, 83:8, 83:10, 83:11, 83:13, 83:18, 83:20, 83:23, 83:24, 84:1, 84:2, 84:4, 84:5, 84:8, 84:10, 85:2, 86:6, 87:1, 88:9, 89:10, 89:13, 91:17, 91:20, 93:6, 93:9, 93:13, 93:17, 93:18, 93:23, 94:9, 94:12, 94:18, 94:20, 94:24, 95:2, 95:14, 95:21, 95:23, 95:24, 96:1, 96:4, 96:6, 96:7, 96:11, 96:15, 97:10, 98:3, 98:9, 98:11, 98:16, 98:20, 99:3, 99:6, 99:11, 99:13, 99:15, 99:19, 100:1, 100:3, 100:4, 100:7, 100:8, 100:10, 100:11, 100:12, 101:4, 101:5, 103:11, 103:20, 104:15, 105:5, 105:10, 105:11, 105:12, 105:13, 105:14, 105:15, 105:16, 105:17, 105:18, 105:20, 105:21, 105:22, 105:24, 106:1, 106:2, 106:5, 106:11, 106:20  
**MS** [166] - 1:14, 1:17,

1:21, 2:1, 2:17, 2:22, 2:24, 3:9, 3:16, 3:22, 4:1, 5:12, 5:17, 21:4, 21:10, 22:19, 24:20, 24:22, 25:2, 25:5, 30:21, 30:24, 31:16, 33:22, 34:22, 35:3, 35:16, 36:3, 36:16, 40:21, 41:8, 43:10, 47:3, 47:15, 48:1, 48:12, 48:18, 48:24, 49:17, 49:20, 53:10, 53:18, 53:22, 54:4, 54:7, 54:18, 55:3, 55:11, 55:17, 56:4, 56:12, 57:12, 62:12, 62:16, 62:19, 62:21, 62:22, 62:24, 63:1, 63:5, 63:7, 64:4, 65:4, 65:6, 65:8, 65:9, 66:22, 67:1, 67:8, 67:10, 67:11, 67:13, 67:16, 68:6, 68:9, 68:21, 69:1, 69:6, 69:24, 70:4, 70:12, 70:18, 72:4, 72:7, 72:12, 72:15, 73:9, 73:15, 74:15, 74:18, 76:3, 76:18, 77:21, 78:4, 78:10, 78:13, 79:5, 79:16, 81:3, 81:4, 81:6, 81:7, 81:10, 81:12, 81:14, 81:17, 81:22, 84:6, 84:23, 85:4, 86:3, 86:8, 86:23, 87:3, 88:8, 88:12, 89:9, 91:14, 93:1, 93:5, 93:7, 93:10, 93:14, 93:20, 93:21, 94:6, 94:8, 94:11, 96:12, 96:17, 97:7, 97:22, 98:2, 98:4, 98:15, 98:17, 98:19, 98:24, 99:5, 99:8, 99:10, 99:12, 99:14, 99:16, 99:22, 99:23, 101:11, 101:13, 101:15, 101:16, 101:18, 101:19, 103:10, 103:12, 103:14, 103:15, 103:16, 104:14, 105:3, 105:6, 105:19, 105:23, 106:4, 106:8, 106:17, 106:24  
 muddy [1] - 18:9  
 municipalities [1] - 9:10  
 municipality [1] - 9:14

## N

naïl [2] - 13:12, 13:14  
 name [24] - 4:16, 5:3, 48:17, 48:22, 53:16, 55:21, 55:23, 63:14, 64:9, 64:11, 70:15, 78:2, 79:22, 84:8, 84:10, 85:2, 86:6, 87:1, 88:11, 89:11, 89:13, 91:18, 96:15, 96:17  
 names [3] - 7:14, 64:14, 64:15  
 nation [1] - 55:13  
 National [2] - 42:18, 42:19  
 native [1] - 15:15  
 natural [2] - 47:22, 55:13  
 near [3] - 20:15, 62:17, 69:18  
 nearby [1] - 16:15  
 NEC [2] - 42:17, 43:13  
 necessarily [1] - 28:22  
 need [47] - 4:21, 9:22, 14:14, 25:13, 26:17, 31:14, 33:7, 33:9, 33:10, 42:9, 44:20, 45:6, 49:1, 49:3, 50:22, 51:5, 51:19, 52:9, 52:10, 53:13, 56:17, 59:10, 63:8, 63:24, 64:4, 67:17, 70:13, 71:19, 77:3, 77:24, 80:17, 85:23, 87:10, 87:14, 89:7, 89:10, 89:11, 89:24, 90:10, 90:19, 91:18, 92:6, 92:7, 93:19, 94:11  
 needed [1] - 48:5  
 needs [1] - 4:20  
 negative [1] - 36:12  
 neighborhood [11] - 16:18, 17:1, 41:21, 55:6, 56:2, 56:3, 64:7, 64:9, 64:17, 85:15, 101:2  
 neighbors [6] - 16:2, 16:20, 55:7, 64:19, 66:11, 102:11  
 NELSON [1] - 87:3  
 Nelson [1] - 87:3  
 net [1] - 10:2  
 Nettie [1] - 78:4  
 never [7] - 6:13, 40:3, 40:4, 74:20, 74:23, 90:21

new [15] - 6:16, 6:18, 6:22, 12:1, 35:8, 35:23, 51:6, 60:13, 60:14, 65:24, 68:1, 71:24, 89:15, 100:1  
 news [2] - 11:6, 12:6  
 next [19] - 7:1, 11:1, 11:15, 13:16, 13:20, 14:5, 14:18, 15:20, 16:5, 18:11, 20:14, 26:3, 31:22, 43:3, 56:9, 80:12, 87:10, 90:1, 90:23  
 nice [4] - 6:22, 16:5, 28:11, 64:21  
 night [4] - 12:8, 40:24, 41:2, 74:10  
 nine [2] - 6:6, 46:4  
 nobody [2] - 74:10, 106:22  
 noise [4] - 33:14, 34:15, 34:18  
 Nolan [1] - 85:11  
 non [1] - 39:10  
 nonactionary [1] - 3:6  
 none [2] - 48:5, 95:16  
 nonseasonal [1] - 71:24  
 noon [3] - 12:9, 12:13, 12:14  
 northern [2] - 62:17, 62:19  
 northwest [2] - 16:18, 64:8  
 notes [1] - 108:9  
 nothing [10] - 39:19, 41:2, 44:10, 44:12, 51:17, 73:10, 77:10, 93:16, 98:7, 98:13  
 notice [4] - 19:6, 69:17, 104:8, 104:11  
 noticed [1] - 85:14  
 NOWICKI [6] - 53:18, 53:22, 54:4, 54:7, 54:18, 55:3, 55:11, 86:8  
 Nowicki [2] - 53:18, 86:8  
 nuance [2] - 24:10, 24:19  
 number [2] - 61:1, 103:18  
 numbers [2] - 26:14, 60:24

## O

Oak [5] - 1:9, 78:18, 91:5, 92:9

objected [1] - 89:19  
 objectives [2] - 66:3, 66:4  
 obstructing [1] - 16:24  
 obtain [1] - 42:12  
 obviously [4] - 44:24, 51:1, 58:12, 75:24  
 occasional [1] - 41:19  
 occasionally [1] - 46:13  
 occur [1] - 62:13  
 occurs [1] - 40:13  
 odd [1] - 86:21  
 OF [4] - 1:1, 1:7, 108:1, 108:2  
 offering [1] - 31:2  
 offices [1] - 5:22  
 official [1] - 99:6  
 offset [7] - 9:24, 17:17, 23:17, 23:24, 24:2, 24:16, 25:14  
 offsetting [2] - 20:3, 25:4  
 often [2] - 4:8, 15:10  
 old [4] - 35:9, 37:3, 61:3, 71:23  
 on-site [1] - 14:3  
 once [16] - 11:11, 14:3, 15:5, 16:9, 19:21, 20:19, 22:13, 23:7, 29:9, 30:9, 32:24, 35:14, 37:23, 50:13, 60:12  
 one [48] - 6:16, 8:6, 8:17, 9:12, 10:14, 12:2, 19:4, 24:10, 24:23, 25:13, 25:14, 30:16, 32:17, 38:6, 38:9, 41:21, 41:22, 42:3, 45:6, 45:22, 49:15, 54:15, 54:19, 56:18, 56:20, 57:5, 58:21, 61:6, 67:5, 67:6, 76:8, 81:11, 81:12, 81:21, 86:17, 87:21, 88:13, 88:15, 90:8, 91:1, 93:8, 93:9, 93:13, 95:11, 100:18, 101:6, 101:12  
 one-third [2] - 93:8, 93:9  
 ones [1] - 86:18  
 open [2] - 16:22, 48:11  
 opening [2] - 31:6, 98:12  
 operate [5] - 10:9, 30:11, 33:5, 44:18,

65:11  
 operated [2] - 15:1, 50:18  
 operates [1] - 14:4  
 operating [9] - 10:11, 16:9, 26:2, 30:16, 30:17, 39:14, 39:15, 41:24, 43:3  
 operation [4] - 24:23, 44:11, 44:12, 95:5  
 operational [1] - 39:11  
 opportunity [3] - 22:20, 23:21, 104:10  
 option [2] - 50:22, 59:14  
 order [3] - 2:2, 87:9, 104:7  
 ordinance [11] - 50:12, 50:24, 51:2, 52:4, 65:22, 76:4, 76:17, 93:24, 100:12, 101:10, 103:22  
 oriented [2] - 64:1, 64:7  
 origin [1] - 37:17  
 original [1] - 104:8  
 otherwise [3] - 82:18, 83:6, 102:5  
 ourselves [1] - 102:6  
 outdoor [2] - 70:6, 72:3  
 outlay [1] - 44:16  
 output [1] - 20:3  
 outside [4] - 34:20, 71:8, 76:1, 100:22  
 overflow [2] - 71:20, 74:5  
 overhead [1] - 72:18  
 overnight [1] - 94:3  
 own [4] - 10:9, 30:18, 30:19, 93:7  
 owned [1] - 50:18  
 owner [12] - 9:6, 11:9, 20:18, 31:22, 51:6, 57:16, 66:20, 80:8, 82:6, 89:2, 90:3, 104:23  
 owners [4] - 67:9, 75:6, 88:23, 89:2  
 ownership [3] - 30:15, 31:17, 61:5  
 owns [1] - 8:20

## P

p.m [2] - 1:11, 107:4  
 package [1] - 30:5  
 pad [1] - 14:7



**projection** [1] - 27:23  
**projects** [9] - 6:6, 6:7, 8:20, 21:16, 32:7, 38:1, 42:2, 43:16, 44:5  
**properties** [1] - 92:9  
**property** [30] - 4:4, 29:8, 51:9, 56:24, 57:24, 63:23, 65:12, 65:18, 66:11, 70:7, 70:8, 71:11, 72:16, 76:15, 76:16, 84:11, 84:15, 85:6, 87:19, 89:2, 92:8, 94:19, 94:21, 95:4, 101:24, 102:9, 102:12, 104:23, 105:1  
**proposal** [3] - 53:12, 56:15, 102:2  
**propose** [1] - 65:13  
**proposed** [1] - 65:16, 65:17, 65:19, 66:2, 66:5, 66:10, 102:11, 102:15, 103:1, 103:6, 103:7  
**protected** [1] - 42:20  
**Protection** [1] - 42:19  
**prove** [1] - 30:10  
**provided** [2] - 3:13  
**providing** [1] - 23:20  
**provisions** [1] - 59:10  
**public** [5] - 19:10, 21:8, 53:1, 59:6, 69:12  
**public's** [3] - 66:6, 66:8, 102:16  
**pull** [5] - 5:15, 20:8, 52:2, 52:20, 81:7  
**pumps** [1] - 72:10  
**purchasing** [1] - 28:14  
**purposes** [1] - 61:2  
**put** [14] - 11:2, 36:18, 51:5, 51:7, 51:12, 51:19, 52:8, 58:16, 76:8, 76:14, 90:15, 90:22, 104:9, 106:15  
**Put** [1] - 44:11  
**putting** [3] - 74:20, 86:19, 86:20  
**PV** [3] - 12:3, 36:6

## Q

**qualified** [3] - 22:17, 22:18, 42:21  
**qualify** [4] - 22:23, 23:5, 48:6, 76:3  
**quality** [4] - 11:23, 37:22, 37:23

**quantify** [1] - 66:1  
**questions** [11] - 4:12, 4:13, 18:20, 18:22, 20:23, 21:2, 21:4, 21:7, 21:11, 83:9, 93:4  
**quickly** [1] - 5:8  
**quiet** [1] - 14:10  
**quietly** [2] - 4:21, 14:4  
**quite** [2] - 75:13, 96:18  
**quorum** [1] - 2:23  
**quote** [1] - 17:13

## R

**racking** [2] - 13:4, 36:21  
**radiants** [1] - 14:14  
**rain** [1] - 47:24  
**raining** [1] - 73:2  
**raised** [1] - 67:1  
**range** [1] - 43:20  
**rate** [3] - 26:11, 28:3, 47:21  
**rates** [2] - 27:6, 27:8  
**rating** [1] - 33:20  
**rats** [1] - 102:22  
**raw** [1] - 36:22  
**reach** [1] - 32:21  
**read** [5] - 35:22, 36:1, 41:10, 41:19, 64:13  
**reads** [1] - 29:8  
**ready** [10] - 31:14, 45:11, 56:16, 62:7, 63:7, 65:6, 68:10, 93:3, 101:11, 105:8  
**reaffirm** [1] - 49:4  
**real** [2] - 54:10, 80:4  
**realize** [1] - 42:5  
**realized** [1] - 44:20  
**really** [23] - 5:8, 8:21, 15:22, 17:1, 17:13, 20:6, 22:2, 24:19, 28:10, 30:19, 35:10, 39:13, 41:2, 47:24, 48:6, 48:15, 64:24, 78:17, 84:19, 88:22, 96:24, 101:6, 101:9  
**rear** [3] - 76:6, 76:16  
**reason** [8] - 28:1, 51:12, 52:18, 58:4, 84:13, 86:13, 90:6, 94:4  
**reasonable** [1] - 53:6  
**rebuild** [1] - 59:10  
**rec** [3] - 23:18, 24:11  
**received** [1] - 62:13  
**recent** [3] - 3:1, 3:3, 3:4  
**reclaim** [1] - 36:17  
**recognized** [1] - 27:13  
**recommend** [6] - 49:21, 60:2, 65:14, 67:3, 103:12, 105:6  
**recommendations** [1] - 69:9  
**reconfiguration** [6] - 59:1, 59:4, 59:5, 59:18, 62:8, 62:10  
**reconfigure** [4] - 59:2, 61:19, 61:20, 62:2  
**record** [23] - 4:17, 5:4, 53:17, 55:22, 57:8, 58:20, 58:21, 61:1, 62:4, 63:15, 64:3, 64:5, 70:16, 78:3, 79:23, 84:9, 85:3, 86:7, 87:2, 89:16, 91:19, 95:20, 96:16  
**recorded** [3] - 54:13, 61:4, 61:9  
**recorder** [1] - 59:21  
**recs** [3] - 23:23, 24:14  
**recycle** [1] - 36:17  
**recycled** [2] - 36:22, 36:23  
**red** [1] - 42:22  
**Reddington** [2] - 48:24, 49:1  
**REDDINGTON** [8] - 33:22, 48:18, 48:24, 49:8, 57:12, 62:19, 62:22, 63:1  
**redid** [1] - 71:13  
**refer** [1] - 92:19  
**reflective** [3] - 38:21, 38:22, 39:6  
**refuse** [1] - 104:4  
**regarding** [2] - 67:5, 67:18  
**regenerate** [1] - 47:16  
**regularly** [1] - 47:7  
**reject** [1] - 92:21  
**rejuvenate** [1] - 35:15  
**related** [2] - 23:12, 60:20  
**relating** [1] - 65:18  
**relation** [3] - 56:14, 62:18, 63:19  
**release** [2] - 24:1, 24:17  
**released** [1] - 36:14  
**relocate** [1] - 89:3  
**relocated** [1] - 38:4  
**rely** [1] - 48:16  
**remaining** [1] - 9:15  
**remans** [1] - 43:8  
**remedy** [1] - 92:1

**remember** [1] - 57:17  
**reminder** [1] - 51:22  
**remodel** [1] - 80:9  
**remote** [1] - 41:21  
**removal** [1] - 104:9  
**remove** [13] - 13:14, 51:8, 52:15, 80:24, 81:1, 82:4, 82:5, 82:23, 88:6, 104:2, 104:5, 104:6, 104:12  
**removed** [10] - 37:8, 80:14, 89:24, 90:1, 90:23, 92:7, 92:17, 92:22, 103:17, 103:24  
**removing** [4] - 82:20, 83:11, 86:1, 104:24  
**renegotiate** [1] - 31:23  
**renewable** [3] - 7:16, 22:21, 22:22  
**renewables** [2] - 7:20, 24:16  
**renewably** [1] - 23:17  
**renounce** [1] - 59:14  
**report** [1] - 68:3  
**reported** [1] - 108:5  
**REPORTER** [2] - 48:22, 95:18  
**Reporter** [2] - 108:4, 108:13  
**represent** [1] - 70:10  
**request** [4] - 70:5, 92:23, 99:17, 104:2  
**requested** [1] - 67:4  
**requesting** [4] - 4:4, 4:7, 65:10, 101:22  
**require** [2] - 14:22, 75:8  
**required** [5] - 3:8, 43:13, 61:23, 76:16, 82:16, 95:6  
**requirement** [2] - 82:7, 95:13  
**requirements** [1] - 58:14  
**requiring** [1] - 76:4  
**rescinded** [1] - 66:17  
**resealed** [1] - 71:13  
**reseed** [1] - 15:6  
**reseeds** [1] - 47:23  
**residences** [1] - 9:16  
**residential** [9] - 6:4, 8:6, 34:1, 34:2, 34:3, 34:11, 84:17, 92:9  
**residents** [5] - 22:1, 22:4, 87:15, 88:20, 91:22  
**respect** [1] - 42:17  
**respond** [2] - 21:6, 95:22

**responds** [1] - 104:17  
**responsibility** [1] - 6:19  
**rest** [3] - 4:21, 37:8, 84:12  
**resubdivide** [1] - 58:23  
**result** [1] - 7:5  
**retailer** [1] - 86:17  
**revegetates** [1] - 47:23  
**revert** [1] - 28:23  
**ride** [1] - 88:15  
**ridiculous** [2] - 85:19, 87:23  
**rises** [1] - 39:13  
**risk** [2] - 41:24, 52:15  
**road** [3] - 34:18, 64:14, 64:15  
**ROBINSON** [12] - 1:19, 2:9, 28:13, 28:17, 29:5, 29:12, 29:23, 32:6, 33:2, 33:13, 68:17, 105:15  
**Robinson** [3] - 2:8, 68:16, 105:14  
**rocks** [1] - 80:20  
**rodents** [3] - 102:17, 102:23  
**roll** [6] - 2:3, 15:9, 42:8, 67:14, 68:10, 105:8  
**roof** [2] - 8:8, 73:2  
**roofs** [1] - 8:10  
**rooftop** [1] - 7:5  
**room** [1] - 83:14  
**Roosevelt** [1] - 84:10  
**ROREM** [22] - 1:23, 2:19, 37:13, 37:17, 38:6, 38:20, 39:4, 45:13, 46:7, 49:1, 49:11, 49:16, 49:19, 60:19, 61:11, 66:24, 67:17, 67:21, 69:3, 103:11, 105:5, 106:1  
**Roem** [4] - 2:18, 69:2, 105:3, 105:24  
**Rosemary** [2] - 53:18, 86:8  
**roughly** [2] - 4:6, 62:13  
**Route** [1] - 92:18  
**rule** [1] - 24:13  
**rules** [1] - 57:3  
**run** [2] - 76:9, 76:10  
**running** [1] - 23:8

## S

- safe** [1] - 30:11  
**safest** [1] - 90:8  
**safety** [6] - 66:7, 66:9, 92:1, 92:14, 98:23, 102:16  
**sales** [2] - 10:2, 21:16  
**satisfy** [1] - 102:4  
**save** [3] - 10:3, 15:11, 26:18  
**saved** [1] - 7:6  
**saving** [4] - 26:17, 27:1, 27:9, 27:14  
**savings** [9] - 9:5, 10:7, 14:23, 24:14, 26:7, 27:13, 27:19, 28:1, 33:4  
**scale** [4] - 6:4, 8:18, 9:1, 17:15  
**schedule** [2] - 39:13, 40:17  
**scheduled** [1] - 39:21  
**school** [5] - 9:6, 9:13, 21:20, 35:9, 92:3  
**schools** [1] - 9:10  
**score** [1] - 8:16  
**scrap** [1] - 37:12  
**scratch** [1] - 31:24  
**screening** [2] - 38:11, 39:8  
**scrutinized** [1] - 44:14  
**se** [1] - 40:6  
**season** [10] - 72:1, 81:23, 83:20, 86:14, 87:7, 87:10, 88:2, 96:8, 96:9  
**seasonal** [4] - 71:21, 71:22, 83:21, 87:6  
**Second** [1] - 103:11  
**second** [12] - 18:24, 19:9, 19:11, 19:14, 59:3, 66:22, 66:24, 69:14, 69:17, 70:4, 103:10, 106:18  
**secondhand** [1] - 37:4  
**secured** [2] - 22:14, 22:16  
**security** [7] - 17:22, 17:24, 41:17, 42:4, 50:16, 50:19, 74:21  
**see** [33] - 16:16, 16:20, 16:21, 17:1, 17:2, 17:5, 18:5, 18:16, 21:15, 38:1, 42:7, 48:1, 48:2, 52:14, 52:22, 56:3, 61:1, 61:4, 64:13, 64:19, 64:24, 72:19, 75:22, 80:19, 80:22, 90:13, 91:1, 91:2, 91:22, 94:4, 94:6, 97:4, 98:20  
**seed** [10] - 15:15, 15:21, 47:12, 47:16, 48:10, 48:20, 49:12, 50:1, 66:15, 67:5  
**seek** [4] - 56:1, 72:2, 97:13, 99:18  
**seeking** [2] - 80:13, 80:24  
**sees** [1] - 52:13  
**self** [1] - 76:1  
**sell** [6] - 29:24, 37:5, 41:14, 51:4, 72:1, 83:16  
**sells** [1] - 59:11  
**semi** [7] - 81:23, 93:11, 93:14, 94:4, 95:2, 95:3, 95:4  
**semis** [2] - 93:24, 94:2  
**send** [3] - 18:15, 33:11, 91:12  
**senior** [3] - 76:11, 80:21, 95:10  
**sense** [3] - 20:20, 62:1, 90:16  
**sent** [1] - 104:8  
**separate** [5] - 19:4, 38:23, 57:7, 57:8, 61:9  
**served** [1] - 104:12  
**serves** [1] - 42:4  
**service** [5] - 33:10, 70:8, 100:2, 100:4, 100:11  
**services** [1] - 33:7  
**set** [2] - 66:19, 86:18  
**setback** [6] - 17:18, 17:19, 20:4, 58:5, 60:9, 62:1  
**setbacks** [5] - 18:14, 59:10, 61:21, 61:22, 100:23  
**sets** [1] - 39:14  
**seven** [6] - 12:17, 45:14, 45:20, 58:16, 80:6, 90:22  
**Seven** [1] - 71:2  
**several** [5] - 16:22, 22:10, 32:9, 85:16, 85:20  
**sewer** [1] - 33:9  
**shade** [2] - 15:13, 47:1  
**shaded** [2] - 8:11, 46:17  
**shading** [3] - 15:12, 46:16, 47:10  
**shape** [1] - 20:1  
**shaped** [1] - 31:4  
**share** [1] - 3:10  
**SHARON** [1] - 108:3  
**shed** [4] - 18:14, 46:19, 102:19, 104:24  
**shipped** [2] - 70:24, 81:16  
**shooting** [2] - 17:7, 27:24  
**Shorthand** [2] - 108:4, 108:13  
**shorthand** [1] - 108:5  
**show** [1] - 17:4  
**showing** [1] - 57:14  
**shruck** [1] - 15:9  
**shut** [1] - 43:2  
**side** [9] - 4:5, 17:19, 20:10, 63:17, 63:18, 81:19, 87:14, 90:12, 104:18  
**sides** [1] - 20:5  
**signed** [2] - 31:22, 32:2  
**significant** [1] - 75:4  
**signs** [1] - 43:11  
**silicon** [1] - 36:9  
**similar** [3] - 19:3, 19:16, 75:7  
**simple** [1] - 58:10  
**simplest** [1] - 35:5  
**simply** [2] - 35:7, 42:6  
**sink** [1] - 18:9  
**sit** [3] - 4:21, 33:5, 35:7  
**site** [38] - 11:20, 13:19, 14:3, 14:22, 15:2, 16:1, 16:11, 18:4, 18:13, 18:16, 18:24, 19:9, 19:11, 19:14, 19:22, 25:18, 31:11, 32:17, 36:19, 42:13, 44:8, 45:2, 45:3, 46:1, 54:23, 57:9, 64:18, 65:19, 69:14, 69:18, 71:16, 73:7, 75:1, 76:19, 83:3, 83:4, 83:19, 103:5  
**sites** [8] - 11:7, 14:22, 19:4, 20:18, 20:20, 28:15, 32:18, 83:6  
**sits** [1] - 14:4  
**sitting** [1] - 33:10  
**situation** [1] - 82:15  
**six** [12] - 5:24, 12:17, 52:3, 52:21, 53:8, 53:21, 53:22, 54:1, 58:16, 83:4, 84:15  
**size** [12] - 10:21, 10:23, 12:7, 12:22, 13:3, 14:8, 17:7, 17:9, 45:23, 46:1, 46:4, 61:18  
**slats** [1] - 39:7  
**slide** [3] - 7:2, 14:18, 16:5  
**slight** [1] - 23:21  
**slightly** [2] - 28:3, 41:1  
**slip** [1] - 29:17  
**slow** [1] - 47:13  
**slowly** [1] - 14:12  
**small** [2] - 22:4, 24:23  
**smaller** [1] - 45:23  
**smart** [1] - 97:23  
**snow** [5] - 42:7, 42:9, 95:14, 95:16, 96:2  
**so...** [2] - 34:7, 34:16  
**social** [2] - 6:19, 6:24  
**Soil** [1] - 48:19  
**soil** [3] - 13:6, 13:12, 47:5  
**Solar** [1] - 16:12  
**solar** [46] - 4:8, 5:10, 6:2, 6:3, 7:5, 7:6, 7:8, 7:12, 7:15, 7:21, 8:1, 8:3, 8:5, 8:7, 8:14, 8:23, 9:5, 11:20, 12:1, 12:9, 12:19, 13:2, 15:13, 15:20, 16:6, 16:20, 20:22, 23:4, 24:4, 24:18, 30:5, 34:23, 35:5, 36:8, 37:1, 37:5, 38:23, 41:12, 45:15, 56:15, 56:23, 61:20, 65:1, 65:12  
**sold** [1] - 51:8  
**solution** [1] - 89:1  
**someone** [3] - 92:11, 98:5, 98:6  
**someplace** [1] - 85:22  
**sometimes** [4] - 38:16, 51:7, 61:1, 94:4  
**somewhat** [1] - 20:15  
**somewhere** [1] - 83:16  
**soon** [2] - 39:19, 106:9  
**sore** [4] - 85:18, 87:12, 92:1, 92:14  
**sorry** [4] - 56:10, 67:24, 68:5, 86:11  
**sort** [2] - 35:8, 48:15  
**sorts** [2] - 43:24, 55:7  
**sound** [1] - 33:18  
**sounds** [1] - 100:4  
**south** [2] - 16:16, 18:4  
**southern** [1] - 62:17  
**southwest** [1] - 16:16  
**space** [1] - 83:14  
**span** [1] - 34:24  
**speaker** [2] - 4:20, 4:22  
**special** [4] - 30:7, 37:10, 69:13, 106:9  
**specialize** [1] - 7:10  
**specific** [2] - 48:10, 54:22  
**specifically** [1] - 51:3  
**specifics** [1] - 16:11  
**spend** [1] - 43:19  
**spokesman** [2] - 4:10, 4:24  
**spot** [2] - 73:12, 86:19  
**spread** [7] - 10:18, 10:23, 11:4, 11:7, 32:16, 32:20, 46:1  
**spring** [3] - 31:8, 31:9, 71:9  
**sprinkler** [2] - 71:11, 73:5  
**sprinklers** [1] - 73:3  
**Spruce** [1] - 85:10  
**square** [2] - 62:5, 71:18  
**squiggly** [1] - 61:5  
**Sr** [1] - 79:24  
**St** [2] - 5:23, 85:19  
**stability** [1] - 47:5  
**stagnates** [1] - 6:13  
**stand** [1] - 79:1  
**standard** [2] - 7:16, 34:2  
**standpoint** [3] - 17:22, 50:4, 94:23  
**start** [11] - 4:24, 11:13, 15:2, 21:4, 21:18, 25:11, 26:23, 29:9, 31:6, 51:22  
**started** [3] - 21:15, 32:15, 80:6  
**starting** [2] - 11:19, 36:20  
**starts** [5] - 11:16, 23:12, 23:13, 38:14, 39:20  
**STATE** [1] - 108:1  
**state** [22] - 5:3, 10:24, 31:2, 31:14, 32:16, 32:20, 49:6, 53:16, 55:21, 63:14, 70:15, 78:2, 79:22, 84:8, 85:2, 86:6, 87:1, 88:11, 89:11, 89:15, 91:18, 96:15  
**State** [1] - 108:4  
**statement** [2] - 49:7,

99:2  
**statements** [1] - 11:24  
**states** [5] - 6:7, 14:24, 22:3, 27:4, 38:2  
**station** [2] - 14:13, 46:3  
**statistics** [1] - 41:19  
**stats** [1] - 41:17  
**status** [1] - 13:16  
**stay** [1] - 55:24  
**stays** [1] - 51:9  
**steel** [1] - 36:21  
**stenographic** [1] - 108:9  
**still** [7] - 30:16, 31:19, 36:5, 44:24, 45:5, 86:21, 87:20  
**stipulate** [4] - 49:11, 103:17, 103:19, 103:20  
**stipulation** [3] - 66:13, 77:3, 103:14  
**stipulations** [2] - 66:19, 67:11  
**stirred** [1] - 55:6  
**stop** [1] - 80:20  
**stops** [1] - 40:5  
**storage** [34] - 70:7, 71:1, 71:19, 72:3, 73:18, 73:19, 73:20, 74:11, 74:24, 75:8, 76:1, 78:5, 78:16, 78:20, 79:20, 80:5, 80:7, 80:14, 80:16, 81:1, 82:3, 82:17, 82:24, 83:11, 85:17, 86:16, 92:21, 95:10, 96:5, 96:6, 101:23, 102:18  
**store** [3] - 72:22, 80:17, 87:10  
**stored** [2] - 72:5, 97:18  
**stores** [1] - 85:23  
**storing** [1] - 87:9  
**storm** [1] - 40:20  
**story** [1] - 36:11  
**Street** [10] - 1:9, 19:22, 56:6, 56:7, 70:8, 70:21, 78:18, 92:9, 92:19, 102:1  
**street** [6] - 20:10, 38:11, 76:20, 84:11, 86:12, 92:3  
**string** [1] - 45:22  
**strip** [1] - 60:16  
**strong** [5] - 30:22, 38:4, 41:4, 77:4, 97:14  
**structural** [1] - 53:24

**structure** [2] - 27:21, 31:5  
**STUCKLY** [1] - 108:3  
**studies** [2] - 43:24, 44:1  
**stuff** [9] - 6:4, 31:1, 43:4, 46:9, 71:23, 71:24, 80:9, 80:21, 101:2  
**stuff's** [1] - 42:20  
**Subdivision** [1] - 61:8  
**subdivision** [4] - 58:13, 58:15, 58:24, 78:5  
**subject** [1] - 65:18  
**submit** [2] - 31:10, 58:17  
**submittal** [1] - 59:20  
**submitted** [1] - 106:22  
**submitting** [1] - 31:7  
**subscribe** [10] - 7:8, 9:4, 9:6, 9:10, 9:14, 10:5, 10:10, 22:2, 22:5, 33:4  
**subscriber** [3] - 9:3, 9:20, 10:14  
**subscribers** [2] - 28:3, 30:8  
**subscribes** [1] - 9:13  
**subscribing** [2] - 11:13, 21:15  
**subscription** [1] - 56:19  
**subsequent** [2] - 66:20, 67:9  
**subsurface** [1] - 43:23  
**sudden** [1] - 25:23  
**suitable** [2] - 65:19, 103:5  
**SULLIVAN** [99] - 5:5, 5:19, 19:1, 19:12, 19:17, 20:13, 21:9, 21:14, 22:1, 22:8, 22:16, 23:11, 24:21, 25:1, 25:3, 25:9, 26:9, 26:12, 27:16, 27:24, 28:9, 28:16, 28:20, 29:7, 29:14, 30:2, 30:23, 31:3, 31:20, 32:8, 32:14, 33:3, 33:15, 33:21, 33:23, 34:3, 34:13, 34:17, 35:2, 35:4, 35:20, 36:5, 36:19, 37:15, 37:20, 38:9, 38:22, 39:6, 39:12, 39:17, 40:4, 40:9, 40:23, 41:9, 41:18, 42:14, 43:7, 43:12, 43:17, 44:6, 44:12,

45:2, 45:5, 45:17, 46:8, 46:12, 46:23, 47:8, 47:19, 48:7, 48:14, 49:13, 49:22, 50:10, 50:17, 51:21, 52:7, 52:11, 52:22, 53:5, 53:9, 53:21, 53:23, 54:6, 54:9, 54:22, 55:4, 56:21, 57:1, 57:9, 57:11, 58:7, 60:10, 60:17, 62:14, 63:24, 64:6, 64:12, 70:1  
**Sullivan** [2] - 5:5, 69:24  
**summer** [1] - 47:14  
**sun** [6] - 12:12, 14:12, 39:13, 39:14, 39:15, 39:19, 40:5  
**sun's** [1] - 12:20  
**sunk** [1] - 53:19  
**sunlight** [1] - 39:1  
**super** [2] - 35:9, 41:21  
**supplies** [2] - 70:22, 72:10  
**supply** [2] - 46:21, 80:9  
**supports** [1] - 25:17  
**surface** [1] - 15:4  
**surrounding** [2] - 16:14, 19:21  
**surveyor** [2] - 60:10, 60:13  
**suspected** [1] - 97:10  
**suspecting** [1] - 106:12  
**swap** [2] - 35:14, 41:7  
**swear** [2] - 49:3, 57:18  
**swimming** [1] - 70:22  
**Swindell** [1] - 61:8  
**switch** [1] - 40:6  
**switchgear** [1] - 42:20  
**sworn** [25] - 4:17, 5:2, 49:2, 49:5, 53:14, 53:15, 55:20, 57:20, 63:12, 63:13, 70:13, 70:14, 77:24, 78:1, 79:18, 84:7, 85:1, 86:5, 86:24, 88:9, 88:10, 89:11, 91:16, 91:18, 96:14  
**system** [14] - 10:9, 11:2, 13:14, 14:3, 29:22, 33:16, 35:6, 35:14, 40:11, 44:19, 45:19, 49:24, 56:3, 71:11  
**system's** [1] - 73:5  
**systems** [2] - 9:11, 50:18

## T

**table** [1] - 12:7  
**tall** [5] - 12:17, 45:16, 45:20, 47:20, 84:15  
**taller** [1] - 45:14  
**tallest** [1] - 46:5  
**Tamora** [1] - 87:3  
**tap** [2] - 25:8, 29:17  
**tax** [6] - 29:3, 31:2, 61:2, 61:3, 61:6  
**taxable** [1] - 28:19  
**taxed** [1] - 28:21  
**taxes** [4] - 29:1, 29:6, 29:8, 29:10  
**taxpayers** [1] - 88:20  
**team** [5] - 21:16, 21:17, 40:14, 44:15  
**technology** [4] - 11:16, 12:3, 38:24, 39:3  
**teenager** [1] - 43:1  
**temperature** [2] - 14:15, 97:20  
**tempered** [2] - 41:3, 54:5  
**temporary** [2] - 72:13, 86:13  
**ten** [4] - 14:11, 32:18, 80:12, 83:22  
**term** [1] - 3:7  
**terms** [10] - 6:21, 17:16, 17:24, 25:3, 31:24, 40:19, 40:20, 40:23, 59:9, 76:17  
**Terrance** [2] - 2:11, 68:18  
**TERRANCE** [1] - 1:16  
**Terrence** [1] - 105:16  
**Terrill** [3] - 2:16, 68:24, 105:22  
**TERRILL** [56] - 1:17, 2:17, 22:19, 24:20, 24:22, 25:2, 25:5, 30:21, 30:24, 31:16, 34:22, 35:3, 35:16, 36:3, 36:16, 40:21, 41:8, 43:10, 47:3, 47:15, 48:1, 48:12, 56:4, 65:6, 65:9, 67:8, 67:11, 69:1, 72:4, 72:7, 72:12, 72:15, 73:9, 73:15, 76:3, 76:18, 81:4, 81:7, 81:10, 81:12, 81:14, 81:17, 81:22, 93:5, 93:7, 93:10, 93:14, 93:21, 94:6, 101:13, 101:16,

101:19, 103:14, 103:16, 104:14, 105:23  
**tested** [1] - 73:5  
**testimony** [4] - 64:5, 97:7, 97:17, 97:24  
**Tetter** [2] - 91:17, 91:20  
**TETTER** [1] - 91:20  
**THE** [2] - 48:22, 95:18  
**theft** [1] - 41:11  
**themselves** [2] - 35:5, 41:12  
**theoretically** [3] - 53:7, 58:5, 62:8  
**theory** [2] - 37:2, 56:22  
**thereabouts** [1] - 45:20  
**thereafter** [1] - 11:14  
**therefore** [1] - 75:9  
**they've** [4] - 75:3, 75:4, 75:21, 78:6  
**thinking** [3] - 38:10, 40:19, 40:20  
**third** [3] - 67:7, 93:8, 93:9  
**three** [20] - 13:21, 14:1, 18:2, 20:12, 20:14, 22:12, 23:16, 45:13, 56:23, 57:2, 67:5, 83:20, 87:21, 88:2, 89:6, 94:14, 94:17, 95:1, 100:13, 104:19  
**three-month** [1] - 22:12  
**three-phase** [5] - 13:21, 14:1, 18:2, 20:12, 20:14  
**throughout** [1] - 12:13  
**throwing** [1] - 80:20  
**Thursday** [1] - 106:14  
**tier** [3] - 11:21, 37:21  
**tilted** [1] - 12:16  
**timely** [1] - 103:17  
**tire** [1] - 96:1  
**title** [1] - 43:22  
**today** [5] - 16:17, 16:19, 22:20, 64:16, 78:20  
**together** [2] - 28:6, 106:15  
**ton** [1] - 20:23  
**tonight** [6] - 4:2, 5:7, 19:11, 70:5, 88:19, 92:13  
**took** [2] - 17:3, 64:17  
**top** [3] - 15:3, 25:22, 38:18

topic [1] - 14:20  
 tornado [2] - 54:14, 55:5  
 tornadoes [1] - 54:8  
 total [2] - 32:10, 32:15  
 touch [1] - 70:2  
 tour [1] - 20:22  
 toward [1] - 12:16  
 towards [3] - 12:12, 32:4, 101:1  
 town [2] - 87:15, 90:12  
 toxic [2] - 35:21, 37:12  
 trace [1] - 36:10  
 track [1] - 12:12  
 tracker [1] - 14:9  
 trackers [1] - 13:5  
 tract [5] - 20:9, 58:3, 61:7  
 tracts [3] - 57:17, 57:23, 58:2  
 trades [1] - 22:10  
 traditionally [1] - 101:1  
 trailer [1] - 83:3  
 trailers [2] - 82:24, 83:4  
 transactions [1] - 6:10  
 transcribed [1] - 108:10  
 TRANSCRIPT [1] - 1:7  
 transcript [1] - 108:8  
 transfer [1] - 30:16  
 transformers [1] - 12:24  
 transitioning [1] - 43:15  
 treated [1] - 42:16  
 treats [1] - 8:21  
 trees [2] - 16:23, 64:22  
 tremendously [1] - 73:1  
 trend [1] - 26:21  
 trends [1] - 65:21  
 trespassing [1] - 104:24  
 trick [1] - 75:6  
 triple [1] - 6:17  
 troubleshoot [1] - 40:18  
 truck [12] - 15:9, 18:8, 81:15, 81:19, 81:20, 93:11, 93:14, 94:3, 94:4, 94:10, 94:13, 94:24  
 trucks [1] - 81:7  
 true [3] - 49:7, 49:8, 108:7  
 truth [1] - 90:18  
 try [6] - 7:22, 8:1,

43:17, 52:16, 90:12, 106:15  
 trying [9] - 11:6, 11:7, 15:10, 28:10, 80:22, 90:8, 97:23, 98:1, 104:19  
 Tuesday [2] - 106:13, 106:18  
 turn [2] - 39:19, 85:18  
 two [32] - 8:4, 10:20, 11:2, 11:3, 17:10, 19:4, 20:2, 24:23, 37:14, 42:4, 56:22, 57:7, 57:8, 57:17, 57:21, 57:22, 57:23, 58:2, 58:11, 59:2, 60:21, 60:22, 60:23, 60:24, 61:9, 61:14, 62:10, 81:19, 87:21, 89:5  
 two-megawatt [1] - 37:14  
 type [6] - 17:21, 34:12, 44:17, 78:11, 96:19, 100:17  
 typical [1] - 34:11

## U

um-um [1] - 44:6  
 unattractive [2] - 76:22, 76:24  
 uncover [1] - 42:9  
 under [8] - 29:9, 52:12, 57:15, 61:6, 76:3, 85:10, 102:20, 108:10  
 underneath [1] - 8:9  
 understood [1] - 50:6  
 unfinished [1] - 3:23  
 unit [3] - 33:24, 71:14, 83:16  
 units [26] - 71:2, 72:13, 73:19, 74:11, 74:16, 74:24, 75:8, 76:1, 78:5, 78:16, 78:20, 79:14, 79:21, 80:5, 80:7, 80:14, 81:1, 82:3, 82:17, 83:11, 86:10, 86:12, 97:20, 101:23, 102:18  
 unless [3] - 27:9, 40:4, 50:1  
 unlicensed [1] - 94:21  
 unlock [1] - 42:22  
 unoperational [1] - 94:22  
 up [44] - 4:15, 5:15,

6:1, 8:1, 23:8, 23:16, 26:20, 29:1, 29:10, 30:5, 33:8, 36:20, 37:1, 44:8, 49:4, 50:14, 55:6, 56:3, 57:24, 58:4, 59:19, 59:20, 62:9, 69:11, 69:20, 71:11, 73:5, 76:8, 76:9, 78:7, 80:13, 81:16, 84:16, 85:10, 85:15, 85:20, 86:19, 86:20, 87:4, 87:19, 89:5, 99:8, 102:18, 102:19  
 updated [1] - 71:11  
 upfront [1] - 9:18  
 upper [2] - 14:6, 45:17  
 UPS [1] - 81:15  
 upward [1] - 26:21  
 usage [4] - 9:21, 23:24, 25:2, 25:13  
 uses [6] - 65:17, 76:5, 100:15, 100:16, 100:22, 103:7  
 utilities [1] - 7:23  
 utility [6] - 6:4, 8:12, 8:18, 8:20, 8:21, 43:24  
 utilization [2] - 75:10, 101:23  
 utilize [1] - 76:1  
 utilized [2] - 61:2, 92:22

## V

valid [1] - 67:7  
 value [1] - 36:24  
 values [2] - 86:22, 92:8  
 vandal [1] - 43:1  
 vandalism [2] - 41:8, 41:11  
 variance [1] - 59:14  
 various [3] - 7:2, 7:13, 18:17  
 vegetation [4] - 14:18, 15:3, 16:7, 47:4  
 vehicles [2] - 94:19, 94:20  
 verify [1] - 97:2  
 via [1] - 97:20  
 viability [1] - 47:16  
 viable [1] - 66:18  
 virtual [4] - 24:3, 24:5, 25:10, 26:3  
 visit [1] - 89:6  
 visited [1] - 16:17  
 visitors [1] - 90:13

visual [1] - 64:22  
 visually [1] - 16:24  
 VOICES [1] - 5:14  
 voltage [3] - 39:20, 42:16, 43:10  
 voluntarily [1] - 104:2  
 volunteer [1] - 6:23  
 volunteered [1] - 98:19  
 vote [7] - 56:1, 80:13, 80:24, 82:2, 88:19, 91:13, 102:2  
 voters [1] - 7:22

## W

wagon [3] - 94:10, 94:13, 94:16  
 wait [3] - 95:19  
 Wal [2] - 10:16, 101:7  
 Wal-Mart [2] - 10:16, 101:7  
 walk [1] - 34:19  
 walking [3] - 64:19, 80:19, 80:22  
 wants [2] - 53:11, 99:21  
 warehouse [6] - 70:20, 71:20, 72:20, 72:23, 78:11, 83:15  
 warehouses [1] - 70:21  
 warning [2] - 40:14, 43:11  
 warnings [1] - 40:13  
 warp [1] - 38:14  
 wasps [1] - 48:4  
 watch [1] - 41:22  
 water [2] - 21:20, 91:8  
 Water [1] - 48:19  
 ways [1] - 23:19  
 weather [3] - 14:13, 42:5, 46:3  
 week [2] - 47:11, 89:6  
 welcome [2] - 4:13, 74:14  
 welfare [3] - 66:7, 66:9, 102:17  
 west [6] - 4:5, 8:11, 12:14, 12:17, 18:3, 104:18  
 whatnot [1] - 38:14  
 whatsoever [1] - 72:11  
 WHEREUPON [17] - 5:2, 49:5, 53:15, 55:20, 57:20, 63:13, 64:2, 70:14, 78:1, 79:18, 84:7, 85:1, 86:5, 86:24, 91:16, 91:16, 96:14, 107:3  
 whole [9] - 4:18, 28:11, 30:6, 30:10, 36:8, 36:14, 53:3, 60:11, 87:22  
 wide [1] - 60:16  
 WILLIAMS [16] - 78:4, 78:10, 78:13, 79:5, 96:17, 97:22, 98:4, 98:15, 98:17, 98:24, 99:5, 99:8, 99:12, 99:14, 99:16, 99:22  
 Williams [2] - 78:4, 96:18  
 Willie [3] - 2:20, 69:4, 106:2  
 willing [2] - 11:9  
 wind [9] - 7:21, 13:23, 24:4, 40:23, 46:5, 48:3, 54:1, 54:12, 54:13  
 windshield [2] - 41:4, 41:5  
 wire [3] - 43:8, 50:8, 50:14  
 wiring [1] - 36:22  
 withdraw [1] - 104:1  
 witness [15] - 5:2, 49:5, 53:15, 55:20, 57:20, 63:13, 70:14, 78:1, 79:18, 84:7, 85:1, 86:5, 86:24, 91:16, 96:14  
 wondered [1] - 94:6  
 wondering [1] - 63:18  
 wood [1] - 46:15  
 word [1] - 30:18  
 works [6] - 27:19, 27:21, 30:5, 38:12, 84:3, 94:1  
 worries [1] - 43:4  
 worry [3] - 10:10, 42:24, 55:12  
 worse [2] - 91:3  
 worth [2] - 46:24, 47:1  
 woven [2] - 38:18, 39:7  
 write [3] - 27:8, 60:14  
 write-down [1] - 27:8  
 written [4] - 42:18, 52:4, 60:11, 100:13

## Y

year [9] - 7:20, 17:12, 35:9, 35:11, 39:22, 44:22, 71:23, 89:15, 91:4

**yearly** <sup>[1]</sup> - 73:5  
**years** <sup>[25]</sup> - 23:16,  
27:6, 29:17, 29:18,  
29:19, 29:20, 29:22,  
32:1, 35:1, 35:5,  
44:21, 58:17, 58:24,  
59:5, 59:23, 80:1,  
80:3, 85:5, 86:9,  
87:17, 90:20, 90:22,  
104:19

## Z

**zag** <sup>[1]</sup> - 26:21  
**zero** <sup>[1]</sup> - 98:13  
**zig** <sup>[1]</sup> - 26:21  
**zoned** <sup>[5]</sup> - 16:13,  
19:20, 28:22, 29:2,  
70:8  
**zoning** <sup>[11]</sup> - 28:22,  
61:24, 65:17, 65:22,  
75:9, 100:2, 100:12,  
100:13, 100:19,  
100:22, 103:7  
**zoom** <sup>[1]</sup> - 18:11  
**zoom-in** <sup>[1]</sup> - 18:11