

# Township of Lake

Huron County, Michigan  
June 20, 2011

This meeting of the Lake Township Board called to order at 7:00 P.M.

Pledge of allegiance.

Roll call. Osborne, Fischer, Smith, Hartsell and McCallum present. Approximately 38 guests.

**Motion by Smith to move the meeting agenda until after the close of the public hearing in case anything needs to be added, seconded by Fischer.**  
Motion carried – all ayes.

Smith opened the public hearing on the Lake Township Wind Energy Overlay Facility Zoning Ordinance stating that public comment would be limited to three minutes per person and one hour for the public hearing.

Several objections were raised to these rules and a request was made by Paul Beck to allow three minutes on the different sections of the ordinance. Smith reiterated his rules.

## **PUBLIC HEARING ON LAKE TOWNSHIP WIND ENERGY OVERLAY FACILITY ZONING ORDINANCE Opened at 7:04 P.M.**

**Bill Williams** asked that the Township Board let the people in the township vote on the issue. Smith responded that he is not going to do something that will cost the Township more money. Williams also stated that wind energy is not free, that everyone's Edison bill will increase.

**Tim Lalley** commented that he does not agree with how the Board is holding the hearing. He stated he already submitted information at the Board's last meeting in regard to his biggest issue, the lack of a property protection plan and he hopes that all members read the information and have given it some thought. He stated that he thinks it is telling that this is the second public hearing on the proposed ordinance and none of the representatives of the developer are in attendance and yet they are always present at public meetings in Bad Axe. He stated that he has not heard any reason why a property protection plan should not be included in the ordinance. He stated that DTE had submitted a study that proved that properties are not affected and they stood behind that study and yet they are the ones that do not want the property protection plan included in the ordinance. He asked what risk do they have if the Township includes that protection in the ordinance when there are a small number of people who will be affected. Lalley stated he feels the reason it is not included is that the Board, along with some people present, do not want it included. He stated the Board members have taken a sworn oath to protect all the people of Lake Township and should table the ordinance tonight and include a property protection plan. Lalley stated that it is unforgivable and

unconscionable if the people let this Board pass this ordinance without putting in some kind of protection for the people who will be affected.

**Lou Colletta** commented that each section should be reviewed during this hearing due to the magnitude of this ordinance and the length of time wind turbines will be here and if there are questions, any decision should be tabled until they can be answered. He stated that at previous public hearings there were questions and no answers have been given which shows a lack of transparency. The property owners of Lake Township should have a voice in the future of their community. He then asked why the World Health Organization guidelines have been ignored and why the US Fish & Wildlife Service recommendations have been ignored. He stated that if the State eliminates the personal property tax, there will be no financial advantage. He stated that Huron County Commissioner Dave Peruski, whose district includes Ubley, said he will not vote in favor of new wind districts until the personal property tax issue is resolved and the county's noise ordinance is amended as quoted in the June 16 Huron Daily Tribune, so why is Lake Township adopting an ordinance with the same regulations as the county's when there are outstanding issues in their ordinance. Smith told Colletta his three minutes were up.

**Paul Beck** advised the Board that electric rates in Michigan are 20% higher than Ohio and Indiana and electricity generated in the Thumb will be transported out of state. He stated that this proposed ordinance is not the Township's ordinance, it is the county's ordinance and the Board is jamming it down the people's throats, take it or leave it. He asked what happened to the ordinance that the Board threw out and stated that Lake Township should be changed to "Busheyville" because the Bushey's are pushing this issue.

**Lou Bushey** commented on damage done to his property and a reward still being offered.

**Jeanne Henry** commented that there is no representative democracy in Lake Township, that it is a dictatorship run by a handful of people, the common folks have no influence and the Board should take responsibility for that. She stated there will be a handful of people who will get money and the rest will suffer. With the property tax gone, DTE has said it will not pay real property taxes and the next option will be to rezone the area to industrial. She stated we are being taken advantage of by the utilities and it will not benefit us because it is an inefficient form of energy. We'll have 140 miles of transmission towers and power lines in the Thumb. She said the utility people are not in attendance because they know it's a done deal, it's all bought and paid for. She stated she is disappointed in this group that is so taken up with wind and wants to know why they have more say than the rest of the people.

**Mary Ann Williams** commented that the Board has a fiscal responsibility to everyone in the Township and the opportunity to protect everyone with a property protection plan which will hold the developers accountable and will protect the Township from litigation which may come against this Township. She stated that if

property values go south, salability also goes south. She stated that she does not want to see the Township coffers depleted and her tax dollars spent fighting people lost value in their property when the Board has an opportunity now to protect this Township.

**Clay Kelterborn** commented that he heard a few people express their disappointment with the process of this hearing. He stated he has been to several public hearings and made the same requests for a greater setback, which has been increased from 1,320 to 1500 feet and appreciates that, but stated that the Board has to look at examples of what is going on around us. There is a lawsuit in Ubyly and the Commissioner from that district is aware of the problems and sympathetic to that and that is what an elected official does, he takes care of his constituency. Kelterborn stated he doesn't feel that is being done in Lake Township. He stated there are people in Ubyly living within 1,800 feet of turbines with problems. Gene Champagne in Elkton has expressed his troubles living within 1,500 feet. He asked why Lake Township does not set a minimum setback of 1,800 feet and if people do not mind having the turbines closer, let them have that option. He stated he does not agree with the sound levels and lack of decommissioning and thinks the setbacks should be taken from the property line and asked the Board to take that into consideration.

**Jim Albrecht** from Brookfield Township stated that he has attended several public meetings in Bad Axe on wind energy overlay districts and as a property owner does not think the Boards or planning commissions are giving people good representation because at every public hearing it's only public comment, no questions allowed, no questions answered and if they are answered, it's outside after the meeting, the wind energy people will not answer questions during the public hearing where everybody can hear the same answer and he feels that is a poor way to discuss an important issue. He stated he thinks that is why people here are upset, it is just comment, sit down and shut up, we'll do what we want. He stated he doesn't think that's fair, that's not the American way.

**Neil Rohner** stated that he doesn't think he is the only one present who is for wind turbines and why he thinks the Board is doing a good job getting wind turbines in Huron County. He stated that anytime we can keep from sending billions of dollars out of this country from buying fuel for our cars, it is a good thing. He stated that one big point has been Ms. McCallum's problem with property values and he has never been associated with any place that would provide a guarantee that he would not lose money. He stated the market drives the value of property, not wind turbines. He stated the Board has done an excellent job trying to make the U.S. energy independent.

**Dorothy Colletta** stated that only if we stop driving our cars will we save money from going overseas, not through the electric companies.

**Yvonne Bushey** commented that wind energy is only one way to collect energy and we are never going to replace coal or nuclear plants. She stated we need to clean up our environment and coal emissions are harming our health; most coal

fired plants are at the end of their permitting process and it will be costly to update them. She stated 85 out of 104 nuclear plants are near the end of their permitting expensive to update. She stated in regard to the property protection plan that with the problems worldwide in two places, Russia and Japan, those people have had to leave their homes and live in tents. She advised the Board to go ahead, that since 2007 there has been a lot of studying and a lot of reports and it is time to move on.

**Dave Szumlinski** commented about the reason for not answering questions. He stated that as Chairman of the Planning Commission he spoke out at comment time and had charges brought against him and was found completely innocent. He said the Board has to be careful of anything they say because they have already been sued.

**Keith Iseler** from Huron Township commented that it is virtually impossible to guarantee somebody that property will not decrease and it is impossible to write an ordinance that is legally enforceable and will guarantee that a certain project is not going to negatively affect the property value. He stated he is a strong supporter of a tax in this county and it would be a tragedy if the state takes it away, that there are so many benefits to the county and its residents with the tax in place and the taxes paid by the wind turbines should result in less taxes for every taxpayer through a reduction in millage rates.

**Randy Elenbaum** from Brookfield Township commended Smith for his meeting instructions and the need to keep discipline in meetings. He stated his interest in wind energy is for one reason and that is that DTE has to increase electric supply to Huron County, that on a hot day the current infrastructure is not adequate to supply the needed electricity. He asked what better way to increase voltage in a way that everyone here can benefit. He stated that people do not like change and this is not as bad as some are marking of it. The Huron County Commissioners will make sure taxes stay here. He stated that you can not ask for a guarantee, there are no guarantees in life.

**Mary Paisley** of Lenox Township stated that she is aware of the problems in Lake Township and did some research and whether the Board feels too much is being made of this or not enough, they have a hard job. She commented that she has watched truck after truck go by downstate on I-94 with wind turbine parts and what concerns her is that with all the wind energy in Europe, not one coal plant has closed down and wind turbines are ageing and they haven't figured out what to do about it. She stated she doesn't think the Board would want to vote to harm anybody and someone said this issue should be tabled to make absolutely sure that the Board is doing everything to protect every resident in this township and she advised the Board to do that. She stated she is also on a Township Board and understands that it is sometimes very difficult to sit and listen.

**Bob McLean** commented that the Board seems to be ignoring the Michigan Constitution, the pledge taken at the beginning of the meeting, and the fact that power is inherent in the people. He commented on the fact that Worth Township

has been successfully sued and the Board should be concerned about that. He stated that the proposed ordinance is useless and that there are problems in Uby as mentioned by Kelterborn and he has friends living 2,000 feet from turbines having problems. He stated that what the Board is about to adopt is going to do no good for the residents of this community and that the planning commission was given information on noise criteria from himself and Dr. Malcolm Swinbanks, there was two years of work done by the prior planning commission and when Dave Szumlinski came on the planning commission they passed the first ordinance on to the Township Board and the Board should not ignore all that. He stated that any Board member with any tie to the wind industry or anyone with a contract who votes on this ordinance is in blatant disregard to their duty of office and the Constitution. He stated the Board is putting themselves in a position to be sued and as far as taxes, everyone pays the tax.

Smith asked for any further comments. **Motion by Smith to close the public hearing, seconded by Osborne.** Smith asked for a roll call vote. Hartsell, Smith, Fischer, Osborne voted aye. McCallum voted nay.

**PUBLIC HEARING CLOSED AT 7:37 P.M.**

**Meeting Agenda:**

McCallum requested the addition of a budget amendment to the agenda.

**Motion by Hartsell to approve the agenda with the addition, seconded by Osborne.** Motion carried – all ayes.

**Minutes of May 16, 2011 Regular Meeting:** Motion by Fischer to approve, seconded by Osborne. Motion carried – all ayes.

**Reports from Board Officers:**

**Supervisor:** None.

**Treasurer:** One correction noted by McCallum. **Motion by Smith to accept the Treasurer's Report as corrected, seconded by Osborne.** Motion carried – all ayes.

**Clerk:** Reported on the audit and items that came up that are under new business, a policy for automatic on line payments, a problem with the preparation of Foster's White Sand Shores Special Assessment Roll for 2010 taxes and the Board has to decide how to make the correction, whether a Board of Review correction or an addition to the 2011 assessment, and the Gypsy Moth Fund needs additional funds to cover this year's expenses.

**Trustees:** No report.

**Correspondence:** Smith listed correspondence. In regard to the Planning Commission minutes McCallum noted the correction of the April minutes which she had asked about last month in reference to who "MG" was that members Krohn and McBride had met with. MG was corrected to DTE and McCallum

commented that it seems inappropriate for the two planning commissioners with wind leases to meet with the developer rather than at a planning commission meeting where the public could attend.

In regard to the ZBA Minutes, McCallum commented on the fact that one ZBA member was making inappropriate comments prior to the ZBA meeting and that the ZBA is not doing its job in upholding the zoning ordinance. Osborne commented that the ZBA had good reasons for granting the variance.

Hartsell read a letter from Bill Williams regarding public comment opportunity. Osborne commented that he had thought the Board should have some discussion to see about moving the comment time forward since he thought the Board was getting cooperation from the public and there were less personal attacks but cannot believe how many personal attacks occurred during the public hearing and he would like to see things get better without using people's names and accusatory comments and when that happens he would be more than happy to have comments at the beginning of the meeting but is not willing to open it up for discussion at this time.

**Petitions:** Tom Pierce presented a petition requesting a reduction in the speed limit on Champagne Road. He stated that there are 64 houses coming into Champagne Road and 21 houses on Champagne in the ½ mile before M-25, and on the weekends there are 120 vehicles going to the Transfer Station. He compared that to Oak Beach Road which has 8 houses and 9 trailers and Pinnebog which has 8 houses and both of those areas have a speed limit reduction to 25 MPH. Discussion on the fact that this has been a long standing problem and previous requests have resulted in speed studies that would not support any reduction. **Motion by McCallum to request the State Police, Sheriff's Department, County Commissioner and County Road Commissioner to attend the July meeting to discuss this issue in further detail with those agencies, seconded by Smith.** Motion carried – all ayes.

### **OLD BUSINESS**

#### **PA 116 Enrollment by CMAP:**

McCallum read letter received from the Huron County Planning Commission recommending approval. No letter received from the Huron Conservation District. **Motion by Smith to approve the request by CMAP for enrollment into the PA 116 program, seconded by Fischer.** Motion carried – all ayes.

#### **Zoning Ordinance amendment regarding campers:**

Smith read a resolution prepared by Attorney Salens. McCallum read a fax sent to Salens regarding the resolution along with information from the Michigan Townships Association which stated that a zoning ordinance cannot be changed by Board resolution. Smith stated that Salens prepared the resolution so it must be legal. **Motion by Hartsell to table until July, seconded by Osborne.** Motion carried – all ayes.

**Wind Draft:**

Osborne stated that he wants people to know how he feels about the ordinance. The Board had a request from Tim Lalley to include a property protection plan. He stated he agrees with Randy Elenbaum and Neil Rohner that there is no way that it can be done. He stated he had asked Lalley for a copy of the information he had and he did not see it, so he found his own information which was a study from the Berkley National Laboratories through the U.S. Department of Energy which was a nationwide study which tested to see if there was statistical evidence that property values would go down. He stated that there was limited and inconsistent statistical evidence of a negative impact in 3 of 24 categories and within 9 states and 24 wind farms. He also cited a University of Illinois Master's Thesis which studied 3,851 residential properties between January 1, 2001 and December 1, 2009. The study concluded that wind farm anticipation created a stigma theory however during the operational stage the property values rebounded and soared higher in real terms than prior to the wind farms. One study said there were no negative impacts and showed actual values of property increased. Osborne stated that the Township has bent over backwards to make the ordinance more liberal for homeowners than what the county did and he is in favor of voting for the proposed wind ordinance.

Hartsell stated that as far as the noise criteria, the ordinance was changed to what Dr. Swinbanks recommended and the distance was increased over the county's setbacks. He stated he looked over the information provided by Lalley and thinks that in regard to the appraisals it will just be something that will get stuck in the hands of attorneys and believes that the planning commission did the best they could.

McCallum could not understand why Hartsell received his packet of information from Lalley and Osborne did not. Copies were made for all Board members and since Osborne did not receive a copy McCallum suggested it would be best to table any decision until Osborne has time to review the information. McCallum mentioned that Ben Hoen, who was one of the authors of the Berkley Lab study mentioned by Osborne, has stated and read:

‘ “You know we are very cautious about what happens close to the turbines. We really don't know what's going on there.... I just spoke in Illinois about this. You might know about a Property Value Guarantee. It's a dicey situation and complicated, but I think homes that are very close, there is just too much unknown right now; that seems reasonable. I think one of the things that often happens is that wind developers put our report forward and say look property values aren't affected, and that's not what we would say specifically. On the other hand, they have little ground to stand on if they say we won't guarantee that...” ‘

‘ “I'm not a lawyer and I'm not the developer, these Property Value Guarantees are just options in the tool kit....They have to be thought about, they all probably have cost implications, so the developer is not going to give away the house if

they were too generous; on the other hand if they are not generous enough they don't have any impact.”’

McCallum read the following from McCann Appraisal LLC relating to a study done for Adams County, Illinois in regard to industrial scale wind energy projects:

“They are intensive, large-scale projects with a decidedly industrial character, and most projects in Illinois are proposed to ‘overlay’ existing mixed-use residential and agricultural areas.”

“This is significant in the evaluation of land use compatibility or typical zoning standard compliance, since it is virtually impossible to introduce such a large scale project among existing low intensity residential uses without dramatically changing the character of the neighborhoods that will be encompassed by the turbine’s land use overlay.”

“These large scale projects affect thousands of acres, and are far different than ‘typical’ zoning variation or land use approval requests...”

“Thus as a professional appraiser, I focus on the concept and reality of property value impacts.”

“Briefly stated, there is much to be concerned about as officials in Adams County whom are responsible for protecting the public health, safety and welfare, as well as the use and enjoyment of property and its underlying value.”

“Residential property values are adversely and measurably impacted by close proximity of industrial-scale wind energy turbine projects to the residential properties, with value losses measured up to 2-miles from the nearest turbine(s)...”

“Impacts are most pronounced within [the] ‘footprint’ of such projects, and many ground-zero homes have been completely unmarketable, thus depriving many homeowners of reasonable market-based liquidity or pre-existing home equity.”

“Noise and sleep disturbance issues are mostly affecting people within 2-miles of the nearest turbines and 1-mile distances are commonplace...”

“Real estate sale data typically reveals a range of 25% to approximately 40% of value loss, with some instances of total loss as measured by abandonment and demolition of homes, some bought out by wind energy developers and others exhibiting nearly complete loss of marketability.”

“Reports often cited by industry in support of claims that there is no property value, noise or health impacts are often mischaracterized, misquoted and/or are unreliable....”

“If Adams County approves a setback of 1,000 feet, 1,500 feet, or any distance less than 2-miles, these types of property use and property value impacts are likely to occur to the detriment of Adams County residences and citizens...”

“The approval of wind energy projects within close proximity to occupied homes is tantamount to an inverse condemnation, or regulatory taking of private property rights, as the noise and impacts are in some respects a physical invasion...”

McCallum stated that according to McCann’s review of the Berkley DOE study, it showed there is approximately a 5% “lower property value for homes within 1-mile of turbines, and a measured decline out to a 2 mile distance, as compared to the base-line home sales located more than 5-miles from turbines.” and he also noted that the Berkley study analysis “used regression analyses developed by the authors, and which has been subject to professional peer review criticism for the application of regression techniques and arguable incomplete or improper variables.”

In Adams County, Illinois, McCann calculated there would be 143 homes located within the footprint of the project with 282 homes located within the 2 mile impact zone and his calculations based upon his observations of property value loss would result in an aggregate value reduction to these homes of \$6.5 million dollars and with a property protection plan in place, that \$6.5 million in loss for the residents is the cost of two or three wind turbines and means nothing to the developers. McCallum read from McCann’s report:

“This is equal to the cost of 2 to 3 turbines, and is essentially a ‘contingency’ category in their financial pro-forma, but clearly not a cost-prohibitive factor that warrants or requires abandonment of the project.”

McCallum stated that the Board is putting the Township in a position of a zoning lawsuit regarding the taking of property rights and that since the Board members are not appraisers, the Board has to rely on the expertise of appraisers and based upon what Ben Hoen also said, this information needs to be reviewed further before making any decision. McCallum stated that by including a property protection plan as a requirement, it is a guarantee for the 103 homes or possibly more if homes in the tree line area are impacted and if the Board doesn’t include such a plan, the Board is basically saying that they don’t give a darn about those people. It does not cost the township anything to put such a plan in the ordinance.

McCallum also mentioned the fact that even county officials are now concerned about what could happen with the elimination of the personal property tax and read from the Huron Daily Tribune June 16<sup>th</sup> article:

“This is going to be a major change for our landscape in light of the fact we could end up with 700 turbines in our county in the very near future,” said Huron County corporation Counsel Stephen J. Allen...This is a very real threat to us...We could end up with 700 turbines and then the only thing we have out of it is 700 wind turbines.”

McCallum mentioned that Commissioner Dave Peruski from the Ugly area would not vote in favor of the newest overlay due to the personal property tax

being unresolved and not until the county's noise ordinance was amended and Commissioner Wruble was also against the overlay without another public hearing.

Osborne disagreed with McCallum's comment regarding the Board not caring about the residents and said a property protection plan will cost the township because it is a ploy to keep wind power out of the township.

McCallum stated that if the developers want to put wind power in Lake Township, they will give a property protection plan and we shouldn't give away our Township to the developers. If they want to put wind turbines in the Township, they need to work within our regulations. If the personal property tax is eliminated, we'll have residents with quality of life ruined, property value loss and no money because no developer is going to voluntarily offer us money.

McCallum suggested creating an ad hoc committee to study the property protection plan issue further, possibly asking Deb McBride who is on the planning commission and in the insurance business, Jim Quinn, a resident and property appraiser and Tim Lalley, who provided the information, to be on a committee and they could then make recommendations to the planning commission. McCallum stated that the Board should take the time to get an ordinance done the right way. **Motion by McCallum to create an ad hoc committee to study the issue of a property protection plan.** Motion failed for lack of support.

**Motion by Osborne to vote on the ordinance as written, seconded by Fischer.** McCallum – No, and stated an objection to Fischer and Osborne voting on the ordinance due to conflict of interest. Hartsell, Smith, Fischer, Osborne – aye. Motion carried.

McCallum stated that there are approximately 27 landowners in Lake Township with recorded wind power documents and only 10 of the 27 actually live within Sections 19 – 36 of Lake Township and there are several residences in Section 13 that could also potentially be affected.

**Public Participation Policy:**

**Motion by McCallum to re-include two public comments times on the agenda, one before business is transacted and one after, seconded by Hartsell.** Roll call vote: McCallum, Hartsell, Osborne – aye. Fischer and Smith – nay. Motion carried.

**Planning Commission/ZBA Education:**

McCallum wanted to know what the Board was going to do regarding education classes and claimed it is a case of malfeasance when they do not attend classes. Smith stated there are no classes scheduled at this time. McCallum

suggested ordering copies of the Michigan Planning Guidelines and suggested a joint meeting with the ZBA, Planning Commission and Township Board. **Motion by Smith to order copies of the Michigan Planning Guidelines for all members, seconded by Hartsell.** Motion carried – all ayes.

**Tax Tribunal Update – Suri v Lake Township:**

Smith advised the Board that the Township should receive paperwork before the end of the month regarding dismissal of the case. McCallum referred to the Michigan Tax Tribunal Docket which indicated that a Consent Judgment was entered on June 10 stipulating to a decrease in the SEV and Taxable Value for the years 2009 through 2011, with the 2011 SEV and Taxable Value set at 672,500. Smith stated that he and the assessor were not aware that they could look at properties out of the county and they found five similar properties in Grand Traverse Bay area with the same type of stone and square feet and they are valued at 5,900,000 and 4,300,000 and they are appealing to the appellate division of the Tax Tribunal and if the appeal is approved, they will be able to show their comparables. He stated he should know more next month.

**NEW BUSINESS**

**Building Code Ordinance:**

Smith advised the Board that windows will now require a permit due to code requirement changes for increased R-value and possibly siding. McCallum read the Building Code Ordinance and advised the Board that according to the Township Building Inspector the Township enforces the Michigan Building Codes and the ordinance is a formality. **Motion by Smith to adopt the Building Code Ordinance, seconded by Osborne.** Roll call vote: All ayes.

**Electronic Transaction Policy and Resolution:**

McCallum provided copies of an ACH policy provided by the Township Auditor and required for any online payments. Since the beginning of the year the Federal Tax Payments have to be paid on line and the Township is required to have a policy for such transactions. **Resolution 2011–14 ACH and Electronic Transactions Policy, offered by Smith and supported by Osborne.** Roll call vote: All ayes.

**Foster’s White Sand Shores Special Assessment Roll:**

McCallum advised the Board that there was an error found during the audit in the 2010 special assessment roll and it is up to the Board as to how to correct it. Fischer will check with the County Treasurer and the Assessor on how to handle it.

**STC Audit of Assessing Records:**

McCallum asked whether Smith has reviewed the audit details and what information they will be looking at as mentioned in the letter so the Board could be informed. Smith had not checked into that but will do so.

**Gypsy Moth Fund:**

**Motion by Smith to take \$1,000 out of the General Fund Contingency and loan to the Gypsy Moth Fund until winter tax collection to cover current expenditures, seconded by Fischer.** Motion carried – all ayes.

McCallum mentioned that the auditor had questions on FDIC insurance on Township bank accounts. McCallum requested a report from Fischer for the July meeting regarding the Township's bank accounts and what is insured.

**Public Comment:**

Paul Beck asked the following questions:

Could Osborne's assessment be raised to 100%?

Why a variance was granted for the garage?

Why two members of the planning commission met with DTE representatives and whether it was a scheduled meeting or out of the realm of the OMA?

How many wind turbines can be expected in Lake Township?

Osborne stated he already answered questions about the variance on the garage and Osborne and Yvonne Bushey stated that no one knows how many wind turbines will be put in Lake Township.

Willard Cregeur asked about Shady Lane and the people who use it and who pays to fix it. There was discussion about this and the fact that there are no subdivisions along M-25 that go through to Shady Lane. McCallum suggested that Mr. Cregeur should come to the Township Hall during office hours to discuss this with Smith.

Jim Simmons questioned the Foster's special assessment roll error. McCallum informed him that one property owner's assessment was not correct.

Tom Pierce commented that it is his first meeting and there was a lot of discussion about wind turbines and he knows that in Minnesota there is a lot of discussion and in Elkton. He asked how the general populace in Elkton feels about them as far as what has happened to their area with 36 wind turbines.

Bev Herford replied that she has property in the Elkton area and her assessments continually increase. McCallum mentioned that Herford's property is agricultural and all agricultural properties have increased.

Yvonne Bushey mentioned four homes that were on the market and sold at market price.

Tom Pierce asked what year she is talking about as far as a comparison of market value indicating that market values have declined. He referred to the University of Illinois study mentioned by Osborne and the fact that it began with 2001 through 2006 with years of market value increase and then 2007 when values dropped and stated that he is being argumentative, but it is all relative and one has to know what they are comparing when they talk about market value.

Bob McLean commented on the subject of public participation and said that the Board should take input prior to decisions and let people discuss the issue. He stated the reason with the wind turbine issue is people with vested interests are sitting on township Boards. He stated that there were serious mistakes made at tonight's meeting and told Dale Hartsell that as a police officer he holds him to a higher standard. He stated the Board took the county's ordinance and he hopes the Township has some good science or a good lawyer to back it up. He stated that what the Board has done is not defensible, there was no uniform consensus. He stated the people of the Township pay the Board's salary, not just a few people with signed contracts.

Bill Williams commented that the mission is complete; the Board has brought wind turbines to Lake Township and that was Smith's intention when he removed Colletta and Lalley from the Planning Commission.

Lou Colletta commented that Ben Hoen in his power point presentation has said that it is foolish for any developer not to offer a property protection plan. He also stated that Osborne said at the last Board meeting that there should be comments before and after the Board's business depending on their importance. He stated that he thought as a member of the Township that everything should be important. He asked that the speed limit issue on Champagne Road be stricken from the planning commission agenda inasmuch as it is under the authority of the Township Board. He also stated he totally objects to Fischer and Osborne voting on the wind ordinance since they have a direct conflict of interest and should have recused themselves, stating that county commissioners have recused themselves. He stated there are 103 homes in the agricultural area with only ten leaseholders living in the district and the ordinance adopted is ridiculous.

Clay Kelterborn commented that when people are talking about property values increasing in wind farms, they are talking about farmland. He stated the fact that farmland is selling high is due to \$6.00 corn, \$15.00 soybeans, \$8.00 wheat and in his opinion has nothing to do with wind turbines. He said it is a cycle, it happened in the 80's and there is no guarantee that farmland is going to continue to sell for 4,000 to 5,000 an acre. He also commented on the residents' ability to participate in their government and stated that for many years he appreciated the input received at meetings, the questions and comments, and felt it was constructive and part of a residents' ability to participate in their government which is needed at

the township level. With a topic the magnitude of wind, for property owners these are important questions and they want to know how the decisions their elected officials are making are going to affect their life, the investment in their homes, the zoning, taxes, and their overall quality of life. When officials say we'll take your comments, but we don't give a damn about your questions, we're not going to give you any answers; you're sending the wrong message. He stated he has seen it at the county level, at this Township and other townships and has seen it done right at other townships and does not appreciate, as a resident in this community, when people have questions and they come to the Township for answers, if you don't have an answer, say you don't have an answer but that you'll get it; that is the respectful thing to say.

Randy Elenbaum stated that a current issue with farmland sales is whether or not the wind rights are part of the sale and that is also affecting farmland values.

**Payment of Bills:**

**Motion by Fischer to pay bills including M-3 Wireless bill, seconded by Hartsell.** Motion carried – all ayes.

**Motion by Smith to adjourn, seconded by Fischer.** Motion carried – all ayes.  
Meeting adjourned at 9:30 P.M.

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Valerie McCallum, Clerk