

TOWN OF GREEN BAY PLANNING COMMISSION SPECIAL MEETING MINUTES

DATE: 4/1/08

TIME: 7:02 p.m.

PRESENT: John Metzler, Dawn Goodman, Bob Boncher, Gary Jonet, Dianne Jacobs, Bob Geyer, Mike Gilson.

ABSENT: None

*Two members of Emerging Energies of Wisconsin, LLC were present: Tim Osterberg and Jay Munding.

**Town Clerk Debbie Mercier was also in attendance.

APPROVAL OF LAST MEETING'S MINUTES: John Metzler opened the meeting & noted that it was properly posted in 3 places. The minutes from 3/18/08 were reviewed.

MOTION MADE BY: Bob Geyer to accept the minutes.

MOTION 2NDED BY: Bob Boncher.

AYES: 7

NAYS: None

MOTION CARRIED.

ISSUE #1: The Wind Turbine Ordinance Development (7:15-9:25 p.m.)

The Planning Commission then continued the review of the initial draft of the Town of Green Bay Wind Energy System Zoning Ordinance, noting the changes Attorney Gillis recommended, item by item, line by line, with Secretary Goodman making notations and changes accordingly, resuming where they had left off at the prior meeting on 3/18/8, starting with Items 14 through 29, which were mentioned in Attorney Gillis's letter.

John Metzler mad a motion to open the floor for discussion. Bob Boncher seconded that motion.

Tim Osterberg, of Emerging Energies of WI, made comments on the changes that the Planning Commission made to the Glenmore Ordinance and explained why certain parts of the ordinance were worded as they were, based on suggestions Emerging Energies had made to the Glenmore and also based on what their attorney had added.

He explained that it was based on a Conditional Use Permit. He went on to explain that it is during that process where things are negotiated. He sited an example of a Decommissioning Procedure and talked about monetary amounts being set in the initial plans, thus making it easier for all concerned, and allowing interest to be earned in the meantime. He said Glenmore worked with a Performance Bond scenario.

He explained that the Wind Energy projects will not be built if the rules and/or plans and/or permits can be changed or revoked by subsequent Boards or Planning Commissions.

He clarified that in the case of the project's insurance, that it was the Project Owner who would bear the burden of Insurance, not the Landowners, because it would be too expensive, if not impossible for a Landowner to obtain or be able to afford such insurance.

Dianne Jacobs and Dawn Goodman stated to them that while some of their suggestions were informative and would help in redefining some of the Wind Turbine draft, some of the wording and changes the attorney suggested would most likely remain as the Attorney suggested, since Emerging Energies of WI may not be the only Wind Turbine organization that the Town of Green Bay may deal with and the Attorney is helping with the ordinance development with that in mind.

Tim Osterberg and Jay Munding went on to explain that the Glenmore ordinance used a "2 Mile Notification" procedure (regarding notifying residents adjoining the projects), because they wanted to make sure anyone affected and/or concerned about the Turbines would be included. They further stated the onus is on the Wind Energy Facility Owner to do the notifying.

Dianne Jacobs and Gary Jonet explained the notification procedure that the Town of Green Bay follows but speculated it might be changed in this situation concerning Wind Energy Systems.

Tim Osterberg and Jay Munding then went on to explain that the Wind Energy Facility Owner has an easement with the Landowner. They further explained that the Wind Energy Facility Owner would be the party to get the Conditional Use Permit, not the Landowner.

Gary Jonet stated that at the Conditional Use hearing, that could be specified (that the Landowner gives easement to the Wind Energy Facility Owner). He further stated that it must be an easement.

Dianne Jacobs added that it would have to be in writing from the Land Owner, which would be on record with Brown County.

Tim Osterberg and Jay Munding commented further about the Town's Attorney Steve Gillis suggestion that the Planning Commission consider a 10 year renewable permit that allowed for the additional benefit of being able to require the Owner to upgrade the Technology and get up to the then current health and safety standards. They stated that 30 years is the time frame they go by in the agreements they work with and that 20 to 30 years is the usual life of the Wind Energy System. They stated that if they had to update the systems or change them before they were paid for (they would not be paid for in 10 years), then it would not be worth their while.

Dianne Jacobs stated that the time frame of 30 years was understandable and that it would be important to include "the anticipated age of a turbine is 20 to 30 years" when writing up the conditional use permit.

John Metzler asked the Emerging Energies representatives if the Town of Glenmore Attorney was satisfactory to work with on the Glenmore Wind Turbine Ordinance. The representatives hesitated and said that it was difficult at times and suggested that we contact the Glenmore Town Board to discuss that with them. Dianne Jacobs said she would do so.

Gary Jonet said that most of the items discussed this evening can be covered by the Conditional Use Permit process the Town of Green Bay has in place.

The Emerging Energies of WI representatives requested a copy of the Town of Green Bay Wind Energy System Zoning Ordinance draft, stating they might be able to help avoid future issues that might arise in the Ordinance's development and objections that would cause them to not be able to work with the Ordinance and the Town of Green Bay.

Dianne Jacobs cited recent cases where other municipalities had become so difficult to work with that Wind Turbine developers cut off negotiations and went through State authorities, causing loss of local input then.

Dawn Goodman objected to their having a copy of the Ordinance draft, stating that it was still in the process of being developed and that it should be reviewed by the town's attorney first. She also expressed concern that it was not ethical and/or appropriate for the Emerging Energy of WI group to be involved in writing the ordinance.

The rest of the Planning Commission disagreed with her. Town Clerk, Debbie Mercier, was present due to it being Election day, and Dawn Goodman asked for her opinion as to releasing the copy of the Ordinance draft to them. Debbie Mercier said that even though it is a draft, it is still part of public record, so it must be released. So Dianne Jacobs made a copy of the draft ordinance and gave it to Tim Osterberg and Jay Munding. They stated they would look it over and let us know at our next meeting what changes they suggest.

Debbie Mercier suggested to the Planning Commission that they had made Ordinances before without the help of attorneys and experts; that the Planning Commission has a lot of information already gathered about the situation; and that we should not lose faith in our own sound experience to base our decisions on.

Dianne Jacobs made a motion to close the floor. Gary Jonet seconded the motion. The floor was closed.

Discussion then took place about the necessity of the Attorney having to review the changes that were made based on his suggestions. Dawn Goodman stated she thought it was necessary to have the attorney review the revised Ordinance draft before submitting it to the Town Board for their final approval. Others did not agree.

There was a lot of discussion and disagreement, so John Metzler asked that a vote be taken on the matter and each person's response be recorded:

Bob Geyer said he wanted the Ordinance Draft to be reviewed by the Town Board first, before sending it to the Attorney.

Mike Gilson agreed with this.

Dawn Goodman wanted the attorney to look it over first.

John Metzler wanted an open hearing on the revised Draft of the Ordinance, where the Emerging Energies representatives and anyone else from the town could comment, before sending it on.

Gary Jonet abstained from commenting or voting.

Dianne Jacobs wanted to have an open hearing, then have the Attorney make any changes.

Bob Boncher stated the Planning Commission should send the draft of the Ordinance to the Town Board, then have the Attorney review it.

In Conclusion: the Planning Commission decided to Table the matter until Tuesday April 22, 2008 at 7:00 p.m., where copies of the revised Town of Green Bay Wind Energy System Zoning Ordinance would be available for all to review. Suggested changes will be taken into consideration by the Planning Commission at that time and Planning Commission Secretary, Dawn Goodman, will make such changes the Planning Commission deems necessary at that meeting and present the revised Ordinance to the Town of Green Board for their May 13th Town Meeting.

ISSUE #2: Any Other Business

There were no other issues or business addressed.

DATE & TIME OF NEXT MEETING WERE SET: Tuesday, April 22, 2008 at 7:00 p.m.

MOTION: Bob Geyer made a motion to Adjourn, Bob Boncher seconded.

AYES: 7

NAYS: None

MOTION CARRIED.

TIME OF ADJOURNMENT: 9:30 p.m.

Planning Commission Chairman

Planning Commission Secretary