

AGENDA OF THE LEE COUNTY BOARD

January 17, 2012 9:00 A.M.

3rd FLOOR BOARDROOM, OLD LEE COUNTY COURTHOUSE
112 E. SECOND STREET, DIXON, ILLINOIS

OPEN MEETING WITH INVOCATION OR PLEDGE OF ALLEGIANCE
ROLL CALL
ANNOUNCEMENTS
APPROVAL OF BOARD MINUTES OF PREVIOUS MEETING

TO ZONING BOARD – None

TO PLANNING COMMISSION – None

FROM ZONING BOARD – None

FROM PLANNING COMMISSION – None

REPORTS OF COMMITTEE

FINANCE/CLAIMS
LOTS (Lee Ogle Transportation System)
SOLID WASTE/HEALTH & WELFARE
ROAD & BRIDGE/CLAIMS
COUNTY PROPERTIES
RC&D – BLACKHAWK HILLS
911 BOARD
ADMINISTRATIVE SERVICES
TOURISM
EXECUTIVE/JUDICIAL/LAW ENFORCEMENT

COUNTY OFFICERS REPORTS, REQUEST FOR DEPOSIT OF FUNDS, ORDERS PAID IN VACATION

OLD BUSINESS:

NEW BUSINESS:

Resolution: Lease Agreement River Ridge Animal Hospital
Resolution: Adoption Agreement for Flexible Benefits Plan – amended
Resolution: States Attorney
Highway Department - Local Agency Agreement for Federal Participation – Reynolds Road HMA
Highway Department – State of Illinois, Illinois Commerce Commission Stipulated Agreement 1597

EXECUTIVE SESSION

PUBLIC/VISITOR COMMENTS

A. ITEMS ON THE AGENDA – VISITORS ALLOWED 10 MINUTES

B. ITEMS NOT ON THE AGENDA – VISITORS ALLOWED 5 MINUTES

MILEAGE & PER DIEM
ALL BILLS & APPROPRIATIONS ALLOWED BY ROLL CALL
ADJOURN

LEE COUNTY ZONING BOARD OF APPEALS

Ron Conderman, Chairperson
Craig Buhrow, Vice Chairperson
Mike Pratt, Member
Gene Bothe, Member
Tom Fassler, Member
Bruce Forester, Alternate Member

Chris Henkel, Zoning Officer
Alice Henkel, Clerk

The Lee County Zoning Board of Appeals met on Thursday, December 29, 2011, at 7:00 p.m. in the Old Lee County Courthouse, Dixon, Illinois. Chairman Ron Conderman called the meeting to order and Clerk Alice Henkel called the roll. The following members were present: Craig Buhrow, Mike Pratt, Gene Bothe and Tom Fassler.

The first order of business was the approval of the minutes for the December 1, 2011 meeting. Chairman Conderman asked if there were any additions and/or corrections to the minutes.

Gene Bothe made a motion to approve the minutes, and Mike Pratt seconded it. All were in favor, resulting in a 5 – 0 vote.

The second order of business was the approval of the minutes for the December 15, 2011 meeting. Chairman Conderman asked if there were any additions and/or corrections to the minutes.

Craig Buhrow made a motion to approve the minutes, and Mike Pratt seconded it. All were in favor, resulting in a 5 – 0 vote.

The first order of old business was discussion regarding noise standards.

Chairman Conderman stated that the members of the Board had been provided with a proposed noise standard for WECS projects and asked if they had any additions and/or corrections.

Tom Fassler said that noise created from WECS projects is elusive. He said it comes and goes, and because of this, he feels this issue is going to be difficult to regulate.

Chris Henkel read the proposed noise standard aloud (See attached, #18: Noise Level).

Chairman Conderman asked, first the Board, then the public, if there was any discussion.

Rick Porter, attorney for Petitioner Larry Gerdes and Friesland Farms, LLC, addressed the Board. Mr. Porter said that on January 18, 2011, Petitioner had filed a Petition for Text Amendment to the current WECS ordinance. Subsequently, a public hearing regarding this petition was held July 21, 2011. Mr. Porter reminded the Board that the Petitioner is still awaiting a decision or recommendation on said petition.

With regards to the proposed noise standard that was read by Mr. Henkel, Mr. Porter acknowledged that much of the proposed language had been taken from his client's petition for text amendment. He also noted that certain parts had been omitted which may negatively affect ordinance's effectiveness.

Mr. Porter said that the petition for text amendment states, "The sound pressure level generated by a WECS comply with all Illinois Pollution Control Board (IPCB) regulations and in no event shall a WECS exceed 5 decibels above the nighttime background levels before the turbines were in place, at the border of a non-participating property."

He said the proposal read by Mr. Henkel only requires that sound pressure levels comply with all IPCB regulations.

Mr. Porter provided each member of the Board with a folder containing a copy of the Power Point presentation from the July 21, 2011 public hearing; a copy of the proposed text amendment; a copy of a presentation provided by Richard R. James ("Rick James") in DeKalb County; a copy of a presentation provided by Thomas D. Thunder ("Tom Thunder") in Ogle County; and a copy of an Ogle County Supervisor of Assessments and Planning & Zoning Committee Report, dated December 21, 2011.

Mr. Porter said the reason that this Board should not remove the stipulation that a WECS shall not exceed 5 decibels above the nighttime background levels is because it is based on expert testimony provided by Rick James and Tom Thunder, as well as the opinions of other sound experts, that 5 decibels above the nighttime background levels is "an extreme annoyance."

Mr. Porter feels that the omission of this stipulation takes "all of the meat out of the regulation," and he urged the Board to include it.

Another thing Mr. Porter noted was the requirement that the testing at the borders of a property had been changed to state that testing be done at the foundation of properties that are occupied a majority of the time. He said the IPCB regulations state that measurements may be taken at any point on a receiving property, not at the foundation of a residence.

Mr. Porter feels that this change would make the County's ordinance less restrictive than the IPCB regulations. He said it is "illegal" to create an ordinance that is less restrictive than a state or federal regulation. He said an ordinance can be more restrictive but cannot be less restrictive.

Mr. Porter also stated that a WECS developer does not have the right to enter the property of a non-participating landowner in order to take sound measurements at the foundation of a residence. The developer will have the right to take sound measurements at the boundary of a property of a participating landowner which he feels is the correct place to take such a measurement in order to see if there is an exceedance.

Mr. Porter also feels that by taking a sound measurement at the foundation of a residence limits the use and enjoyment of the property to only the residence.

Mr. Porter disagreed with the portion of the proposal that requires the complainant to pay for services provided by an acoustic specialist should the landowner file a noise complaint and that complaint is deemed invalid. He feels that the application fees paid by a petition should cover expenses incurred as a result of a petition (i.e., the fee for an expert's opinion).

Mr. Porter feels it is burdensome to expect a landowner to "front the money" for services the County uses. He feels the WECS developer should be required to pay for services should the County have to investigate a noise complaint.

Robert Logan of Franklin Grove disagreed with informing a WECS developer of a complaint because he feels the turbine(s) in question can be manipulated so that on the day of the test, no sound violation occurs.

Jim Ortgiesen voiced his concerns about the effect of wind turbines have on apiaries and honey bees. He wanted to know if the turbines upset bees' navigation like cell towers do. Chairman Conderman said the Board did not know and suggested that Mr. Ortgiesen contact the Illinois Department of Natural Resources (IDNR).

Deb Andersen from Ohio, Illinois (Bureau County) feels that the allowance of 10 days to respond to a noise complaint is too long.

Roseann Para from Willow Creek Township also disagreed with the portion of the proposal in which a complainant pays for the services provided by an acoustic specialist should their complaint be deemed invalid. She said it is "intimidating" and may deter property owners from making a complaint.

Mr. Fassler said he understands why that has been included in the proposal (to minimize frivolous complaints) but feels it should either be removed or somehow changed. He also agreed with Mr. Logan's concern about notifying a WECS developer of a noise test.

Richard Boris of Willow Creek Township said wind velocity can be projected by meteorologists and weathermen. He said it is possible to look at projected wind speeds in advance and "do testing then to help minimize the probability there will be any tests that will be above the desired levels."

Mark Wagner of Franklin Grove said that if the setbacks are increased, noise will not be an issue, and neither will shadow flicker. He feels 1,400 feet is too close and that approving a noise ordinance prior to determining setbacks doesn't make sense.

Mr. Pratt said that he was involved with the drafting of the proposal read by Mr. Henkel. His reasoning for including the complaint resolution was to minimize frivolous

complaints to the Zoning Office and to be fair to both the WECS owner and the complainant. He said this Board would be hearing such complaints.

Mr. Pratt said that it is impossible to put together an ordinance that is going to protect every situation; therefore, issues should be brought before the Board, leaving the Board to make a decision.

Mr. Logan said he doesn't want to see frivolous complaints. He again stated his concerns about notifying the WECS developer that a sound test is going to be performed. He thinks the developer may manipulate the turbine(s) so that they are not found in violation and therefore, do not have to pay for the acoustic specialist and testing.

Steve Robery of Franklin Grove had a question regarding Paragraph "e" of the proposal. He said that it states, "After the investigation, if Lee County reasonably concludes that operational violations..." Mr. Robery wanted to know how the County reasonably comes to a conclusion. Mr. Pratt said that the issue would come before this Board so that a decision can be made by the Board. Their decision would be based off the studies that are done with regards to the complaint.

Mr. Robery said that the study done as a result of a complaint would measure sound levels, not noise pollution and noise pollution is not defined at a certain decibel level. Because of this, Mr. Robery disagrees with the removal of the stipulation that no WECS shall exceed 5 decibels above the nighttime background levels. He said there is no basis from which to measure.

Mr. Pratt said a sound study is done prior to the submission of the application for special use; a study is done after the project has been constructed and has begun operating; and a study is done as a result of a complaint. He feels this is a vast improvement over the present WECS ordinance.

Mr. Porter feels the Board should include the stipulation that a WECS shall not exceed 5 decibels above the nighttime background levels based of the expert opinions of Rick James and Tom Thunder that were presented by him at the July 21, 2011 public hearing and were included in the folder he provided to the Board earlier this meeting.

Mr. Logan believes there needs to be a decibel limit set in order to determine if there is a violation.

Mr. Pratt said the Board needs to decide where the sound measurement should be taken at the foundation of a non-participating residence or from the boundary. He agreed with the belief that they don't have the right to enter the property of a non-participating resident.

Craig Buhrow stated that it would be trespassing, and Chairman Conderman agreed.

John Martin with Mainstream Renewable Power ("Mainstream") said that the IPCB designates different classes of property based on land use. He said the home would be Class A, and the surrounding farmland would be Class C. Each class would have

different sound levels that would have to be met in order to be compliant with IPCB regulations.

Mr. Martin agrees that the WECS developer may not have the right enter a non-participating property in order to take sound measures at a home's foundation and that it makes sense that the measure be taken at the property line. A model would have to be created to project what the effect will be from the property line to the foundation of the residence.

Mr. Martin said the developer is required to do 3 different studies. The first is a model prior the application to determine if the model is conservative enough to meet the requirements of the IPCB; the second is a baseline study prior to construction; and the third is a post-operation study. He said this Board will have 3 studies to go from to determine if there is a noise violation. Further, if a complaint is filed, additional studies will be required.

Mr. Martin agrees that the Zoning Administrator and/or the Board is going to have to determine if the study that was done was appropriate and that the person(s) who is performing the study has the relevant work experience.

With regards to the comment that a wind company will shut the turbine(s) down because it knows a study is being done, Mr. Martin said that in the proposal, there is protection beyond that.

Mr. Porter again stated that a sound analysis should be taken at the property line, not the foundation of the residence.

Mr. Bothe suggested that the language should be changed so that any sound study and/or analysis be done at the property line of any non-participating property:

“...To demonstrate compliance with the IPCB regulatory limits the modeling must perform its analysis from the noise emitting property to the property line of any non-participating property. A nighttime...”

Mr. Logan said this Board is looking to the IPCB regulations when the state and federal governments gave regulatory authority to the municipalities and to the counties.

Mr. Martin said he had an e-mail he received from the IPCB regarding a 2003 finding regarding the different classes of property. Chairman Conderman asked if the WECS developer's sound studies would be based on the farmland classification and not the residence classification. Mr. Martin said it would depend on where the measurement is taken. If they are not allowed on the property, the measurement would be taken at the boundary which is most likely be farmland that would be considered a Class C by the IPCB.

Mr. Pratt noted that Mr. Martin was implying that they, the wind company, would be doing the analysis/study when the proposal calls for an independent, third party. Mr.

Pratt said it is key that the wind companies are not doing these studies and that a qualified third party is. Then this Board gets to review the study and determine if it is valid.

Mr. Porter had no objection to the above-stated change that an analysis be taken from the property line of a non-participating property.

Mr. Fassler asked if there are different tolerances for each class. Mr. Martin yes. Class C is agriculture use, Class B is commercial use, and Class A is residential use. Class A allows for fewer decibels than a Class B or C would.

Mr. Fassler agrees that the analyses should be done from the property line.

Ms. Andersen, who resides within a wind farm in Bureau County, contacted the IPCB about having a noise test done on her property. She was told that the noise meter would have to be on the property line closest to the noise source.

Mr. Robery said that noise pollution is a sound that unreasonably interferes with the enjoyment of one's life. Mr. Pratt said that needs to be somehow quantified. Mr. Robery said it is not quantified by law and that this Board removed the 5 decibel factor that helped quantify it.

Mr. Robery said that there is no quantification. Mr. Pratt said it would with 3 studies and this Board.

Mr. Porter said there are 2 ways to prove noise pollution under IPCB regulations. One way is a violation of specific parameters; and the other is a negative impact on the use and enjoyment of one's property.

He feels it is "ridiculous" to charge complainants because the noise they are complaining about may not exceed the decibels allowed but may still negatively impact their use and enjoyment of their property.

Mr. Pratt asked Mr. Porter if that is found in the IPCB regulations, and Mr. Porter said it is. Mr. Pratt noted that the County is adhering to the IPCB regulations.

With regards to Ms. Andersen's statement that an IPCB representative told her a noise test would be taken at the property line closest to the noise source, Mr. Pratt said the County should also require that studies be done from the property line.

Mr. Pratt said that he doesn't know how this Board would be able to reinvent what the IPCB has already done.

Mr. Wagner asked Mr. Pratt why he would not want to include the 5 decibel factor; and Mr. Pratt stated that it is not found in the IPCB regulations. He said that was included by Mr. Porter in his client's petition. Mr. Pratt said he doesn't see a need for it.

Mr. Robery said that the County has, in its existing noise ordinance, a limit on the

increase in noise levels over ambient levels. Mr. Pratt said that the existing noise ordinance also states, "The requirements of this section shall not apply to any use in an agricultural district, including, without limitation, any special use which has been granted in an agricultural district."

Mr. Robery said that this Board needs to include the 5 decibel factor because the intent is to protect the farm industry. He feels wind farms are not agriculture, that it is a special use that needs special regulations.

Mr. Porter said he got the 5 decibel factor from testimony provided by Tom Thunder. He went on to say that Ogle County has adopted it, as had Lake County. He also referred to Mr. Thunder's PowerPoint presentation.

Chairman Conderman questioned Mr. Porter as to whether or not this has been adopted by Ogle County. Mr. Porter said it has not been adopted yet but it is being proposed.

Mr. Wagner noted that Mr. Pratt previously stated that after speaking with someone from the Ogle County Farm Bureau, his mind had been changed. Mr. Pratt agreed. Mr. Wagner stated that he had spoken with Danielle, the manager of the Lee County Farm Bureau, who stated that the Lee County Farm Bureau does not support the position on wind farms that the Ogle County Farm Bureau has.

Ken Geuther from Walnut, Illinois (Bureau County) said that he has 3 turbines near his home: one is 1,400 feet away, one is 1,700 feet away, and the last one is 2,200 feet away. He said he is "kind of" in the middle of a triangle between the turbines.

Mr. Geuther described the noise as being louder than a jet many times and that, occasionally, they can be heard over their television. He said he did file a complaint in Bureau County and that it is still pending.

Mr. Geuther said a test was done last year, and the WECS owner was found to be in violation; however, nothing has been done to correct the problem. He feels the Board will not have the power to remove or shut down the turbine.

He also had issues with the definition of "nighttime." What he considers nighttime is not how the IPCB defines nighttime.

Mr. Geuther also said atmospheric conditions affect noise levels.

Mr. Logan feels that changing atmospheric conditions may have an impact on complaints filed because the conditions on the day of the test may be different than the conditions were on the day the complaint was made.

Mr. Boris feels that by having a complainant pay for services provided by an acoustic specialist, should their complaint be deemed invalid, would be similar to asking a citizen to pay a police officer for their services should the citizen file a complaint and their complaint is deemed invalid after an investigation.

Mr. Pratt asked Mr. Boris what he would suggest to minimize frivolous complaints. He suggested that the initial complaint form be reviewed by the Zoning Administrator who would determine if the complaint was or was not frivolous.

Mr. Porter suggested that this Board wait and see what Ogle County decides to do.

Jim Barnes, Chairman of the Ogle County Board and Chairman of the Planning & Zoning Committee said that the Supervisor of Assessments and Planning & Zoning Committee Report, dated December 21, 2011, reflects the changes made by the Planning & Zoning Committee after it reviewed the proposal of the Ogle County Zoning Board of Appeals.

Mr. Barnes said State's Attorney Ben Roe is currently reviewing the proposal that the Planning & Zoning Committee drafted. From there, it will go to the Ogle County Board but it has not gone before the county board yet.

Mr. Fassler again considered establishing a decibel limitation. Mr. Pratt said he doesn't feel it is necessary.

Mr. Pratt said this Board will have the authority to "pull" a WECS permit if they are not in compliance.

Mr. Logan again stated that he feels the 5 decibel factor should be included because he feels that removing it creates a hardship on the residents.

Marilyn Shippert of the Lee County Board asked Mr. Pratt what would be the basis for shutting down a turbine (or pulling the permit) if there is no level stated in the ordinance.

Chairman Conderman said it would be based on a WECS's compliance (or non-compliance) with the IPCB regulations.

Mr. Porter again stated that noise can be found to be within the acceptable levels of the IPCB but be considered noise pollution as defined by the IPCB. He feels this can be resolved by including the 5 decibels factor.

Mr. Porter also said that he personally feels 3 decibels would be sufficient but the experts he has turned to as resources feel 5 decibels is more acceptable.

Mr. Logan said that a standard of measure, such as the 5 decibel factor, will control frivolous complaints. He feels this will give the Board a standard to go by and that complaints that are less than 5 decibels will be dismissed because they fall below the allowable limit. Mr. Pratt said that a noise test will still have to be done in order to get that number and someone will have to pay for that test.

Mr. Logan suggested that the Zoning Administrator can "call for a test."

Mr. Fassler asked Ms. Andersen if the State did a test on her property. She said they did

not because they no longer have someone they can send out to do a test for noise because of cuts to funding. She said that the IPCB representative she spoke with told her the State does not have noise pollution regulations for wind farms. She was told that she could hire a "professional" to perform the test.

Mr. Fassler asked how much the test costs. Ms. Andersen said it would cost "thousands of dollars."

Mr. Porter said he usually pays \$3,000 when he asks for that study to be done; however, he is also hiring someone he may ask to testify at a later time so it may be cheaper for someone who only needs the test done.

Ms. Para asked Mr. Geuther if he had to pay for the noise test when he filed his complaint in Bureau County which he said he did not. She asked who paid for the test. Mr. Geuther said he did not know, but Ms. Andersen said that "Big Sky" paid for the test.

Mr. Robery feels that frivolous complaints can be minimized by establishing setbacks that keep wind farms away from where people live.

Chairman Conderman asked if there were any further questions, comments or concerns.

Mr. Pratt said he did not feel comfortable making a motion to accept the proposal noise standard at this time.

Mr. Fassler suggested eliminating the portion that requires the complainant to post an escrow as part of filing a complaint. Mr. Pratt has concerns about the availability of Mr. Henkel as Zoning Administrator to be able to address all complaints.

Mr. Pratt asked Mr. Henkel how many complaints he anticipates. Mr. Henkel said he could not speculate.

Chairman Conderman asked Mr. Henkel how many complaints he has received up to the present time. Mr. Henkel said he did not have any complaints until the Big Sky project which has yielded approximately 7 complaints total regarding television reception, noise, and shadow flicker. He said the complaints have mostly been mitigated.

Mr. Martin asked if a complainant is not required to post an escrow when they file their complaint, and it is later determined that their complaint is invalid, would the County seek to recoup the costs associated with the complaint from the complainant at that time.

In response, Mr. Fassler wanted to know what Mr. Martin's company would do to make up for "the years" that they were not compliant if they were found to be non-compliant as a result of a complaint. Mr. Martin said that the proposed noise standard would require them to respond to the complaint within 10 days so they shouldn't be non-compliant for very long.

Mr. Martin said that he is not arguing against the need for the wind company to post an

escrow as part of the complaint resolution process, but to make things fair and remove frivolous complaints, he wants to know what will be done to protect the other side.

Mr. Wagner said he doesn't understand why anyone would make a frivolous complaint. He also feels that the permit money paid by the developer should be used to fund such studies. He asked what happens to that money. Chairman Conderman said that is up to the County Board and that he can't answer Mr. Wagner's questions.

Marilyn Henry of Hamilton Township applauded the Board for its efforts reviewing this matter; however, she feels that it is "apparently clear" that this Board needs to go back to the drawing board as many issues are still unresolved.

Mrs. Henry also wanted to know where the members of the County Board were as they will be making the final decision with regards to any proposed WECS ordinance.

Chairman Conderman stated that a copy of the final draft will be sent to all County Board members. Also, copies of everything that has been done have been posted to the County's website.

Mr. Pratt said that he suggested a one-mile radius around each WECS turbine. He said he debated whether or not it should be a half-mile. By having a one-mile radius, it increased the number of property owners who will be able to complain. He suggested that reducing that one-mile radius would reduce the number of possible complaints. On the other hand, he doesn't want to take away someone's right to complain and said maybe the one-mile radius should be two miles.

Mr. Logan said that Good Neighbor agreement might also reduce the number of complaints.

Mr. Fassler asked Mr. Pratt how many frivolous complaints he thought the County might receive. Mr. Pratt did not know. Mr. Pratt said he has seen in other documents where both the complainant and wind company had to post the escrow in advance and that he was only trying to maintain fairness.

Mr. Porter feels that if one or two individuals are found to be making frivolous complaints, then the County can deal with it at that time and even amend the ordinance if necessary.

Ron Pearson from Walnut, Illinois (Bureau County) disagrees with the proposal that would require a complainant to pay for the services associated with their complaint should the complaint be deemed invalid.

He said that the Big Sky project which is located in both Lee County and Bureau County has resulted in approximately 7 complaints in Lee County and approximately 30 to 40 complaints in Bureaus County. He feels it is wrong to put such a burden on a resident when the project itself was done poorly.

Mr. Martin offered a possible solution to this issue. He suggested that a WECS owner be required to post the escrow each time a complaint is filed; however, upon the second complaint by a complainant, the complainant would be required to post the escrow at that time. He feels this may cut down on the number of frivolous complaints filed.

Mr. Porter feels this would penalize the complainant who is experiencing a lot of noise. Mr. Martin said that if a complaint is filed and the WECS owner is found to be in violation, then the wind company will have to bring things into compliance. Mr. Porter had doubts that this would happen. Mr. Martin asked the Board if they would have the ability to pull their permit if they are not in compliance, and the Board said it would.

Mr. Porter still feels that a person who files a complaint on a good-faith basis may be penalized.

Susie Miller from Ashton had concerns about non-participating landowners having to file a law suit in order to resolve problems caused by WECS projects. She said they will have to spend money in order to file a suit and that is not fair.

Mr. Pratt suggested imposing a fine for complaints filed that are later determined to be invalid. Mr. Porter feels that would be appropriate if a person is found to be repeatedly filing complaints that turn out to be invalid.

Mr. Pratt again stated that this Board cannot draft an ordinance that will cover every situation. He feels that there need to be flexibility that will allow this Board to make these determinations.

Ms. Para voiced her support for the petition for text amendment that was filed by Petitioners Larry Gerdes and Friesland Farms, LLC. She wishes this Board would use this proposed text amendment.

Ms. Andersen feels that putting the financial responsibility solely on WECS owner may encourage them to be compliant. Then, the burden would not be on the taxpayers of this County.

Kara Principe, an attorney with the Indiana, Illinois, & Iowa Foundation for Fair Contracting, pointed out that Mr. Porter represents the non-participating land owners. She cautioned the Board to not be overly burdensome to the participating landowners and their property rights.

Mr. Fassler asked Count Board member Marilyn Shippert if the County Board would pay for any studies. She said she would doubt it. He feels this portion of the proposal should be omitted as this Board is not a money-generating body.

Mr. Fassler said that he personally has a problem with putting a financial burden on the complainant. Mr. Buhrow said he agrees and that language can be added at a later time if necessary.

Mr. Fassler suggested that all complaints be reviewed by this Board in an effort to minimize frivolous complaints. This Board would determine whether or not a noise test needs to be done. Chairman Conderman wondered if this Board would have the knowledge necessary to make such a determination.

Mr. Logan feels that someone needs to go through the proposed ordinance and figure out exactly how much money will be required in order to participate. This will also determine if permitting fees are sufficient.

Mr. Porter suggested removing certain language from Paragraph "e" so that it reads as follows:

e. If a complaint is made, the presumption shall be that it is reasonable. After the investigation, if Lee County reasonably concludes that operational violations are shown to be caused by the WECS(s), the reasonable costs and fees incurred by Lee County in retaining an acoustics specialist shall be reimbursed by the owner of the WECS. Funds for this assessment shall be paid or put into an escrow account prior to the study performed by the acoustics specialist."

Mr. Porter said this would put the burden entirely on the WECS owner to pay if the County has to hire an expert as a result of a complaint.

He said if frivolous complaints turn out to be problem at a later time, then the ordinance can be amended.

Mr. Fassler asked about the 5 decibel factor and if the EPA provided decibel level. Mr. Pratt said it provides both a daytime limit and a nighttime limit. Mr. Fassler noted that it doesn't measure ambient.

Mr. Fassler feels that by having the 5 decibel factor in the ordinance that it provides a pre-determined base to go off of.

Mr. Porter said that if the Board wanted to include the 5 decibel factor, that the following language should be added to the first paragraph:

"...The sound pressure level generated by a WECS shall comply with all Illinois Pollution Control Board noise regulations, and in no event shall a WECS exceed 5 decibels above the nighttime background levels before the turbines were in place, at the border of a non-participating property."

Mr. Pratt asked how this would be determined. Mr. Porter said the WECS owner is already required to do a pretest and posttest; and if there is a complaint, an audio expert will do a test that will determine if the noise is 5 decibels over based on the previous studies.

Mr. Martin again stated that the property line is defined differently by the IPCB and is most likely going to be designated as Class C. A residence, which is the biggest concern

as a receptor, is considered a Class A property by the IPCB.

Mr. Pratt said that he feels that the County is more flexible by not setting a decibel limit.

Mrs. Miller feels this Board should make the standard more restrictive than the IPCB regulations.

Mr. Logan said ambient levels are measured and not "set." He said they are asking that this Board protect a difference in the ambient levels that are caused by a WECS turbine(s).

Mr. Martin again read the portion of the existing noise ordinance for Lee County that states, "The requirements of this section shall not apply to any use in an agricultural district, including, without limitation, any special use which has been granted in an agricultural district."

Mr. Martin said that if tighter requirements are being added not in the interest of keeping wind farms out of Lee County, then those requirements should be held to other uses in an agricultural district, including other special uses in an agricultural district.

Mr. Logan said that wind farms were not an issue when the existing ordinance was adopted.

Mr. Porter disagreed with Mr. Martin's comment and feels that legislation provides that this Board can establish an ordinance that is more restrictive than the IPCB's regulations.

Linda Henert from Ashton wanted to know if the pretest and the posttest were taken from the property line or from the foundation of a residence. Mr. Pratt said that this has not been decided, and currently there is nothing in the existing ordinance regarding this.

Mr. Boris alleged that participating landowners who sign Good Neighbor agreements cannot complain.

Mr. Porter said that a non-participating landowner is free to waive restrictions found in the ordinance.

Chairman Conderman said further discussion regarding the proposed noise standard will continue at the next meeting.

Mr. Logan reminded the Board that it put off public comment on decommissioning plan that was approved at the December 15, 2011 meeting and asked that public comment on the plan be allowed at the next meeting. Chairman Conderman agreed.

The next meeting is scheduled for Thursday, January 5, 2012, at 7:00 p.m.

Chairman Conderman asked if there was a motion to adjourn. On the motion of Craig Buhrow, seconded by Gene Bothe, the meeting was adjourned at 9:03 p.m.

18: Noise Level: The applicant shall have a third party, qualified professional approved by the County Engineer or County Zoning Administrator (after submission of resume and relevant work experience) conduct an appropriate analysis of the noise impact to nearby properties. The sound pressure level generated by a WECS shall comply with all Illinois Pollution Control Board noise regulations. A modeling analysis of the proposed site shall be included in the application predicting the sound pressure in accordance with the best available practices. To demonstrate compliance with the IPCB regulatory limits the modeling must perform its analysis from the noise emitting property to the foundation of any non-participating residence structure occupied a majority of the time. A night time baseline sound pressure study must be done at all non-participating property lines before construction commences. After the WECS is completed and operational, a third party shall complete a sound pressure analysis of the existing conditions. This analysis shall be completed and returned to Lee County Zoning Administrator's office within sixty (60) days. The applicant must immediately cease any violation of the IPCB regulations unless said violation is excused and waived in writing by the affected Landowners and occupants. All analyses and studies are subject to the approval of the County Engineer or County Zoning Administrator.

Complaint Resolution:

- a. The owner/operator of the WECS Project shall respond to complainant property owner(s) and the County of Lee within ten (10) business days after notified in writing of a sound/noise complaint by any property owner(s) within the project boundary and a one-mile radius beyond any WECS location.
- b. The County of Lee may require field tests or sound propagation modeling, conducted or supervised by an acoustics specialist certified by the Institute of Noise Control Engineering (or an environmental acoustics expert trained and/or supervised by an INCE certified acoustics specialist, or in accordance with INCE practices) as may be necessary, to determine whether a violation of said sound regulations is occurring or has occurred. The acoustics specialist shall be selected by the County of Lee.
- c. Field testing and/or sound propagation modeling shall commence within ten (10) working days of the request by the County of Lee to the WECS Project owner/operator, or later if agreed upon by the County and the WECS Project owner/operator.
- d. A copy of the field testing and/or sound propagation modeling results shall be sent to the complainant property owner(s) and the Lee County Planning or Zoning Department within thirty (30) days of test completion.
- e. If a complaint is made, the presumption shall be that it is reasonable. (1) After the investigation, if Lee County reasonably concludes that operational violations are shown to be caused by the WECS(s), the reasonable costs and fees incurred by Lee County in retaining an acoustics specialist shall be reimbursed by the owner of the WECS. After the investigation, if Lee County reasonably concludes that operational violations are not shown to be caused by the WECS(s), the reasonable costs and fees incurred by Lee County in retaining an acoustics specialist shall be reimbursed by the complainant property owner. Funds for this assessment shall be paid or put into an escrow account prior to the study performed by the acoustics specialist by both the complainant property owner(s) and the WECS owner/operator). Said funds will be returned to the complainant property owner(s) if Lee County reasonably concludes that operational violations are shown to be caused by the WECS(s); said funds will be returned to the WECS owner/operator if Lee County reasonably concludes that operational violations are not shown to be caused by the WECS(s).
- f. After the investigation, if Lee County reasonably concludes that operational violations are shown to be caused by the WECS(s), the WECS operator/owner shall use reasonable efforts to mitigate such problems on a case-by-case basis including such measures as not operating during the nighttime or other noise sensitive period if such operation was the cause of the complaints.

LEE COUNTY ZONING BOARD OF APPEALS

Ron Conderman, Chairperson
Craig Buhrow, Vice Chairperson
Mike Pratt, Member
Gene Bothe, Member
Tom Fassler, Member
Bruce Forester, Alternate Member

Chris Henkel, Zoning Officer
Alice Henkel, Clerk

The Lee County Zoning Board of Appeals met on Thursday, January 5, 2012, at 7:00 p.m. in the Old Lee County Courthouse, Dixon, Illinois. Chairman Ron Conderman called the meeting to order and Clerk Alice Henkel called the roll. The following members were present: Craig Buhrow, Mike Pratt, Gene Bothe and Tom Fassler.

The first order of business was the approval of the minutes for the December 29, 2011 meeting. Chairman Conderman asked if there were any additions and/or corrections to the minutes. There were none.

Gene Bothe made a motion to approve the minutes, and Mike Pratt seconded it. All were in favor, resulting in a 5 – 0 vote.

The first order of old business was discussion regarding noise standards.

Chairman Conderman reminded the members of the public that comments made by any visitor present would be limited to 5 minutes per person.

Chairman Conderman asked Chris Henkel to read a proposed noise ordinance that was revised following the December 29, 2011, meeting.

Tom Fassler said that he thinks it is missing the 5 decibel factor that was discussed during the December 29, 2011, meeting as he feels it provides a basis. He said the proposal “reads good” but that it needs to be limited to 5 decibels over ambient noise, day and night. He also said the complaint resolution section is fine.

Richard Porter, attorney for Petitioners Larry Gerdes and Friesland Farms, LLC, said that he objects to the revised proposal because it was not made available to the public.

Chairman Conderman said he was in favor of the revised proposal, as it was written.

With regards to the complaint resolution section of the revised proposal, Mike Pratt explained that Section XII (Remedies) has already been approved for the proposed ordinance and that it provides, in detail, how any violation of the ordinance will be handled. It also will bring the complaint before the Zoning Board of Appeals for review.

Mr. Fassler asked Craig Buhrow how he felt about the 5 decibel factor. Mr. Buhrow agreed that 5 decibels above ambient is a “great deal of sound disturbance.” He took a

moment to make sure the 3 noise studies that were proposed at the December 29, 2012, meet were included in the revised proposal. Mr. Pratt said they were included in the revised proposal.

Mr. Pratt said that not much was changed in the first paragraph. The specific Illinois Pollution Control Board (“IPCB”) regulation was stated.

Mr. Fassler said that if a person lives in a quieter area, they will be penalized even more than someone who resides in an area with more noise because the noise is going to be more noticeable.

Mr. Pratt feels that if a limit is established in the ordinance, it may restrict what this Board can do when a complaint comes before it for review.

Mr. Fassler feels that if no limit is set, there is nothing “legal to stand on.”

Mr. Pratt said that if a complainant comes to the Board with a complaint, the Board will have some flexibility when reviewing the complaint. Chairman Conderman agreed.

Mr. Buhrow asked Mr. Pratt that if a complaint came before the Board, how the Board would decide if the noise is too loud. Mr. Pratt said that the 3 sound studies that are required would be referred to.

Mr. Pratt feels that instead of trying to get every possible issue resolved in the ordinance that a more general approach should be taken to allow the Board some flexibility to resolve any issue that may come up. Mr. Pratt said he would at least like to try this type of approach.

Gene Bothe said that the ordinance can always be changed at a later time if need be. He said if this approach doesn’t work, then the Board can change it. Chairman Conderman agreed.

There were no further questions and/or comments from the Board at that time.

Mr. Porter again stated that the revised proposal had not been provided to the public, and it was his opinion that this is improper.

Mr. Porter had prepared a proposal following the last meeting and had forwarded a copy of the same to Chairman Conderman and Mr. Henkel.

Mr. Porter also said that the language that states sound measurements shall be taken from the property line was also omitted from the revised proposal.

Mr. Porter wanted to know if a complainant would have to pay, as part of filing a noise complaint, as was proposed at the December 29, 2011, meeting.

Roy Roger, 40-year member of the Operating Engineers Local 150, said that he has spoken with 4 farmers in the Ohio area. Two of the farmers each have 3 turbines located on their property; the remaining 2 farmers each have 1 turbine on their property.

Mr. Rogers asked each farmer if they had any complaints regarding the construction of the turbines, with the wind or with the shadow flicker. One reported shadow flicker for a couple of hour in the morning, when the sun is shining, which was mitigated with Venetian blinds. Other than that, there were no complaints.

Mr. Rogers was told that the contractor, as well as company representatives, came to their properties to speak with them and let them know they want to work with the residents. The farmers found the rock driveways that had been installed during construction to be "handy" when farming.

Regarding noise, he was told that the sound from the turbines was barely noticeable outdoors and could not be heard indoors. It was reported to him that there was more noise from the traffic from Route 26 over the turbines. When Mr. Rogers asked if the turbines noise fluctuated, a farmer told him it did not.

Mr. Rogers did not know what size the turbines are.

After hearing so many people complaining about wind farms, he wanted to let the Board know that not everyone is complaining.

Mr. Fassler asked Mr. Rogers how away from the turbines these farmers are. Mr. Roger said they each are about 1,400 feet away.

Mr. Fassler feels that there are few complaints from the people who are receiving money from them.

Bob Logan from Franklin Grove thinks the ordinance should include the 5 decibel so there is something to measure from. He did not understand how this Board would be able to make a decision on a noise complaint if it did not have anything to measure by.

If a complaint necessitates a sound test, Mr. Logan wanted to know why the wind company would be notified of the test. Mr. Pratt explained they would be notified because they may be required to pay for it. Mr. Logan disagreed.

Mr. Pratt stated that the standards that would be used are the IPCB standards. He feels the IPCB knows more about this subject than this Board and asked why this Board would want to "reinvent the wheel."

Mr. Pratt said the IPCB standards tell exactly how to take the sound test, what time to take the test, what the reading have to be, and it deals with all different type of octave levels. He feels that by including the 5 decibel factor into the ordinance, it would diminish the latitude this Board would have with the IPCB standards.

John Martin with Mainstream Renewable Power (“Mainstream”) agreed with Mr. Pratt. He referred to the IPCB standards and said there are 8 octave-band numbers for Class A property that wind farms will have to be in compliance with.

Mr. Porter questioned whether Mr. Martin had a copy of the revised proposal.

Mr. Pratt asked State’s Attorney Henry Dixon if the Board could make a motion on a proposal that had not been made available to the public prior to the motion. State’s Attorney Dixon said he believed it could.

Mr. Fassler wanted to know what would be the point of doing a pre-study and finding the ambient noise if the County is going to go strictly off of the “EPA levels.” Mr. Pratt said that the studies will show what homes will be impacted.

Mr. Fassler had concerns about not having a “hard number” in the ordinance. Mr. Pratt said it would have numbers, as defined in Title 35: Environmental Protection, Subtitle H: Noise, Chapter I: Pollution Control Board, Parts 900, 902, and 910 of the IPCB regulations.

Mr. Pratt said in Section 900-102, it says, “No person shall cause or allow the emission of sound beyond the boundaries of his property, as property is defined in Section 25 of the Illinois Environmental Protection Act, so as to cause noise pollution in Illinois, so as to violate any provision of this chapter.” Mr. Pratt feels this gives this Board even more power.

Mr. Fassler asked if the term “noise pollution” would need to be defined in the ordinance. Mr. Pratt again stated, “the emission of sound beyond the boundaries of his property.”

Mr. Pratt feels this gives the Board the ability to make determinations on a case-by-case basis.

Jim Griffin, attorney for Mainstream, provided the Board with his Appearance Form. Mr. Griffin explained that he has been involved with siting and ordinance matters concerning a number of wind energy projects, including Bureau County, Stephenson County, and the ongoing efforts in Ogle County, both by assisting local government in enacting wind energy ordinances and by assisting wind energy companies in processing their projects. He said he has also acted as special counsel for Livingston County and the wind energy projects that have been considered and approved there.

With regards to the issue of making a motion on a proposal that has not been made available to the public, Mr. Griffin said that he does not know of any Illinois law that requires a motion made at a zoning board meeting to be published prior to that meeting. He doesn’t believe this Board will have any issue with that.

With regards to 5 decibel factor, it is Mr. Griffin’s opinion that this board should not adopt that standard because that standard doesn’t occur for any other use in the Agricultural Zoning district in Lee County; therefore, he feels it would be a

discriminatory standard that would violate the wind energy companies' and the participating property owners' right to equal protection under the law. He said it would be "unfair" to regulate one type of sound in one way and another type of sound source in another way. He said that this standard would then not be "legally permissible" if it were adopted by the County.

He said it also "erodes agricultural property rights," or the ability to use and maintain agricultural property within the County's zoning ordinance and within Illinois state law.

Mr. Griffin said the IPCB standards were enacted in 1972. He said if there is a violation of IPCB standards, there is a process by which local government or a complainant can go through. This provides people with a complaint a means to resolve that complaint.

Regarding the point of measurement issue that was mentioned earlier, Mr. Griffin said that under the IPCB, and controlling cases/decisions issued by the IPCB, the measure is made at the receptor. Mr. Griffin said a measurement would be measured at the residence, not the back end of a field.

Mr. Griffin said that no other county has adopted the 5 "decibel above ambient" standard. He said there is no way to determine what that affect will have on ability to site wind turbines and projects. It is his opinion that there is not scientific basis for this factor. Further, he said if that factor prevents any wind turbines from being erected in this County, he feels that would be another reason why this be considered an "unlawful standard."

Mr. Buhrow asked if Mr. Griffin was aware of any cases concerning noise and these types of issues. Mr. Griffin said he is not aware of any, nor is he aware of any finding by any board or local community, that a wind turbine has violated the IPCB standards. He feels this is because the companies are familiar with the standard so they are conservative and they design their projects to make sure they do not violate those standards.

Mr. Fassler asked Mr. Griffin about his use of the term "illegal," and whether or not that was his opinion or the law. Mr. Griffin said that it is illegal "to create one set of standards for one type of use and another standard for a different type of use" and that is the law.

Steve Robery from the Franklin Grove said he disagrees with Mr. Griffin's "opinion of the law." He referred to the County's ordinance where it states that this Board "can impose additional regulations on specific special uses."

Mr. Robery feels this Board is not looking at these projects as special uses. He said that this Board has been consistently talking about the property rights of participating land owners and measuring that against the rights of adjacent property owners. He said "they do not have an inherent right to put up a wind turbine," and they only have that right if the County deems it through special use petition.

Mr. Robery does not think that special uses for wind turbines are not compatible with the existing land uses.

Tom Fassler made a motion to approve the revised proposal with the 5 decibel limitation being added to it; and Craig Buhrow seconded it. Chairman Conderman asked if there was any discussion.

Richard Boris from Willow Creek asked Mr. Martin if he had a copy of the revised proposal that was read earlier in the meeting, and did Mainstream provide that document to the Board. Mr. Martin said that he did have a copy. He said he had arrived early to meeting, had stopped into the zoning office and that he did have a copy.

Mr. Martin said that there are parts of the revised proposal that he has discussed with Mr. Henkel and Mr. Pratt in an effort to come to a resolution. He said that "as a responsible developer," Mainstream has been ready and willing to compromise on a variety of issues in the proposed text amendment. He believes that their efforts, and anything involved with that, have been appropriate.

Mr. Boris also said that, earlier in the meeting, he heard a union representative talk about "what a farmer could hear." Mr. Boris said he knows "a number of farmers" and has noted that "a number of them, including the former Village president, have a hearing loss." He said that "if anyone is giving testimony of what a farmer can hear," it should be asked whether any audiology tests have been done in the last year because that would be "questionable information."

In response to a question Mr. Boris had asked Mr. Martin, Mr. Pratt told Mr. Boris that he was the one who compiled the revised proposal. He said he "robbed" from everyone, including Mr. Porter, Bob Logan, and John Martin. Mr. Pratt said he is trying to determine what the County would want and to bring it all together.

Kendall Geuther from Walnut, Illinois (Bureau County) said a sound study had been done last spring, and the residents in that area felt turbines were as noisy as they were on other days. The study did find that the company was out of compliance with IPCB standards.

Mr. Geuther feels the County should have very specific standards for companies to go by.

Mr. Fassler asked if "they" had done anything with the complaint. Mr. Geuther said nothing had been done yet.

Jim Ortgiesen would like the County to require that a study be done, or find a study that has already been done, concerning the effect of wind turbine noise on apiaries and honeybees. Mr. Ortgiesen said honeybees are "endangered," and without bees, we have no food as pollination will not occur. He said noise can disrupt a honeybee's navigation, causing them to become lost and die because they could not find their way back to their hive.

Mr. Buhrow asked Mr. Ortgiesen if he knew any beekeepers in the Sublette and/or Paw Paw area that has had problems with their bees following the construction of the wind projects. Mr. Ortgiesen did not.

Mr. Pratt asked if the locations of apiaries are recorded anywhere. Mr. Bothe thought the "extension office" used to know where apiaries were located and that for detasseling, he would have to find out where they were located so the bees were not sprayed.

Mr. Ortgiesen said people are supposed to find this information out but they don't. When spraying took place in the field across from Mr. Ortgiesen's home, he contacted the State's apiary association to see if they could "step in." He was basically told that they could not do anything unless his bees were killed.

With regards to the revised proposal, Mr. Porter wanted to know if the language states that the County is going to wait a year before addressing complaints and asked for clarification.

Mr. Fassler didn't think the language read that way.

Mr. Martin said there are 4 studies that will be completed up to and within the first year of operation of a wind farm, including a model, an ambient nighttime sound pressure study prior to construction, a sound pressure analysis of the existing conditions, and specifically compiling information, if any, requested by the County Board. This means that the County Board can direct a wind company to complete additional studies of specific areas, in addition to model, pre-construction test and post-construction analyses.

Mr. Martin also said that within that first year, an additional study may be required, addressing all the complaints, regardless of the finding of the board. There is also a process for complaint resolution within that first year, and beyond.

Mr. Porter disagreed with Mr. Griffin's earlier statement that sound measurement shall be taken at the residence. Mr. Porter's interpretation of the regulations is that the measurement can be done within any point of a receiving Class A land; and therefore, feels the measurement should be taken at the property line. Further, he feels that a measurement taken at a foundation would require trespassing.

Mr. Pratt said that the requirement is that a sound measurement be taken at a property line because the revised proposal refers to the IPCB regulations which states how and where sound measurements will be taken.

Mr. Porter also feels that by requiring a sound measurement to be taken at a foundation, it will limit a person's enjoyment of their property to only their home and not to the entire property.

Mr. Pratt feels Section XII (Remedies) applies to any violation of any part of the ordinance, not just noise. Mr. Pratt read various parts of Section XII (Remedies) and said

that he feels that this section clearly states how any violation shall be handled. He also believes it will effectively resolve a violation because it is flexible.

Mr. Logan had concerns about whether or not the County would be able to effectively handle violations. He said the authority to regulate wind projects has been given to the counties and municipalities; therefore, they should be coming up with their own rules and regulations instead of relying the on the State's regulations.

Mr. Boris feels it is important that testing be done by an independent, third party.

Mr. Griffin said that under an IPCB finding where there is a large parcel of land with a single residence, the measurement from the Class C (wind turbine) to the Class A (residence) is done at or near the residence, and he cited the case from which this was taken. He said that the majority of the parcel was classified as Class C because it was agricultural and only the residence was classified as Class A.

Mr. Griffin said that the IPCB provisions do not segregate by particular use; they are a uniform standard that apply to all noise-emitting sources. He feels this is a consistent and fair policy that this Board should adopt and that this Board should reject the current motion that is on the table that includes the 5 decibel limit.

Mr. Pratt asked Mr. Griffin how someone was able to go on the property to take the measurement. Mr. Griffin said that when a complaint is made before the IPCB, it would be permissible, through a motion or request, to take measurements on the person's property.

Mr. Buhrow asked Mr. Griffin if the case he cited is an Illinois case and, if so, what county. Mr. Griffin said it was in Sangamon County, Illinois.

Mr. Fassler asked if it was a complaint with a coal mine, and not a wind farm. Mr. Griffin said that is correct. Mr. Griffin said that it doesn't matter what the source of the noise is; however, Mr. Fassler strongly disagreed. Mr. Fassler said that wind turbine noise is different and that the County has the right to change the zoning.

Mr. Porter again stated that taking a sound measurement at a foundation will limit a person's enjoyment of their property to only their home and not to the entire property; and that he feels the measurement should be taken at the property line.

Jack Kelly from Franklin Grove feels the simple solution would be to add the 5 decibel limit, with the sound measurement taken at the property line. He believes this will take away "almost all the problems" the County will have.

Mr. Porter said the County does not have to worry about Class C or Class A property if the ordinance states that the measurement be taken at the property line.

Mr. Fassler wanted to change his motion so that it included the requirement that the sound measurement be taken at the property line.

It was asked that Mr. Fassler read his motion. He read the following:

“Noise level: The applicant shall have a third party, qualified professional approved by the County Engineer or County Zoning Administrator (after submission of resume and relevant work experience) conduct an appropriate analysis of the noise impact to nearby properties. The sound pressure level generated by a WECS shall comply with all Illinois Pollution Control Board noise regulations and in no event shall a WECS exceed 5 decibels above the night time background levels before the turbines were in place as measured at the boarder of a nonparticipating property. A modeling analysis of the proposed site shall be included in the application predicting the sound pressure in accordance with the best available practices. To demonstrate compliance with the IPCB regulatory limits the modeling must perform its analysis from the noise emitting property to the property line of a neighboring property. A night time baseline sound pressure study must be done at all non-participating property lines before construction commences. After the WECS is completed and operational, a third party shall complete a sound pressure analysis of the existing conditions. This analysis shall be completed and returned to Lee County Zoning Administrator’s office within sixty (60) days. The applicant must immediately cease any violation of the IPCB regulations unless said violation is excused and waived in writing by the affected Landowners and occupants. All analyses and studies are subject to the approval of the County Engineer or County zoning Administrator.”

Chairman Conderman said Mr. Fassler’s initial motion would need to be rescinded. Tom Fassler made a motion to rescind his motion, and Craig Buhrow seconded. All were in favor, resulting in a 5 – 0 vote.

Tom Fassler made a motion to accept the noise proposal he just read. There was no second to the motion. Motion failed.

Chairman Conderman asked if anyone wanted to make a different motion.

Mr. Buhrow asked Mr. Pratt about IPCB’s rules for taking a sound measure, and Mr. Pratt read the following:

“Except as elsewhere provided in this part, no person shall cause or allow the emission of sound during daytime hours from any property line noise source located on any Class A, B or C land to any receiving Class A land which exceeds any allowable octave-band sound pressure levels specified in the following table...when measured at any point within such receiving Class A land provided, however, that no measurement of sound pressure levels shall be made less than 25 feet from such property line noise source.”

With regards to turbine noise, Mr. Geuther said that everyone hears it differently, especially if the person has hearing aids. He also believes that the confidentiality agreements signed by participating landowners prevent them from having complaints about the project.

Since the motion failed, Mr. Porter suggested removing the requirement that the measurement be taken at the property line but to leave in the 5 decibel limit.

Mr. Logan feels that this Board has heard a lot of testimony but that it is ignoring what it has heard. He feels that noise is the “most significant impact factor on human life” and that protection is needed.

Mr. Pratt asked Mr. Logan for proof that 5 decibels over ambient is going to protect everybody to the level they want to be protected. Mr. Pratt said he doesn’t have any proof that 5 decibels is going to work.

Mr. Porter said that if the 5 decibel limit was included, a complaint over the 5 decibel would be an automatic violation; however, one could still file a complaint even if it is not over 5 decibels but this would require a greater level of proof by the complainant that the sound is a problem.

Mr. Fassler asked if they removed the requirement that the sound measurement be taken at the property line, would it pass. Chairman Conderman feels the 5 decibel limit is more an issue than the property line requirement.

Marilyn Henry from Hamilton Township supports the 5 decibel limit. Mr. Pratt feels that putting that limit into the ordinance would hinder the Board when time to make a decision. He said that a wind company could contend that they are in compliance if a sound measure shows that the sound is only 4 decibels over ambient. Not having a limit in the ordinance allows the Board to decide whether that 4 decibels over ambient is too much.

Mrs. Henry suggested that the County start with the 5 decibel limit and then amend later if needed. She also feels the sound measurement should be taken at the property line instead of the foundation.

Mr. Porter said that Mr. Thunder and Mr. James have told him the 5 decibels limit is protective and that is why he is advocating for it.

Mr. Griffin said the standards of the IPCB do protect the public health and safety; and that is the purpose of those standards and that is what they are designed to do. He feels that if Lee County implements these standards, it will be protecting the public health and safety.

He again stated that no other noise in the Agricultural District currently requires this 5 decibels above ambient.

Mr. Logan disagreed with Mr. Griffin's last comment because he feels that a wind farm is not an "agricultural operation." He said that it may be an agricultural area, but it is not an agricultural operation. He feels the wind turbines are special uses, not agricultural uses. Mr. Logan said grain dryers are not regulated because they are used in agriculture but wind turbines are not agricultural.

Earl Gors from Deer Grove said he disagrees with Mr. Logan and that it is agricultural and it would be covered under that.

Mr. Logan feels this noise ordinance shouldn't apply to agricultural operations/equipment.

Mr. Gors said that it is a noise ordinance, and it is about noise.

Mr. Logan said wind turbines create a different type of noise.

Mr. Porter said the noise ordinance would only apply to WECS and not agricultural operations.

Mr. Bothe wanted to know why a sound measurement would not be taken from a residence if the complaint is coming from inside that residence. He feels it would make more sense to take the measure at the foundation if the residents are complaining about noise that they are hearing inside the home.

Mr. Boris has concerns about residents losing sleep and causing automobile accidents. Mr. Pratt responded to Mr. Boris that there is no proof that 5 decibels above ambient will prevent residents from losing sleep. Mr. Boris said there needs to be some control standard and that the IPCB doesn't enforce because he heard they have no staff.

Mr. Porter feels that the reports by Rick James and Tom Thunder that he provided to the Board at the previous meeting, are the proof that Mr. Pratt is looking for.

Mr. Robery feels that if a sound measure is within the IPCB's limits but is 9 decibels above ambient, then he feels this would still be a violation based on the belief that this constitutes as noise pollution which is prohibited by the IPCB.

David Raegs, a business representative for Labors' Local Union #393, in Marseilles, Illinois. He stated that he fully supports wind energy projects and the jobs they create.

Keith Bolen with Mainstream reiterated that under the proposed ordinance, wind companies will be required to complete 4 studies at the expense of the wind companies. He feels that by requiring these studies, the County will be able to prevent annoyance to its citizens near wind projects and the costs go to the wind company.

Mr. Bolen said that the goal of these meetings should not be to go beyond accountability of the developer and to "regulate" wind companies out of the County.

Mr. Bolen asked Mr. Porter in how many counties had he filed lawsuits; and were they only noise complaints. Mr. Porter said he has a suit in Bureau County concerning a zoning ordinance in which the extension of a zoning ordinance was done improperly; and in DeKalb County which has been resolved.

Mr. Bolen asked Mr. Porter if his lawsuits included counts concerning increased traffic, dust, etc. Mr. Porter said that most of the lawsuits revolve around improper zoning and improper zoning procedures. Further, Mr. Porter said that the allegations primarily revolve around an improper extension of a conditional use permit.

Mark Bressen from Compton disagreed with the comment that these wind projects create jobs for local people. He also said that the County needs to protect non-participating residents.

Mr. Griffin read testimony that had been given by Tom Thunder in Ogle County in which Mr. Thunder testified that a noise code should not apply only to wind turbines; that he has not studied the impacts of the standards if they were applied to other uses in the agricultural zoning district; he has not studied the impact of the 5 decibels above the ambient level on wind farm siting; and he does not know what the effect of instituting that provision on the ability to develop and site wind farms.

Mark Zula, business agent with the International Union of Operating Engineers Local #150, said he is the business agent for the Compton wind farm. He explained that while supervisors are often not local people, the workers are from surrounding counties.

Roseann Para from Willow Creek Township agrees that a sound measurement should be taken from the property so that a person is able to enjoy their entire property.

Mr. Ortgiesen wanted to know if this Board was going to look into his concern about the effects of WECS on apiaries and honeybees. Mr. Fassler said he wanted to talk further with Mr. Ortgiesen after the meeting but he didn't see why a study couldn't be required in the section that deals with aviary studies, etc. Mr. Pratt agreed but said that this Board needs some direction as to what is needed.

Mr. Logan again stated that he feels a 5 decibel above ambient should be included in the ordinance.

Tom Fassler made a motion to accept the following:

“Noise level: The applicant shall have a third party, qualified professional approved by the County Engineer or County Zoning Administrator (after submission of resume and relevant work experience) conduct an appropriate analysis of the noise impact to nearby properties. The sound pressure level generated by a WECS shall comply with all Illinois Pollution Control Board noise regulations and in no event shall a WECS exceed 5 decibels above the night time background levels before the turbines were in place as measured at the boarder of a nonparticipating

property. A modeling analysis of the proposed site shall be included in the application predicting the sound pressure in accordance with the best available practices. To demonstrate compliance with the IPCB regulatory limits the modeling must perform its analysis from the noise emitting property to the foundation of any non-participating residence structure occupied a majority of the time. A night time baseline sound pressure study must be done at all non-participating property lines before construction commences. After the WECS is completed and operational, a third party shall complete a sound pressure analysis of the existing conditions. This analysis shall be completed and returned to Lee County Zoning Administrator's office within sixty (60) days. The applicant must immediately cease any violation of the IPCB regulations unless said violation is excused and waived in writing by the affected Landowners and occupants. All analyses and studies are subject to the approval of the County Engineer or County zoning Administrator.”

Chairman Conderman asked if there was a second to the motion. There was no second, resulting in motion failed.

Mr. Porter said that he was comfortable with the revised proposal so long as it has the 5 decibel limit.

Mr. Pratt made a motion to accept the following:

“Noise level: The applicant shall have a third party, qualified professional, approved by the Lee County Engineer or Zoning Administrator, (after submission of resume and relevant work experience) conduct an appropriate analysis of the noise impact to nearby properties. The sound pressure level generated by a WECS shall comply with all Illinois Pollution Control Board Noise regulations as outlined in Title 35: Environmental Protection, Subtitle H: Noise, Chapter I: Pollution Control Board, Parts 900, 901, and 910, which outline limitations and measurement procedures, and specifically address the prohibition of noise pollution in the State of Illinois. A modeling analysis of the proposed site shall be included in the application predicting the sound pressure in accordance with the best available practices. An additional appropriate night time ambient sound pressure study must be done before construction commences. After the WECS is completed and operational, a third party shall complete a sound pressure analysis of the existing conditions and specifically compiling information, if any, requested by the County Board. Prior to the first anniversary of the commercial operations date, a third party approved by the Lee County Engineer and Zoning Administrator shall complete a sound pressure analysis to address any complaints, if any, received by the Lee County Zoning Administrator within the first year of operation. These analyses shall be completed and returned to the Lee County Zoning Office within sixty (60) days. The applicant must immediately cease any violation of the IPCB regulations unless said

violation is excused and waived in writing by the affected Landowners and occupants. All analyses and studies are subject to the approval of the Lee County Engineer or Zoning Administrator.

Complaint Resolutions:

The owner/operator of the WECS Project shall respond to the complainant property owner(s) and the County of Lee within five (5) business days of being notified in writing of a sound/noise complaint by any property owner(s) within the project boundary and a one-mile radius beyond any WECS location. If the written complaint is not resolved to the satisfaction of the complainant within twenty (20) business days of the complaint being filed through reasonable efforts to mitigate the complaint, then Section XII, VIOLATIONS AND PENALTIES; COMPLAINTS AND MODIFICATION, SUSPENSION OR REVOCATION OF WECS PERMIT shall be enforced.”

Gene Bothe seconded Mr. Pratt’s motion. Chairman Conderman asked if there was any further discussion.

Mr. Logan suggested that a countywide vote be taken to determine if the citizens are in favor of or against wind energy development.

Mr. Robery asked the Board to reconsider adding the 5 decibel limit to the ordinance as it will act as a “tape measure” when determining how great or how minimal a noise is.

Mr. Porter feels that by not including the 5 decibel limit, there is a disconnect between the evidence presented and the motion made. He reiterated what he had stated earlier in the meeting in support of and with regards to the 5 decibel above ambient limit.

Chairman Conderman called for a vote and roll was called.

Mr. Pratt asked for a moment to explain his vote. He stated that he is not an expert and he does not know if his proposal will work. He said he is not comfortable “putting a number out there that can be worked around.” Mr. Pratt said he likes the studies and in the one petition in which a study was provided, he felt “the study was excellent.” Mr. Pratt said he wanted to “give this a try,” and if it fails, then it will be changed.

The results of the vote were 4 -1 in favor of accepting Mr. Pratt’s motion. Tom Fassler dissented.

Mr. Buhrow agreed with Mr. Pratt’s opinion as to the usefulness of the studies.

Chairman Conderman announced that it was 9:00 p.m. On the motion of Mike Pratt, seconded by Gene Bothe, the meeting was adjourned at 9:00 p.m.

The next meeting is scheduled for Friday, January 20, 2012, at 7:00 p.m.

**LEE COUNTY
FINANCE COMMITTEE MEETING MINUTES**

**Thursday, January 12, 2012 – 9:00 AM
Third Floor Conference Room, Old Lee County Courthouse
112 East Second Street, Dixon, Illinois 61021**

Members present: Rick Ketchum (Chairman), Ed Fritts (Vice Chairman), Dave Chandler (Secretary), Tom Demmer, Vern Gottel

Absent: Kathy Hummel

Visitors: John Varga (Sheriff); Cathy Myers (County Clerk); Denise McCaffrey (Circuit Clerk); John Fritts (Treasurer); Henry Dixon (St. Attorney); Denise Burrs (Health Dept – rep); Mike McBride (IT/GIS); and John Nicholson, Greg Witzleb, Marvin Williams (Board members)

Financial Report:

Mr. Ketchum reported that the ESDA report was incorrect that was included with the Budget Report. We now have the corrected copy.

Visitors:

Ms. McCaffrey connected her microfilm to digital to facilitate public access to records.

Mr. John Fritts said there was an unexpected 25% increase in TORT insurance from \$240,000 to \$301,000. Only \$280,000 was budgeted.

Ms. Myers informed the committee that there will be election judge training the first week in February.

Sheriff Varga spoke on the new scanners that had been set up at the new courthouse entrance.

Mr. McBride questioned who will be maintaining the LOTS computers. LOTS will be maintained by another vendor.

St. Attorney Dixon updated the committee about the new costs coming from a high profile case in May, from a Supreme Court decision allowing access to all witnesses, and City of Dixon's pending ordinances.

Old Business:

Chairman Ketchum said we need to rescind a motion to transfer \$30,000 to County Highway. **Motion to rescind made by Mr. Demmer and seconded by Mr. Gottel. Motion carried 5-0.**

New Business:

Chairman Ketchum says the Auditor will be attending the March Finance meeting.

Board Member Witzleb questioned LOTS Administrator's salary projections, but Ms. Lalley (LOTS) was not in attendance (illness) to fully answer.

Mr. Gottel made a motion to have State's Attorney Dixon look at the legal requirements for a County Administrator, with a possible non Per Diem committee doing the research also.

Motion to explore the probability of a County Administrator made by Mr. Gottel and seconded by Mr. Demmer. Motion carried 5-0.

Motion to adjourn made by Mr. Ed Fritts, seconded by Mr. Gottel. Motion carried 5-0. The meeting adjourned at 10:15 AM.

Next meeting will be February 16, at 9:00AM.

Respectfully submitted, Dave Chandler

LEE COUNTY SOLID WASTE/HEALTH & WELFARE COMMITTEE

Wednesday, January 10, 2012

9:00 AM

Marilyn Shippert, Charlie Thomas, Judy Truckenbrod

Also: David Anderson – Solid Waste Coordinator; Teri Zinke, Dr. Kuhfus, Animal Control; Paul McMahon – ROE; Marvin Williams (Board Member)

Meeting was called to order at 9:00AM.

Claims: ROE: \$1,451.90

Rabies: \$958.98

Capital Projects Fund:

Animal Control Fund: \$1,873.00

Veterans' Fund: \$5,363.75

Pet Population Fund: \$803.43

Solid Waste Fund: \$5,937.40

Motion to pay claims from proper accounts made by Ms. Shippert; seconded by Mr. Thomas; motion carried 3-0.

ROE Report – Mr. McMahon presented and discussed the Lee/Ogle Regional Office of Education Annual Report. Copies are available in the County Board Office.

Veterans' Report - No report was presented.

Animal Control Report – Ms. Zinke will be attend a workshop put on by the Illinois Animal Control Association. Dr. Kuhfus was present with the revisions to the proposed lease agreement between River Ridge and Lee County. **Motion to bring River Ridge lease agreement to the County Board on Tuesday was made by Mr. Thomas; seconded by Ms. Shippert; motion carried.** Agreement is to have a fee schedule added as an addendum; Dr. Kuhfus will send this.

Report on “Location of Calls” for Animal Control will be on desks.

There was short discussion on adoption fee and what is included.

Solid Waste Coordinator's Report – Check for the electronics recycling was received - \$688.00; this is half of the total and with advertising costs, broke even. A few years ago, Ogle and Lee Counties spent over \$20,000 for this event.

Mr. Anderson received message from Illusion Maker on his 2012 program; expect cost to be slightly increased, depending on number of schools that schedule a performance. Mr. Thomas requested additional information.

The CPI for the landfill won't be out until January 19.

Landfill check for 2011 4th quarter is expected this month.

Mr. Thomas made motion to adjourn; motion seconded and carried.

Time: 10:30 AM.

Next meeting will be Wednesday, February 15, 2012, at 9:00 AM.

Respectfully submitted,

Judy Truckenbrod

LEASE AGREEMENT

This agreement, dated January 1, 2012 is made between the County of Lee, 112 E 2nd ST., Dixon, Illinois 61021 (lessee) and Dixon Veterinary Hospital P.C. (operating as, River Ridge Animal Hospital) , 273 IL Rt. 2, Dixon, Illinois 61021 (lessor).

1. Premises: Lessor leases to Lessee an independent 427.2 square foot portion of the premises at 273 IL Rt 2, Dixon, Illinois, 61021 for the purpose of providing ten(10) indoor kennels, four(4) cages, and dog holding facilities. As well as an attached 109.85 square foot office with a separate independent entrance for Lee County Animal Control personnel.
2. Term: Lessor leases to Lessee the above described premises for a term beginning January 1, 2012 and ending June 30, 2012.
3. Rent: Rent for said premises shall be \$1900.00 per month paid monthly. Such rent shall be for up to three dogs per day occupancy rate. On any individual day where the occupancy rate exceeds the three dogs, an additional charge of \$9.50 per day per dog shall apply. The rent specified shall include boarding. Lee County will provide food and cleaning supplies.
The lease includes the services of River Ridge Animal Hospital as the Lee County Veterinarian or Veterinary Assistant chosen by the Lee County Veterinarian to oversee the professional needs of the Lee County Animal Control program, attend meetings of the committee, board, and special meetings called. As well as, the administration of euthanasia and appropriate disposal of animals. Additionally, during regular business hours, first aid and animal care will be provided at a 30% discount. After hours emergency care will be billed at the normal rate.
4. Licenses: Lessee and Lessor agree to cooperate with each other so that current licenses as required by the State of Illinois or any other government body are maintained. Such licenses shall be current and valid at all times.
5. Use of Premises: The above described premises shall be used for housing stray dogs and/or euthanasia of the same only. This described area shall only be used as the Lee County Dog Pound.
6. Premises and Maintenance: Lessor shall be responsible for the upkeep and maintenance of the premises described above which premises shall be kept clean at all times. Premises shall also include space and electricity for Lee County Animal Control's freezer. Costs for emptying the freezer will be paid by Lee County. For the purpose of this lease, lessor shall not be considered an employee of Lee County, but shall be an independent contractor, with all the responsibilities that apply to that designation.
7. Insurance: Lessor shall maintain adequate liability insurance as is reasonable and customary in the operation of a dog kennel. Said policy shall provide a minimum amount coverage in the amount of \$500,000 per occurrence for general liability.

Lessee shall be listed on the policy as an additional insured.
8. Inspection of Premises: Lessor agrees to allow Lessee access to premises during standard business hours for the purpose of inspecting the premises.
9. Notices: Notices to Lessor shall be directed to River Ridge Animal Hospital, at 273 IL Rt 2, Dixon, Illinois 61021. Notices to Lessee shall be addressed to Chairperson of Solid Waste/Public Welfare Committee at the Old County Courthouse, 112 E. 2nd St., Dixon, Illinois 61021.
10. Utilities: Utilities, including heat and electricity, shall be part of the rental price as agreed to above.

11. Indemnification: Lessee hereby covenants and agrees that it will properly and fully indemnify and hold harmless the Lessor and its successors and assigns from any and all claims, demands, and liabilities whatsoever occurring by reason of or resulting from claims or other damages arising out of Lessee's operation of the premises as a dog pound/kennel for Lee County. The only exception to this indemnification shall be in the event of claims, demands, and liabilities arising from the negligence of employees of the River Ridge Animal Hospital which shall be solely its responsibility of Lessor. Lessor shall fully indemnify and hold harmless Lessee from any and all claims, demands, liabilities arising from the negligence of Lessor or its employees.
12. Assign ability: Lessor shall not assign this lease without the written agreement of Lessee.
13. Miscellaneous:
 - A. Time is of the essence of this lease, and all provisions herein relating thereto shall be strictly construed.
 - B. The captions of this lease are for convenience only and are not to be construed as part of the lease and shall not be construed as defining or limiting in any way the scope or intent of the provisions thereof.
 - C. If any term or provision of this lease shall to any extent be held invalid or unenforceable, the remaining terms and provisions of this lease shall not be effected thereby, but each term and provision of this lease shall be valid and be enforced to the fullest extent permitted by law.
 - D. Pending the protocol for handling all stray felines - space will be provided in the Lee County Animal Facility to quarantine felines for rabies observation and/or injured felines. The rate will be \$7.50 per feline per day and not to be included in the population count.

This lease shall be construed and enforced in accordance with the laws of the State of Illinois.

Lee County Board

by: _____ Date _____

River Ridge Animal Hospital

by: _____ Date _____

Lee County Board of Health Report

January 10, 2012

The Lee County Board of Health met at 6:30 p.m. on Tuesday, January 10, 2012. Board members present were Dr. Saad Blaney, Bob Stevens, Dr. William Long, Janet Lynch, Jim Jones and Andrew Bollman. Also present at the meeting were health department employees Cathy Ferguson, Denise Burrs, Hana Hinkle, Kathy Schutz and Tim Trader. Guest present was Larry Prindaville of Sinnissippi Centers.

The minutes for the November 8, 2011 meeting were approved.

The November & December Financial Reports and December & January Claims Registers were reviewed and approved.

Program reports were provided by Division Directors.

Ms. Burrs reported that the county auditors recently completed their annual review of the department and had no findings.

Ms. Hinkle reported on the successful outreach at Sauk Valley College on World AIDS Day. 26 people participated in the free HIV testing offered and many students and faculty were provided education. The most recent cholesterol/glucose screening was also well attended with 22 participants. Advertising was able to be done for this screening thanks to funding provided through the Northern Illinois Diabetes Coalition and this increased attendance. Finally, a recent outreach effort at the Leydig Center during National Diabetes Month reached approximately 150 people.

Ms. Ferguson informed the board that the in-house changes/updates to the department website are going very well. She wishes they had gone this route a long time ago. Not only does this save the cost of having them done by an outside source, the software has proven to be very user-friendly.

Ms. Ferguson recognized Tim Trader for 15 years of employment.

Marcie Withers recently completed training to become a certified safety seat technician, as part of the grant through the IDOT Child Passenger Safety Program.

The Lee County Health Department commemorates 65 years of service this year and has added a tagline to that effect to the website, letterhead, fax cover sheets, email signature lines and employee ID badges.

Ms. Ferguson shared copies of letters signed by herself and President Janet Lynch to Tim Bivins and Jerry Mitchell, supporting legislation to move Maternal and Child Health

Services back to the Illinois Department of Public Health. A resolution on this same issue was presented and approved. (See attached)

Mr. Trader presented five internal policies. One was tabled until the March meeting. The other four were discussed in detail and passed unanimously. These include: a sampling/inspection fee of \$75 charged at the time of application for potable water wells; an inspection fee of \$50 charged at the time of application for non-potable water wells; offering transient non-community water supply facilities the option of contracting with LCHD to conduct their quarterly or annual sampling obligations at the rate of \$50 per visit (or choosing to do it themselves), while allowing LCHD to send a reminder if a facility misses a sampling date providing an additional 14 days for completion-if after that time the sampling has not been completed, LCHD will take the sample and bill the facility \$75 per visit; and implementing a pro-rated permit fee for new retail food establishments. The latter policy will benefit facility owners by changing the current practice of charging a full permit fee regardless of when the business opens. Now-only establishments opening in the first third of the calendar year will pay the full application fees; those opening in the second third will pay 67% of the application fees; and those opening in the latter third of the year will pay 33% of the application fees.

The meeting was adjourned at 8:10 p.m.

The next scheduled meeting of the Board of Health is
Tuesday, March 13, 2012 at 6:30 p.m.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Cathy Ferguson".

Cathy Ferguson, M.P.H.
Public Health Administrator

Lee County Board of Health

Resolution Endorsing the Reorganization of the

Illinois Maternal & Child Health System

WHEREAS, Lee County Health Department is committed to providing effective and efficient services to all women and children, and strives to reduce disparities in health status among residents seeking care;

WHEREAS, Lee County Health Department supports strengthening Illinois' Maternal and Child Health system and desires assurances that the programs remain grounded in public health practice to restore Illinois to a position of national leadership in public health and Maternal and Child Health;

WHEREAS, a reorganized system brings the opportunity, responsibility and capacity to measure and improve performance and evaluate the effectiveness of these interventions and translate data into the information needed for decision-making;

WHEREAS, integrating the state's Maternal and Child Health effort at the Illinois Department of Public Health (IDPH) will bring a more coherent and evidence-based approach to the reduction of Illinois' persistent and unacceptable disparities in health status;

WHEREAS, THEREFORE, BE IT RESOLVED that the Lee County Health Department's Board of Health encourages the Illinois General Assembly to pass legislation to establish a new office within IDPH to house Illinois' Maternal and Child Health System, creating a comprehensive and integrated service to promote the health of women, infants and children.

BE IT FURTHER RESOLVED that the Board of Health supports consolidation of programs from the former Division of Community Health and Prevention at the Illinois Department of Human Services (IDHS) and the Division of Specialized Care of Children at UIC with the Office of Health Promotion in a new office within IDPH and specify qualifications for a Maternal and Child Health professional to lead this office.

APPROVED AND ADOPTED THIS 10 DAY OF January, 2012.



Board of Health President

**LEE COUNTY
ROAD AND BRIDGE COMMITTEE MEETING MINUTES**

Monday, January 9, 2012 – 8:00AM

Lee County Highway Department
1629 Lee Center Road, Amboy, Illinois 61310

The Lee County Road and Bridge Committee met at 8:00 A.M. on the above date to conduct their regular monthly audit together with other County Highway business. The following members were present: Dick Binder, Jim Wentling, David Chandler, Allyn Buhrow and Jerry Leffelman. Also present: County Engineer David Anderson

The committee first approved the minutes for last months meeting.

The committee audited and approved claims from the previous month. The claims were as follows: County Highway \$32,492.16 and payroll of \$50,507.20; County Matching \$9,324.03; County Special Bridge \$14,236.04; County Motor Fuel \$3,608.13 and Township Motor Fuel; \$58,148.88. The Committee also reviewed the request for deposit of funds in the amount of \$64,768.44 into the County Highway Fund; \$44,853.88 into County Special Bridge fund; and \$16,464.654 into the County MFT Fund. *Mr. Buhrow motioned to approve the claims, Mr. Leffelman seconded and all were in favor.*

The committee reviewed the Department's financial statements.

Mr. Anderson presented an ICC Stipulated Agreement for rail crossing work in the Village of Lee and the Village of Stewart. There are no obligations on the part of the County except to allow the work to proceed. After review, *Mr. Leffelman motioned to approve, Mr. Chandler seconded and all were in favor.*


An agreement for federal participation for the Reynolds Road resurfacing project was reviewed. The project is estimated to cost \$400,000, the local match amounts to an estimated \$80,000 (20 percent of the total cost). *Mr. Buhrow motioned to approve, Mr. Chandler seconded and all were in favor.*

Mr. Anderson informed the committee the County will not resurface County Line Road from Lee Road to Perry Road until Lee and DeKalb Counties have a chance to review an existing intergovernmental agreement regarding this stretch of highway. The County will also delay the Tampico Road Bridge replacement for a year since two other bridges in the vicinity will be closed for replacement this summer. Mr. Anderson added that, in total, the County expects to oversee approximately \$3.75 million of Township and County construction work this season.

Mr. Buhrow inquired about the status of roadways within the Shady Oaks wind farm construction area. Mr. Anderson replied that most issues are on township roads and these do not seem out of the ordinary for this type of project. At this point, Mr. Anderson expects that Goldwind will cooperate with any required road repairs at the end of the project.

The next Road and Bridge meeting will be on Tuesday, February 14, 2012 at 8:00 a.m. at the Highway Department in Amboy.

With no other business to discuss, the meeting adjourned at 9:50 A.M.
Respectfully Submitted, David Anderson

 Illinois Department of Transportation Local Agency Agreement for Federal Participation	Local Agency Lee County	State Contract X	Day Labor	Local Contract	RR Force Account
	Section 12-00321-00-RS	Fund Type STR	ITEP Number NA		
Construction		Engineering		Right-of-Way	
Job Number	Project Number	Job Number	Project Number	Job Number	Project Number
C-92-059-12	RS-0181(104)				

This Agreement is made and entered into between the above local agency hereinafter referred to as the "LA" and the state of Illinois, acting by and through its Department of Transportation, hereinafter referred to as "STATE". The STATE and LA jointly propose to improve the designated location as described below. The improvement shall be constructed in accordance with plans approved by the STATE and the STATE's policies and procedures approved and/or required by the Federal Highway Administration hereinafter referred to as "FHWA".

Location

Local Name Reynolds Road (CH 2) Route FAS 181 Length 3.50 miles
 Termini From Brooklyn Road to IL. 251

Current Jurisdiction Lee County Existing Structure No NA

Project Description

LAPP resurfacing and aggregate shoulders.

Division of Cost

Type of Work	STR	%	STATE	%	LA	%	Total
Participating Construction	320,000	(80)	()	()	80,000	(20)	400,000
Non-Participating Construction	()	()	()	()	()	()	()
Preliminary Engineering	()	()	()	()	()	()	()
Construction Engineering	()	()	()	()	()	()	()
Right of Way	()	()	()	()	()	()	()
Railroads	()	()	()	()	()	()	()
Utilities	()	()	()	()	()	()	()
Materials	()	()	()	()	()	()	()
TOTAL	\$ 320,000		\$		\$ 80,000		\$ 400,000

NOTE: The costs shown in the Division of Cost table are approximate and subject to change. The final LA share is dependent on the final Federal and State participation. The actual costs will be used in the final division of cost for billing and reimbursement.

If funding is not a percentage of the total, place an asterisk in the space provided for the percentage and explain above.

The Federal share of construction engineering may not exceed 15% of the Federal share of the final construction cost.

Local Agency Appropriation

By execution of this Agreement, the LA is indicating sufficient funds have been set aside to cover the local share of the project cost and additional funds will be appropriated, if required, to cover the LA's total cost.

Method of Financing (State Contract Work)

METHOD A---Lump Sum (80% of LA Obligation) _____
 METHOD B--- _____ Monthly Payments of _____
 METHOD C---LA's Share \$80,000 _____ divided by estimated total cost multiplied by actual progress payment.

(See page two for details of the above methods and the financing of Day Labor and Local Contracts)

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT 1597**

This Agreement made and entered into, by and between the State of Illinois acting by and through the Illinois Commerce Commission (Commission), BNSF Railway Company (Company), the County of Lee (Lee County), the City of Chicago in Cook County, the County of DeKalb (DeKalb County), the City of Aurora in Kane County and the State of Illinois, Department of Transportation (Department or IDOT).

WITNESSETH:

WHEREAS, it has come to the attention of the Commission through application for assistance from the Grade Crossing Protection Fund that inquiry should be made into the matter of improving public safety at the following highway-rail grade crossings of the Company's track(s) in Illinois:

<u>Roadway</u>	<u>AAR/DOT</u>	<u>Milepost</u>	<u>Location</u>
Main Street/FAS 176	069 787U	77.33	Steward
Damen Ave/FAU 2850	080 093P	2.27	Chicago
Viking Ave/FAS 175	069 775A	71.69	Lee
Illinois Ave/Mun 2130	069 670L	0.50	Aurora
Indian Trail Rd/FAU 1503	069 643P	2.58	Aurora

WHEREAS, proper investigation has been made of the circumstances surrounding the proposed improvements at the subject crossings by a representative of the Commission's Transportation Bureau Railroad Section; and

WHEREAS, the physical aspects, including train movements, vehicular traffic volumes and other pertinent data relating to the crossings have been obtained and shown on Exhibits A1-A5 – Crossing Surface Renewal, attached to this Agreement; and

WHEREAS, the parties are mutually agreeable to accomplish proposed improvements to the crossings upon determination of the Commission by Order.

NOW, THEREFORE in consideration of the premises and of the mutual covenants and agreements as hereinafter contained the parties pray that the Commission enter an Order according to the provisions of Section 18c-7401 of the Illinois Commercial Transportation Law, 625 ILCS 5/18(c)-7401, requiring that certain improvements as hereinafter stated be made and that the cost for the proposed improvements be divided among the parties according to law and that in the interest of the traveling public the Grade Crossing Protection Fund (GCPF) of the Motor Fuel Tax Law (MFT) be required to bear a substantial portion of the cost; To Wit the parties agree as follows:

Section 1 All improvements encompassed by this Agreement shall be made in accordance with all applicable State laws, rules, standards, regulations and orders and procedures in general.

Lee County Properties Committee Meeting Minutes

January 10, 2012 – 9:00 a.m.

Third Floor Board Conference Room, Old Lee County Courthouse
112 East Second Street, Dixon, Illinois 61021

Members present John Nicholson (Chairman); Bob Stevens (Vice Chairman); Tom Demmer (Secretary); Bill Palen; Marvin Williams

Visitors Kim Becker (Probation); Chris Henkel (Maintenance); Jim Seeberg (Board); John Varga (Sheriff); Cathy Myers (County Clerk); Rick Ketchum (Board)

Chairman Nicholson called the meeting to order @ 9:02 a.m.

Claims presented:	Properties	\$31,907.74
	Insurance & Bonds	\$150.52
	Capital Projects	--
	Capital Improvements	--
	Zoning/Planning	\$191.17
Probation:	County Funds	--
	Probation Services Fee	\$1,411.33
	Dependent Children's Care	\$575.00
	Juvenile Justice Council	--
	Youth Diversion Fee Fund	--
	Drug Court	\$230.56
	Juvenile Redeploy Grant	\$6,401.67
	Mental Health Court	--
	4E Funds	\$672.43

- ✓ **Motion to approve claims made by Mr. Stevens, seconded by Mr. Williams. Five voting yea, none voting nay; motion carries.**

Sheriff's Report

Sheriff Varga said the scanner at the courts building has been replaced and is now functioning properly. Some issues have been reported with panic buttons in the new section of the courts building. Mr. Henkel said the panel has been removed and sent to the manufacturer to determine the problem.

Mr. Williams asked Sheriff Varga if there is a fee for applying for a job in the Sheriff's office. Sheriff Varga said a \$15 fee is assessed to all job applications to help defray the costs of publicizing job opportunities in the newspaper and for testing fees associated with new hires.

County Clerk's Report

Ms. Myers said she certified the question for the election department on the electricity bundling for residents of unincorporated Lee County. Ms. Myers noted that there is a process the County must follow regarding the ballot referendum and suggested Mr. Nicholson contact Mike Mudge, the original contact for the referendum, to ask for information.

Maintenance Report

Mr. Henkel said he purchased a Rug Doctor for the County and his staff is working to clean carpets throughout the Old Courthouse. The purchase cost was negotiated down, and is about the same as the annual outsourcing cost had been, meaning the purchase pays for itself in a year.

Lee County Properties Committee Meeting Minutes

January 10, 2012 – 9:00 a.m.

Third Floor Board Conference Room, Old Lee County Courthouse
112 East Second Street, Dixon, Illinois 61021

Mr. Henkel also said he is photographing and monitoring the landscaping wall that runs the perimeter of the Old Courthouse lot. Normal wear and tear and erosion have caused some sections of the wall to be in need of significant repair. Mr. Henkel said the problem has been tolerated for too long and the time for maintenance can't be delayed much longer. Mr. Stevens suggested Mr. Henkel talk to the City of Dixon regarding plans to improve sidewalks alongside the wall. Mr. Henkel is also working with IDOT to determine possible state assistance.

- ✓ **Motion to direct Mr. Henkel to investigate the extent of the problem, solicit bids for correcting the problem, and engage with other local government bodies made by Mr. Palen, seconded by Mr. Williams. Five voting yea, none voting nay; motion carries.**

Mr. Henkel said the zoning board continues to work on changes to the wind farm ordinances. The next meeting is January 20 at 7 p.m. and will address setbacks. Mr. Henkel is optimistic that the final ordinance can be recommended at the February 2 meeting of the zoning board. The ordinance would then be presented to the County Board in February and laid over until the March meeting. Mr. Stevens suggested it may be a good idea to have a bailiff present for the evening zoning board meetings. Mr. Ketchum said there is an additional cost associated with having a bailiff present and that because of the additional wind farm ordinance meetings, Mr. Henkel has already used nearly half his annual budget for zoning meetings.

Mr. Henkel also said that officials from Boone County are visiting Lee County to speak with Mr. Henkel, Mr. Dave Anderson, and Ms. Wendy Ryerson regarding how Lee County has handled wind farm permits, road agreements, etc.

LOTS Report

Ms. Kathy Lalley submitted a letter regarding the Lee Ogle Transportation System facility. Work with IDOT is pending, but concurrence should come soon. Notices for bids will then be published. Ms. Lalley also presented a preliminary operating budget for the year beginning July 1, 2012. Job descriptions for the Transit Director and Assistant Transit Director have been prepared. Mr. Nicholson noted that the proposed salaries for these two positions are \$80,000 and \$55,000, respectively. Mr. Nicholson said he will discuss the details further with Ms. Lalley.

New Business

None.

- ✓ **Motion to adjourn made by Mr. Stevens, seconded by Mr. Williams. Five voting yea, none voting nay; meeting adjourned at 9:41 a.m.**

Respectfully submitted,
Tom Demmer

**LEE COUNTY
ADMINISTRATIVE SERVICES COMMITTEE MEETING MINUTES**

**Monday, January 9, 2012 - 9:00 A.M.
Third Floor Chairman's Conference Room, Old Lee County Courthouse
112 East Second Street, Dixon, Illinois 61021**

Members present: John Ferrone, Joe Patzer, and Steve Kitzman
Absent: Mike Farster, Dave Gusse
Guests: Mike McBride, (GIS/IT), John Fritts, (Treasurer), Cathy Myers (Clerk),
Wendy Ryerson (Assessor), Kevin Lalley & intern Bethany Wittenauer (EMA), Jim
Seeberg, Rick Ketchum (Board members), David Giuliani (Telegraph)

The committee approved the minutes from previous meeting:

County Clerk

Reviewed claims from the County Clerk's Automation fund totaling \$512.96, and County Clerks Office fund totaling \$356.55. A motion to approve the County Clerk's claims was made by Mr. Ferrone, and seconded by Mr. Kitzman. Motion carried 3-0. Ms. Myers announced her office was preparing for the March 20th primary.

County Treasurer

Reviewed claims from the Treasurer's Automation fund totaling \$315.00, the Treasurer's Office fund totaling \$513.97, the Accounting and Auditing fund totaling \$17,900.00. Also reviewed the Hotel/Motel tax claims from City of Dixon \$3,932.82, Tourism \$3,932.82, and from Lee County \$119.78. A motion to approve the County Treasurer's claims was made by Mr. Patzer, and seconded by Mr. Kitzman. Motion carried 3-0. Mr. Fritts talked about the merging of the new accounting firm with our Auditor. The Auditor is finishing up and the W-2's are mailed.

County Assessor

Reviewed claims from the Assessor's Office fund totaling \$2,041.10. A motion to approve the County Assessor's claims was made by Mr. Kitzman, and seconded by Mr. Patzer. Motion carried 3-0. Ms. Ryerson spoke to the committee that her office had 125 appeals for property taxes and Phase 1 is in process. The 2012 Homestead Exemptions are being filed.

County EMA

Reviewed claims from the EMA's Office fund totaling \$2,234.78. A motion to approve the EMA's claims was made by Mr. Ferrone, and seconded by Mr. Patzer. Motion carried 3-0. Mr. Lalley introduced his new intern. He said the County has now been reimbursed for the blizzard on February 2, 2011. And EMA has been reimbursed for the train derailment in Tiskilwa, in Bureau County.

County GIS/IT

Reviewed claims from the GIS/IT Department totaling \$2,036.10. A motion to approve the GIS/IT's claims was made by Mr. Patzer, and seconded by Mr. Kitzman. Motion carried 3-0. Mr. McBride let the committee know that the County's website is back up and running smoothly.

The next meeting will be Tuesday, February 14, 2012, at 9AM on the 3rd floor of the Old Courthouse.

Submitted by, Steve Kitzman

**LEE COUNTY
EXECUTIVE COMMITTEE MEETING MINUTES**

**Wednesday, January 11, 2012 - 1:00 P.M.
Third Floor Board Conference Room, Old Lee County Courthouse
112 East Second Street, Dixon, Illinois 61021**

Members present: Jim Seeberg, Mike Farster, Lisa Zeimetz, Isaac Mercer, and Greg Witzleb
Absent: Kathy Hummel,
Visitors: John Varga (Sheriff); Marty Meyer (Coroner-rep); Cathy Myers (County Clerk); Henry Dixon, Sandy Cargill (St. Attorney); Denise McCaffrey (Circuit Clerk); John Nicholson (Board members); Roseann Para (visitor); David Giuliani (Telegraph)

Chairman Seeberg called the meeting to order at 1:01 PM.

County Coroner

Reviewed claims from the County Coroner's Office fund totaling \$1,611.41. **A motion to approve the County Coroner's claims was made by Ms. Zeimetz, and seconded by Mr. Farster. Motion carried 5/0.** Fiscal year report to County Board Tuesday. Ms. Meyer reported that as of January 1, 2012, there are 8 pending inquiries and 1 medical.

County Sheriff

Reviewed claims from the County Sheriff's Office fund totaling \$32,338.92. **A motion to approve the Sheriff's claims was made by Mr. Farster, and seconded by Mr. Witzleb. Motion carried 5/0.** Sheriff Varga told the committee the Sauk Valley Media has ads out for list for potential candidates. The MasterCard is high because of training and labs. The Sheriff and Judges split the cost on the scanners. Medical costs are high due to increased jail numbers.

County Circuit Clerk

Circuit Clerk	\$3,997.16
Jury	\$0.00
Court Document Storage	\$40.00
Automation	\$0.00
Child Support Enforcement	\$726.92

A motion to approve the County Circuit Clerk's claims was made by Mr. Farster, and seconded by Ms. Zeimetz. Motion carried 5/0. Ms. McCaffrey said she had sent the old microfilm to be digitized but will retain the old. She will be purchasing equipment to send files electronically to the Appellate Court.

County State's Attorney

Reviewed claims from the State's Attorney's Office totaling \$14,707.48. **A motion to approve the State's Attorney's claims was made by Mr. Mercer, and seconded by Mr. Witzleb. Motion carried 5/0.**

County Public Defender

Reviewed claims from the Public Defender's Office totaling \$21.00. **A motion to approve the Public Defender's claims was made by Mr. Witzleb, and seconded by Mr. Farster. Motion carried 5/0.**

County Board

Reviewed claims from the County Board's Office fund totaling \$3,470.00. A **motion to approve County Board's claims was made by Mr. Farster, and seconded by Mr. Witzleb. Motion carried 5/0.**

To Zoning Board of Appeals

Nothing presented.

From Zoning Board of Appeals

Nothing presented.

To Planning Commission

Nothing presented.

From Planning Commission

Nothing presented.

Appointments

None

Old Business

New Business

Visitors

Ms. Para asked the committee who is over Zoning and Properties. Chairman Seeberg thinks it is Administration. He deferred to Chris Henkel (Zoning Administrator). Mr. Nicholson thinks he reports to Planning as the bills are paid there. She wanted to know if the wind farm zoning would go to Properties before going to the full County Board. Chairman Seeberg said no.

Motion to adjourn at 1:30 PM. was made by Mr. Mercer, and seconded by Mr. Witzleb. Motion carried 5/0.

Next meeting will be on February 15, 2012, at 1:00PM on the 3rd floor of the Old Courthouse, Dixon.

Respectfully submitted,
Lisa Zeimetz

Lee County Board

Dixon, Illinois

RESOLUTION NO. _____

WHEREAS, Lee County Board approved an "Adoption Agreement for Flexible Benefits Plan" with Envision Healthcare, Inc. on October 18, 2011, and

WHEREAS, there is a discrepancy between this agreement and the Employee Application,

NOW THEREFORE BE IT RESOLVED that the County Board of Lee County, Illinois, amend the Adoption Agreement for Flexible Benefits Plan, Section 25 Change of Election to read: "*A participant may change his election for Salary Reduction Contributions, except for HSAs up to ___ 0 ___ times during the Plan Year.*"

PASSED BY THE LEE COUNTY BOARD

THIS _____ DAY OF _____, 2012

BY: _____

Lee County Board Chairman

ATTEST:

Lee County Clerk

LEE COUNTY BOARD
Dixon, Illinois

RESOLUTION NO.

WHEREAS, this County Board recognizes that Lee County is in need of an increase of appropriate revenues to fund the essential functions of government.

WHEREAS, is attempting to locate revenue sources for Lee County; and

WHEREAS, one potential source would be a second landfill; and

WHEREAS, discussions with Republic Services have raised issues and questions of law that need to be resolved before any further negotiations are attempted;

NOW THEREFORE BE IT RESOLVED by the Board of Lee County, Illinois, that the County Board directs that the State's Attorney is empowered to undertake research and make reasonable inquiry from legal research entities to determine whether and to what extent the existing contractual terms and issues can be resolved.

PASSED BY THE LEE COUNTY BOARD
THIS January 17, 2012.

BY: _____
Lee County Board Chairman

Ayes: _____
County Board

Nays: _____
_____, 2012

Attest:

Lee County Clerk

**LEE COUNTY MONTHLY REPORT
ANIMAL CONTROL/DOG FACILITY**

MONTH OF DECEMBER 2011

DOG TOTAL FOR THE MONTH		11	
DOG POUND (COUNTY GENERAL)			\$185.00
PET POPULATION			\$1,675.00
RABIES			\$2,589.00
ANIMAL CONTROL			\$1,294.00
TOTAL DEPOSITS:			\$5,743.00
ODOMETER MILEAGE FOR END OF: <u>NOV</u>		105,593	
ODOMETER MILEAGE FOR END OF: <u>DEC</u>		107,248	
TOTAL MILES:		1,655	
TICKETS ISSUED:		0	

SUBMITTED BY *Christi Zinke* DATE: 1/3/2012



Denise A. McCaffrey
Clerk of the Circuit Court
Fifteenth Judicial Circuit

Lee County
Courts Building
309 South Galena Ave.
Suite 320
Dixon, IL 61021
(815) 284-5234
Fax: (815) 288-5615

LEE COUNTY CIRCUIT CLERK

December 2011

MONTHLY REPORT

FEES COLLECTED AND DISBURSED TO:
LEE COUNTY TREASURER

Filing Fees	\$20,662.01
Library	\$1,600.00
Work Release	\$254.00
Court System	\$2,138.00
Automation	\$9,120.25
Security	\$6,928.00
Probation	\$4,931.00
Court Document Storage	\$9,198.75
Annual Support/Maintenance	\$36.00
Public Defender	\$15.00
Home Confinement	\$0.00
Minor Room & Board	\$0.00
Guardian Ad Litem	\$90.00
Lee County States Attorney	\$1,231.00
Lee Co SA Collection Fee	\$5.00
Medical Costs	\$350.75
Youth Diversion	\$524.40
Drug Court Fund	\$503.50
2nd Chance Program	\$510.00
E-Citation/Clerk	\$204.00
TOTAL	\$58,097.66

OTHERS:

Lee County Sheriff	\$513.00
Marriage Fund of the Circuit Court	\$40.00
Restitution	\$3,438.44
DNA Identification	\$228.00
Anti-Crime Fund	\$1,177.00
Clerk Op Add-Ons	\$437.64
SC Services & Associates	\$0.00
Alliances Counseling	\$0.00
Child Advocacy Fee - Shinning Star	\$861.00
Probation - Drug Court Fee	\$581.00
Probation - Mental Health Court Fee	\$0.00
Clerk Op Deduct	\$89.50
Pre Scrn Appl	\$0.00
School District Fee	\$0.00
TOTAL	\$7,365.58

STATE TREASURER:

Drivers Education Fund	\$1,097.00
V.C.V.A.	\$2,262.38
Penalty Assessment Surcharge	\$118.39
DV Shelter Service	\$668.00
Trauma	\$1,171.95
LEADS	\$9.60
Domestic Battery	\$36.00
DV Abuser Service	\$18.00
State Fee - Traffic	\$2,919.25
T&CCSF	\$4.00
DUI Equipment	\$3,565.29
Sexual Assault	\$0.00
Spinal Cord Trust	\$39.00
Hwy Hire-Back Fund	\$549.00
Prisoner Rvw Board	\$20.00
Lump Sum Surcharge	\$7,309.98
Fire Prevention	\$120.00
Fire Truck Ln Fund	\$135.00
DV Surveillance	\$362.00
Drug Assessment Fund	\$999.00
State Police Svcs	\$169.00
State Police Ops	\$6,394.25
Foreclosure Prev	\$686.00
Drug Traffic Prev	\$0.00
TOTAL	\$28,653.09

FINES COLLECTED & DISBURSED TO:**MUNICIPALITIES:**

City of Dixon - Traffic	\$9,833.13	Drug	\$5.00	\$9,838.13
City of Dixon DUI Equip				\$411.20
City of Dixon Police Veh Fund				\$374.00
City of Dixon E-Citation				\$50.00
City of Amboy				\$188.52
Village of Ashton				\$161.76
Village of Ashton DUI Equip				\$20.00
Village of Franklin Grove				\$70.03
Village of Nelson				\$0.00
Village of Paw Paw				\$30.00
Village of Sublette				\$11,400.00
Sub-Total				\$22,543.64

COUNTY:

Traffic		\$13,432.98
State Police	\$7,325.16	
Co. Sheriff	\$6,107.82	
Bond Forfeiture	\$0.00	
County Fee/Traffic		\$6,675.12
Criminal		\$2,249.48
Rabies		\$0.00
Drug		\$189.02
County General	\$146.02	
Sheriff	\$43.00	
Lee County Sheriff DUI Equip		\$365.80
Lee County Sheriff Police Veh Fund		\$180.00
E-Citation/County Crm n Juv		\$6.00
E-Citation/County Traffic		\$34.00
Sub-Total		\$23,092.40

STATE

State of IL - Conservation		\$100.50
State of IL - Overweights		\$75.00
State of IL - Capital Projects		\$15,313.00
State of IL - DASA 121/2% Drug		\$11.98
State of IL - Criminal Lab Analysis		\$0.00
State of IL - Drug Crime Lab		\$65.00
State of IL - DUI Crime Lab		\$0.00
State of IL - Secretary of State		\$0.00
State of IL - Drug Enforcement		\$0.00
State of IL - DUI Equipment		\$79.33
State of IL - Police Veh Fund		\$223.00
State of IL - E-Citation		\$14.00
Sub-Total		\$15,867.81

TOWNSHIPS/PARK DIST:

Dixon Park District		\$100.00
Dixon Park District E-Citation		\$2.00
Sub-Total		\$102.00

TOTAL**\$61,605.85****CHILD SUPPORT COLLECTED & DISBURSED****\$0.00**

Denise A. McCaffrey

 DENISE A. MCCAFFREY, CIRCUIT CLERK



**OFFICE OF THE COUNTY CLERK AND RECORDER
LEE COUNTY COURTHOUSE
DIXON, ILLINOIS 61021-0329**

MAILING ADDRESS:
P.O. Box 329
DIXON, IL 61021-0329

Phone 815-288-3309
Fax Clerk/Recorder
815-288-6492
Fax Election Dept
815-288-6157

Cathy Myers
Lee County Clerk & Recorder

Sharon Sawyer, *Chief Deputy Clerk & Recorder*
Sharon Moeller
Lora Ketchum
Ronette McKnight
Anna Keys
Kathy Grossman
Debra Phillips
Lori Miller

Website: www.countyoflee.org
Election E-Mail: election@countyoflee.org

Monthly Report of Cathy Myers, Lee County Clerk & Recorder to the Honorable Chairman and Members of the Lee County Board. The following enumerated amounts were received by my office during the month of December 2011

TOTAL RECEIPTS.....		\$167,995.82
MARRIAGE LICENSE FEE.....		\$420.00
	(VITAL RECORDS SPECIAL FUND)	\$288.00
	(EDC SPECIAL FUND)	\$380.00
CERTIFICATIONS.....		\$4,954.00
MISCELLANEOUS.....		\$9,792.00
	(RECORDING SPECIAL FUND)	\$2,592.00
	(GIS SPECIAL FUND)	\$9,401.00
	(RHSP SURCHARGE)	\$4,824.00
	(DVF)	\$60.00
RECORDING.....		\$35,509.00
REAL ESTATE TRANSFER STAMP SALES (GROSS).....		\$14,304.75
TRUST FUND RECEIPTS – REDEMPTIONS FROM TAX SALE.....		\$103,016.07
TOTAL AMOUNT OF FEES RECEIVED.....		\$64,979.75
	(GENERAL FUND)	\$47,434.75
	(VITAL RECORDS)	\$288.00
	(EDC)	\$380.00
	(RECORDING)	\$2,592.00
	(GIS)	\$9,401.00
	(RHSP SURCHARGE)	\$4,824.00
	(DVF)	\$60.00

TOTAL AMOUNT OF TRUST FUNDS HELD AT THE BEGINNING OF THE MONTH...	\$152,507.61
RECEIVED DURING THE MONTH AS SHOWN ABOVE.....	\$103,016.07
PAID OUT TO PURCHASER DURING THE MONTH.....	\$86,874.21
BALANCE OF TRUST FUNDS HELD AT THE END OF THE MONTH.....	\$168,649.47

Respectfully Submitted,

Cathy Myers

Cathy Myers, Lee County Clerk & Recorder

by *Ronette McKnight*, Deputy

Services back to the Illinois Department of Public Health. A resolution on this same issue was presented and approved. (See attached)

Mr. Trader presented five internal policies. One was tabled until the March meeting. The other four were discussed in detail and passed unanimously. These include: a sampling/inspection fee of \$75 charged at the time of application for potable water wells; an inspection fee of \$50 charged at the time of application for non-potable water wells; offering transient non-community water supply facilities the option of contracting with LCHD to conduct their quarterly or annual sampling obligations at the rate of \$50 per visit (or choosing to do it themselves), while allowing LCHD to send a reminder if a facility misses a sampling date providing an additional 14 days for completion-if after that time the sampling has not been completed, LCHD will take the sample and bill the facility \$75 per visit; and implementing a pro-rated permit fee for new retail food establishments. The latter policy will benefit facility owners by changing the current practice of charging a full permit fee regardless of when the business opens. Now-only establishments opening in the first third of the calendar year will pay the full application fees; those opening in the second third will pay 67% of the application fees; and those opening in the latter third of the year will pay 33% of the application fees.

The meeting was adjourned at 8:10 p.m.

The next scheduled meeting of the Board of Health is
Tuesday, March 13, 2012 at 6:30 p.m.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Cathy Ferguson".

Cathy Ferguson, M.P.H.
Public Health Administrator