

AGENDA OF THE LEE COUNTY BOARD

July 20, 2004

6:00 p.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 MINUTES

Township Supervisors - Combining of Polling Places

PUBLIC/VISITOR COMMENT:

A. ITEMS ON THE AGENDA - VISITORS ALLOWED 10 MINUTES

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

8 - Resolutions - Joseph Meyer - Tax Auction (roll call)

TO ZONING BOARD: -0-

TO PLANNING COMMISSION: -0-

FROM ZONING BOARD: 04-P-1393 - Gilmore - Brooklyn Township

FROM PLANNING COMMISSION: -0-

REPORTS OF COMMITTEE:

911 BOARD

ADMINISTRATIVE SERVICES

SOLID WASTE/HEALTH & WELFARE

ROAD & BRIDGE

COMMITTEE CLAIMS

COUNTY PROPERTIES

R.C.&D. - BLACKHAWK HILLS

COUNTY SERVICES

FINANCE

CLAIMS

EXECUTIVE/JUDICIAL/LAW ENFORCEMENT

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

OLD BUSINESS

NEW BUSINESS

APPOINTMENTS Foster B. Dorn - West Brooklyn Fire District

Ordinance - Health Dept. - Food Establishments

Ordinance - Health Dept. - Sewers & Sewage disposal

Ordinance - Health Dept. - Water Supply

Resolution - Solid Waste Coordinator

Resolution - FOP Union Contract

Resolution - Health Insurance Extension

Resolution - Teamsters Union Contract (County Clerk/Treasurer)

Resolution - Non-union pay increase

Heartbreakers Ordinance Violations

State's Attorney' - Quarterly Report

Executive Session - Salaries

MILEAGE & PER DIEM

ALL BILLS & APPROPRIATIONS ALLOWED BY ROLL CALL

ADJOURN

LEE COUNTY ZONING BOARD OF APPEALS

BOARD MEMBERS

Ron Conderman, Chairman
Craig Buhrow, Vice Chairman
Mike Pratt, Member
Gene Bothe, Member
Tom Fassler, Member
Howard Schoenholz, Alternate
Gene Hardiek, Alternate

Chris Henkel, Zoning Administrator
Katie Murray, Clerk

The Lee County Zoning Board of Appeals met Thursday, July 1, 2004 at 7:00 p.m. in the Lee County Courthouse, Dixon Township, Dixon, Illinois. The Chairman called the meeting to order and the Clerk called the roll with the following members present: Fassler, Bothe, Pratt, Buhrow and Conderman.

Chairman Conderman asked for a motion to approve last month's minutes and added there is a correction to be made. Chris Henkel stated there was an error in the recommendations and a correction was made to the Lee County Board. Mr. Henkel reported that he would like to clarify to this board that the motion was for those voting aye: Tom Fassler, Gene Bothe, Mike Pratt, Craig Buhrow and Ron Conderman. He stated this was typed backwards in the previous minutes and he made that correction and that went to the County Board. The County Board voted on this petition last month. Mr. Pratt asked if the County Board voted in favor of the corrected recommendation. Mr. Henkel answered yes. Chairman Conderman asked for a motion to approve the minutes as corrected. Gene Bothe made a motion to approve, seconded by Mike Pratt. All in favor.

The first petition on the agenda is Petition No. 04-P-1393, Steve & Donna Gilmore, Scott & Maryanne Gilmore, Edward & Donna Gilmore. Petitioners are requesting 5 acre of PPN # 05-17-02-400-004, Brooklyn Township be rezoned from AG-1, Agricultural District to Special Use for the development of one wind turbine to be built. Property is located on the east side of Compton Road approximately ¼ mile south of Chicago Road.

Chairman Conderman asked for those representing this petition to please come forward and be sworn in. Chairman Conderman asked for receipts and notice in paper. Notification of adjacent owners and receipt of notice in paper was given to Chairman Conderman. Paperwork is complete Mr. Henkel reported. Mr. Gilmore reported he has one correction, petition should read Steven & Debra instead of Steven & Donna.

Wes Slaymaker was sworn in and indicated he is with Windindustry which is a non-profit based in Minneapolis. Mr. Slaymaker stated they are partnering with the Gilmore's on this project and have worked with the Gilmore's over a few years on wind projects. Mr. Slaymaker stated he is available to answer any technical questions that might come up.

Ron Conderman asked Mr. Slaymaker to show where this project will be located. The board and Mr. Slaymaker discussed that it will be ¼ mile south of the buildings, identifies the five acre tract and points out Route 52. Chris Henkel points out there is a map attached to a letter in front of the board members that identifies the proposed site.

Wes Slaymaker reported that they have applied for a state grant through the Department of Commerce. One of their stipulations is to do an archeological survey on the site. Grants through the USDA also require this stipulation. Mr. Fassler asked if this survey is more or less to check for footings not what is underneath it. Mr. Slaymaker clarified that he was talking about the historical survey that will check for Indian artifacts and that sort of thing. Mr. Slaymaker also reported they will go into Compton and take photographs of the houses to look at the impact visually of where the turbine would be behind the house. He stated it is pretty extensive. Mr. Fassler asked when this would be done. Mr. Slaymaker stated late summer.

Mr. Slaymaker stated they are applying for a USDA grant which would be awarded in September.

Mike Pratt asked what size the turbine will be. Mr. Slaymaker stated it will be manufactured by Mikan. The turbine is 1.65 megawatts, each blade is 132 feet and the tower height is 263 or 265 feet (80 meters). Mr. Slaymaker stated there are a number of these models of turbine in Minnesota and one is going up currently in Pike County Illinois.

Mr. Slaymaker reported this is very efficient in low medium wind resources. He stated that you will get a little over double what you are getting from the existing wind turbines.

Craig Buhrow asked if the one in Pike County is also a single turbine. Mr. Slaymaker stated yes.

Ron Conderman asked where this will be hooked into. Mr. Slaymaker stated along Chicago road, Commonwealth Edison has a three phase line that they are proposing to interconnect into. It is right at the corner of Chicago and 1st Street. Mr. Conderman asked if a substation would be built. Mr. Slaymaker stated no the transformer would be at the base of the turbine with the wires built underground. He stated at some point it comes up on poles with a small interconnect. Mr. Slaymaker explained that at the point of interconnect there will be two additional power poles with a visual disconnect. Mr. Slaymaker reported there will be a minimum amount of equipment, nothing like the substations.

Ron Conderman asked if this is for your own use. Mr. Slaymaker answered no, this is contractual and put on the distribution system. Mr. Slaymaker stated that since it will be put on the distribution system they will use it, but not separately.

Gene Bothe asked if the paperwork with ComEd has been done. Mr. Slaymaker stated no. ComEd merged or was bought by Exelon so everything was switched over. Therefore

they started the interconnection study process in May and have been told they will not be done until December.

Mr. Conderman asked if this was approved what is the foreseeable time table of when construction might begin. Mr. Slaymaker reported this is a 2005 project. The grants would stipulate a 2005 project. Mr. Slaymaker reported summer of 2005 is the expected online date.

Chris Henkel explained as far as getting this approved tonight at the very end of the petition there is a statement of nullify special use. Mr. Henkel read the statement which is as follows: In any case where a special use has not been established (substantially under way) within one year from date of granting thereof, then, without further action by the County Board, the special use or authorization thereof shall be null and void, unless in the opinion of the Zoning Enforcement Officer, circumstances beyond the control of the permittee indicate that establishment of the use has been impossible.

Mr. Slaymaker stated that under that language the project would be substantially started, he was quoting when they would be completed with this project. He stated he thinks they will qualify. They would have ordered the turbine which requires a substantial amount of money down.

Chris Henkel asked if they would be substantially under way in a year. Mr. Slaymaker stated yes, he was giving the final completion date.

Mr. Fassler asked if this is all contingent upon the grants and the tax credit. Mr. Slaymaker stated yes, if the Production Tax Credit is not renewed the project would not go through unless some other money suddenly appears. Mr. Slaymaker reported that if one did not happen but others came through they could still go through.

Mr. Henkel clarified that if this does not go through in a year the petition is no longer valid. Mr. Slaymaker stated yes he understands.

Warren Auct was sworn in and stated he is also with Windustry and is dedicated to Illinois projects. Mr. Auct reported the only question is what is considered substantial progress.

Craig Buhrow asked how large is the base on these projects. Mr. Slaymaker reported the spread foot foundation would be in the range of 80 square foot concrete base. Mr. Slaymaker discussed the two different types of bases.

Tom Fassler asked if this is an enclosed tower. Mr. Slaymaker stated yes it is similar to the ones you have seen. Mr. Fassler asked if they know what the distance is from the city limits of Compton. Mr. Slaymaker stated it is ½ mile from Compton.

Mike Pratt asked if the zoning office got a letter from the city of Compton. Mr. Henkel stated that they notified the city of Compton but have not received anything back from

them. Mr. Henkel and Mr. Conderman reported they have received a letter from Navitas. Mr. Slaymaker asks to see the letter. Mr. Henkel read the letter into the record. See attachment # 1.

Mr. Slaymaker stated their (Navitas) concerns are about one wind turbine blocking another which is always a concern of anyone putting up a turbine.

Mr. Auct stated the objectives on this project are different than the Mendota Hills project. He stated Windustry is dedicated to improving the economics of rural communities. He reported one of the things that is central are that the benefits from power generation reside with the communities, farmers and the schools for Illinois. Mr. Auct stated on this project in particular their overall objective is to create a replicable model for farmer/municipal/rural owned wind power. Where the financing is done with farm credit or community banks and the owners are the farmers in the community. He stated they believe the community should have the option to have local ownership. Mr. Auct reported that in the process of doing this project they are trying to create something that could be used by other individuals throughout Illinois.

Tom Fassler asked who will own this project. Mr. Slaymaker stated a LLC was formed with the Gilmore's owning 51% and Windindustries owning 49%.

Ron Conderman stated that the special use conditions for a wind energy system that was put in place by Mendota Hills Wind Farms consists of a number of things. Mr. Conderman stated that according to the zoning officer the board can pick and choose out of this because it is not a wind farm but a single wind turbine. He stated one of the concerns brought up is that a certificate shall verify that power purchase/power transmission contracts and other legal rights shall be in place. Mr. Conderman stated that Mr. Slaymaker commented that it will be nine months before this is done. Mr. Slaymaker stated that anywhere in the United States there is a purple law, a federal law, which says utility has to take the energy. He went on to explain that anytime they deal with Common Wealth Edison they receive a four page tariff rate that explains what they will pay the project when it is operating online.

Mr. Slaymaker explained they are not doing a fixed term contract over 10 to 20 years they are taking avoided costs. He explained that large wind farms cannot proceed with avoided costs because there is too much risk but this project will take this risk. He also explained that it is not a huge risk because currently the price is enough with grants that will make a project that is workable.

Craig Buhrow asked what this project will cost. Mr. Slaymaker stated it is a \$2 million dollar project.

Mr. Slaymaker discussed the economics of using one large turbine instead of a couple of turbines. This one large turbine will generate as much energy as two 900 kilowatt machines but the cost to operate and install will be less. He reported that they take the risk of having operational problems on this one machine.

Ron Conderman asked if they have a service agreement. Mr. Slaymaker reported when they purchase the turbine they will purchase an extended five year warranty with Mikan which is bumper to bumper. After the five year time period they can hire Mikan to do the maintenance or hire someone else.

Craig Buhrow asked if this is the same outfit as Bureau Valley. Mr. Slaymaker reported that Bureau Valley has a smaller turbine.

Ron Conderman asked what their decommissioning plan is. Mr. Slaymaker stated they have a large contingency fund set aside. As the turbine approaches its useful life more of that contingency money will be set aside for the removal. Mr. Slaymaker stated that is in the business plan, they have not bonded for it.

Ron Conderman asked what is the expected life. Mr. Slaymaker reported that the manufacturer says 20 years but a lot of developers are planning on 30, it is hard to predict. Chris Henkel read the decommissioning plan in the conditions set forth for the farms. He asked Mr. Slaymaker if that is part of what their plan is for this project. Mr. Slaymaker stated financially it would be better if they did not have to post money but they will try to work with the county for financial assurance. Mr. Henkel stated that they need to be assured that if this thing goes bad it goes away. Mr. Slaymaker stated they will have to work on that, he is not an expert in the cost of those items.

Chris Henkel stated that to keep in mind this is not an ordinance these are the conditions set forth by Wind Energy Systems. Mr. Henkel reported it would be prudent to go through these and make sure everyone understands each other.

Mike Pratt stated that part of our thought process is that we needed guidelines to work with and these are our guidelines. Mr. Fassler stated that the line is between using it yourself and commercially selling it. Mr. Fassler stated this is a commercial project essentially.

The Board agreed to go through the Ag-1 Special Use Conditions for Wind Energy Systems. See Attachment #2.

Mr. Conderman began by reading from Setback Requirements #1 and 2. He asked if that is going to be a problem. Mr. Slaymaker stated that they are closer to the road than the 1.1 times the height of the turbine to the blade tip. Mr. Slaymaker stated he was submitting this as a special use and was hoping the board would agree to a closer distance. He stated it is not physically impossible for them to go farther from the road but is more cost to the project and farther down the hill. Craig Buhrow asked Mr. Slaymaker what figure he comes up with. Mr. Slaymaker stated 390 feet and clarified the size of the turbine. Ron Conderman indicated that 1.1 would make it about 440 feet. Mr. Buhrow asked if the spot picked out is 300 feet from the road. Mr. Slaymaker indicated yes.

Mr. Conderman read #3. Mr. Slaymaker stated the only owner is Scott Gilmore and it will not be within 600 feet, it would be in the 1000 foot range.

Mr. Conderman read #4. Mr. Slaymaker stated that they are closer to 2600 feet from Compton. Mr. Conderman stated that is not a problem.

Mr. Conderman read #5. Mr. Slaymaker stated it is agreed and some are underway.

Mr. Conderman read #6. Mr. Slaymaker stated it is agreed and that will take place in the future.

Mr. Conderman read #7. Mr. Slaymaker reported that this does not apply. Chris Henkel indicated that #7 does not apply.

Mr. Conderman read #8. Mr. Slaymaker reported that they will buy all new equipment.

Mr. Conderman read #1 from Noise Standards. Mr. Slaymaker reported they will comply with these regulations.

Mr. Conderman read #1 from Waste Management and Mr. Slaymaker indicated they will comply.

Mr. Conderman read #2 and Mr. Slaymaker stated they will comply.

Mr. Conderman read #1 from Signage and Mr. Slaymaker indicated they will comply. Mr. Auct explained what these standards mean.

Mr. Conderman read #1 from Aesthetics. Mr. Slaymaker stated theirs will be similar to an off white color.

Mr. Conderman read #2. Mr. Slaymaker stated that would not apply. Mr. Fassler agreed and stated #3 would be the same.

Mr. Conderman read # 4 and Mr. Slaymaker agreed they would comply.

Mr. Conderman read #1 from Public Services. Mr. Slaymaker stated they would get a permit to access these roads. Mr. Henkel stated they would have to get a sign and incur the cost of that sign. Mr. Slaymaker stated they would agree. Mr. Henkel stated the county engineer would take pictures before and after and it would be your responsibility of any damage done. Mr. Slaymaker agreed.

Mr. Conderman read #1 from Fire, letters "a" and "b". Mr. Slaymaker stated they agree to "a". As for "b" these turbines are equipped with the twistable cables.

Mr. Conderman read # 1 from Dust Control. Mr. Slaymaker indicated they agree.

Mr. Conderman read Sewer and Water #1. Mr. Slaymaker reported that would be N/A they do not have any water or sewer.

Mr. Conderman read Drainage Repair # 1. Mr. Slaymaker stated that they agree.

Mr. Conderman read Engineer's Certificate #1. Mr. Slaymaker stated he would prefer if it did not have to be registered in the state of Illinois because most foundation designs are done by bar engineering out of Minneapolis, Minnesota. If they must require a separate certification they would do that but it would cost the project a least \$5 to \$10 thousand. He stated he would ask to have that waived for this project but would listen to what the board has to say.

Mr. Conderman read Certificate of Contracts #1. Mr. Conderman stated that Mr. Slaymaker has already explained their position.

Mr. Conderman read Decommissioning Plan #1. Mr. Slaymaker stated they would comply. Mr. Conderman clarified that if they were to take it down it would be removed to a depth of 48 inches. Mr. Slaymaker stated yes.

Mr. Conderman read Additional conditions for Special Use permitting #1. Mr. Slaymaker stated the farmers that own the project would have it on their land but they could comply. The board discussed that they would not have to cross anyone else's land.

Mr. Conderman read #2. Mr. Slaymaker stated they were not planning on anything.

Mr. Conderman read #3. Mr. Henkel stated this is N/A.

Mr. Conderman read #4. Mr. Slaymaker stated they can work with anyone whom might have a complaint.

Mr. Conderman read #5. Mr. Slaymaker stated some of this applies to bigger projects but would agree if this interferes with anyone's television. Mike Pratt asked Mr. Slaymaker if he understands the two paragraphs. Mr. Slaymaker answered yes. Mr. Pratt discussed the objections made to the other petitions. Mr. Slaymaker answered they will comply as stated. Mr. Auct stated that fiberglass does not cause TV interference.

Tom Fassler stated that shadow flicker could be a problem. Mr. Fassler asked about the microwave towers in the area and if they have investigated that. Mr. Slaymaker stated there is an existing cell tower on the Gilmore property. Mr. Gilmore stated it is a FM tower.

Ron Conderman stated #6 does not apply.

Mr. Conderman read #7. Mr. Slaymaker asked that they not be subjected to this because this is one turbine on a farm. This condition seems to be for a wind farm.

