

Proceedings of the Ogle County Board Meeting  
February 21, 2012

State of Illinois )  
County of Ogle ) ss

**Call to Order**

Chairman Barnes calls the Ogle County Board Meeting to order at 5:30 p.m.

**Roll Call**

The roll call shows member Nye and Heuer are absent. The Invocation is given by Hopkins and followed with the Pledge of Allegiance.

**Approval of Minutes**

Chairman Barnes asks for a motion to approve the January 17, 2012, County Board Meeting minutes. Finfrock moves to approve, Bowers seconds and the motion carries on a voice vote.

**Approval of Reports**

Chairman Barnes asks for a motion to accept the monthly report of the Ogle County Clerk & Recorder, Treasurer, and Circuit Clerk. Kilker moves to accept the reports as filed, Janes seconds and the motion carries on a voice vote.(Placed on file)

**Appointment –**

Hopkins moves to approve R-2012-0209 to re-appoint James Harrison as the Ogle County Supervisor of Assessments. Bauer seconds and the motion carries on a voice vote.(Placed on file)

**Vacancies –**

- Ogle County Civic Center Authority – 1 unexpired term ends 10/31/2012 & 2 full terms
- Board of Health – 1 vacancy
- Leaf River Fire Protection District – 1 unexpired term

Application and Resumé deadline – Friday, March 2, 2012 at 4:30 p.m.  
in the County Clerk's Office located at 105 S. 5<sup>th</sup> St – Suite 104, Oregon, IL

- Fire Protection Districts: Forreston - Leaf River - Lynn-Scott-Rock & Oregon (1 each)
- Lost Nation/New Landing RCD – 1 vacancy
- Planning Commission – 2 vacancies
- Zoning Board of Appeals – 2 vacancies – 1 Regular Member and 1 Alternate #2 Member

Application and Resumé deadline – Friday, March 30, 2012 at 4:30 p.m.  
in the County Clerk's Office located at 105 S. 5<sup>th</sup> St – Suite 104, Oregon, IL

**Zoning - #14-11 Special Use- Edward R. Messenger Jr. & Justine Messenger – O-2012-0202**

Williams presents the petition of Edward R. Messenger Jr. & Justine Messenger, 5067 W. Pines Rd., Oregon, IL for a Supplemental Special Use Permit amending Special Use Permit #3-02SU to allow race events for dirt bikes and four-wheelers in the B-2 Business Recreation District and allowing commencement of operating hours to be 8:00 A.M. in lieu of 9:00 A.M. on property described as follows and owned by petitioners: P.I.N.: 15-15-200-010 & -009 - Brief Legal Description: The NE1/4 of the NE1/4 of Section 15 Pine Creek Township 23N, R9E of the 4th P.M., Ogle County, IL, 40.0 acres, more or less - Common Location: 5067 W. Pines Rd., Oregon, IL – Williams moves to approve O-2012-0202, Messer seconds. De Arvil abstains because his daughter and son-in-law are the petitioners. The motion carries on a voice vote.(Placed on file)

**Zoning – #2-11 Amendment – WECS Text Amendment - Ordinance 2012-0201**

Williams presents the petition of the Supervisor of Assessments and Planning & Zoning Committee of the Ogle County Board c/o Ogle County Planning & Zoning Department, 911 W. Pines Rd., Oregon, IL for an Amendment to the text of the *Ogle County Amendatory Zoning Ordinance*, involving the following:

Division 2 Rules and Definitions, Section 2.02 Definitions (Delete the following definitions: WECS Tower; WECS Tower Height)

Division 5 Schedule of Zoning District Regulations; Section 5.01 AG-1 Agricultural District; Paragraph C. Special Uses (Amend “Wind Energy Conversion Systems, Commercial” be adding “...subject to the Commercial Wind Energy Conversion Systems [WECS] Performance Standards as found in Appendix V herein.”)

Appendices (Add Appendix V - Commercial Wind Energy Conversion Systems [WECS] Performance Standards)

Williams moves to approve O-2012-0201, De Arvil seconds.

Horner moves to amend the motion as follows: Amend Section One by striking the words..”however, the recommendations of the Ogle County Zoning Board of Appeals to modify the proposed amendments to the text of the Ogle County Amendatory Zoning Ordinance (Exhibit “A” appended to Exhibit II herein), is hereby partially accepted, and the recommendations of the Supervisor of Assessments and Planning & Zoning committee to further modify the proposed amendments to the text of the Ogle County Amendatory Zoning Ordinance (Exhibit “III” herein) is hereby adopted by the Ogle County Board”. And further, Amend Section Two by deleting “Exhibit III” and replacing with “Exhibit II”. This motion dies due to the lack of a second.

Kenney asks to have County Clerk Huntley read a letter from Vice-Chairman Heuer which was sent to the County Board Members. Gouker states since the County Board members are to vote on zoning issues based on sworn testimony given to the Zoning Board of Appeals; he did not read the information. Chairman Barnes asks for the opinion of State’s Attorney Ben Roe. Roe stresses to the board members they base their decision on the sworn testimony during the public hearing. Chairman Barnes states the letter will not be read.

Simms reads the following: “Before us is one of the most controversial and important zoning changes seen in a great deal of time. Our County is bitterly divided, which is a warning that should not be ignored. I do not feel that any Committee has brought forward a proposal that would receive minimal acceptance, thus avoid citizen outrage and legal challenge. Therefore, I feel at this time we should not rush forward and create more of a problem than currently exists”. Simms moves to lay the question on the table and Williams seconds. Welty states from Roberts Rules of Order under the tabling of an issue, once the motion is seconded it is not up for discussion, cannot be changed and requires a simple majority vote. Chairman Barnes states his opinion is to move on with this issue since this has been ongoing for the past two years. A roll call vote is called:

YES: Gouker, Janes, Simms, Welty, White, Williams, Baumgardner, Boes and De Arvil

NO: Gronewold, Hopkins, Horner, Kenney, Kilker, Messer, Saunders, Stahl, Bauer, Bowers, Colbert, Finrock and Barnes

ABSENT: Heuer and Nye

The motion is defeated on a roll call vote.

De Arvil makes the motion to extend the current Ordinance O-2011-0208 regarding Wind Energy Conversion System Moratorium from February 29, 2012 to December 31, 2012 and to strike language relating to “or by action by the Ogle County Board” from the ordinance. Hopkins calls for a Point of Order; we have a motion on the floor and it is time to vote on this as it is printed and was presented last month. State’s Attorney Roe says there is a motion and second on the floor regarding the WECS text amendment and this would have to be an amendment to that motion. De Arvil withdraws his motion.

County Clerk Huntley informs the members of the board this will need to be passed by a super majority vote since there were two townships who objected to this ordinance. Huntley explains the procedure of the objections to a zoning issue filed in the County Clerk’s Office. The County Clerk’s Office then forwards the information to Zoning Administrator Mike Reibel in the Planning and Zoning Department.

Baumgardner reads a prepared statement regarding letters he has received and information he has collected on this issue.

Chairman Barnes says he received 85 letters urging him to vote for the text amendment.

Saunders reminds the board members we are to only make our decision based on sworn testimony presented at the Zoning Board of Appeals Hearings. I also received letters from constituents; we do have to remember there are 53,000 citizens in Ogle County and not all of them write letters. The ones who are the most passionate are the ones we have heard from. We have to go back to according to State Statute, we are to vote based on the sworn testimony; not everyone can attend the hearings to testify. I have responded to telephone calls and have said we are not voting on whether or not we agree with wind energy; but what is presented as facts. The ZBA voted 5 to 0 on a set of standards and when it got to the Planning Commission it was changed. Hopkins corrects Saunders and states it was the Planning & Zoning Committee that changed information that came from the ZBA. Hopkins states by defeating this issue, we are not giving carte blanche to windmills in Ogle County. If someone wants to put up a windmill in Ogle County they will have to apply at the Zoning Office and go before a ZBA hearing where testimony will be taken. We should let the process work.

Janes comments on an insert published by the Ogle County Life and the Rochelle News-Leader called "Today's Farmer". On page 8 there is an article called "Policy Standards for Wind Conversion" it says our organization will be working in the next session of Illinois General Assembly to propose legislation establishing these standards. I find it unusual and have to ask if this is produced by the Farm Bureau. I'm wondering if what we do here today will become null and void. I'm having a hard time wrapping my head around this, says Janes.

A roll call vote is called on the motion made by Simms and seconded by Williams:

YES: Janes, Messer, Simms, Welty, White, Williams, Baumgardner, Boes, De Arvil, Gouker and Barnes

NO: Gronewold, Hopkins, Horner, Kenney, Kilker, Saunders, Stahl, Bauer, Bowers, Colbert and Finfrock

ABSENT: Nye and Heuer

The motion is defeated on a roll call vote.

De Arvil makes the motion to amend and extend the current Ordinance O-2011-0208 regarding Wind Energy Conversion System Moratorium from February 29, 2012 to December 31, 2012 and to strike language relating to "or by action by the Ogle County Board" from the ordinance. Baumgardner seconds.

Colbert says by then there will be a new board and they will not be familiar with the history.

Hopkins said we have had a good policy regarding zoning since 1965 and we need to let the ZBA do their job.

Saunders asks with striking the "action by the Ogle County Board" does this mean this could be a permanent moratorium. De Arvil states with striking that verbiage, there will be no action by the Ogle County Board until after December 31, 2012.

Gronewold states he has struggled with this for years and attended the Baileyville Wind Farm hearings; I'm not a big proponent of wind farms. This has anguished the citizens of Ogle County and the County Board. Gronewold agrees with Hopkins and what we have in place has worked. There were a lot of people upset when the Baileyville Wind Farm went through. The people from Apex have struggled with lawsuits and they are still struggling with the program; but they are working at resolving issues. We need to face the issue right or wrong the citizens deserve an answer and we need to compromise. We can deal with each individual Wind Farm as they come.

Gouker asks Zoning Administrator Mike Reibel for clarification since the proposed Ordinance and Text Amendment has been defeated where does this leave us in the process of all of this. Reibel states a Wind Farm is still a Special Use in an agricultural district. If a wind developer would like to develop a wind farm they will have to apply for a Special Use Permit. It will go to the Planning Commission; Zoning Board of Appeals will hold hearings and notifications are sent to adjoining owners and municipalities. Every application will be evaluated on a case-by-case basis based on its merits or demerits. With a Special Use Permit, conditions can be developed and applied to that special use. I thought we embarked on this process to develop standards, says Gouker. Hopkins says he is the one who setup the subcommittee to review the standards we had because the Baileyville Wind Farm was in litigation and maybe our standards were not right. We were to only review the standards and not rewrite the bible. We need to vote on this and keep things moving, said Hopkins.

Williams asks what will protect the tax payers of this county in the event a project comes in and is abandoned due to lack of funding; we have nothing in place to protect the tax payers for the decommissioning of the windmills. This is one of the things that the Zoning Board of Appeals did not establish. There is language for the use of a bid bond and there isn't a bond company who will write a bond for 20 year period to cover the cost; this isn't the right form. Who is financially responsible if this happens? Reibel says he hopes the County Board would adopt a special use permit with a strong decommissioning clause. This is something that is important for the tax payers of the county and we need to address this, says Williams. Reibel states all is not lost; we have learned a lot during this process over the past two years and we can draw on all that we have learned and move forward.

A roll call vote is called:

YES: Janes, Messer, Simms, Welty, White, Williams, Baumgardner, Boes, De Arvil, Gouker and Barnes

NO: Hopkins, Horner, Kenney, Kilker, Saunders, Stahl, Bauer, Bowers, Colbert, Finfrock and Gronewold

ABSENT: Nye and Heuer

The motion is defeated on a roll call vote.

**Public Comments –**

- Li Arellano – Candidate for the 90<sup>th</sup> Representative District introduces himself
- Dan Sidmore – Candidate for the 90<sup>th</sup> Representative District introduces himself
- Deb Maas – An Attorney in Ogle County – Under the current Zoning Ordinance when you apply for a Special Use Permit under the AG District for wind turbine development; where are we going to set the bar for these companies. The board needs to develop an ordinance for enforcement. You are looking at doing corporate collections and this is where you need the education.
- Brad Lila – Development Manager for RES Americas – comments on Williams statement regarding a company in the United States who will not write a Surety Bond for decommissioning on a wind farm project; one was just written in Huron County, Michigan for the entire amount of decommissioning.

**Road & Bridge – County MFT Supplemental Resolution - 11-00000-0X-GM – R-2012-0201**

Hopkins moves to approve County Motor Fuel Tax Supplemental Resolution – 11-00000-0X-GM – R-2012-0201 in the amount of \$135,163.13, Kenney seconds and the motion carries on a voice vote.(Placed on file)

**Road & Bridge - 2012 County Pipe Supply – R-2012-0202**

Hopkins moves to approve 2012 County Pipe Supply – R-2012-0202 low bid submitted by Contech Construction Products in the amount of \$9,625.65 and appropriate \$9,700.00. De Arvil seconds and the motion carries on a voice vote.(Placed on file)

**Road & Bridge - Pines Rd/Angus Rd - Section 08-00251-00-RS – R-2012-0203**

Hopkins moves to approve Pines Rd & Angus Rd intersection re-alignment R-2012-0203 low bid submitted by Martin & Company in the amount of \$379,934.66 and appropriate \$200,000.00 from Motor Fuel Tax Fund and \$200,000.00 from Federal Aid Matching Fund. De Arvil seconds and the motion carries on a voice vote.(Placed on file)

**Road & Bridge - Local Agency Agreement - Flagg Rd - 09-00275-00-RS – R-2012-0204**

Hopkins moves to approve the Local Agency Agreement for Flagg Rd, between Chana Rd and Daysville Rd – 09-00275-00-RS – R-2012-0204, Simms seconds and the motion carries on a voice vote.(Placed on file)

**Road & Bridge - Renew Agreement - County Engineer’s Salary with IDOT – R-2012-0205**

Hopkins moves to approve the Renewal Agreement for County Engineer’s Salary with IDOT, Kilker seconds and the motion carries on a voice vote.(Placed on file)

**Road & Bridge – Do not erect signs - Rock River Corridor - R-2012-0206**

Hopkins moves to approve R-2012-0206 directing the County Engineer not to erect signs designating bicycle use on roads in conjunction with the Rock River Corridor and Kenney seconds. White asks for an explanation regarding this resolution. Hopkins states they want to designate some county and township roads that do not have wide areas on the edge of the road and this is a safety factor we are concerned about. The motion carries on a voice vote.(Placed on file)

**Ogle County Claims – Clerk reads the claims:**

- Payments in Vacation – January 2012 - \$95,347.94
- County Board Payments - February 21, 2012 - \$212,997.26
- County Highway Fund – \$85,990.39

Bowers moves to approve claims, White seconds and the motion carries on a voice vote.(Placed on file)

**COMMITTEE REPORTS**

The following committee minutes have been placed on exhibit: Buildings & Grounds and Central Purchasing, Circuit Clerk and State’s Attorney, Executive, Finance and Insurance, G.I.S. Partnership, HEW & Solid Waste, I.T./N.I.T.T./G.I.S., Juvenile & Probation and Judiciary, Long Range and Strategic Planning, Mental Health ‘708 Board, Personnel & Salary and County Clerk, Planning Commission, Road & Bridge, Sheriff & Coroner and Supervisor of Assessments and Planning & Zoning and Tri-County Opportunities.

The following committees had no minutes to file: 911 ETS Board, Blackhawk Hills RC&D, Board of Health, LRP –Emergency Operations Center, Liquor Commission, L.O.T.S., Safety Committee and UCCI/ICRMT.

- Finance and Insurance Committee:
  - Motor Vehicle Report – R-2012-0207 – nothing to present at this time
- Long Range & Strategic Planning Committee:
  - Long Range Planning Bills – R-2012-0208

Kronos	Respond to e-mail from Missy	\$82.50
Kronos	Software – Equipment & Educational Services	\$1,993.56
TOTAL:		\$2,076.06

Williams moves to approve R-2012-0207 as presented, Janes seconds and the motion carries on a voice vote.(Placed on file)

- Chairman Comments - Chairman Barnes appreciates the correspondence he received and appreciates it when people write with their concerns regarding an issue.

**Unfinished Business –**

**New Business –**

**Closed Session –**

At 6:32 p.m., Chairman Barnes asks for a motion to go into Closed Session to discuss possible acquisition of property pursuant to 5 ILCS 120/2 (c) (5). Gronewold makes the motion to go into Closed Session, Finfrock seconds and a roll call vote is taken:

YES: Horner, Janes, Kenney, Kilker, Messer, Simms, Stahl, Welty, White, Williams, Bauer, Baumgardner, Boes, Bowers, Colbert, De Arvil, Finfrock, Gouker, Gronewold, Hopkins and Barnes

NO: Saunders

ABSENT: Nye and Heuer

The motion carries on a roll call vote.

**Open Session –**

At 6:50 p.m., the County Board enters into Open Session.

**Communications –**

- Illinois Department of Corrections – Jail Inspection Report on file in County Clerk’s Office
- Sales Tax for October 2010 was \$20,581.51 and \$61,946.15
- Sales Tax for October 2011 was \$36,883.86 and \$69,487.92
- Sales Tax for November 2010 was \$22,860.76 and \$60,790.63
- Sales Tax for November 2011 was \$30,622.59 and \$59,448.45

**Adjourn Meeting**

At 6:52 p.m., White moves to adjourn the Ogle County Board until Wednesday, March 21, 2012 at 5:30 p.m. to be held at the Ogle County Courthouse. Bowers seconds and the motion carries on a voice vote.

Chairman James L. Barnes  
Ogle County Board

Attest: Rebecca Huntley, Ogle County Clerk &  
Ex-officio Clerk of the Ogle County Board