

CHAMPAIGN COUNTY BOARD
Committee of the Whole Minutes

Tuesday, November 1, 2011 – 6:00pm
Lyle Shields Meeting Room
1776 E. Washington St., Urbana, IL

MEMBERS PRESENT: Alix, Ammons, Anderson, Bensyl, Berkson, Betz, Cowart, Esry, James, Jay, Jones, Langenheim, Maxwell, McGinty, Michaels, Moser, Nudo, O'Connor, Petrie, Quisenberry, Richards, Rosales, Schroeder, Weibel

MEMBERS ABSENT: Carter, Holderfield, Kurtz

OTHERS PRESENT: Deb Busey (County Administrator), John Hall (Director of Zoning), Alan Reinhart (Facilities Director), Joel Fletcher (Asst. State's Attorney), Tom Berns and Chris Billing (Berns, Clancy & Assoc.), Kevin Parzyck and Michael Blazer (Invenergy), Marvin Johnson (Compromise Hwy. Commissioner), Mike Babb (Compromise Twp. Supervisor), Susan Monte (RPC), Andrew Cass (Assoc. Planner), Sheryl Kuzma (attorney), Dorene Pflugmacher, Bill Ingram, Kim Cambron, several public citizens

Call to Order

Board Chair Weibel called the meeting to order at 6:05pm.

Roll Call

A roll call was taken and declaring a quorum present, the Chair proceeded with the meeting. He noted that both Kurtz and Holderfield had called and notified him they would be absent at this meeting.

Approval of Minutes

Motion by Jones to approve the minutes of the October 4, 2011 meeting as presented; seconded by Langenheim. **Motion carried.**

Approval of Agenda/Addendum

Motion by Cowart to approve the agenda and addendum for the meeting; seconded by Rosales. **Motion carried.**

Public Participation

Kevin Parzyck and Michael Blazer, of Invenergy of Chicago both spoke and said they would be available for speaking during the discussion of the wind energy project.

Dorene Pflugmacher, of rural Ogden, stated they are one of the families that is on the list of owners getting a windmills and is very much in favor of approval of the project and that it would benefit the township roads and the area schools through tax revenue.

Kim Cambron, of rural Rankin in Vermilion County, but states that Champaign County is lucky in that they have zoning where Vermilion County does not. She states she is amazed how it works here and that Champaign County has the opportunity to grow itself, by people or by turbines. She states that rural residents there are waiting to see what it done and they don't want to live near turbines.

Motion by Betz to reopen public participation due to some missed slips; seconded by Esry. **Motion carried.** (Three slips were missed and it was noted during Communications portion of the meeting)

Bill Ingram, from Catlin in Vermilion County echoed the sentiments that Champaign County has zoning, but his concern is looking at wind power, which he says is the most expensive energy that we can get. He states that reclamation of the towers and road maintenance will be costly when the subsidies are pulled. The only people that will come out ahead will be the Invenergy people. His opinion is it is a fool's game and the only people coming are the developers.

Mike Babb, Compromise Township Supervisor expressed the benefits for his township, if approved. At their last meeting the Compromise Road Commissioner said there is a check of \$182,000 waiting for it to be approved for the improvements of roads in his township. He anticipates about twenty-eight windmills in Compromise Township, which would generate about \$40,000 per year for all the taxing entities in Compromise Township. They would have fourteen miles of road improved with the wind farm and at least two of those roads are in great need of repair. It's also a chance for economic growth for his township because the chances of any kind of factory being built there would not happen. He mentioned he is also on the Armstrong High School Board, which is mostly in Vermilion County. He said if Champaign County doesn't approve the wind farm he is confident those twenty-eight windmills would probably move into Vermilion County. He said he is not concerned about the twenty-eight towers being moved to Vermilion County, but as the Township Supervisor he is concerned about them moving out of Compromise Township and losing the economic benefits they would bring.

Marvin Johnson, the Compromise Highway Commissioner said they can't afford to do what could be done for the township roads without the wind project. He said as a resident he said there would be windmills near where he lives and farms and he is not opposed.

Betz stated that since there are representatives here from Invenergy that will be speaking later during the Zoning Case discussion, he asked that those individuals opposing the Case also be allowed to speak during that discussion. McGinty suggested that the representatives from Invenergy speak now and then allow others during the discussion to speak.

Motion by Langenheim to suspend the rules to allow more than five minutes for the Invenergy representatives to present their case; seconded by Richards. **Motion failed.**

Kevin Parzyck, Vice President of Invenergy, would like to focus on key items in the written report being passed out. He said the bottom line is the effort taken by the Zoning board of Appeals and appreciates the time and effort they and the Zoning Office took. He pointed out the items regarding the reclamation agreement and the noise compliance. He stated with regard to the reclamation agreement reflects the specifics of the ordinance requirements. Two additional terms have been added that go over and above the requirements of the ordinance. There is a minimum financial assurance that will be held and updated periodically. He described the scrapping process. He talked about noise pollution requirements and stated the project falls

in compliance with IPCB noise levels. There haven't been any noise lawsuits in the State of Illinois and have all fallen in compliance with the standards.

Michael Blazer, the attorney representing California Ridge Wind Project. He said it is dramatically different than what was first started with. He's worked with Joel Fletcher and the agreement is now basically word for word in compliance with the zoning ordinance, with the exception of the two items that go above and beyond the ordinance. Financial assurance only comes into play if California Ridge is out of the picture.

Communications

Petrie wanted to let her constituents know there is a town hall meeting coming up in District 6 and the newly formed District 6 at the Champaign Public Library on Sunday, November 6 from 1-2pm.

HIGHWAY & TRANSPORTATION

Monthly Reports

Motion by Ammons to receive and place onfile the monthly reports of the County Engineer for September and October, 2011; seconded by Rosales. **Motion carried.**

County Engineer

Petition Requesting and Resolution Approving Appropriation of Funds from the County Bridge Fund

MOTION by Jay to recommend approval of the Petition and Resolution Approving Appropriation of Funds from the County Bridge Fund in the amount of \$36,000 for Somer Road District; seconded by Bensyl. Ammons asked where the other fifty percent comes from. Jeff Blue stated it come from the Township. **Motion carried unanimously.**

Other Business

None.

Designation of Items to be placed on the Consent Agenda

Item 7.B.1. to be placed on the Consent Agenda.

COUNTY FACILITIES

East Campus Storm Water Management

Comments from Gary Maxwell and Jim Patchett

Berns, Clancy & Assoc.- Response to Comments

Motion by Petrie to receive and place on file the comments from Gary Maxwell and Jim Patchett along with the response to the comments from Berns, Clancy & Associates; seconded by McGinty. **Motion carried.**

Facilities Director

Monthly Reports

Motion by Rosales to receive and place on file the September monthly report of the Physical Plant; seconded by James. **Motion carried.**

Illinois Recycling Grants Program – Grant Consideration

Reinhart stated there is a possibility to expand recycling at buildings other than just the Brookens and Court facilities with a grant.

Motion by Ammons to submit an application for Illinois Recycling Grant Program funds to be used to expand recycling program in County facilities; seconded by James. It was asked if this is for trash and recycling or one or the other. Reinhart stated it includes both. This would be a one-time grant that would help with the possible purchase our own containers and the goal is to reduce the monthly fees. **Motion carried.**

Courthouse Final Update

Reinhart said the final was back up on the courthouse bell tower on October 10th. It is now secure and finished. He said the insurance company is in the process of making the final payment to the contractor for the work.

202 S. Art Bartell Rd. Construction Project Report

Reinhart said the project is closing out this month and the Occupancy Certificate was received the City of Urbana. Petrie asked when autopsies will begin in the building. Reinhart said the sinks and other items have been installed, but he cannot answer when the Coroner would begin conducting the autopsies.

Chair's Report

Jail Facility Project Report & Preliminary Recommendations

Betz said a study session is strongly suggested and thinks one is to be scheduled relatively soon. He has one copy of the materials that were distributed at the conference in Denver is being passed around and reminded Board members to read this if not already done.

Other Business

None.

Designation of Items to be placed on Consent Agenda

None.

ENVIRONMENT & LAND USE

Approve Contract Extension to Allow a Few Countywide Residential Electronics Collections to Occur in 2012

MOTION by Quisenberry to recommend approval a Contract Extension to Allow a Few Countywide Electronics Collections to Occur in 2012; seconded by Cowart. Petrie asked for Susan Monte's response to messages she sent her. Monte spoke about local community activities a few years ago. She said the University is not set up to where they can set it up with the

community because the University has Central Management Services in Springfield that manages the equipment as they are a State entity. **Motion carried unanimously.**

County Board Special Use Permit: Case 696-S-11 – California Ridge Wind Farm

Motion by Petrie to deny a request for a County Board Special Use Permit, Case 696-S-11, California Ridge Wind Farm; seconded by Anderson.

Motion by Alix to suspend the rules to ask questions of the Invenergy representatives present at this meeting; seconded by McGinty. **Motion carried.**

Alix said his understanding one issue was whether the IPCB standards within certain points in the piece of land or the whole piece of the land and asked for clarification on that. Mr. Parzyck said the noise compliance is within that land use. The distinction is the analysis addressed point receptors throughout the land use area. The acoustic analysis represents the noise level not just the house, but throughout that piece of land. Mr. Blazer said the confusion comes in when described the boundary notes of the ICPB. The boundaries are established by the IEPA. He said there can be different land use definitions on each property. Alix asked for confirmation that the new language was added after the ZBA decision to which Mr. Blazer said that was correct. A couple of typos were changed during the hearing and changes were made the day after still confirming the financing documents. If the project is abandoned, the obligation is on California Ridge to decommission the windmills.

Ammons asked why this didn't go to ZBA for reconsideration following the changes. Joel Fletcher said tonight is the first opportunity to do so.

Langenheim stated he is interested in the issue of Class A land determined. Blazer said the set of regulations are determined in the IEPA Code and goes back to 2002 and separates different types of properties by activities. Commercial and industrial is Class C. Class A land is residential property and land that is residential is subject to the most stringent policies. He said the most important thing to remember is that their project falls in compliance with all Class A pieces. Blazer said there is a standard of 25 feet away from the house would fall in Class A, but if there is a swingset 100 feet from the house that also falls into Class A land, but a barn in the middle would fall into Class C, but he said they're in compliance with all Class A Land requirements.

Nudo wanted to clarify what the changes are to the reclamation amounts beyond what was presented to the ZBA. Blazer said the only things added are paragraphs 7a and b in the agreement. Nudo asked if the landowners held harmless with reclamation. Blazer restated that California Ridge is responsible for reclamation. He said they are required to hold \$5 million insurance for each parcel. Nudo said he was concerned with commodities of the scrap value. Parzyck said this is a long term commitment. However, he had an engineer's estimate for the scrapping is approximately \$5 million to remove the turbines and there is approximately \$4 million worth of scrap materials. Nudo's stated his concern with what may happen down the road with regard to funding and the market with regard to the scrap when decommissioned. Parzyck said that California Ridge is responsible for removing and reclamation.

Motion by Petrie to make a substitute motion to remand this issue back to the Zoning Board of Appeals; seconded by Ammons. Petrie would like John Hall to comment to the members present here about the details of the ZBA's concern with the noise issue. Ammons asked for a point of order that the motion was made to remand back to ZBA. Chair agreed and asked that discussion stay on the substitute motion to remand back to ZBA. Quisenberry asked if

this can be placed on the County Board agenda without waiting for the recommendation from ZBA. Betz believes that this committee can discuss the substantive issue of the original motion.

Weibel said he was looking at the turbines in Champaign County and he felt that only four of them that seem to be close to residences. Parzyck said they have worked to move those away from the setbacks and they are in compliance with the ordinance. Weibel was speaking of #'s 16, 22, 25 and 27. Blazer said the turbines can be no closer than 1350 feet from a principle residence.

Nudo asked what is actually being remanded back to ZBA. He thinks that negotiation belongs to the County Board. He didn't feel the County got the best deal with regard to decommissioning. He suggests that a smaller committee be appointed to discuss the best options for negotiations of the agreements. When asked, Fletcher stated this is not a bargaining contract and shouldn't be negotiated, but should be presented to the ZBA. He said the ZBA should be able to hear and consider the changes that were added.

Petrie would like Mr. Hall to say what problems the ZBA had with the noise issues. He stated that he heard better testimony tonight than at the previous ZBA hearings held to date. He would like this testimony verbatim at the ZBA.

James said some of the members at this meeting that have issues should attend the ZBA meeting on this issue. He said a lot of what's been presented this evening made sense to him. Moser said that Ford County hearings have discovered there is technology now to have noise sensors put on each tower to monitor. Parzyck said noise can be measured where the location is such as a residence, not on the turbine itself.

McGinty was trying to get a feel for what happens next after the ZBA meeting. Schroeder stated that on page 3 on Hall's memo there are two recommendations that can be made. Thursday would be the ZBA meeting and then the issue can be placed on the agenda for the November Board meeting. Alix asked then if the motion needs to be amended. Betz said that procedurally language can be added that has the motion to suspend the rules.

Motion by Alix to amend the substitute motion to include the following directives: add the Revised Reclamation Agreement including any relevant change to sub-finding 2.h.; and address any inconsistencies or incongruities that the ZBA sees in the Finding of Fact; and any other pertinent changes that the ZBA may be inclined to make within the time available and provided that the case is returned to the County board in time for a County board decision on November 17, 2011; seconded by Quisenberry. Jay asked Mr. Hall if he felt this would answer the ZBA's concerns. Hall responded felt it could as long as the same testimony is given. Bensyl asked if it was remotely possible that ZBA will not make a recommendation and miss the time frame. Hall said the by-laws state they have to receive the direction from the County Board and the ZBA must act. Fletcher felt this would still be within the 30-day timeframe. **Motion to amend the substitute motion carried.**

Alix said, but respect to Nudo, that this not a business deal, but a zoning issue and the appropriate venue is the ZBA and the County Board's obligation is to make sure they follow the Ordinances. He understands about offsetting the costs with salvage value, and we should look at this going forward. He thinks the proposal represents good faith to comply with the ordinance. He said the County would still generate some revenue that exceeds decommission costs. **Roll vote on substitute motion carried with Alix, Ammons, Anderson, Bensyl, Berkson, Betz, Cowart, Esry, James, Jay, Jones, Langenheim, Maxwell, McGinty, Michaels, Nudo,**

O'Connor, Petrie, Quisenberry, Richards, Rosales, Schroeder and Weibel voting yes and with Moser voting no.

A straw vote showed support to suspend the rules for the November 17 meeting agenda. Betz stated the Board is creating precedence and encourages preserving the video record of this meeting for the future.

Approval of Proposed Champaign County-California Ridge Wind Farm Roads Agreement

Motion by Esry to recommend approval of a Proposed Champaign County-California Ridge Wind Farm Roads Agreement; seconded by Cowart. Quisenberry questioned if action on this should be postponed until the full Board meeting.

Motion by Quisenberry to forward this issue to the full board without recommendation; seconded by McGinty.

Motion by Quisenberry to suspend the rules to allow Sheryl Kuzma, attorney for the road district; seconded by Langenheim. **Motion carried.**

Sheryl Kuzma, attorney with Myers, Sperry, O'Connor & Kuzma of Ottawa, Illinois, stated she was here to answer any questions. Alix asked if this agreement is what the road districts are comfortable with. The road commissioner from both Ogden and Compromise Road Districts have already signed their agreements and the County Engineer is also in support of this agreement. She represents the County Engineer and the road commissioners. Weibel asked if there any major differences with the agreements between the county and the townships. She said she has represented many counties with regard to these road agreements and there are no significant differences between the two. They've learned much over the years with regard to the road agreements in other counties. Petrie asked Ms. Kuzma about those differences. Kuzma said her first agreement was 10 years ago in Bureau County. The difference is in amount of anticipated road repairs and degradation. They know because of the traffic it takes away from the useful road life. Moser said he personally knows this is a better agreement than what is going on in Ford County.

Blue also said this is a very good road use agreement. There are provisions if roads fail or ruts or if they see no significant problems then the road pavement management system after the wind farm development is complete all bases covered. They will only be using two miles of County highways on County Highway 22 between Royal and Penfield. The agreement states they have to follow all IDOT standards. The proposed road agreements cover the road construction and a three-year warranty period following construction, and do not cover the decommissioning process. A separate agreement would have to be determined for the decommissioning process. Betz stated his concern about not having an agreement for a possible decommissioning stage. Ms. Kuzma said these are two separate issues and leaves that portion to zoning process and she doesn't recommend entering into agreements that far in advance. She states she couldn't begin to know how to negotiate an agreement for that issue. Hall said it occurs to him to add that a road agreement be included in the future. Quisenberry felt the decommissioning road use is different than construction road use. Hall said those roads will be much stronger when it comes time to decommission because of the construction when the turbines are first built. **Motion to forward issue to full Board without recommendation carried by roll call vote with Alix, Ammons, Anderson, Bensyl, Berkson, Betz, Cowart, Esry, James, Jay, Jones, Langenheim, Maxwell, McGinty, Michaels, Moser, Nudo, O'Connor, Petrie, Quisenberry, Richards, Rosales, Schroeder and Weibel voting yes.**

ADDENDUM

COUNTY FACILITIES

Consideration of County Storm Water Management Project Approach and Related Grant Opportunity

Betz stated there is an opportunity to have money from a grant to work on the storm water project.

Motion by Petrie to apply for an Illinois Green Infrastructure Grant under the Storm Water Retention and Infiltration Category; seconded by Cowart. Betz said that if the County applies for this grant there needs to be an approach determined. The County has about a 5% chance of receiving the grant. Quisenberry stated that given the low chance of receiving, he can't vote to apply for the grant. Another issue is the project needs to be shovel ready. Jay stated that while the green plan is wonderful, he reminded Board member their responsibility as Board Members is to look at what is most cost effective. He said it's also not wise to lose any land and that the City of Urbana may not agree to another plan, when they've already approved the plan that was previously approved. **A roll call vote failed with Alix, Ammons, Anderson, Bensyl, Berkson, Betz, Cowart, Esry, James, Jay, Johns, Langenheim, Maxwell, McGinty, Michaels, Moser, Nudo, O'Connor, Petrie, Quisenberry, Rosales, Schroeder and Weibel voting no and Richards voting yes.**

Monthly Reports

Hall stated he had no monthly reports to present. He introduced Andrew Kass as the new Associate Planner.

Adjournment

Declared adjourned at 8:15pm

Respectfully submitted,

Ranae Wolken
Recording Secretary

Secretary's Note: The minutes reflect the order of the agenda and may not necessarily follow the order of business conducted at the meeting.