

DRAFT



**STEPHENSON COUNTY BOARD MEETING**  
**Wednesday May 9, 2007**

The Stephenson County Board met in the Courthouse on Wednesday May 9, 2007. Chairman Blum called the meeting to order at 6:30 p.m. Reverend John Brandner gave the Invocation and Mr. McKenna led the Pledge of Allegiance. The Clerk called the roll. Members present; Bennie Brown, Charles Hilton, Jeffrey Mikkelsen, Debra Devine, Sheila Hooper, Todd McKenna, William Hadley, John Blum, Donald Parker, Vicki Hooper, James Graham, Alvin Wire, Linda Dotson, Jim Kuhlmeier, Sandra Kubatzke, Andrew Kuhlemeier, Brenda Boynton, Michael Boomgarden, Salvatore Detente and Forrest Senn. Members absent; Samuel Newton and Lowell Bicker. Twenty members present. Two members absent.

**APPROVAL OF THE AGENDA**

Mr. McKenna made a motion to approve the agenda as received. Second by Ms. Dotson. The Chair called for a voice vote on the motion. *Motion to approve the agenda as received carried unanimously.*

**APPROVAL OF THE APRIL 11, 2007 MEETING MINUTES**

Mr. McKenna made a motion to approve the minutes of the April 11, 2007 meeting as received. Second by Mr. Detente. The Chair called for a voice vote on the motion. *Motion to approve the minutes of the April 11, 2007 meeting as received carried unanimously.*

**CLAIMS ON THE CLERK'S DESK**

Ms. V. Hooper made a motion that all claims on the Clerk's desk be referred to the proper committees without reading. Second by Mr. Senn. The Chair called for a voice vote on the motion. *Motion that all claims on the Clerk's desk be referred to the proper committees without reading carried unanimously.*

**COMMUNICATIONS**

The Clerk reported the following communications had been received.

- Public Defender Report for April 2007; 303 New Cases, 287 Cases Closed and Income of \$3,534.73
- Financial Report from Freeport/Stephenson County Convention and Visitors Bureau, Inc
- 1<sup>st</sup> Quarter Franchise Fee Payment in the amount of \$4,218.01 from Insight
- Announcement from Insight that Comcast will be the sole owner of our cable system

Ms. V. Hooper made a motion to approve all communications and place on file. Second by Mr. Senn. The Chair called for a voice vote on the motion. *Motion to approve all communications and place on file carried unanimously.*

**OLD BUSINESS**

No old business

**SHERIFF'S REPORT**

Chief Deputy Eikstadt reported that the County has received a CEDAP grant for thermal imaging equipment. The County should get the equipment in mid-June. The Department is also applying for a Homeland Security grant for video surveillance cameras. They are moving into Phase II of the TLEP grant and plan to receive \$255,000 for cars, equipment and overtime. The next IMAge (Integrated Mini Grant Enforcement) traffic grant is for occupant restraints and child seats. Three telecommunicators have resigned. Two new ones have been hired and they are in the process of interviewing and testing for the third position. Mr. Dérente questioned high maintenance and construction claims at the jail. Chief Deputy Eikstadt will look into the issue.

**HIGHWAY REPORT**

No report

**ZONING REPORT**

No report

## **PECATONICA PRAIRIE PATH/JANE ADDAMS TRAIL**

No report

## **EMERGENCY MANAGEMENT REPORT**

No report

### **9-1-1 REPORT**

Monthly statistics and the status report of 9-1-1 projects were distributed for the Board's review.

### **HEALTH DEPARTMENT REPORT**

Mr. Beintema distributed Food Scores and the Animal Control Report for the month of April. The Health Department will be sponsoring an informational meeting for facilities that have special needs individuals, such as Nursing Homes, Assisted Living and apartments. The Health Department will begin mosquito testing May 21, 2007 and bird collection beginning June 4, 2007. The Statewide Smoking Ban (SB500) passed and is now on its way to the governor. The governor has publicly promised to sign the legislation and once signed the bill will go into effect January 1, 2008. The Health Department will have a lot of work to do in order to push IDPH to write rules and become involved in the rule making process. Mr. Beinema reported they are looking into upgrading the software in the Animal Control Office.

### **NURSING CENTER REPORT**

Ms. Gravenstein and Chairman Blum presented Roberta Schoonhoven, RN a plaque in recognition of her retirement as Assistant Director of Nursing for 35 years. The Committee has approved the application and contract to become a provider of long-term care for Coventry Personal Care Health Care Plan. Nursing Home Week begins May 14. County Board Members and Department Heads are invited to the kickoff at 2:00 p.m. followed by a tour and refreshments. Committee members will cook and serve the staff breakfast on May 18. The Prom will be held that evening.

### **PROBATION DEPARTMENT REPORT**

Mr. Pauley reported Probation Department Statistics for the Month of April. FHN has completed a ten-week anger management program for teenage boys. They are planning a similar program for teenage girls in the near future.

### **STATE'S ATTORNEY REPORT**

No report

### **CHAIRMAN'S REPORT**

- Fischer Excavating is repositioning construction equipment to Mill Race Crossing at this time. They should begin work on the drainage systems and interior roads within a few days.
- Fehr-Graham will be receiving bids for the new well for Mill Race Crossing. The bids are expected to be due back by the first week of June 2007. We will need the well to provide a water supply during the construction phase.
- The Army Corp of Engineers has completed their sign-off on Mill Race Crossing. They were the last agency required to complete the grant requirements for EDA. We expect a positive announcement from EDA on our \$1.725 million infrastructure grant before the end of this month.
- We continue to work with IDOT on the railroad access for Mill Race Crossing. The public comment period has closed and we can now move to the engineering and budget phase. A meeting is expected to be conducted with IDOT and CN Railroad before the end of this month to negotiate the scope and amount of grant funding. We still anticipate 100% grant funding for the rail access in Mill Race Crossing.
- Blackhawk Biofuels is in the final stages of their equity drive. They are still waiting for a decision by the State of Illinois on a possible renewable energy grant from DCEO. They have been in constant contact with DCEO and have been assured that all documentation is in order and the decision is awaiting Director approval. Until a decision is made on the grant Blackhawk Biofuels cannot take any action that would violate the "but-for" clause of the grant. It is hoped the DCEO decision will be imminent so that full-scale construction can begin here in the early stages of the spring season.

- The Brownfield Grant programs are getting more active now that the weather has cooperated in allowing field surveys and analysis to begin. All of the projects previously reported to you are in the latter stages of Phase I and entering Phase II as necessary. We are working currently on receiving neighborhood input on a re-use for the property located at the corner of Adams and Winslow streets in Freeport. This area is a prime candidate for a cooperative public redevelopment and we feel the neighbors should have a big say in what that development should be. We are coordinating this public input through NHS as well as the City and County leadership. Also, we have submitted a new site to the EPA for approval to include in the program. The site is the former RS&D quarry complex located north of Lena. Initial surveys indicate the presence of some environmental issues that we need to resolve so that the property can be reclaimed for productive use. We expect to hear back from the USEPA within a week and IEPA within 3-4 weeks concerning this site's eligibility.
- Tonight, during the Planning and Development report you will be presented with two significant items critical to the successful development of renewable wind energy in Stephenson County. The first is a proposed Payment in Lieu of Taxes Agreement, PILOT. The PILOT contains two components: an intergovernmental agreement and a development agreement. This PILOT, if approved, will be the template for any wind development within the County. Any taxing body with jurisdiction underlying a proposed wind development will have an opportunity to participate in the intergovernmental agreement. They will each be listed within their particular agreement. Each developer will agree to the terms of the PILOT through the development agreement.
- The second item is a reconsideration of the property value protection stipulation contained in the special use permits issued by this Board to Navitas and Eco-energy. The Planning and Development Committee debated this issue and came to the conclusion that this stipulation was not in the best interest of the citizens of Stephenson County.
  1. No County within the State of Illinois has a property value protection program in place at this time.
  2. The implementation of such a program would be difficult to manage and unfair to the majority of property owners within the County.
  3. A program of this type will provide a negative precedent that will act to deter healthy economic development for the future.
  4. SB 1200 is being worked on at the State legislature that would possibly provide a property value program that would be consistent across the State.
  5. Property owners always have legal recourse to recover damages, if any, with or without such a stipulation.
  6. It is still possible that individual private developers can enter agreements with adjacent property owners that could include a property value guarantee.
  7. Based on a report generated by the U.S. Department of Energy in conjunction with the National Renewable Energy Laboratory of (21) different wind development sites across the United States, concluded that investment in wind power creates a positive impact on rural economies in the form of an increase in jobs, income, and taxes. In addition, the report concluded that views of wind turbines will not negatively impact property values.
- Legal counsel has responded to the lawsuits filed to prevent wind development in Stephenson County. We are waiting for a date that we will be able to present our case to a judge.
- The Local Workforce Investment Board met this morning, a couple of items should be brought to your attention. First, the Federal reauthorization of the Workforce Investment Act is moving forward in Congress. Positive action on this is critical to retaining the effectiveness of local boards and to preempt some major revisions being proposed by the State of Illinois that would take local control away and centralize it in Springfield. The second is a proposed tax bill in the Illinois Senate. We all have heard debate on the Gross Receipts Tax, but SB 5 is a billion dollar tax on employers. This bill would impose a 3% payroll tax on all employers. This tax will be applied to all businesses that don't meet the Governor's

definition of adequate health care for their employees. This tax will be used to pay for a universal health care program. This tax will put small business jobs in jeopardy.

- Chairman Blum has been invited to make a presentation at the National Association of Workforce Boards conference in Reno, NV on May 20, 2007. He will be attending the conference with a small group of representatives from Illinois.
- The Bi-Monthly Report from the Freeport Area Economic Development Foundation includes an update on a number of items including Mill Race Crossing, the Enterprise Zone, the Supportive Living project, the Visitors Center, and others. The FAEDF Annual Luncheon Meeting will be on May 22 from 11:30 a.m. to 1:30 p.m. at the Freeport Country Club. The guest speaker will be Jerry Szatan, President of Szatan and Associates. His firm specializes in site selection and location strategies for private sector industrial clients. After the lunch there will be a workshop for elected officials interested in improving the marketability of their communities to the private sector. The luncheon is \$50 per person and the workshop is \$25 per person. Reservations are requested by calling the FAEDF office.
- The Freeport Downtown Development Foundation has been very active. Mr. Graham and Chairman Blum sit on their advisory board. They are doing another phase of downtown sidewalk repairs and plan for a redesign of the sidewalk across from the Lincoln-Douglas Debate site to be completed yet this year. They are starting to plant flowers this week and are upgrading the downtown speaker system. They are implementing all five phases of their SBA grant including a downtown database, signage improvements, streetscapes, and marketing.
- The third meeting of the Kellogg's Grove Battlefield Commission was held on May 8, 2007. We have set our committees and are beginning the process to develop some concepts for the redevelopment of the site. We are working with the Illinois Department of Historical Preservation to receive assistance in this process. The first stages of the concept planning will include inputs from all the possible stakeholders to maximize the benefit of the proposed redevelopment. This public input phase will probably take a number of meetings in order to include all of the ideas and perspectives. Chairman Blum believes this will be a worthwhile and meaningful project that will benefit the entire County.
- Chairman Blum reminded the members of the Board of their responsibility to the citizens of Stephenson County to attend all of their committee and board meetings. If circumstances are going to prevent them from attending, it is a professional courtesy to inform the committee chair of their absence in advance. If they can't reach their committee chair, they should call the County Administrator and leave a message.

## **APPOINTMENTS**

Davis Fire Protection District recommends the reappointment of Shad Sutherland as Trustee. Mr. McKenna made a motion to approve the appointment. Second by Mr. Senn. The Chair called for a voice vote on the motion. *Motion to approve the re-appointment of Shad Sutherland to the Davis Fire Protection District carried unanimously.*

### ***Action Items from Standing Committees***

#### **Finance**

Mr. Graham reported the Finance and Nursing Center held a joint meeting on April 16. The two committees recommended that the County Board authorize the issuance of Tax Anticipation Warrants for the Nursing Center. The best offer was from US Bank. They will charge 4% for the warrants and pay the County 5.15% on the unused balance on deposit. Mr. Graham made a motion to approve Resolution #07-05-1447 authorizing Tax Anticipation Warrants, up to \$500,000, be issued against the Stephenson Nursing Center Fund as needed. Second by Ms. Kubatzke. The Warrants must be paid back in full by November 30, 2007. The Management Team at the Nursing Center along with Committee will monitor the financial situation very carefully. The Chair called for a roll call vote on the motion. Members voting aye: Brown, Hilton, Mikkelsen, Devine, S. Hooper, McKenna, Hadley, Parker, V. Hooper, Graham, Wire, Dotson, J. Kuhlmeier, Kubatzke, A. Kuhlmeier, Boynton, Boomgarden, Détente, Senn and Blum. 20 aye. *Motion to approve the Resolution authorizing the Tax Anticipation Warrants carried unanimously.*

Mr. Graham explained that the County is participating in a 2008 Stephenson County Calendar fundraiser with other Taxing Bodies and Community Organizations. The County has the month of October. We can buy 1,000 calendars for \$5,000 and sell them for \$10 each. The funds would come from the Internal Service Fund to pay for the project and go back into the Internal Service Fund upon sale of the calendars. Mr. Graham made a motion to approve the expenditure of \$5,000 to purchase the County Calendars. Second by Mr. Mikkelsen. The Chair called for a voice vote on the motion. *Motion to approve the purchase of the County calendar carried unanimously.*

### **Administration**

Ms. Amber Wood, Community & Public Relations Manager for the Northern Illinois Food Bank addressed the Board regarding “Hunger Awareness Day in Stephenson County”. Ms. S. Hooper made a motion to adopt the Proclamation, proclaiming; June 5, 2007 Hunger Awareness Day in Stephenson County. Second by Mr. A. Kuhlemeier. The Chair called for a voice vote on the motion. Motion carried unanimously. *June 5, 2007 was proclaimed Hunger Awareness Day in Stephenson County.*

Ms. S. Hooper presented the following Raffles with all fees paid and bonding in order;

- Raffles (all fees paid and bonding in order)
  - 1408 St. John’s Women’s Society/LWML, Manager Kathy Baumgartner
  - 1409 Cedarville Lions Club, Manager Arthur E. Leverington

Ms. S. Hooper made a motion to approve the Raffle Applications. Second by Ms. Dotson. The Chair called for a voice vote on the motion. *Motion to approve the Raffle Applications carried unanimously.*

### **Court Services**

Ms. V. Hooper presented Resolution #07-05-1448 amending the 2006-2007 Fiscal Year Budget to appropriate \$10,000 to the line item for Youth Diversion Programs and reduce Contingencies in the same amount. Ms. V. Hooper made a motion to approve the Resolution. Second by Mr. Brown. The Chair called for a roll call vote on the motion. Members voting aye: Brown, Hilton, Mikkelsen, Devine, S. Hooper, McKenna, Hadley, Parker, V. Hooper, Graham, Wire, Dotson, J. Kuhlmeier, Kubatzke, A. Kuhlemeier, Boynton, Boomgarden, Détente, Senn and Blum. 20 aye. *Motion to approve the Resolution to amend the 2006-2007 Fiscal Year Budget carried unanimously.* Mr. Détente requested an opinion from the State’s Attorney regarding specific spending allowed through Youth Diversion Funds.

### **Planning & Development**

Mr. Mikkelsen reported the Committee’s recommendation to remove the “establishment of a property value protection plan” condition from the Lancaster Wind Farm LLC application for a Special Use Permit. Mr. Mikkelsen made a motion to approve the Special Zoning Ordinance amending the Special Use previously granted to Lancaster Wind Farm, LLC to delete condition number 3 relating to the “Establishment of a property protection plan...” Second by Ms. S. Hooper. Mr. Hadley made a motion to layover the Ordinance for 30 days in order to review the document. Second by Mr. Brown. After consulting with State’s Attorney Vogt, due to the priority of the motions, Chairman Blum ruled the motion to layover out of order. Further discussion followed. Mr. A. Kuhlemeier made a motion to table the Ordinance. Second by Ms. Boynton. The Chair called for a roll call vote on the motion to table. Members voting aye: Hilton, Hadley, Wire, Dotson, A. Kuhlemeier and Boynton. Members voting nay: Brown, Mikkelsen, Devine, S. Hooper, McKenna, Parker, V. Hooper, Graham, J. Kuhlmeier, Kubatzke, Boomgarden, Détente, Senn and Blum. 6 aye. 14 nay. *Motion to table the Ordinance in order to review the document failed.* Mr. Mikkelsen explained the Committee concurred that creating a protection plan would set a dangerous precedent for future economic development projects. The concern is that creating a plan for the wind-farm projects would lead to residents requesting similar documents for other projects and would be anti-economic development. Currently no other county in Illinois has a protection plan in place. In counties where a plan was attempted, the initiative failed. With or without a plan, property owners still have a legal recourse to recover damages. Considerable discussion followed regarding the county as a public entity, being involved in negotiations between the private developer and the private landowner. Board members stated their opinions on the original intent of the plan and amending the original agreement. Mr. J. Kuhlmeier called for the question. Second by Ms. S. Hooper. The Chair called for a voice vote on the motion to call the question. *Motion to call the question carried.* The Chair called for a roll call vote

on the motion to approve the Ordinance removing the establishment of a property value protection plan condition from the Lancaster Farm LLC application for a Special Use Permit. Members voting aye: Mikkelsen, Devine, S. Hooper, McKenna, Parker, V. Hooper, Graham, Dotson, J. Kuhlmeier, Kubatzke, Boomgarden, Senn and Blum. Members voting nay: Brown, Hilton, Hadley, Wire, A. Kuhlmeier, Boynton and Détente. 13 aye. 7 nay. *Motion to approve the Ordinance removing the establishment of a property value protection plan condition from the Lancaster Farm LLC application for a Special Use Permit carried.*

Mr. Mikkelsen reported the Committee's recommendation to remove the establishment of a property value protection plan condition from the EcoGrove Wind Farm, LLC application for a Special Use Permit. Mr. Mikkelsen made a motion to approve the Special Zoning Ordinance amending the Special Use previously granted to EcoGrove Wind Farm, LLC to delete condition number 3 relating to the "Establishment of a property protection plan..." Second by Mr. J. Kuhlmeier. Ms. V. Hooper called for the question. Second by Ms. Kubatzke. The Chair called for a roll call vote on the motion to approve the Ordinance removing the establishment of a property value protection plan condition from the EcoGrove Wind Farm, LLC application for a Special Use Permit. Members voting aye: Brown, Mikkelsen, Devine, S. Hooper, McKenna, Parker, V. Hooper, Graham, Dotson, J. Kuhlmeier, Kubatzke, Boomgarden, Senn and Blum. Members voting nay: Hilton, Hadley, Wire, A. Kuhlmeier, Boynton and Détente. 14 aye. 6 nay. *Motion to approve the Ordinance removing the establishment of a property value protection plan condition from the EcoGrove Wind Farm, LLC application for a Special Use Permit carried.*

Mr. Mikkelsen explained that the proposed Payment in Lieu of Taxes plan establishes an annual payment from the developer, rather than having the developer pay real estate property taxes. The assessment process for wind generators is problematic. The General Assembly is looking at establishing its own rules for assessing wind generators. This PILOT proposal would be the same for all wind farm projects and the revenue would be distributed at the same ratio as property taxes. The PILOT revenue would be graduated for the first five years. After five years, the PILOT amount would increase by the PTELL rate. The PILOT proposal is based on the generator's rated capacity rather than the actual output. The assessment rates vary widely among those counties with wind farms. HB 380 establishes a very high state-wide rate that might cause some projects to leave Illinois. If the developer does not make the PILOT payment, it can be converted to a property tax bill. Each wind tower will have its own property tax number. Mr. Mikkelsen explained that the County needs to have its PILOT in place before the General Assembly implements its own plan. The PILOT agreement prevents assessment protests by both the developer and the taxing bodies. The County would like the approval of all of the taxing bodies by June 15<sup>th</sup>. Mr. Mikkelsen made a motion the County Board approve the Development Agreement and Payment in Lieu of Taxes plan with the wind power generating facilities. Second by Mr. Graham. The Chair called for a roll call vote on the motion. Members voting aye: Brown, Hilton, Mikkelsen, Devine, S. Hooper, McKenna, Parker, V. Hooper, Graham, Wire, Dotson, J. Kuhlmeier, Kubatzke, Boomgarden, Senn and Blum. Members voting nay: Hadley, A. Kuhlmeier, Boynton and Detente. 16 aye. 4 aye. *Motion to approve a Development Agreement for Payment in Lieu of Taxes carried.*

Mr. Mikkelsen made a motion to approve an Intergovernmental Agreement with the Payment in Lieu of Taxes plan. Second by J. Kuhlmeier. Mr. Hadley noted for the record that he would be voting no on this because he did not have enough time to review the documents. The Chair called for a roll call vote on the motion. Members voting aye: Brown, Hilton, Mikkelsen, Devine, S. Hooper, McKenna, Parker, V. Hooper, Graham, Dotson, J. Kuhlmeier, Kubatzke, Boomgarden, Senn and Blum. Members voting nay: Hadley, Wire, A. Kuhlmeier, Boynton and Detente. 15 aye. 5 aye. *Motion to approve the Intergovernmental Agreement for Payment in Lieu of Taxes carried.*

### ***Information Items from Standing Committees***

#### **Finance**

Mr. Graham reported his Committee continues to monitor the financial situation closely.

#### **Court Services**

Ms. V. Hooper reported her Committee has approved providing \$2,000 to Youth Becoming Leaders, to help fund their programs.

#### **Nursing Center**

Ms. Kubatzke reminded Board Members Nursing Home Week begins May 14 and encouraged Board Members to attend the kickoff and tour.

### **Public Works**

Mr. J. Kuhlmeier reported his Committee will have a joint meeting with the Public Property Committee on May 19 to look at alternative storage facilities to the old Highway building.

### **CLAIMS**

Finance & Procurement	\$	946,345.37
Administration	\$	38,435.03
Public Works	\$	92,095.21
Nursing Center	\$	234,652.08
Public Property	\$	41,937.45
Court Services	\$	22,573.19
Public Safety	\$	67,688.46
Planning & Development	\$	343.01
9-1-1	\$	44,322.86

Mr. Graham made a motion to approve the Claims as presented. Second by Mr. Boomgarden. Members voting aye: Brown, Hilton, Mikkelsen, Devine, S. Hooper, McKenna, Hadley, Parker, V. Hooper, Graham, Wire, Dotson, J. Kuhlmeier, Kubatzke, A. Kuhlemeier, Boynton, Boomgarden, Détente, Senn and Blum. 20 aye. *Motion to approve the Claims as presented carried unanimously.*

**Mileage & Per Diems** – Subject to review by Finance Chairman

Bicker 0 days, 0 miles-Blum 7 days, 0 miles-Boomgarden 5 days, 80 miles-Boynton 2 days, 26 miles-Brown 4 days, 10 miles-Detente 4 days, 53 miles-Devine 5 days, 44 miles-Dotson 3 days, 109 miles-Graham 8 days, 24 miles-Hadley 2 days, 10 miles-Hilton 2 days, 4 miles-S Hooper 6 days, 18 miles-V Hooper 4 days, 8 miles-Kubatzke 5 days, 112 miles-A Kuhlemeier 3 days, 95 miles-J Kuhlmeier 6 days, 162 miles-McKenna 4 days, 16 miles-Mikkelsen 7 days, 20 miles-Newton 0 days, 0 miles-Parker 3 days, 12 miles-Senn 4 days, 42 miles-Wire 4 days, 160 miles. Mr. Graham made a motion to approve the mileage and per diems. Second by Mr. Hilton. The Chair called for a voice vote on the motion. *Motion to approve the mileage and per diems carried unanimously.*

### **OTHER BUSINESS**

Mr. Détente expressed concern with building repairs that need to be dealt with. He stated the sally port floor must be repaired before it gets worse and more costly.

### **MEMBERS OF THE AUDIENCE**

Mike King of 5003 N. Dakota Road, Dakota; addressed the Board stating his displeasure with the Board's action regarding the wind turbines and property owners protection plan.

### **EXECUTIVE SESSION**

No executive session

### **ADJOURN UNTIL 6:30 P.M. WEDNESDAY JUNE 13, 2007**

Mr. Mikkelsen made a motion to adjourn until 6:30 p.m. Wednesday June 13, 2007. Second by Mr. Parker. The Chair called for a voice vote on the motion. *Motion to adjourn until 6:30 p.m. Wednesday June 13, 2007 carried unanimously at 8:42 p.m.*

*Ms. V. Hooper will lead the Pledge and Mr. Graham will be responsible for the Invocation at the June Meeting*