

Proceedings of the Ogle County Board
August 17, 2004

State of Illinois)
County of Ogle) ss
City of Oregon)

Call to Order

Chairman Gocken calls the meeting to order at 5:30 p.m..

Roll Call:

Roll Call shows Horner and Nye are absent. The Invocation is given by Jim Swanson and this is followed with the Pledge of Allegiance to the Flag.

Approval of Minutes

Chairman Gocken asks for a motion to approve the July 20, 2004, Ogle County Board meeting minutes. Carol Hoekstra moves to approve the July 20, 2004, Ogle County Board minutes. Ed Rice seconds and the motion carries on a voice vote.

Approval of Reports

Jerry Daws moves to accept and place on file the monthly reports of the Circuit Clerk, County Clerk/Recorder and Treasurer. Doug Zuehl seconds and the motion carries on a voice vote.(Placed on file)

L.E.S.A. presentation

Mike Reibel introduces Terry Savko of the Illinois Department of Agriculture Bureau of Land and Water Resources. Reibel says Ogle County uses Land Evaluation and Site Assessment to evaluate land use changes, special use permits applications, amendment, rezoning applications, to give us a gauge on whether the land is ready to be converted from agricultural to non-agricultural use or not. Ms. Savko states 35 counties in Illinois have a L.E.S.A. Program and the county's L.E.S.A. Program would be used instead of the State or Federal system because one supercedes the other. Ogle County established the L.E.S.A. Program in 1992 and are in the process of revising it. A couple of reasons they are looking into revising this program is Ogle County has a Comprehensive Land Use that has been updated, they have their zoning in place and soils information has been updated. The L.E.S.A. System stands for "Land Evaluation and Site Assessment" and the Land Evaluation (L.E.) actually looks at the soils that are involved in a site based upon the backing units. The values that are charged are based upon the productivity of the soils. The Site Assessment (S.E.) factors are based upon the infrastructure that is either on that piece of property or the area that is surrounding. Ms. Savko proceeded with a 15 minute presentation showing the amount of acres that are converted per year in the State of Illinois. Ms. Savko thanks the board for allowing the time for this presentation.

Chairman Gocken states there was a meeting this afternoon with Ms. Savko and they discussed this program thoroughly and a group has been set up to do some word smithing and working on the revision:

Mike Reibel Ron Kern Myron Richter Tom Scholl Dan Pierce

RAPCO L.L.C. update

Lynne Kilker introduces a representative of RAPCO L.L.C. to give the board an update on their company. Rus Williams of Leaf River is the representative of RAPCO which stands for Risk Assurance Program Company. Mr. Williams reviews the information from the Company Overview which was placed on the County Board Members' desks. Mr. Williams thanks Economic Development Director Lynne Kilker for all of her time and hard work she put into helping his company.

Motion to move Public Comments

Chris Remhof makes the motion to change the Agenda and move the Public Comments portion of this meeting and place it between Hearings and Vacancies. Remhof comments last month the County Board went into a closed session for an hour and a half and when they came out there wasn't an explanation as to what was going on. Kim Gouker seconds. There was discussion to add another public comment to the end of the meeting and it was decided this will be the only time public comments will be taken. The motion carries on a voice vote.

Rich Dedrick from Rochelle makes the following comment "Why are the farmers selling their property and why are they selling to outside interests?" That is the only comment he has.

Holly Johnson from Byron reads a prepared statement regarding Byron Dragway. Ms. Johnson and some of the area residents have e-mailed the County Board Members a list of questions and concerns which many of the Byron area citizens have regarding dragstrips. She asks the county board members to take the time to learn all of the facts about the dragstrip and the lawsuit before making any decisions.

Rich Pleniewicz from Byron addresses the board regarding the dragstrip - he states many of the residents bought their houses when the dragstrip was only running one day a year. His issue is with the noise from the dragstrip and the Burzynski law. He would like to have the board investigate the law and see if it is a conflict with Federal Law and if so which one rules. He states maybe the board or the community is reacting to a law which is flawed. Mr. Pleniewicz comments on the economic balance differences between Southern California and Byron, Illinois.

Jack Hines of Oregon says he is a supporter of the Dragway and would like to say a few things about the Dragway. Mr. Hines states this is a family oriented operation and his 15-year-old son has raced since he was 8-years old. He has learned a lot from this experience and has come up through the field and won track championships. With this experience he has learned values at this track which he uses on a daily basis at school. Mr. Hines states there are many children that race on this track and they all support these kids. Mr. Hines comments he is confused on the comments regarding the loss in property values on the surrounding houses. He's well versed on property value and he doesn't see any property values being decreased because of the dragstrip. As a supporter of the track and the family oriented business that it is he doesn't see why the hours cannot be extended.

Chairman Gocken states we will take one more comment.

Charles Reed is a racer and would like to speak in support of the dragstrip. He says racers do try to get along with the community and they try to support the community they are racing in. He states most of the racers do buy gas and groceries and they are family oriented. He comments there are very few vehicles that pull into the dragstrip that does not have families in them. This is a family-oriented racetrack and the racers work together and assist in whatever way they can. He would like to see that the racetrack is given the opportunity to try and discuss or work together as a group and work toward a common goal. There aren't a lot of dragstrips left and there aren't a lot of place to go and race.

Erin Johnson asks Chairman Gocken if she can address the board. Chairman Gocken states they have heard comments from both sides and will not be hearing any more comments. Ms. Johnson invites the County Board and members of the community to her house for cookies and coffee this Saturday and they can hear the noise of the dragstrip. Ms. Johnson comments the noise during the day about 2:00 p.m. isn't too bad, imagine the sound at 10:00 p.m. or midnight when you are trying to sleep so you can get up and go to church the next morning. Ms. Johnson says she lives at 3496 Whitaker Rd. right behind the dragstrip and adjacent to the forest preserve.

Vacancies:

Chairman Gocken announces the following vacancies:

Ogle County Housing Authority - full term ends October 31, 2009

Mental Health "708" Board - 1 unexpired term ends December 31, 2007

The deadline for the above Appointments will be Friday, October 1, 2004 at 4:30 P.M. in the Ogle County Clerk's Office.

Appointments:

Lost Nation/New Landing River Conservancy District

Chairman Gocken informs the board of the recommendation of Gerald A. Sellers of Dixon for an unexpired term that will end April 30, 2005. Carol Hoekstra moves to approve the appointment, Shirley Clayton seconds and the motion carries on a voice vote.(Placed on file)

Resolution - Oregon/Nashua Polling Places

County Clerk Huntley presents and reads the resolution to change the Oregon/Nashua Polling Places from St Mary' Learning Center to the Oregon/Nashua Township Building. Huntley also informs the board she had formed a committee that consisted of Bob Reece from Oregon City Council, Jerry Brooks and Kim Stahl as members of the County Board, Sharon Bower from Oregon/Nashua Twp, Jim Barnes a concerned voter and Sylvia Newcomer an Election Judge. This committee met three times and everyone drove around to the various suggested locations and decided this was the best location. She informs the board members that with the Help American Vote Act, all polling places need to be ADA compliant. This new township building is a fabulous building with handicap bathrooms, handicap entrance and a newly paved parking lot. Mr. Leary from the Township will also like this because all of the polling equipment will be stored in this new building. Huntley has also contacted the Democrats, Republicans and Mayor Stone. Huntley would like to lay this resolution over for 30 days to allow for the public to comment.

Zoning - #7-04 SPECIAL USE - Joyce M. Stocking and KM Communications, Inc.

Joyce M. Stocking, Trustee for Stocking Family Trust 4-96, 3968 E. Pine Rock Rd., Oregon, IL and KM Communications, Inc., 3654 W. Jarvis, Skokie, IL for a Special Use permit to allow a television-broadcasting tower, transmitter building and broadcast studio in AG-1 Agricultural District on property described as follows, owned by Stocking Family Trust 4-96 and being purchased by KM Communications, Inc.: *Part of NW 1/4 of SW 1/4 Section 11, Pine Rock Township 23N, R11E of the 4th P.M., Ogle County, IL, 40.0 acres, more or less. P.I.N.: Part of 17-11-100-006 Common Location: S. Stone Hill Rd., Chana, IL*

Tom Scholl moves to concur with the Board of Appeals and approve with the following conditions...

1. Prior to issuance of a Zoning Certificate, a Professional Engineer shall certify that the foundation, support system and tower design are within accepted professional standards, given soil and climate conditions.
2. If the tower is not operated for a continuous period of twelve (12) months, it shall be considered abandoned, and the owner of such antenna or tower shall remove the same within ninety (90) days of a receipt of notice notifying the owner of such abandonment. In the event that the tower is leased, the landowner shall be responsible for the removal in the event the lessee fails to remove it upon abandonment.

3. At least one row of evergreen shrubs or trees capable of forming a continuous hedge at least six feet in height within two years of planting shall be provided to effectively screen the tower base and transmitter building.
4. Prior to issuance of a Zoning Certificate, petitioner shall dedicate to Pine Rock Township a 33' right-of-way from the section line for Stone Hill Road.
5. Prior to issuance of a Zoning Certificate, petitioner shall post a bond with the County Engineer in an amount determined by the County Engineer to be sufficient to cover the costs of potential damage and repair resulting from the development of the site.

Jerry Daws seconds. Chuck Cole of Rochelle asks to address the board. Chairman Gocken asks Mike Reibel if this is allowed? Mike Reibel informed the Chairman that comments are not allowed. Don Huntley announces his objection and informs Mr. Cole he knows the rules and this is not allowed. Chairman Gocken tells Mr. Cole that we do not take comments at the meeting. The question has been called and the motion carries on a voice vote.(Placed on file)

Zoning - #12-04 AMENDMENT - Daniel L. and Gloria A. Bouton

Daniel L. and Gloria A. Bouton, 5714 Skinner Rd., Stillman Valley, IL for an Amendment to the Zoning District to rezone from AG-1 Agricultural District to R-1 Rural Residence District on property described as follows and owned by the petitioners: *Part SW 1/4 SE 1/4 Section 21 and part NE 1/4 NW 1/4 Section 28 Marion Township 25N, R11E of the 4th P.M., Ogle County, IL, 5.00 acres, more or less. P.I.N.: Part 05-21-300-002 & part 05-28-100-015*
Common Location: 5700 Block of Skinner Rd.

Tom Scholl moves to concur with the Zoning Board of Appeals and approve this request, Chris Remhof seconds and the motion carries on a voice vote.(Placed on file)

Zoning - #13-04 AMENDMENT - Robert A. & Sherri L. Baker

Robert A. & Sherri L. Baker, 8589 Verde Ct., Byron, IL for an Amendment to the Zoning District to rezone from AG-1 Agricultural District to R-1 Rural Residence District on property described as follows and owned by the petitioners: *Part E1/2 SW1/4 and Part W1/2 SE 1/4 Section 32 Marion Township 25N, R11E of the 4th P.M., Ogle County, IL. P.I.N.: 05-32-376-014 and part of 05-32-451-014*
Common Location: 4500 Block E. Marrill Rd.

Tom Scholl moves with the Zoning Board of Appeals and grant this request, Doug Zuehl seconds and the motion carries on a voice vote.(Placed on file)

Zoning - Resolution - Amend the Fee Schedule of the Ogle County Planning & Zoning Department

Tom Scholl moves to adopt the resolution to Amend the Fee Schedule of the Ogle County Planning & Zoning Department with Respect to Commercial Television and/or Radio Tower Facilities. Jerry Daws seconds and the clerk reads the resolution. Chairman Gocken allows Chuck Cole to speak to the board members at this time. Chuck Cole is the attorney for KM Communications, Inc. and he states there has been a new issue that has come up and he wanted to inform the board before they voted on the tower, which the vote has occurred. KM Communications, Inc. has gone through each committee meeting and without being prompted in any way, they volunteered free use of the tower to the county, as long as KM Communications, Inc owns the tower, for the Sheriff's Office to use for their 9-1-1 service. All of the way through this process there has never been a fee that applies to this particular tower and now you are considering applying a fee tonight. You just passed moments ago a special use for this tower without a condition that stated we would give free use of the tower to the 9-1-1 service. The Sheriff and KM Communications have been communicating a great deal and what the Sheriff would like to do is construct his 9-1-1 services at a 620 foot elevation. There is no other tower in the county that comes close to offering that type of service to the Sheriff. Cole states even at the
August 17, 2004

low municipal rate for the 9-1-1 services and the emergency weather services that the Sheriff wants to put there is equivalent to approximately \$10,000 per year that the county would otherwise pay in rent for that tower. Cole states KM Communications was giving a great deal of money to the county and the county is in turn going to impose an approximate \$24,000 fee to KM Communications for their tower. Then KM Communications would obviously have to withdraw their offer of free use. Cole comments he tried to give the board all of the information before the vote, but he was prohibited from doing so and it has now been approved. Cole says he understands the need to impose uniform fees on all towers (cell towers, wind towers, etc), but none of those towers offer a gift of \$10,000 a year for the average use of life of at least 30 years for this tower. Cole would like to offer the gift of this free service to the county in turn and have the county waive the fee as it applies to this tower or at least credit the amount of the fee equivalent to the amount of rent that the county would otherwise have to pay. This way no one is surprised with anything at the last moment and the county receives the full value of what KM Communications has tried to offer and still get the uniform fee applied to towers. Tom Scholl states that in order to keep everything uniform in this fee schedule he feels this is something that needs to be put on. Then if they can work out an agreement as far as using the tower for communications, that is something else that could be worked out but they need to be consistent. Kim Gouker asks if we can impose a fee after the zoning has been approved? Mike Reibel says the fee for the commercial TV and radio towers will be part of the application fee for the Zoning Permit. Ron Colson asks how does this fee compare to other counties? Mike Reibel says as far as wind towers and wind energy conversion systems, the surrounding counties are at \$25 per foot and he is not sure what the rate is for commercial TV and radio towers. Chris Remhof asks if it would be advisable to lay this over for a month? If we lay this over for one month and they come to get their zoning certificate does this then throw a wrench into this resolution? Mike Reibel states if KM Communications would apply for the zoning certificate prior to adoption of this resolution they are under the current fee schedule which is \$300 to obtain a standard commercial - industrial zoning certificate. Even if the new fee is adopted prior to their issuance of the zoning certificate, he thinks it is reasonable to give consideration to their offer they have made and give them a credit. Ed Rice asks who has the authority to give them credit? Mike Reibel states that would be up to the County Board. Chris Remhof makes the motion to hold this over until the September meeting so the board has the time to consider all of the matters before them, Kim Gouker seconds. The motion carries on a voice vote.

Recess to Refer Claims to Committee

At 6:45 p.m., Skip Kenney moves to refer claims to committees, Kim Stahl seconds and the motion carries on a voice vote. Chairman Gocken calls the meeting to order at 7:00 p.m..

Claims

The clerk reads the claims for the General Fund - \$97,563.42 and the County Highway Fund - \$113,135.39. Jim Swanson moves to accept claims, Jerry Daws seconds. The motion carries on a voice vote.(Placed on file)

Committee Reports

The following committees had no additional report other than the minutes that are placed on exhibit: *County Clerk & Insurance, Buildings & Grounds, Judiciary & Circuit Clerk, Juvenile & Probation, Sheriff & Coroner, State's Attorney & Legislative, Road & Bridge, Mental Health Board, Personnel & Salary, 9-1-1 ETS Board, Economic Development and Byron Dragway.* The following had no minutes to file: *H.E.W., Blackhawk Hills RC&D, Illinois Assoc. of County Board Members, U.C.C.I., Illinois Risk Management, Tri-County Opportunities, Board of Health, Liquor Commission, Safety Committee, G.I.S. Committee and Ogle Co. AG.*

Finance & Revenue

Minutes placed on exhibit

Auditors' report

Bill Spencer announces the Auditor's Report books are placed on the board member's desks.

Budget

Bill Spencer states the budget process is not moving along very quickly. There is a big difference between income and expenses for the county. The county is not collecting as much revenue as in years past. Spencer says the budget for the Sheriff's Department is up 4.25% with only step increases and this is an increase of 10% over last years budget. Spencer also comments there is \$1,484,000 in uncollected fines for Ogle County and we need to find a way to collect on this money.

Solid Waste

Minutes placed on exhibit

Recycling Event

Chairman Gocken announces there is a Tire and Oil Recycling Event that will be held at the Ogle County Fairgrounds on August 27 and August 28, 2004. Steve Rypkema informs the board of the hours will be Fri., Aug. 27 - 8:00 a.m.- 4:00 p.m. and Sat., August 28 - 8:00 a.m. - 3:00 p.m..

Planning, Assessment & Zoning

Minutes placed on exhibit

ZBA Meeting

Tom Scholl announces the next meeting will be August 26, 2004.

Planning Commission

Minutes placed on exhibit

Meeting

Tom Scholl announces the next meeting will be held on Thursday, August 19, 2004.

Long Range Planning

Minutes placed on exhibit

Bills for approval

Kim Gouker reviews the various bills which have been submitted for payment. Kim Gouker moves to approve payment of the Long Range Planning bills in the amount of \$794,864.59. Sven Johnson seconds. The motion to approve the bills as presented carries on a voice vote.

Tour of Judicial Center

Kim Gouker says there will be temporary stairs installed in the Judicial Center for the tour next month.

Update on building

Jerry Guy updates the board on the progress of the Judicial Center project. Before Labor Day, they should begin on the stone and brick veneer on the North or South elevation. Chris Remhof asks if the water main issue has been taken care of? Mr. Guy states the documents are to be sent tomorrow to the printer and bids should be released on Friday and due in about three weeks. Jason Bauer asks who is picking up the costs? Mr. Guy states the City of Oregon is paying for this. Chris Remhof also asks about the issue of the building permit fee? Kim Gouker states it was approved last month and there was a credit issued from the contractor.

Change Orders

Kim Gouker moves to approve change order #11-C-001 - Terrazzo Tile - (\$12,000), Chris Remhof seconds and the motion carries on a voice vote.

Kim Gouker moves to approve change order #11-A-001 - Carpetland USA - \$3,456, Sven Johnson seconds and the motion carries on a voice vote.

Concrete Pad for H.A.B.

Jerry Guy informs the board of the need of a concrete pad at the H.A.B. for the dumpster location. This will prevent depressions in the pavement in front of the dumpster. Kim Gouker moves to allow Greene Associates solicit bids for a concrete pad at the Health Administration Building and bring the bids back to the County Board for approval. Lyle Hopkins seconds and the motion carries on a voice vote.

Security System at H.A.B.

Jerry Guy informs the board they had previously approved an agreement with ADT to put in fire alarm and security system. In this agreement ADT had a \$545 annual fee for their connectivity to monitor the system. ADT has informed Mr. Guy, that a \$549 piece of equipment and the 9-1-1 System would monitor the system and not ADT and this would eliminate the annual fee from ADT. Doug Zuehl moves to approve the expenditure of \$549 to ADT for the direct connect of the H.A.B. to the 9-1-1 System, Ron Colson seconds and the motion carries on a voice vote.

Sign design at H.A.B.

Kim Gouker states Steve Rypkema has come up with a design for the new sign at the H.A.B. and Long Range Planning Committee and Executive Committee have approved the design. Chairman Gocken has had Steve put a copy of the sign on the desks this evening. Steve discusses the concept design with the board members. Rypkema also says he will be in contact with the Horticulture Class at Oregon High School to help with the design and selection of plants for placement. Rypkema also would like to see some landscaping done around the H.A.B. further down the road.

Potter-Lawson
Remodel of Courthouse

Kim Gouker says the information regarding Potter-Lawson on the agenda is not a motion necessary by the County Board, and it is a carryover from the Executive Committee Agenda. This is about the department layout of the existing courthouse, the plan is to have Potter-Lawson develop a design concept for the courthouse and how it will be remodeled. This design concept will be brought back to the County Board for approval, and similar to what was done with the Judicial Center. This is the first step and they are developing an idea of what departments are going to be located at the courthouse and if any departments will remain at the H.A.B.. Gouker states more information will be brought back to the board meeting. Doug Zuehl moves to table the request to have Potter-Lawson not provide a department layout until the November meeting. Zuehl says his

reason for this is the cash flow for the county has slowed down and the unknown valuation of the nuclear plant are factors that affect the income for the county. He would like to wait and see before we proceed to see where the county stands financially. Kim Gouker states this has been approved by the County Board back in July of 2001. Carol Hoekstra says the funding for this is not coming from the General Fund it is coming from the Long Range Planning Fund. Chairman Gocken asks for a second before any further discussion - Tom Scholl seconds. There was discussion regarding the motion and no motion is requested. There was discussion with proceeding with this portion of the project when the budget for the county is falling short. Chris Remhof asks how much money is involved? Gouker responds approximately \$20, 000 to \$30,000 as far as the study cost which includes the architectural fees and the costs of the construction manager to estimate the amount. Doug Zuehl states the maintenance staff for the county has been our general contractor for the past ten years and were involved with the cupola repairs. The county didn't use a construction manager and we could save money and not hire a construction manager. Kim Gouker states this discussion will come after the development of the design plan. Pat Saunders asks Gouker if we are bound to do this study? Gouker says no we are not, but we do have a contract with the public when we empty the second and third floors of the courthouse, to do something with it. The board members ask the motion be read again:

Doug Zuehl moves to table the request to have Potter-Lawson not provide a department layout until the November meeting.

A roll call vote is called:

- YES:** Huntley, Johnson, Kenney, Rice, Saunders, Scholl, Stahl, Zuehl, Bauer, Colbert and Conn
- NO:** Hopkins, Remhof, Spencer, Swanson, Brooks, Clayton, Colson, Daws, Gouker, Hoekstra and Gocken
- ABSENT:** Horner and Nye

The motion is defeated on a roll call vote.

IT Committee Minutes placed on exhibit

Update Ron Colson says they met with Arnold & O'Sheridan and the details are in the minutes.

Closed Session

At 7:45 p.m., Chairman Gocken states the County Board will be going into Closed Session to discuss pending litigation regarding Byron Dragway. Chairman Gocken asks that Deb Ellis and Lynne Kilker remain in the room. Ed Rice moves to go into Closed Session, Jerry Daws seconds and a roll call vote is called:

- YES:** Huntley, Johnson, Kenney, Remhof, Rice, Saunders, Scholl, Spencer, Stahl, Swanson, Zuehl, Bauer, Brooks, Clayton, Colbert, Colson, Conn, Daws, Hoekstra, Hopkins and Gocken

NO: None

ABSENT: Horner and Nye

The motion carries on a roll call vote.

Return to Open Session

At 8:50 p.m., the County Board returns to Open Session.

Chairman Gocken states our lawyer has updated the board regarding the lawsuit and the board has instructed her to proceed.

Chairman Comments

Meth Lab Task Force Chairman Gocken reads a prepared statement regarding the Methamphetamine Task Force meeting that was held in Rochelle. Chairman Gocken informs the board the next Task Force meeting will be held on September 16, 2004, in Freeport, Illinois.

Public Comments

Communications

Sales Tax for May 2004 was \$27,943.57 and \$66,625.16
Sales Tax for May 2003 was \$26,330.59 and \$61,296.40
Request from H.O.P.E. - forwarded to Doug Zuehl for committee approval

Unfinished Business

New Business

Motion to Adjourn

At 9:00 p.m., Sven Johnson moves to adjourn the August Ogle County Board Meeting until Tuesday, September 21, 2004, at 5:30 p.m. at the Courthouse in Oregon. Ed Rice seconds and the motion carries on a voice vote.

Betty Gocken
Chairman Ogle County Board

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