

Dewitt County Board Meeting
August 22, 2018
6:00pm

Meeting was called to order at 6:00pm by Chairman Newberg.

Roll was answered by: Whitted, Wickenhauser, Ferguson, Newberg, Nimmo, Perring, Pruser, Redman, Reece, Rogers, Tilley. Absent: Ritter

To Dana Smith

You are hereby directed to call a meeting of the Dewitt County Board. The purpose of said meeting is to conduct the business of the County.

Tom Swierzewski- Lead developer on the Wind Farm Project, spoke to the board in favor of wind energy.

Amber Zulke of Trade Winds spoke on the environmental studies.

Dr. Brandon Storm of Trade Winds spoke on Set backs, noise, and Shadow flicker.

Patricia Klemm Spoke to the board with her concerns with the Wind Farm Project. Living on a 400 acre family farm in the county, towers will be on all 4 sides of the property Please vote yes on all 3 amendments brought before you tonight.

Don Wadell spoke to the board about the wind ordinance please vote for the ordinance changes as the RPC and ZBA boards both feel it necessary to change.

Dale Naffziger spoke to the board about the wind farm. Naffziger choose to move to this county. This is a beautiful area. Homes being built in this county creates jobs for this area.

Karl Kemnitz from Macon county spoke to the board. Kemnetz lives in the wind farm area. He stated at his home the Shades have to be pulled all the time due to Shadow flicker and the yard is lit by the red lights. The Shadow flicker is very disturbing. Filing a complaint is very difficult.

Lisa Miller spoke to the board on the wind farm issue. Please vote yes on the ordinance changes. Miller will have turbines on three sides of her property.

Gage Lynons Spoke to the board. A life-long resident of the county. Please vote for the 3 ordinances as this will impact many home owners. Please consider all home owners.

Rhett Hillard. Resident of old siloh road. Please consider carefully the ordinances put before you tonight. Hillard feels the County board is here for the residents of the county Please vote yes for the ordinance changes.

Kathy Evans spoke to the board on the wind farm issue as a 60 year resident please vote yes on the ordinance changes for the county.

Dan Yeomans spoke to the board on wind ordinance changes. This county has vast resources and would hope the board would look at other opportunities. Please support the changes.

Scotty May –Please vote for all ordinance changes today. The set back is in efficient.

Please protect all of my property area. Wind should be in an industrial area.

Tom Musick spoke to the board on the lighting, Ellsworth guide lines should be used. Maroa lights are intrusive.

Mel Crutcher appreciates all of the research and time you members have taken. All land owners need to be protected. Please vote for the changes.

Terry Husted. How are you going to feed the children of the future with using the land for wind energy rather than food. Please vote for the ordinance changes.

Penny Maclsaac asked the board to pass the changes in front of you tonight. The property owners wanting to lease have that right but the non leasing residents have rights also. Please pass ordinance changes before you.

Dawn Funderberg spoke to the board. Pass the ordinance. Let all residents enjoy their property.

Jeff Whitted spoke to the board his farm has been in the family for 4 generations. Vote Yes.

Sharon Riddle spoke to the board. Vote yes as this will help with any future wind energy projects. Vote with the boards you have appointed.

Diana Morin . Protect the homeowners from lights, flicker, and set backs.

John Heinlen. People will be hurt by the turbines.

Betsy Shifflet asked the board to vote yes for all the ordinance changes. Trade winds has not submitted official documents on issues at hand.

Brian Hug spoke to the board on law changes.

Chris Shaffer spoke to the board on the ADLS lighting. Please vote for the ordinance changes.

Andrea Rhoades spoke to the board on ordinance changes. Please vote for them.

Megan Myers asked the board to vote for the ordinance changes.

Alan Ruwe spoke to the board about his farm in Macon county wind farm area. Vote for the Ordinance changes.

Elizabeth Burns, Please vote for the ordinance changes before you and if you are not sure send them back to the committees for further review.

Joe Witte asked the board to vote for the ordinance changes.

Kim Donovan asked the board to vote yes on all ordinances.

Richard Christianson vote for the set back ordinance.

Olivia Klemm asked the board to support the ordinance changes.

Motion by Tilley second by Ferguson to send the ordinance 153.25 (D) back to ZBA for further clarification. Motion was withdrawn by Tilley: Vote on original Motion. Aye: Tilley. Nay: Whitted, Wickenhauser, Ferguson, Newberg, Nimmo, Perring, Pruser, Redman, Reece, Rogers. Motion Failed

Motion by Whitted second by Ferguson to approve amendment to 153.25 (D) to the DeWitt County Code of Ordinance to read as follows: Submit all required federal, state, and local regulatory agencies' studies, reports, certifications and approvals demonstrating compliance with the provisions of this chapter and other county ordinances per the Special Use Permit Checklist for Commercial Wind Energy Conversion and all recommendations from the reviewing agencies shall be implemented. Aye: Tilley. Nay: Whitted, Wickenhauser, Ferguson, Newberg, Nimmo, Perring, Pruser, Redman, Reece, Rogers. Motion Failed

Motion by Whitted second by Ferguson to approve changes to Section 153.25 (E) to the DeWitt County Code of Ordinance to read as follows: Wind energy system facilities shall comply with all Federal Aviation Administration (FAA) and Federal Communication Commission (FCC) requirements. In addition, the WESF shall be required to utilize an Aircraft Detection Lighting System (ADLS) to reduce the impacts of nighttime lighting on county residents and wildlife. The location of WESF components shall be modified or adjusted as necessary for the ADLS application to be accepted by the FAA.

Motion by Reece second by Ferguson to change by amendment by replacement. Replacement to read with the following language: Wind Energy system facilities shall comply with all Federal Aviation Administration (FAA) and Federal Communication Commission (FCC) requirements. In addition, the WESF shall be required to pursue the use of an Aircraft Lighting Mitigation System to reduce the impacts of nighttime lighting on county residents and wildlife. The location of WESF components shall be modified or adjusted as necessary for an application to be accepted by the FAA.

If approved by the FAA the most effective system approved shall be utilized. In determining which system is more effective, sole discretion shall be vested with the DeWitt County Board, and shall be decided by majority vote. The County Board may grant a grace period in its discretion for the installation of lighting mitigation equipment by majority vote not to exceed a year upon the structure being constructed. No extensions may be granted beyond one year for any reason. Vote on Amendment as follows. Aye:Whitted, Wickenhjauser, Ferguson, Newberg, Nimmo, Perring, Pruser, Redman, Reece, Rogers, Tilley. Motion carried

If other multi-level structures excluding structure built and intended for family occupancy are built within 2,000 feet of existing WECS towers, a study shall be conducted as a pre-requisite to the issuing of a permit. Said study must show that there shall be no interference with existing lighting mitigation on currently standing WECS towers. If a study concludes that interference exists, then the builder of the structure must present proof that the interference is rectified prior to the issuance of a permit. Said study shall be conducted by an entity approved by the County Board of DeWitt County by majority vote, and the costs of said study shall be paid by the builder and/or owner of the proposed structure. The above requirements shall be a condition of any permit granted. Aye: Whitted, Wickenhjauser, Ferguson, Newberg, Nimmo, Perring, Pruser, Redman, Reece, Rogers. Nay:Tilley. Motion carried

Motion by Whitted second by Ferguson to approve changes to Section 153.27 (B) (1) to the DeWitt County Code of Ordinance to read as follows: WECS towers shall be setback a minimum distance of 1,640 feet from adjacent property lines as measured

from the center of the tower. This setback can be waived in writing by the affected property owner, or owners. In no way, shall the setback be less than 1.1 times the total *height of the WECS*

Motion by Ferguson second by Tilley to amend Section 153.27(B) (1) to the DeWitt County Code of Ordinances to read as follows, "WECS towers shall be setback a minimum distance of 2 times the tower height from adjacent road frontage property's lines as measured from the center of the tower. This setback can be waived in writing by the affected property owner or owners. Aye: Ferguson, Tilley. Nay: Whitted, Wickenhauser, Newberg, Nimmo, Perring, Pruser, Redman, Reece, Rogers. Motion failed.

Motion by Whitted second by Ferguson to approve changes to Section 153.27 (B) (1) to the DeWitt County Code of Ordinance to read as follows: WECS towers shall be setback a minimum distance of 1,640 feet from adjacent property lines as measured from the center of the tower. This setback can be waived in writing by the affected property owner, or owners. In no way, shall the setback be less than 1.1 times the total *height of the WECS*. Aye: Tilley. Nay: Whitted, Wickenhauser, Ferguson, Newberg, Nimmo, Perring, Pruser, Redman, Reece, Rogers. Motion failed.

Motion by Whitted second by Wickenhauser to approve change of the text of Section 153.27 (C) of the DeWitt County Code of Ordinances to read as follows: Noise. The Noise design limit for each wind energy system shall not exceed 40 dBA measured as the average dBA at the property line of the nearest non participating land owner from the relevant wind energy conversion system. No portion of the property shall exceed the noise levels set by this ordinance. The non participation landowner may waive compliance with the regulation for the owners property. A post siting study will be conducted by the applicant to measure noise levels for compliance when the WECS project is completed and functioning at full operation speed. The WECS project will maintain compliance with the applicable regulations throughout the entire operational period of the WECS project. If at any time throughout the life of the WECS project, the noise levels are found to not be in compliance with this section, the applicant will immediately shut off enough turbines to ensure that the noise levels are within acceptable levels until a solution to the noise level violations are found. . Aye: Tilley. Nay: Whitted, Wickenhauser, Ferguson, Newberg, Nimmo, Perring, Pruser, Redman, Reece, Rogers. Motion failed.

Motion by Whitted second by Pruser to change section 153.28 (B) of the DeWitt County Code of Ordinances to read as follows: Applicant shall not operate the facility so as to cause microwave, television, radio, or navigation interference contrary to Federal Communications Commission regulations or other laws Any complaints received by the county shall be handled in accordance with section 153.27 (G) (2). Any wind energy

developer shall provide in its special use permit application an analysis verifying that no public communication interference of any kind will arise that would adversely affect the public safety and welfare. . Aye: Tilley. Nay: Whitted, Wickenhauser, Ferguson, Newberg, Nimmo, Perring, Pruser, Redman, Reece, Rogers. Motion failed.

Motion by Ferguson second by Tilley to amend text to Section 153 of the DeWitt County Code of Ordinances to read as follows: The applicant shall prepare a shadow flicker study including the potential effects of each proposed WECS on all principal residential structures. The results will identify the locations and expected duration of shadow flicker over the course of a calendar year. This study shall be submitted as part of the Special Use application. Shadow flicker shall not exceed 15 hours per year for any affect non participation residence. Vote to amend Aye: Ferguson, Newberg, Nimmo, Pruser, Tilley. Nay: Whitted, Wickenhauser, Perring, Redman, Reece, Rogers. Motion failed.

Motion by Whitted second by Reece to add text to Section 153 of the DeWitt County Code of Ordinances to read as follows: The applicant shall prepare a shadow flicker study including the potential effects of each proposed WECS on all principal residential structures. The results will identify the locations and expected duration of shadow flicker over the course of a calendar year. This study shall be submitted as part of the Special Use application. Shadow flicker shall not affect a non participation residence at any time. Aye: Ferguson, Tilley. Nay: Whitted, Wickenhauser, Newberg, Nimmo, Perring, Pruser, Redman, Reece, Rogers. Motion Failed.

Motion by Tilley second by Pruser to adjourn at 10:03pm with all in favor.