

Village President

Jennifer Konen

Village Administrator

Scott Koeppel

Village Clerk

Tracey R. Conti



Village Trustees

Matthew Bonnie

Sean Herron

Heidi Lendi

Sean Michels

Michael Schomas

James F. White

**MINUTES
VILLAGE OF SUGAR GROVE
BOARD MEETING
MARCH 5, 2024, 6:00 P.M.**

1. Call to Order

President Konen called the meeting to order at 6:00 pm.

2. Pledge of Allegiance

Trustee White led the Pledge of Allegiance.

3. Roll Call

On March 5, 2024, the Village Board meeting was held in person at the Village Board room located at the Police Department.

Present: President Jennifer Konen, Trustee Sean Herron, Trustee James F. White, Trustee Heidi Lendi, Trustee Sean Michels, Trustee Michael Schomas,

Absent: Trustee Matthew Bonnie

Additional Attendees: Administrator Koeppel, Attorney Julien, Finance Director Anastasia, Community Development Director Magdziarz, Planning and Zoning Administrator Marion, Public Works Director Merkel, Economic Development Director Cassa, and Village Clerk Tracey Conti

4. Public Hearing - None

5. Appointments and Presentations - None

6. Airport Report - None

7. Public Comment on Scheduled Action Items - None

8. Consent Agenda

- a. Approval: Minutes of the February 20, 2024, Board Meeting
- b. Approval: Vouchers
- c. **Resolution:** Approving a Replacement Boiler for Public Works
- d. **Resolution:** Approving the Purchase of LED Safety Road Flares

Motion by Trustee Schomas, seconded by Trustee Herron, to approve the Consent Agenda as Presented.

Ayes: Schomas, Herron, Michaels, White, Lendi; Nays: None; Abstain: None; Absent: Bonnie

9. General Business - None

10. Public Comment

Mr. Curt Maberry commented on the solar gardens being considered at Aurora Airport.

Ms. Ashley Entile commented on the solar gardens being considered at Aurora Airport.

Mr. Daniel Entile commented on the solar gardens being considered at Aurora Airport.

Mr. Mike Cross commented on the solar gardens being considered at Aurora Airport.

11. Discussion Items

a. Special use permit for solar garden, community solar 1 (Aurora Airport)

Planning and Zoning Administrator Danielle Marion spoke about the application the Village of Sugar Grove received for a special use permit for a solar garden on the Aurora Airport property.

The City of Aurora has signed a contract with Suncode Energy to establish a solar garden energy system. The project site is in the runway protection zone on the west side of Dugan Road, north of Wheeler Road. This solar garden will be developed as part of a community solar program and will be eligible for tax credits provided by the state for such projects. The proposed facility at this location is a 6.48 MW facility that will occupy 27.9 acres comprised of 10,059 solar panels. The panels are the tracking type and will follow the sun.

- A security fence will surround the entire site.
- A shed-like building will be constructed on-site to house the inverter and any other equipment.
- The ground will be planted with a low-growing pollinator mix.
- To accommodate the new system, the developer will need to run new wires on existing utility poles. Neither the developer nor ComEd has indicated that additional changes will be needed.

The Plan Commission held the required Public Hearing for the special use permit, and many concerns were raised:

1. Glare - Pilots who use the airport are concerned about the glare from the project. The applicant conducted a glare study, which showed that the solar panels would produce a glare like that of a body of water, like a pool. To obtain a special use permit, the applicant is required to get approval from the FAA. Without this approval, building permits will not be issued. The FAA will have the final say on whether the solar field can be approved on airport property.

2. Decreased Property Value – No studies to date support this assumption. A study conducted by Lawrence Livermore Laboratories detected that, in some instances, home values dropped. However, the authors admitted to not knowing why these declines occurred.
3. Safety—As the village code requires, an 8-foot security fence will be installed around the site. The only hazard that might occur is if people trespass in the solar garden.
4. Decommissioning Plan – There are concerns about what would happen to the property if it's abandoned by the operator or if the operator goes away. The decommissioning plan outlines how the panels will be disposed of and how the site will be restored at the end of the length of the system. Additionally, a guarantee is required that if the site is abandoned or the applicant fails to restore the site, the Village can cover the cost to complete that. If the project transfers to another owner, they are required to follow the Decommission Plan.
5. Battery Storage—This site does not include battery storage. Staff plans to make this prohibition a condition of the special use permit.

There were several environmental factors discussed:

1. Surface Water Runoff – These systems are not large enough to cause surface water runoff. There are concerns about existing drain tiles being affected. The Village code requires a drain tile study before any land improvements. This ensures that solar field permits do not interfere with the existing agricultural subsurface drainage infrastructure.
2. Noise – The solar panels do not make any noise. However, the inverter housed in the shed will create a low hum. This low-level hum cannot be heard over 100 ft. away. There are no residences within this range.
3. Ground Cover – The site will be planted with pollinator-friendly, low-growing ground cover.
4. Taking land out of agricultural production – This allows the land to regenerate and can be reverted to agricultural production at the end of the system.

Zoning approval is the first step the developer needs to take to obtain other approvals. The Plan Commission held the required public hearing, and the Commission recommended the approval of the special use permit subject to certain conditions as stated in the Plan Commission recommendation.

If the Village Board approves the special use permit, staff recommends it be subject to the following conditions:

1. Applicant shall obtain FAA approval for the facility, including satisfying glare requirements.
2. The applicant shall provide and prepare a drain tile investigation before issuing the building permit.
3. The applicant shall perform soil and water analysis within the solar field five to ten years after the facility is placed online.

4. The solar facility's owner and operator shall notify the Village of any changes of ownership during the project's life.
5. The service drive on the site shall be paved as required.
6. All on-site electric lines under the applicant's control shall be buried as required and shown in the site plan.
7. Electric projection from the facility shall not exceed 34.5 KB distribution voltage of the current distribution system serving the facility.

“Under control of the applicant” was explained as the lines the applicant has on the site, excluding ComEd lines. This is because the applicant feels they can’t control what ComEd does with their lines. The applicant intends to bury all their lines on their property.

It was explained that all submittals are reviewed during the application process.

The decommissioning plan outlines how the system will be dismantled, the panels disposed of, and the site restored to its original condition. This must be followed. Insurance for the Village is that if the site is abandoned, we will have the monetary guarantee required to cover costs. The Village wouldn’t determine the final form of the guarantee until a building permit is issued. The Board will formally accept the Staff’s recommendation.

President Konen stated that the Village of Sugar Grove shouldn’t be held responsible for the decommissioning should the site be abandoned, and that the responsibility should fall on the City of Aurora.

Trustee White stressed that the agreement with Aurora should be reviewed to ensure that no statement says that the Village of Sugar Grove would not object to what is done on the airport property.

It was noted that FAA approval has started, but it’s a very lengthy process. The burden would be on the airport if the FAA gets complaints from pilots, and the field must be decommissioned. The airport must make the request to the FAA. That’s the only way it can be approved.

A chain link fence will be allowed on the property since it’s well beyond the building setback.

Representatives from Suncode Energy discussed and addressed the concerns of the Village Board. Some of the issues raised are as follows:

Kelly Kramer, legal representative for Suncode Energy, introduced the group. Ms. Kramer pointed out that the petitioner is willing to submit a bond for the amount approved by the Village Board.

It was noted that Suncode has no issue with burying lines, and they assume that ComEd will be able to bury line extensions, etc., for the grid system. Suncode would be responsible for paying for this.

The powerlines at Solar 1 are overhead, and the lines at Solar 2 dip down and go underground because they are crossing through the Runway Protection Zone. The FAA does not forbid overhead power in the Runway Protection Zone, but it does have to pass through the 7462-1 analysis, where the FAA analyzes the height of the objects. The FAA would most likely restrict the height in Solar 2, which will be underground. The power is above ground on Solar 1.

Trustee White presented photos of electric poles near the site and asked if the equipment would be on poles or in cabinets. The Suncode representatives answered that it would be on a case-by-case basis and require FAA approval, but they have nothing to do with this. It was noted that Suncode would be willing to pay ComEd to bury lines and put equipment in cabinets. ComEd will have to come to the Village for permits for the Rt. 30 project. Staff will find out if ComEd will bury the lines. Everything depends on FAA approval.

A glare analysis has been done and sent to the FAA, which will review and provide its findings. The glare memo and analysis have been updated to explain the methodology used by Suncode. The FAA is concerned with the control tower and whether the glare impacts the tower with the potential for a prolonged glare duration. It was explained that the effect of glare on residential properties was not part of the glare analysis. However, the surrounding landscape will be constructed to mitigate the view of the panels from the street and will follow the ordinance about screening requirements for residentially zoned districts. However, the glare impact on residences in the area was not done as it was not required in the ordinance.

Regarding the landscape, the type of trees has yet to be determined. Suncode is open to any recommendations regarding the landscaping.

The access gate will be chain-linked due to the setback, and screening is unnecessary. However, if it's a condition, Suncode would be willing to change that.

A maintenance company would be contracted to monitor and upkeep the site.

President Koenen mentioned that the property tax for the two locations is estimated at \$78,000, and as you progress, the numbers will depreciate. The Suncode representative explained that the depreciation stops at 30%. President Koenen asked how the property tax would be calculated. The Suncode representative said that this is a Statewide pilot program, and the state provided guidance on how the taxes are to be calculated regardless of ownership.

President Koenen asked what triggers decommissioning. It was explained that the City of Aurora and Suncode have an agreement that outlines everything that must be done in the decommissioning agreement. Once the lease is over, decommissioning is required. If something triggers the decommissioning process, Aurora would be responsible for initiating it. Abandonment is considered when payment hasn't been made for six months. If it weren't being maintained, the Village of Sugar Grove would also investigate it.

The question was posed about storms and what wind velocity the panels can withstand. It was explained that the equipment and piles will undergo structural analysis to determine this and ensure the steel is sized correctly. The maintenance company could shut down power during a weather event.

It was explained that, according to testing, the panels will last 35 years. However, the sites that have been installed haven't reached the 35-year mark yet.

Trustee White stressed that he's not as concerned with the powerlines on Site 1 as he is with those on Site 2, which is more residential.

b. Special use permit for solar garden, community solar 2 (Aurora Airport)

Planning and Zoning Administrator Danielle Marion spoke about the second solar site application explaining that it will be a 6.21 MW facility that will occupy 20.8 acres comprised of 9,632 solar panels. The panels are the tracking type and will follow the sun. A security fence will surround the site and be planted with a low-growing, pollinator-friendly mix. A shed-like structure will be on the site to house the inverter and any necessary equipment. The same concerns were raised as on the first site. Both sites are currently being used for agriculture right now.

The question was raised about the bike path and if there is a planned bike trail in front of this property on the north side of the berm. It was clarified that the Village will take ownership of a planned bike path on Rt. 30 once IDOT installs it. There is currently a gap, and IDOT will cover that gap. It was mentioned that businesses to the west were required to do this, and it would be an excellent time to extend the bike trail and try to be a complete streets community. There is only a bike bath by Collegiate Landscaping; there is no bike path along Rt. 30 and Prairie Glen, and there is a gap between Municipal Drive and Dugan Road. In Prairie Glen, the only paths are in the wetland areas. It was brought up that the Armory has a site to the east, approximately 10 acres.

It was noted that the property in question is zoned M1, which may result in property depreciation depending on proximity. The permitted uses include crops, industrial, manufacturing, lumber yards, warehouses, distribution, etc. These other uses might also cause similar effects.

Another topic of discussion was the tilt of the panels as they track. It was explained that it depends on the manufacturer's recommendations and on the location of the sun compared to the panel. The glare changes throughout the day as the sun and panels move, depending on where you are, the time of day, etc.

President Konen asked the petitioner to provide information at the next board meeting on the glare that might affect the subdivisions to the southwest and southeast.

c. Professional Services Agreement with HR Green for Phase II Engineering Services for the IL RT. 47 Utility Relocations.

Director Merkel stated that utilities need to be relocated on IL 47 from Chelsea Avenue south to Rolling Oaks Drive. Recently, a letter was sent to IDOT requesting the incorporation of our relocation because they initially said that we would have to relocate before the project. Based on the project scope, we'd move this area three times. IDOT retained HR Green to do the design work; we contacted HR Green to merge the projects as a cost-saving measure. By incorporating the two together, we can meet the deadline of Sept. 1 to have the design work done.

d. Priority Capital Projects List

Village Administrator Scott Koeppel explained the updated Capital Projects List, some changes, and updated costs. President Konen noted that a transportation study hasn't been done in over 20 years. It was suggested that the items be listed in order of importance. Board discussion ensued.

e. FY2025-2029 Capital Improvement Program

Finance Director Anastasia highlighted the items that have changed in the report.

- Finance & Administration:
 - New Village Hall – Updated construction cost to \$10m in FY2027.
 - Financial Software Upgrade – Removed future financial software upgrade needs and updated FY2024 cost with BS&A Cloud Software upgrade.
 - Village Rebrand – Added as a new project beginning in FY2025.
- Police Department:
 - Police Department Facility Improvements – Cost Change to \$3m.
 - Body-Worn Cameras – Cost updated to include additional Cameras.
 - Emergency Warning Siren – New project added \$28,000 to switch over the sirens to be handled by the Village rather than Aurora.
 - Livescan Replacement – New project added \$26,000 to replacement Livescan equipment.
- Transportation:
 - Annual Road Program numbers to reflect actuals.
 - John Shields – Funding Source change to local from reimbursement from ITEP.

- All STP projects – Funding Source change to local contribution for construction, no reimbursement from STP, just for STP for Construction Engineering. Cost reflective of change in funding source.
- Water & Wastewater:
 - Well #9 – Moved from FY2024 to FY2025.
 - Well #10 – Moved from FY2030 to FY2024.
 - Maple Street Waterman – Funding Source to IEPA Loan or Bond.
 - IL-47 Relocation – Cost Change & Funding Source to IEPA Loan, Bond, or Grant.

f. **Budget Workshop #2**

Finance Director Anastasia presented the FY25 Budget for non-general funds.

12. Reports

a. Staff

Village Administration

Village Administrator Scott Koeppel had no additional updates.

Finance Department

Finance Director Anastasia had no additional updates. President Koenen thanked Director Anastasia for his role as Educational Chair for the Illinois Municipal Treasurers Association.

Community Development

President Koenen asked about the residential electrical issues caused by a solar contractor. Director Magdziarz explained that a solar contractor did unauthorized work at a residence, causing significant electrical problems. The resident had serious difficulties finding someone to correct the problem. It has now been corrected. It was clarified that solar contractors are required to be insured.

Police Department

There were no additional updates from the Police Department.

Public Works

Public Works Director Brad Merkel had no additional updates.

Economic Development

Economic Development Director Michael Cassa invited the Trustees and Staff to the rescheduled CPEP Check Presentation for Fireside Grille on Tuesday, March 12, and reminded everyone of the upcoming State of the Village event on Wednesday, March 20. As it stands now, we are on the way to breaking the record for attendance and sponsorship.

Additionally, Michael explained that Great Clips lost some of their stylists they couldn't replace, their lease was up, and they decided to close the location.

b. Trustees

Trustee Michels shared that while he was in Wisconsin, they found a level with the name of a Sugar Grove Grain company.

Trustee White attended the Metro West social. He thanked Scott Koeppel for his outstanding leadership.

Trustee Lendi attended the Bliss Woods cleanup and encouraged everyone to participate. She explained that the library is hosting early voting and that there are many activities happening at the library during spring break.

Trustee Herron had nothing to report.

Trustee Shomas had nothing to report.

c. President

President Konen talked about the Metro West event, which took place at Burnt Barrel. It was nice to showcase a local business.

The Enhancement Committee meets monthly. One initiative is to hold an Arbor Day event at John Shields Elementary School, handing out seedlings and having a short assembly. Seedlings will also be available at the library for the children who don't attend John Shields Elementary.

13. Executive Session

- Personnel – 5 ILCS 120/2(c)(1)
- Litigation – 5 ILCS 120/2(c)(11)
- Property/Land Acquisition – 5 ILCS 120/2(c)(5)
- Sale of Property – 5 ILCS 120/2(c)(6)
- Review of Executive Session Minutes – 5 ILCS 120/2(c)(21)

14. Adjournment

Motion by Trustee White, seconded by Trustee Herron, to adjourn the meeting at 9:28 pm. **Ayes: White, Herron, Michels, Lendi, Schomas; Nays: None; Absent: Bonnie.**

ATTEST:

/s/ Tracey R. Conti

Tracey R. Conti

Village Clerk