

MCHENRY COUNTY BOARD
MINUTES OF THE REGULAR SESSION MEETING
SEPTEMBER 19, 2006

Chairman of the Board – Kenneth D. Koehler (District 2)

District 1 Donald R. Brewer Marc Munaretto Anna May Miller Dan Shea	District 2 Marie M. Chmiel James Heisler Kenneth Koehler Lyn Orphal	District 3 Ed Dvorak Blake Hobson Nick Provenzano Barbara Wheeler
District 4 Sue Draffkorn John Hammerand Pete Merkel Sandra Fay Salgado	District 5 John Jung Jr. Perry Moy Virginia Peschke Tina Hill	District 6 Ann Gilman Richard Klasen Don Larson Mary Lou Zierer

The Honorable County Board of McHenry County, Illinois met in Regular Session on Tuesday, September 19, 2006.

Chairman Koehler noted that the board is trying to go to paperless meetings and some members of the board are using laptop computers and others still have paper, so if things go a little slower everyone knows why.

Chairman Koehler called the meeting to order at 7:00 p.m. The Pledge of Allegiance to the Flag was led by County Clerk Katherine C. Schultz with Members of the Board, department heads and visitors participating. Mr. Provenzano gave the invocation/personal remarks.

ROLL CALL

The roll was called by County Clerk Katherine C. Schultz. The following members responded: Shea, Wheeler, Zierer, Brewer, Chmiel, Draffkorn, Dvorak, Hammerand, Heisler, Hill, Hobson, Jung, Klasen, Larson, Merkel, Miller, Moy, Munaretto, Orphal, Peschke, Provenzano, Salgado and Koehler. Absent: Gilman. Chairman Koehler declared a quorum present with twenty-three (23) members responding.

MINUTES

Mr. Heisler made a motion seconded by Ms. Miller to approve County Board Regular Session minutes from September 5th, 2006. Chairman Koehler asked for any changes or corrections; there were none. Chairman Koehler asked for a voice vote, the ayes having it, the motion is passed.

CHAIRMAN'S REMARKS

Chairman Koehler told the board that he had the honor of representing the County Board in Kansas City about a week ago along with representatives from the County Highway Department at the American Association of Public Works group that was there. The county received an Innovation Award in high recognition for the work that we've done in our pre-salting mixture (sometimes referred to as a slurry). It's something the Highway Department has worked on for a long time. Mark DeVries of the Highway Department has written many articles about this topic and has traveled around to inform people what this product does for public safety.

SPECIAL PRESENTATIONS

Trent Lehman of the Ferguson Group – Update on first year's work and plans for coming year

Mr. Austin introduced Mr. Lehman of the Ferguson Group, which is the group that was hired to represent McHenry County in Washington. Mr. Lehman said that most of the appropriations bills were passed in the house, all but one and the senate did the same. It does not appear that much else is going to happen until after the elections. Both the House and Senate are scheduled to adjourn on September 29th until after the elections. At this point he is uncertain of the outcome for how these funding bills are going to play out. Depending on who is in control of the House and the Senate that could change how things move forward. Mr. Lehman stated that we have a number of projects that we were looking at moving forward on depending on funding. Several were groundwater/stormwater protection type programs and several transportation programs, etc. So far we have received from one of the house bills \$300,000 for the widening of Miller Road. That still has to get through the House Senate Conference which should come some time after the election and we're hoping for success there. It was asked of Mr. Lehman what the board can do to help things along. Mr. Lehman responded that the board should keep doing what they are doing, i.e. working with your local representatives to get the word out about what projects McHenry County is working on. It was asked if we would be more effective in Washington if we focused on just one or two projects; Mr. Lehman responded that a list is being put together with the help of department heads and the boards help of what the needs are of McHenry County and from that list they go back to Washington and look at some of the things that have been funded in the past and talk with people about the possibility of some funding. The list is then narrowed to a number that is manageable that allows the county to put their priorities forward. Mr. Austin thanked Mr. Lehman for being here today and suggested that maybe he can come back in November or December to meet with some of the same groups that he met with today.

Debt Issuance and Debt Refinancing

Mr. Munaretto stated that the Finance and Audit Committee has recommended to the County Board that it go into the debt market to borrow \$8,280,000 for the purposes of refunding the 2002B Debt Certificates that were placed for a portion of the financing of this building; \$3.4 million dollars to handle the Animal Control/Health Department facility in Crystal Lake and \$1.2 million dollars for performance contracting purposes to upgrade HVAC equipment in the Government Center. Mr. Karl Ottosen of Ottosen, Britz, Kelly, Cooper and Gilbert is here to speak to the board about items relating to the Disclosure Statement that all board members should have. Mr. Munaretto said these statements must be turned in at this time and the official statement needs to be reviewed and ask any questions at this time. Mr. Eric Anderson of Harris Bank will also be talking to the board about the county's rating by Moody Investor Services and the bonds being considered this evening.

Chairman Koehler said after both of these gentlemen speak he will move the Ordinance up from the end of the meeting to here so that any questions can be answered and it can be voted on.

Mr. Ottosen noted that the Ordinance copy being handed out is not the final copy. There is a minor change to it. Also, the Escrow Agreement is part of the ordinance so a separate ordinance does not have to be done for the Escrow Agreement.

Mr. Ottosen said that the minor changes are that the Table of Contents is being updated and a sentence is being added on Page 13. He said there is a provision for mandatory redemption of a part of this sale starting in 2017 issue and the last part of that paragraph was added that without any further action or direction by the county on January 15, 2007 the price of par and accrued interest without premium thereby leaving 35,000 said certificates become due at maturity in 2018. Mr. Ottosen asked if there is anyone who has any conflicts of interest that would prohibit any board member from participating in the passing of this ordinance for the issuance of debts. Everyone should have a memorandum disclosure to sign. If anyone has more than a 7.5% ownership interest in Harris NA they need to know that as well if anyone is an officer or employee

of the bank. No one falls into either of these categories. Mr. Ottosen said a second paragraph was added to this disclosure stating that neither of these items applies. The document needs to be signed and handed in. Mr. Ottosen went on to say that Mr. Sarbaugh has gone over the Preliminary Official Statement many times and everything is in order.

Mr. Ottosen said when the motion is made to approve the ordinance is must be made with an amendment. That amendment is that the escrow agent name is being corrected to go from "LaSalle Bank NA" to "Bank of New York Trust Co NA". He stated that this ordinance creates an Installment Purchase Agreement between the Treasurer and the County for the items previously mentioned. The money that is being put aside for the proceeds for the refunding of the prior debt certificates must be put into an escrow.

Mr. Anderson came forward and explained the procedures as well as the Moody rating and the amount of money being saved. He said that a meeting was held with the head of the Chicago office of Moody's as well as their senior analyst and attendees from the here. All in attendance took a flight over McHenry County to observe what is going on with the county in terms of development and open land. At this time Moody's rated McHenry County at Aa2 with a positive outlook; the former rating was a Aa2. The "positive outlook" says that Moody's fully believes that there is a greater than 50% chance that from now through the next 12-18 months, with continued good performance, that the county could be upgraded to Aa1. He noted that interest is at a low point now, so it is a good time to be making this move. In relation to the debt service savings to the County for the 2002B debt certificates is \$295,607, which is net after all costs. The closing will take place on October 10th and \$4,600,881 will be advanced to the county which will pay for the Animal Control facility, Public Health and the energy conservation project. It was noted that the Finance and Audit Committee has been keeping an eye on rates since the spring waiting for rates to come down.

15.2 Ordinance authorizing and providing for the issuance of Series 2006 Debt Certificates (waiver of 30-day review requested)

Mr. Munaretto made a motion seconded by Mr. Brewer to approve the following ordinance with amendments as noted and waiving the 30 day review.

An Ordinance of the County of McHenry, Illinois, authorizing and providing for \$8,280,000 Debt Certificates, Series 2006, evidencing interests in Installment Purchase Agreements, as assigned, for improving and equipping certain County facilities and providing for the security for and means of payment under the Agreements of the Certificates known as the Certificate Ordinance.

Amendments are as follows: that the Escrow Agent name is changed from LaSalle Bank NA to "Bank of New York Trust Company NA," and with the additional language that was discussed on page 13 and with the realignment of the Table of Contents to make them appropriate to the document.

Chairman Koehler asked for a roll call vote. The following members responded aye: Shea, Wheeler, Zierer, Brewer, Chmiel, Draffkorn, Dvorak, Heisler, Hill, Hobson, Jung, Larson, Merkel, Miller, Moy, Munaretto, Orphal, Peschke, Provenzano, Salgado and Koehler. Nay: Hammerand and Klasen. Absent: Gilman. The vote being twenty-one (21) ayes and two (2) nays noting one (1) absent, Chairman Koehler declared the motion passed.

ZBA CONSENT AGENDA

Mr. Heisler asked if anyone wished to remove a petition from the agenda, there were none. Mr. Heisler made a motion seconded by Mr. Klasen to approve the following Petitions:

- Exb. #05-132; Coral Twp; Brunschon/Fox; reclass of A1 to E5
- Exb. #06-24; Seneca Twp; Robert/Linda Henry; reclass of A1 to A1C
- Exb. #06-31; Algonquin Twp; David Hinz; reclass of R1 to B1
- Exb. #06-47; Coral Twp; Richard/Jean Calvert; reclass of A1 to E2
- Exb. #06-53; Marengo Twp; Schmitt/Filmac, Inc.; reclass of I2 to B1
- Exb. #06-54; Alden Twp; Robert Sykora; reclass of E3 to E3V

Chairman Koehler asked for a roll call vote. The following people responded aye: Shea, Wheeler, Zierer, Brewer, Chmiel, Draffkorn, Dvorak, Hammerand, Heisler, Hill, Hobson, Jung, Klasen, Larson, Merkel, Miller, Moy, Munaretto, Orphal, Peschke, Provenzano, Salgado and Koehler. Absent: Gilman. The vote being twenty-three (23) ayes noting one (1) absent, Chairman Koehler declared the motion passed.

PLATS

Final Plat – Ni-Ky Woods, McHenry Twp.

Mr. Heisler made a motion seconded by Ms. Chmiel to approve the above-named final plat.

Chairman Koehler asked for a voice vote, the ayes having it, the motion is passed.

PUBLIC PARTICIPATION

Chairman Koehler explained the rules of public participation. He told members of the public as well as the board that we are aware that there are many people here to speak on the horse racing activities that are taking place out on Dunham/Union Road on a property owned by Mr. Rivera. Chairman Koehler said the owner has applied for a temporary use permit for his activity and it is reviewed by the P & D Department and is based on the criteria received from the individual that applies for this. Chairman Koehler said he has reviewed this and gone out to the site and concludes that the activities going on while he was there were ok. That being said, he had a meeting today with several staff people; i.e. from the Sheriff's Department, State's Attorney office, Planning & Development and the Health Department to review the activities and discuss the situation. Upon that review, he did not feel that we should issue another temporary use permit for this year. The question comes up what is temporary. After the meeting, Chairman Koehler indicated that Ms. Ehardt from Planning and Development, Mr. Stone, Asst. State's Attorney and a representative from the Sheriff's office are willing to meet with people after the meeting down the hall to take any questions.

The following people spoke:

Mike Anklam of Union	against	horse racing parties on AG zoned property
Diane Evertsen of Harvard	against	illegal aliens
Vince Venture of Marengo	against	horse racing parties on AG zoned property
Karen Gray of Marengo	against	soccer fields on AG zoned property
Tim Gray of Marengo	against	soccer fields on AG zoned property
Evert Evertsen if Harvard	against	illegal aliens
Steve Kopinski of Union	against	horse racing parties on AG zoned property
Patti Klein Manke of Wdstk	against	Animal Control Ordin-cat vaccines/chipping
Deborah McCormick of Wdstk	regarding	Animal Control Ordin-mixed feelings
Bruce Peleschak of Marengo	regarding/against	zoning and noise issues

Noting no other persons wishing to speak, Chairman Koehler closed public participation.

NEW AND UNFINISHED BUSINESS

None

APPOINTMENTS

Mr. Heisler made a motion seconded by Ms. Peschke to approve the following Appointment:
Greenwood Drainage District No. 1
John Heider term to expire 09/01/2009

Chairman Koehler asked for a roll call vote. The following members responded aye: Shea, Wheeler, Zierer, Brewer, Chmiel, Draffkorn, Dvorak, Hammerand, Heisler, Hill, Hobson, Jung, Larson, Merkel, Miller, Moy, Munaretto, Orphal, Peschke, Provenzano, Salgado and Koehler. Absent: Gilman and Klasen. The vote being twenty-two (22) ayes noting two (2) absent, Chairman Koehler declared the motion passed.

ROUTINE CONSENT AGENDA

Chairman Koehler asked if any one wished to remove an item from the agenda. Ms. Peschke asked to remove item #14.2 B(7). She asked to abstain from voting as she is one of those being appointed.

Mr. Shea made a motion seconded by Ms. Orphal to approve the Routine Consent Agenda

Chairman Koehler asked for a roll call vote. The following members responded aye: Shea, Wheeler, Brewer, Chmiel, Draffkorn, Dvorak, Hammerand, Heisler, Hill, Hobson, Jung, Larson, Merkel, Miller, Moy, Munaretto, Orphal, Peschke, Provenzano, Salgado and Koehler. Absent: Zierer, Gilman and Klasen. The vote being twenty-one (21) aye votes noting three (3) absent, Chairman Koehler declared the motion passed.

14.2 B(7) Resolution authorizing the appointment of members of an expanded Board of Review for assessment year 2006.

Mr. Munaretto made a motion seconded by Mr. Heisler to approve the above-named resolution.

Chairman Koehler asked for a roll call vote. The following members responded aye: Shea, Wheeler, Zierer, Brewer, Chmiel, Draffkorn, Dvorak, Hammerand, Heisler, Hill, Hobson, Jung, Klasen, Larson, Merkel, Miller, Moy, Munaretto, Orphal, Provenzano, Salgado and Koehler. Abstain: Peschke. Absent: Gilman. The vote being twenty-two (22) ayes, one (1) abstention and one (1) absent, Chairman Koehler declared the motion passed.

ORDINANCES

Moved to earlier in meeting.

ADMINISTRATOR'S REPORT

Mr. Austin said we are getting close to having a budget and supplemental requests for the board to review. Mr. Sarbaugh said that the H.R. Committee meeting scheduled for Monday is canceled and will be held on Friday morning September 29th at 8:15 a.m. At that meeting we will be reviewing all of the personnel requests that have been submitted with the budget and making recommendations to the committee. He added that they are looking at holding the CALF meeting October 6th at 8:30 a.m., then from there making recommendations for the other supplemental requests and then taking that recommendation from the CALF meeting to the Finance Committee the following Tuesday. Mr. Sarbaugh said hopefully there will be a budget to present for public display at the following board meeting.

Mr. Austin asked Mr. Labaj to hand out an update on the Strategic Plan which updates the board on what is being looked at. He said if there were any questions or concerns, please let them know.

EXECUTIVE SESSION

None

MEMBER'S COMMENTS

Chairman Koehler asked that any board member using a laptop computer this evening should leave their jump stick with him before leaving.

Mr. Larson commented about the computers that some items were left out that they could not access and secondly the maps from Planning & Development are all in black and white and color is much more beneficial and easier to read.

Ms. Peschke said Public Health & Human Services will be meeting Friday. If anyone has any comments or suggestions regarding Article XVII Animal Control they should come to the meeting or get their comments to a member. There were very few comments at the last meeting. Secondly, interviews have been going on for the Plan Commission and she feels very bad that we are not interviewing all of the people who applied and in particular, those people who applied before the original deadline. Many of those people are not on the list to be heard.

Ms. Zierer commented regarding the horse racing issue that she wished she or Mr. Klasen had been notified of the meeting that took place to help rectify this situation and heard about the results before they did. Chairman Koehler said this was something that had to be taken care of in a timely matter.

Mr. Moy said he also was concerned about not interviewing all of the applicants for the Plan Commission. Secondly, this weekend he attended the IL Wine Growers Assoc. Festival at Starve Rock. September is IL wine month, when drinking IL wine drink responsibly.

Mr. Provenzano said that yesterday the Building Projects Committee had the opportunity to go out to Valley Hi to get an update on the progress out there. He said it was a great tour it will be a wonderful gift to the next generation.

Ms. Wheeler thanked those involved who arranged the paperless agenda. She felt that it went very well.

Mr. Hammerand said he went on the gravel pit tour that was held and found it very informative. On another note, he heard speakers state that liquor was being sold at the horse racing event and feels that this should be a topic for the Liquor Commission. Chairman Koehler said he will bring him up to speed on that.

Mr. Merkel added that he wondered if gambling was going on at the horse racing event. Chairman Koehler said he is also involved in that investigation.

Chairman Koehler said he is happy to hear the comments about the horse racing issue as well as the soccer activities that are going on. He said they are a challenge as they appear to be relatively innocent and then they go a step further and it is out of line. He pointed out this is a good example why we need to address the noise ordinance. This is only the tip of the iceberg.

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ADJOURNMENT

Mr. Heisler made a motion seconded by Ms. Miller to adjourn at 8:50 p.m. Chairman Koehler declared the motion passed on a unanimous voice vote.

Dated and approved at Woodstock, Illinois this 3rd day of October, A.D., 2006.

S/ Kenneth D. Koehler
Kenneth D. Koehler, Chairman
McHenry County Board

ATTEST:

S/ Katherine C. Schultz
Katherine C. Schultz, County Clerk