

MCHENRY COUNTY BOARD
MINUTES OF THE REGULAR SESSION MEETING
MARCH 20, 2007

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

District 1 Yvonne M. Barnes Marc Munaretto Anna May Miller Dan Shea	District 2 Marie M. Chmiel James Heisler Kenneth Koehler Lyn Orphal	District 3 Ed Dvorak Mary L Donner Nick Provenzano Barbara Wheeler
District 4 Sue Draffkorn John Hammerand Pete Merkel Sandra Fay Salgado	District 5 John Jung Jr. James P Kennedy Virginia Peschke Tina Hill	District 6 Randall Donley Mary T McCann Daniel P Ryan Mary Lou Zierer

The Honorable County Board of McHenry County, Illinois met in Regular Session on Tuesday, March 20, 2007.

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. Dvorak gave the invocation/personal remarks.

ROLL CALL

The roll was called by County Clerk Katherine C. Schultz. The following members responded: Hammerand, Heisler, Hill, Jung, Kennedy, McCann, Merkel, Miller, Munaretto, Orphal, Peschke, Provenzano, Ryan, Salgado, Shea, Wheeler, Zierer, Barnes, Chmiel, Donley, Donner, Draffkorn, Dvorak and Koehler. Chairman Koehler declared a quorum present with twenty-four (24) members responding.

MINUTES

Mr. Kennedy made a motion seconded by Mr. Heisler to approve County Board minutes from March 6, 2007. Chairman Koehler asked if there were any corrections, noting none, he asked for a voice vote, the ayes having it, the minutes are approved as presented.

CHAIRMAN'S REMARKS

Chairman Koehler said he will be leaving for Washington D.C. tomorrow with Peter Austin and Mr. Korpalski, there will also be representatives from the McHenry County EDC in attendance. This trip is to begin to seek some funding from the federal government.

SPECIAL PRESENTATIONS

Issuance of Debt Certificates/Disclosure of Interest Statements

Mr. Munaretto explained why we were doing the debt certificates. He said that the federal government has required all law enforcement agencies to acquire a new spectrum on the radio ban which has caused all major law enforcements to go out and buy new radio equipment. After an evaluation of what the needs are and the system that would work best for McHenry County, the Sheriff and Law & Justice Committee decided on the Motorola Starcom system costing approximately \$4.83 million dollars. Today Mr. Eric Anderson from the Harris Trust & Savings Bank is here as well as Mr. Karl Ottosen, Attorney at Law, who handles our bond matters, to go over matters that pertain to the issuance of the debt certificates for this system.

Mr. Anderson said a review was done a couple of weeks ago with regard to the Moody's rating. The last rating was AA2 with a positive outlook, which is excellent, and the rating remains the same. With this rating the county was able to get insurance from XL Capitol and enables them to

McHenry County Board Regular Session
Tuesday March 20, 2007

issue the debt certificates at a rating of AAA. The county will save about \$4,000 by issuing at the AAA rating. The debt certificates will be issued and the money will be advanced on April 5, 2007 with an all inclusive rate of 4.06%. The amount of \$4.885 million will pay for the Starcom system in its entirety. Mr. Provenzano asked if the county were to secure grant money towards this system would we be able to offset this or would it be put into the General Fund. Mr. Anderson said if the county receives grant dollars and chose to apply those to this debt service, it could do so. The county could take grant dollars and buy U.S. Treasuries with those cash receipts and reduce the debt.

Mr. Ottosen came forward and explained the Memorandum of Disclosure. The County Board members are asked to review their own personal interests and see if there is a conflict of interest and if so disclose them. Mr. Ottosen said there were a couple of choices: to indicate whether you are a director, officer, employee or holder of more than 7.5% of the ownership interest in Harris Bank or the Bank of Montreal. If you are not, board members are to check the second box and sign the Disclosure and turn them in tonight.

Noting no questions, Chairman Koehler thanked Mr. Anderson and Mr. Ottosen.

Mental Health Court Program – Sandra Fay Salgado

Ms. Salgado came forward and thanked all those involved in getting the Mental Health Court Program up and running. Without the help of so many different entities this would not have been possible. Lou Bianchi, State's Attorney for McHenry County came forward and made a few comments. He thanked the board for embracing this program and seeing it through. He said Ms. Salgado was a driving force in establishing this program in the last two years. He said Judge Weech will be the sitting judge for the Mental Health Court, and he named other individuals who will be directly involved, from agencies to the nurses. Ms. Salgado commented that she sees this as an opportunity for the county to be pro-active in helping people with mental illnesses that are seen in the court system. Ms. Salgado said one reason that we all share for being part of this program is for us to provide a system in which persons with mental illness can be given a proper support and tool to enjoy the quality of life that we do every day in McHenry County.

Tom Carroll of the State's Attorneys office gave a power point presentation and explained the establishment of and those involved in getting the Mental Health Court Program up and running. He said the first court date is set for April 5th at 1:30 in Court Room 301, Judge Weech's courtroom. The qualifications to get into the program as well as the goals were explained. Participants must agree to be a part of the program and each participant will be assessed as to if they qualify for the program. Mr. Carroll noted that last year in June approximately two-thirds of prisoners in the jail were administered psychotropic medications. These are drugs used for people with mental illness. The cost is only going up as the population in the county rises and crimes increase. Mr. Carroll said funding for this program will come from court fees as well as from agencies that have provided their help. Also, in the future, grants will be applied for as the program becomes eligible. It was asked if the victim's families would be consulted with. Mr. Carroll said his office may consult with them about the program. It was asked if during the cycle of the program, 12-18 months, the defendant slips up, what happens. Mr. Carroll said every case will be dealt with individually and the individual will be reassessed. It will depend on what the slip up is.

Judge Weech came forward and told the board that he is happy to be a part of this program. He said that if we can help one family with this program then we are successful, one family at a time. People with mental illness are ill for years. With the help of all of the professionals involved with this program, he will be relying on their assessment and diagnosis to have someone participate in this program. Judge Weech said he has been in the legal system for 30 years and this is the first time that there is a tool being made available to do something for the mentally ill. He thanked the board for allowing him to be a part of this program. It was asked what type of case would be eligible. Judge Weech said some aggravated battery charges may be allowed as well as criminal damage and disorderly conduct charges. It was asked who pays for meds for vagrants. Judge

McHenry County Board Regular Session
Tuesday March 20, 2007

Weech responded that this is part of the program. Judge Weech said he will be following each case from beginning to end in the Mental Health Court Program. People will be more wary when they know that the same Judge will be watching him throughout the whole program. The individuals have to waive speedy trial rights and everything.
A copy of the handout given to the board going over the power point is in the board file.
Chairman Koehler thanked everyone involved in putting this program together. It has been a long road, but this is a milestone, and this will be a program that will benefit citizens of McHenry County.

ZBA CONSENT AGENDA

Ms. Wheeler asked if anyone wished to pull a petition from the ZBA consent agenda.
Ms. Peschke asked to remove Petition #06-7 and #06-95.

Ms. Wheeler made a motion seconded by Ms. Miller to approve the following Petition:
Exb. #07-03; Coral Twp; Dorthy Becklinger Trust; reclass of A1 to A2

Noting no discussion, Chairman Koehler asked for a roll call vote. The following members responded aye: Hammerand, Heisler, Hill, Jung, Kennedy, McCann, Merkel, Miller, Munaretto, Orphal, Peschke, Provenzano, Ryan, Shea, Wheeler, Zierer, Barnes, Chmiel, Donley, Donner, Draffkorn, Dvorak and Koehler. Absent: Salgado. The vote being twenty-three (23) ayes noting one (1) absent, Chairman Koehler declared the motion passed.

Ms. Wheeler made a motion seconded by Mr. Donley to approve the following Petition:
Exb. #06-7; Coral Twp; Bradford McAtee; reclass A1 to B3C

Ms. Peschke made a **motion to amend** seconded by Ms. McCann to **change the conditional use from 20 years to 5 years.**

Chairman Koehler asked for any discussion on the motion to amend. Some board members felt that a conditional use should not be allowed to run for 20 years because the property could change hands. At one time there was some discussion about making the change for a conditional use to run 5 or 10 years instead of 20. There were concerns about the possibility of contaminating the stream with run off from the property. It was suggested that the board should consider adopting a policy to limit the conditional use time to 5 or 10 years.

Chairman Koehler asked for a roll call vote on the motion to amend. The following members responded aye: Hammerand, Heisler, Hill, Jung, McCann, Merkel, Orphal, Peschke, Provenzano, Ryan, Salgado, Wheeler, Barnes, Donner, Draffkorn and Koehler. Nay: Kennedy, Miller, Munaretto, Shea, Zierer, Chmiel, Donley and Dvorak. The vote being sixteen (16) ayes and eight (8) nays, Chairman Koehler declared the **motion to amend the conditional use to 5 years has passed.**

Chairman Koehler asked for any discussion on the main motion, there was none. He asked for a roll call vote on the motion to approve Petition #06-7. The following members responded aye: Hammerand, Heisler, Hill, Jung, Merkel, Miller, Munaretto, Orphal, Peschke, Provenzano, Ryan, Salgado, Shea, Wheeler, Zierer, Barnes, Chmiel, Donley, Donner, Draffkorn, Dvorak and Koehler. Nay: Kennedy and McCann. The vote being twenty-two (22) ayes and two (2) nays, Chairman Koehler declared the **motion passed as amended on Petition #06-7.**

Ms. Wheeler made a motion seconded by Mr. Shea to approve the following Petition:
Exb. #06-95; Coral Twp; Massett Trust; reclass of A1 to E1

McHenry County Board Regular Session
Tuesday March 20, 2007

Ms. Peschke commented about the conservation easement. She feels it is really important that we should put this in our zoning ordinance and subdivision ordinance that you have to put in perpetuity a conservation easement on sensitive wetlands.

Chairman Koehler asked for a roll call vote. The following members responded aye: Hammerand, Heisler, Hill, Jung, McCann, Merkel, Miller, Munaretto, Orphal, Peschke, Provenzano, Ryan, Salgado, Shea, Wheeler, Zierer, Barnes, Chmiel, Donley, Donner, Draffkorn, Dvorak and Koehler. Nay: Kennedy. The vote being twenty-three (23) ayes and one (1) nay, Chairman Koehler declared the motion passed.

ZBA REGULAR AGENDA

Ms. Wheeler made a motion seconded by Mr. Kennedy to DENY the following Petition as recommended by the ZBA:

Exb: #06-66; Coral Twp; Ramon/Violet Yadgar; reclass of E3 to E1

Mr. Munaretto made a **motion to amend** seconded by Ms. Chmiel **to approve Petition #06-66**.

Chairman Koehler asked for any discussion on the motion to amend. Mr. Munaretto said he felt that E1 was a reasonable request, other board members agreed. Mr. Ryan noted that the township board approved of this change and he will support this amendment. Some board members felt that the property should be left just as it is.

Chairman Koehler asked for a roll call vote on the motion to amend. The following members responded aye: Hammerand, Heisler, Hill, Jung, Merkel, Miller, Munaretto, Orphal, Provenzano, Ryan, Wheeler, Chmiel, Donner, Draffkorn, Dvorak and Koehler. Nay: Kennedy, McCann, Peschke, Salgado, Shea, Zierer, Barnes and Donley. The vote being sixteen (16) ayes and eight (8) nays, Chairman Koehler declared the **motion to amend to approve Petition #06-66 has passed**.

Chairman Koehler asked for any discussion on the main motion. Chairman Koehler asked for a roll call vote to approve Petition #06-66. The following members responded aye: Hammerand, Heisler, Hill, Merkel, Miller, Munaretto, Orphal, Provenzano, Ryan, Shea, Wheeler, Chmiel, Donner, Draffkorn, Dvorak and Koehler. Nay: Jung, Kennedy, McCann, Peschke, Salgado, Zierer, Barnes and Donley. The vote being sixteen (16) ayes and eight (8) nays, Chairman Koehler declared the **motion to approve Petition #06-66 has passed**.

Ms. Wheeler asked for a motion from the board as there is no recommendation from the ZBA.

Ms. Chmiel made a motion seconded by Mr. Munaretto to approve the following Petition:

Exb. #06-92; Algonquin Twp; Gail Properties of Cary, LLC; reclass of A1 to R1

Chairman Koehler asked for any discussion. Several members felt this should not be approved as the soils are not very good for septic and they were denied sewer and water from the village. Ms. Miller asked to abstain from voting as a family member has a business relationship with one of the petitioners.

Chairman Koehler asked for a roll call vote. The following members responded aye: Hill, Jung, Merkel, Munaretto, Orphal, Provenzano, Wheeler, Chmiel and Dvorak. Nay: Hammerand, Heisler, Kennedy, McCann, Peschke, Ryan, Salgado, Shea, Zierer, Barnes, Donley, Donner, Draffkorn and Koehler. The vote being nine (9) ayes and fourteen (14) nays, Chairman Koehler declared the **motion to approve Petition #06-92 has failed**.

McHenry County Board Regular Session
Tuesday March 20, 2007

PUBLIC PARTICIPATION

Chairman Koehler explained the rules of public participation. The following people spoke:

Pat Kennedy of Harvard	re: Kishwaukee Valley Water Authority
Ersel Schuster of Woodstock	re: zoning issues; general
Ben Widoff of Woodstock	re: Merryman gravel pit petition

Chairman Koehler cautioned board members that Mr. Widoff's comments were on the verge of testimony without representation of legal counsel for the petitioner. This is something that needs to be brought back to the ZBA in the proper format. He asked board members to strike what they heard.

Gus Philpot of Woodstock	re: need of Internal Affairs Division in the Sheriff's Dept. and a Citizens Police Review Board
--------------------------	---

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

NEW AND UNFINISHED BUSINESS

Resolution in opposition to House Bill 1518 raising the age of juvenile offenders to 17

Mr. Provenzano made a motion seconded by Mr. Shea to approve the above-named resolution.

Mr. Provenzano said this is a bill that is pending in the legislature and was brought to our attention by Phil Ulmer.

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

APPOINTMENTS

Ms. Peschke made a motion seconded by Ms. Chmiel to approve the following Appointment:

T.B. Care and Treatment Board	
James J. Mowery, M.D.	term to expire 06/30/2008

Chairman Koehler asked for a roll call vote. The following members responded aye: Hammerand, Heisler, Hill, Jung, Kennedy, McCann, Merkel, Miller, Munaretto, Orphal, Peschke, Provenzano, Ryan, Salgado, Shea, Wheeler, Zierer, Barnes, Chmiel, Donley, Donner, Draffkorn, Dvorak and Koehler. The vote being twenty-four (24) ayes, Chairman Koehler declared the motion passed.

ROUTINE CONSENT AGENDA

Chairman Koehler asked if anyone wished to remove an item. Ms. Peschke asked to remove item #14.2 B(9); Ms. Hill asked to remove item #14.2 B(1); and Mr. Munaretto asked to remove item #14.2 B(11).

Ms. Barnes made a motion seconded by Ms. Donner to approve the Routine Consent Agenda with three items removed.

Chairman Koehler asked for a roll call vote. The following members responded aye: Hammerand, Heisler, Hill, Jung, Kennedy, McCann, Merkel, Miller, Munaretto, Orphal, Peschke, Provenzano, Ryan, Salgado, Shea, Wheeler, Zierer, Barnes, Chmiel, Donley, Donner, Draffkorn, Dvorak and Koehler. The vote being twenty-four (24) ayes, Chairman Koehler declared the motion passed.

14.2 B(1) Resolution authorizing the reclassification of position #045-11-054-07 from a part-time investigator position to a full-time investigator position in the State's Attorneys Department roster

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

McHenry County Board Regular Session
Tuesday March 20, 2007

Chairman Koehler asked for any discussion. Overall, board members were in support of this resolution. Some think that we have technology in place that could take care of this without adding the additional expense. Many stores have a check clearing machine that will tell immediately if there are insufficient funds to cover the check you are writing.

Chairman Koehler asked for a roll call vote. The following members responded aye: Hammerand, Heisler, Kennedy, McCann, Munaretto, Orphal, Peschke, Provenzano, Ryan, Salgado, Shea, Wheeler, Zierer, Barnes, Chmiel, Donner, Draffkorn, Dvorak and Koehler. Nay: Hill, Jung, Merkel, Miller and Donley. The vote being nineteen (19) ayes and five (5) nays, Chairman Koehler declared the motion passed.

14.2 B(9) Resolution authorizing a fee for service agreement with the McHenry county Corporation for Affordable Homes for a Homebuyer Assistance Program

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

Chairman Koehler asked for any discussion. Ms. Peschke asked to abstain from voting as her agency is involved with this program. Chairman Koehler didn't feel that she needed to abstain but Ms. Peschke felt that she should. It was noted that one of the board rules states that a board member has the right to abstain. Chairman Koehler responded that if you have a potential direct financial reward to you or your family then you can abstain.

Chairman Koehler asked for a roll call vote. The following members responded aye: Hammerand, Heisler, Hill, Jung, Kennedy, McCann, Merkel, Miller, Munaretto, Orphal, Provenzano, Ryan, Salgado, Shea, Wheeler, Zierer, Barnes, Chmiel, Donley, Donner, Draffkorn, Dvorak and Koehler. Abstain: Peschke. The vote being twenty-three (23) ayes noting one (1) abstention, Chairman Koehler declared the motion passed.

Chairman Koehler asked that if a board member thinks that they have a conflict on any of the issues that come before the board, he would appreciate a call to himself or to Mr. Austin so that it can be researched before the meeting.

14.2 B(11) Resolution authorizing entering into a contract with Corporate Benefit Consultants Inc. (CBC) to be broker of record and to provide services for conversion to self funded health insurance.

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

Chairman Koehler asked for any discussion. Mr. Munaretto thanked the Human Resources Department for their study into this to help save money for the county on health insurance. The county could save up to \$300,000 in the first couple of years. He did note that there is a difference between self funding and being self insured.

Hammerand, Heisler, Hill, Jung, Kennedy, McCann, Merkel, Miller, Munaretto, Orphal, Peschke, Provenzano, Ryan, Salgado, Shea, Wheeler, Zierer, Barnes, Chmiel, Donley, Donner, Draffkorn, Dvorak and Koehler. The vote being twenty-four (24) ayes, Chairman Koehler declared the motion passed.

ORDINANCES

For Review: Ordinance – Recertification of Zoning Maps

Ordinance amending Article 10, School Developer Donation requirements of the McHenry County Subdivision Ordinance to include the Annual "CPI" adjustment and amending Section 1003.1 Fair Market Value

McHenry County Board Regular Session
Tuesday March 20, 2007

Mr. Munaretto stated that the McHenry County Board and its Finance and Audit Committee have performed their statutory due diligence and ask the board to adopt the ordinance named below. Mr. Munaretto made a motion seconded by Ms. Hill to approve the following Ordinance and waiving the 30 day review:

For Action: An Ordinance of the County of McHenry, Illinois, authorizing and providing for \$4,885,000 Debt Certificates, Series 2007A, evidencing interests in an Installment Purchase Agreement for acquiring, equipping and installing a communication system for public safety and emergencies in the County, and providing for the security for and means of payment under the Agreements of the Certificates.

Chairman Koehler asked if there were any questions, there were none. Mr. Munaretto stated that the county is borrowing at the low point, today at 4.07%. There was a competing proposal from Motorola, but that proposal was at 4.9% interest.

Chairman Koehler asked for a roll call vote. The following members responded aye: Hammerand, Heisler, Hill, Jung, Kennedy, McCann, Merkel, Miller, Munaretto, Orphal, Peschke, Provenzano, Ryan, Salgado, Shea, Wheeler, Zierer, Barnes, Chmiel, Donley, Donner, Draffkorn, Dvorak and Koehler. The vote being twenty-four (24) ayes, Chairman Koehler declared the motion passed.

ADMINISTRATOR'S REPORT

Mr. Austin thanked board members who have completed their prioritization of the strategic plan goals. Mr. Labaj will be sending those to NIU tomorrow morning. Mr. Austin said bids were opened this morning out at the Highway Department for the first phase of Algonquin Road from Randall Road to roughly Lakewood and we did well, bids were lower than we anticipated and budgeted for. Also, Mr. Austin said the Management Auditor of Valley Hi VRP is on the street and it has been mailed to five firms that have expressed interest. In regard to the campus plan, Management Services has set a special committee meeting for April 9th at 10 a.m. where two final firms will be interviewed. Department heads were also suggested to attend. In regard to the Water Resource Manager position, Mr. Austin said five people were interviewed and they were all very good. A second round of interview will be done with a smaller group on April 5th. Lastly, Mr. Austin said he will be in Washington D.C. for the next few days and will be gone next week with his family.

EXECUTIVE SESSION – (Review of Executive Session Minutes)

Ms. Salgado made a motion seconded by Ms. Peschke to go into executive session at 9 p.m.
Executive Session ran from 9 p.m. to 9:12 p.m.

Mr. Kennedy made a motion seconded by Ms. Chmiel to go back into open session.

Chairman Koehler asked for a roll call vote. The following members responded aye: Hammerand, Heisler, Hill, Jung, Kennedy, McCann, Merkel, Miller, Munaretto, Orphal, Peschke, Provenzano, Ryan, Salgado, Shea, Wheeler, Zierer, Barnes, Chmiel, Donley, Donner, Draffkorn, Dvorak and Koehler. The vote being twenty-four (24) ayes, Chairman Koehler declared the motion passed.

Mr. Munaretto made a motion seconded by Mr. Merkel to approve release of executive session minutes as approved by the State's Attorneys office.

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

McHenry County Board Regular Session
Tuesday March 20, 2007

MEMBERS' COMMENTS

Ms. Hill said coming up for discussion at Management Services are the County Board Rules and in part discussion during public participation as we saw this evening. She said as a committee they need to hear feed back from board members, please e-mail or come to the Management Services Committee meeting. Also, she said she is putting together a forum with the business community and open to the public for the Senator and Representative on the gross receipts tax. Nothing is off the table, so come on out on April 5th at MCC probably in the a.m.

Ms. Zierer said last month there were several people here to speak about things at Valley Hi. If any board members have constituents calling about Valley Hi with good or bad comments, please let her or Mr. Austin know so that they know what is out there so they can check things out.

Mr. Jung commented that sub-committees of the Planning Commission have come up with their goals and objectives and have taken them to the P & D Committee. Everyone should have a copy of them in their mailbox. If there are comments or suggestions please let them know.

Mr. Kennedy said he attended a meeting on Pandemic Flu that was sponsored by McHenry Twp and presented by the Health Department and they did an excellent job.

Mr. Hammerand said the Liquor & License Committee's late meeting has been cancelled this month. To that committee he said if there are any establishments you would like to speak to before we approve their licenses, please make your selection known to Barbara Todd so she can schedule them for the meeting.

Ms. Salgado asked for prayers for her younger brother and family members as he is being deployed to Iraq on the 29th.

Mr. Shea said tomorrow at the Transportation meeting there will be a presentation by the RTA on Moving Beyond Congestion.

Ms. Peschke said Mr. Austin notified her that at the April 13th Health meeting we will have Jamie Rein coming in to discuss the Noise Ordinance. If interested feel free to attend.

Mr. Austin said last year 60 copies of the budget were printed, this year we have budgets on line and on disc.

Mc. Dvorak said he had an opportunity to sit on Mr. LeFew's presentation on passports and it was very interesting.

ADJOURNMENT

Mr. Kennedy made a motion seconded by Ms. Donner to adjourn at 9:25 p.m. Chairman Koehler declared the motion passed on a unanimous voice vote.

Dated and approved at Woodstock, Illinois this 3rd day of April, A.D., 2007.

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

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