

MCHENRY COUNTY BOARD
MINUTES OF THE REGULAR SESSION MEETING
JUNE 19, 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, June 19, 2007.

Chairman Koehler called the meeting to order at 7:00 p.m. The Pledge of Allegiance to the Flag was led by Deputy County Clerk Terry Madsen with Members of the Board, department heads and visitors participating. Ms. McCann gave the invocation/personal remarks.

ROLL CALL

The roll was called by Deputy County Clerk Terry Madsen. The following members responded: Merkel, Miller, Munaretto, Orphal, Provenzano, Ryan, Salgado, Shea, Wheeler, Barnes, Chmiel, Donley, Donner, Draffkorn, Dvorak, Hammerand, Heisler, Hill, Jung, Kennedy, McCann and Koehler. Absent: Peschke and Zierer. Chairman Koehler declared a quorum present with twenty-two (22) members responding.

MINUTES

Mr. Heisler made a motion seconded by Ms. Miller to approve County Board minutes from June 5th, 2007. Chairman Koehler asked if there were any corrections, noting none, he asked for a voice vote, the ayes having it, the County Board minutes are approved.

CHAIRMAN'S REMARKS

Chairman Koehler let everyone know that he will be leaving for Europe next week and will be gone for 3 weeks. Mr. Jung will be taking over while he is out. He said he is representing the County and the City of Crystal Lake at a historic 1000th anniversary of a sister city, Holzgerlingen, Germany.

SPECIAL RECOGNITION/REPORTS

Water Resource Manager Report – Cassandra McKinney

Mr. Austin re-introduced Ms. McKinney saying she has been with the County for about eight weeks and she hit the ground running. She has met with a number of municipalities and will continue to meet with municipalities and special interest groups until she has talked with everyone. Ms. McKinney said a taskforce will be formed with a proposed Mission Statement "To preserve and protect the quantity and quality of groundwater, the principal source of potable water in McHenry County, and encourage water conservation programs." Membership of the taskforce will be made up of people from municipalities, special interest groups, the Health Department, Planning and Development and the Highway Department. Meetings will be held on the third Wednesday of every month at 2 p.m. Ms. McKinney then went over a power point presentation going over the water supply challenges in McHenry County as well as objectives in

finding solutions to the groundwater supply issues. Ms. McKinney stated that some of the goals of the Groundwater Protection Program and the Task Force as well as herself are to provide a forum for the development of recommendations for ordinances as they relate to groundwater; how to develop management practices for protecting water quality and quantity and to establish a Groundwater Education Program. Ms. McKinney ended by saying the website is up and running and it contains quite a bit of information now and will eventually be like a clearing house of information.

Chairman Koehler thanked Ms. McKinney for her presentation.

ZBA CONSENT AGENDA

Chairman Koehler asked if anyone wished to pull a petition from the ZBA consent agenda, there was none.

Ms. Wheeler made a motion seconded by Ms. Donner to approve the following Petition(s):

- Exb. #06-73; Hebron Twp; Barbara/Timothy Mathison; reclass A1 to A2
- Exb. #06-88; Algonquin Twp; Norman/Judy Randle; reclass of R1 to R1V
- Exb. #06-80; Coral Twp; Kostelee Trust; reclass of A1 to E3
- Exb. #07-01; Nunda Twp; Jack Pease; reclass of A1 to A2V
- Exb. #07-02; Nunda Twp; Jack Pease; reclass of A1 to A2V
- Exb. #07-24; Nunda Twp; Harry/Joyce Sheridan; reclass of I1 to R1
- Exb. #07-26; Algonquin Twp; David/Nancy Maycroft; reclass of R1 to R1V
- Exb. #07-33; Nunda Twp; Mark/Deanne VanDiepen; reclass of R1 to R1V

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

ZBA REGULAR AGENDA

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

- Exb. #07-16; Chemung Twp; Matthew/Kris Morrissy; reclass of A1 to R1

Chairman Koehler asked for any discussion. Some board members felt they would like to keep this parcel as A1, as the change being requested is on a parcel less than one acre. It was noted that this could lead to another change in zoning for the other two lots down the road, and this is a unique area with other types of zoning going on around it, including commercial with a pallet factory that abuts the property. Other members felt that the petitioner should not be penalized because there is a pallet factory by their property and that they should be granted their request.

Chairman Koehler noted that a formal objection has been filed with the County Clerk from property owners which abut a minimum 20% of the subject property forcing a $\frac{3}{4}$ vote (18) from the County Board to be approved.

Chairman Koehler asked for a roll call vote. The following members responded aye: Merkel, Miller, Munaretto, Orphal, Provenzano, Salgado, Shea, Wheeler, Chmiel, Donner, Draffkorn, Dvorak, Heisler, Hill, Jung, Kennedy and Koehler. Nay: Ryan, Barnes, Donley, Hammerand and McCann. Absent: Peschke and Zierer. The vote being seventeen (17) ayes and five (5) nays noting two (2) absent, Chairman Koehler declared the **motion to approve has failed**.

Chairman Koehler noted that by request of the petitioner, Petition #07-17 is being pulled from this evening's agenda and will be brought back at the July meeting.

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

Exb. #07-34; Seneca Twp; Holly Kohley; reclass of A1 to R1

Ms. Hill made a **motion to amend** seconded by Ms. Miller **to approve** Petition #07-34.

Chairman Koehler asked for any discussion on the motion to amend. Mr. Munaretto noted that he feels it is in our best interest to either vote these up or down based on the original motion being made. You do have an opportunity to make a motion to approve prior to the motion to deny. Ms. Hill commented that she has been out to the property in question and feels that this should be approved, it is a unique area. It was noted that there is a concern that this change would be setting a precedent for others.

Chairman Koehler asked for a roll call **vote on the motion to amend**. The following members responded aye: Merkel, Miller, Provenzano, Chmiel, Hill, Jung, and Kennedy. Nay: Munaretto, Orphal, Ryan, Salgado, Shea, Wheeler, Barnes, Donley, Donner, Draffkorn, Dvorak, Hammerand, Heisler, McCann and Koehler. Absent: Peschke and Zierer. The vote being seven (7) ayes and fifteen (15) nays noting two (2) absent, Chairman Koehler declared the **motion to amend has failed**.

Chairman Koehler asked for any further discussion on the main motion to deny Petition #07-34. Noting no further discussion, Chairman Koehler asked for a roll call **vote on the motion to deny** Petition #07-34. An aye vote is to deny. The following members responded aye: Munaretto, Orphal, Provenzano, Ryan, Salgado, Shea, Wheeler, Barnes, Donley, Donner, Draffkorn, Dvorak, Hammerand, Heisler, Jung, McCann and Koehler. Nay: Merkel, Miller, Chmiel, Hill and Kennedy. Absent: Peschke and Zierer. The vote being seventeen (17) ayes and five (5) nays noting two (2) absent, Chairman Koehler declared the **motion to deny Petition #07-34 has passed**.

PUBLIC PARTICIPATION

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

Bob Golembiewski of Woodstock	against	Merryman gravel pit/South St
Ersal Schuster of Woodstock	against	Merryman gravel pit/South St
Cindy Skrukud of Richmond	against	Merryman gravel pit/South St
Scott Rood of Woodstock	against	Merryman gravel pit/South St
Gregory Kohlman of Woodstock	against	Merryman gravel pit/South St
Tom Meyer of Woodstock	against	Merryman gravel pit/South St
Mary McCormick of Woodstock	against	Merryman gravel pit/South St
Bill Sergeant of Harvard	regarding petition chg by Bigfoot and Pallet Mfr.	
Ben Widoff of Woodstock	against	Merryman gravel pit/South St

Chairman Koehler noted that the 30 minutes of allotted time had passed. He asked for a motion to extend time for public participation.

Ms. Hill made a motion seconded by Mr. Dvorak to extend public participation. Chairman Koehler asked for a voice vote, the ayes having it, the motion to extend time has passed.

The following people spoke:

John D Crowden of Woodstock	against	Merryman gravel pit/South St
Vernon L. Holm of Woodstock	against	Merryman gravel pit/South St
Karen Golembiewski of Woodstock	against	Merryman gravel pit/South St
Jeanne A Holm of Woodstock	against	Merryman gravel pit/South St
Chris Holm of Woodstock	against	Merryman gravel pit/South St
Karen Stahlecker of Woodstock	against	Merryman gravel pit/South St
Tricia Rachford of Woodstock	against	Merryman gravel pit/South St

David Skeen of Woodstock	against	Merryman gravel pit/South St
Patrick FitzGerald of Woodstock	against	Merryman gravel pit/South St
Norbert Zemer of Woodstock	against	Merryman gravel pit/South St
Steve Frazier of Union	against	Petition #07-18 for a Racetrack
Norm Sass of Woodstock	against	Merryman gravel pit/South St
Dan Demes of Woodstock	against	Merryman gravel pit/South St
Ron Denley of Woodstock	against	Merryman gravel pit/South St

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

NEW AND UNFINISHED BUSINESS

Resolution authorizing the sale of the Banford Road (Animal Control) property

Ms. Hill made a motion seconded by Mr. Jung to approve the above-named resolution.

Chairman Koehler asked for any discussion. Ms. Hill said this was discussed in Management Services and it was a 3-3 vote, which makes it a denial, however everyone was not there. The committee did feel that when a full offer comes in that the full County Board should hear it. There were three offers received, this one was for \$180,000. Ms. Hill said a statement was received from the Mayor of Woodstock saying that they appreciate the current level of mutual respect and collaboration that we enjoy. He goes on to say that he felt the County Board made a wise decision in choosing to relocate Animal Control due to the increased growth and demands for services. The statement said that the City hoped that the Banford Road property can now be reused for residential development, which is consistent with the city's Comprehensive Plan but it will also return the property to the tax rolls.

There was much discussion regarding the price that was offered and the fact that there is no reason the County needs to sell this property right away. Also it was suggested that more advertisement for the property being for sale should be done when and if the County chooses to sell the property. Many felt that we should wait and see if this property could be used in our proposed Campus Plan since we already own it. It was asked if this offer for the property was for the property "as is". Ms. Hill said the appraisals that came in were \$120,000 and then \$125,000 and that is without the building, with the building it is worth \$105,000. It would be the owner's responsibility to raise it and they will have to add the cost of water and sewer.

Chairman Koehler asked for a roll call vote. The following members responded aye: Merkel, Shea, Donner, Draffkorn, Hill, Jung and Koehler. Nay: Miller, Munaretto, Orphal, Provenzano, Ryan, Saldago, Wheeler, Barnes, Chmiel, Donley, Dvorak, Hammerand, Kennedy and McCann. Absent: Peschke, Zierer and Heisler. The vote being seven (7) ayes, fourteen (14) nays noting three (3) absent, Chairman Koehler declared the **motion denied**.

APPOINTMENT

Ms. Wheeler made a motion seconded by Mr. Shea to approve the following Appointments:

Historic Preservation Commission	
Holly Guge	term to expire 11/26/2009
McHenry County Conservation District Board of Trustees	
Martha Carver	term to expire 06/30/2012
Kevin Ivers	term to expire 06/30/2012

Chairman Koehler asked for a roll call vote. The following members responded aye: Merkel, Miller, Munaretto, Orphal, Provenzano, Ryan, Salgado, Shea, Wheeler, Barnes, Chmiel, Donley, Donner, Draffkorn, Dvorak, Hammerand, Hill, Jung, Kennedy, McCann and Koehler. Absent: Peschke, Zierer and Heisler. The vote being twenty-one (21) ayes noting three (3) absent, Chairman Koehler declared the motion passed.

ROUTINE CONSENT AGENDA

Chairman Koehler asked if anyone wished to remove an item from the Routine Consent Agenda, there were none.

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

Chairman Koehler asked for a roll call vote. The following members responded aye: Merkel, Miller, Munaretto, Orphal, Provenzano, Ryan, Salgado, Shea, Wheeler, Barnes, Chmiel, Donley, Donner, Draffkorn, Dvorak, Hammerand, Hill, Jung, Kennedy, McCann and Koehler. Absent: Peschke, Zierer and Heisler. The vote being twenty-one (21) ayes noting three (3) absent, Chairman Koehler declared the motion passed.

ORDINANCES

Ordinance authorizing the issuance of \$50,000,000 in Debt Certificates for financial Enhancement of the Transportation Fund for road construction projects

Mr. Munaretto asked Mr. Anderson from Harris Bank and Mr. Ottosen, Special Assistant State's Attorney appointed on behalf of the County Board, to come forward to talk about the Debt Certificates.

Mr. Anderson came forward and told the board that a copy of the actual Ordinance had been handed out to the members. He congratulated the Board on the fact that the Moody's rating for the County has been upgraded to Aa1 from Aa2+. The rating boost comes just about 9 months from the previous rating, which is something the County should be very proud of. This positive change comes from a lot of policies that the Board has established and staff has implemented over the years. The amounts were explained and it was noted that the debt retirement will be over a period of ten years and no tax increase will be implemented to repay. Mr. Anderson said that out of the 752 counties that are rated in the United States, we are in the top 70 to receive such a high rating. McHenry County is one of the smallest counties to achieve this. With the improvement of the County's rating, the Debt Certificates will be issued with no insurance enhancement because it no longer provides an economic benefit. By not having the insurance we save \$54,000 of debt service. Mr. Anderson said the Debt Certificates will close on July 9th and the County will receive nine days interest.

Mr. Munaretto made a **motion** seconded by Mr. Shea **to approve \$50,000,000 in Debt Certificates for financial enhancement of the Transportation Fund for road construction projects and to waive the 30-day review.**

Mr. Hammerand commented that although he will be supporting this, he doesn't think this would be necessary if the state was doing their fair share on our roadways in McHenry County, and now we have to do a number of projects that the state should be helping us with, basically on our own.

Mr. Ottosen came forward and reviewed the Table of Contents as required.

Chairman Koehler asked for a roll call vote. The following members responded aye: Merkel, Miller, Munaretto, Orphal, Provenzano, Ryan, Salgado, Shea, Wheeler, Barnes, Chmiel, Donley, Donner, Draffkorn, Dvorak, Hammerand, Hill, Jung, Kennedy, McCann and Koehler. Absent: Peschke, Zierer and Heisler. The vote being twenty-one (21) ayes noting three (3) absent, Chairman Koehler declared the motion to approve \$50,000,000 in Debt Certificates for financial enhancement of the Transportation Fund for road construction projects has passed.

Ordinance adopting the prevailing wage rates (waiver of 30 day review requested)

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

Chairman Koehler asked for a roll call vote. The following members responded aye: Merkel, Miller, Munaretto, Orphal, Provenzano, Ryan, Salgado, Shea, Wheeler, Barnes, Chmiel, Donley,

Donner, Draffkorn, Dvorak, Hammerand, Jung, Kennedy and McCann. Nay: Hill and Koehler. Absent: Peschke, Zierer and Heisler. The vote being nineteen (19) ayes and two (2) nays noting three (3) absent, Chairman Koehler declared the motion passed.

Ordinance adopting the 2007 McHenry County Sign Ordinance

Ms. Wheeler made a motion seconded by Mr. Dvorak to approve the above-named ordinance.

Chairman Koehler asked for any discussion. Ms. Chmiel expressed concern about wording on page 16 where it appears that painting is allowed on residential properties.

Ms. Chmiel made a **motion to amend** seconded by Mr. Dvorak to change wording to **“prohibit signs painted on Residential Properties”**.

Chairman Koehler asked for a voice vote on the motion to amend, the ayes having it, Chairman Koehler declared the **motion to amend has passed**.

Chairman Koehler asked for any additional discussion on the main motion, there was none. He asked for a roll call vote on the main motion. The following members responded aye: Merkel, Miller, Orphal, Provenzano, Ryan, Salgado, Wheeler, Barnes, Chmiel, Donley, Donner, Dvorak, Jung, McCann and Koehler. Nay: Munaretto, Shea, Draffkorn, Hammerand, Hill and Kennedy. Absent: Peschke, Zierer and Heisler. The vote being fifteen (15) ayes and six (6) nays noting three (3) absent, Chairman Koehler declared the motion to approve the sign ordinance as amended has passed.

Ordinance electing not to be subject to 705 ILCS 105/27.5 ILCE 105/27.6 relating to percentage distribution of fees, fines, costs, bail balances and other amounts

Mr. Provenzano made a motion seconded by Ms. Draffkorn to approve the above-named ordinance. Mr. Provenzano said this is a housekeeping ordinance that had to be done.

Chairman Koehler asked for a roll call vote. The following members responded aye: Merkel, Miller, Munaretto, Orphal, Provenzano, Ryan, Salgado, Shea, Wheeler, Barnes, Chmiel, Donley, Donner, Draffkorn, Dvorak, Hammerand, Hill, Jung, Kennedy, McCann and Koehler. Absent: Peschke, Zierer and Heisler. The vote being twenty-one (21) ayes noting three (3) absent, Chairman Koehler declared the motion passed.

Inoperable Vehicle Ordinance

Mr. Provenzano made a motion seconded by Ms. Barnes to approve the above-named ordinance.

Chairman Koehler asked for a roll call vote. The following members responded aye: Merkel, Miller, Munaretto, Orphal, Provenzano, Ryan, Salgado, Shea, Wheeler, Barnes, Chmiel, Donley, Donner, Draffkorn, Dvorak, Hammerand, Hill, Jung, Kennedy, McCann and Koehler. Absent: Peschke, Zierer and Heisler. The vote being twenty-one (21) ayes noting three (3) absent, Chairman Koehler declared the motion passed.

ADMINISTRATOR'S REPORT

Mr. Austin said if anyone has comments or questions about Ms. McKinney's presentation please let himself or Ms. McKinney know. He noted that there will be no CALF meeting this month because there is not anything to report. Mr. Austin stated that the Strategic Plan will be on the web on the intranet to track our progress. In regard to the Valley Hi management audit, he said it is continuing. Auditors will be on site again for a second 2-day visit on July 5th and 6th. Lastly, Mr. Austin reminded everyone about the Administrator's review for the past year, you can get

your comments to Ms. Hill or Chairman Koehler hopefully before the next Management Services meeting one week from today.

EXECUTIVE SESSION

None

MEMBERS' COMMENTS

Mr. Munaretto thanked members of the DOT, County Administrator, Mr. Anderson and himself a bit for this two year process that culminated in this change of strategy in the way the County deploys its capital for road building. This is a first step in a renewable process that will allow us to build roads a little faster than we have been able to do in the past.

Mr. Jung commented on the 2030 Plan Commission saying they will be giving a presentation to the County Board on August 7th to discuss the sub-committee's progress and their goals and objectives. In July he will be meeting with Charlie Eldridge and the township road commissioners and in August they will go see the township supervisors.

Ms. Hill said today she and Ms. Salgado attended Champions of Change Solutions for Success, a municipal expo at the Shaw Center that board members were invited to. She said it was a good seminar.

Ms. Salgado replied that in one of the sessions that she attended at this expo they talked about the different generations, Generation X and Generation Y. Her brother would be Generation Y and he is in Iraq. She said that 3 ½ weeks ago he lost two of his men. Her brother is an officer in charge of 150 men. She received a hand written letter saying although he saw the two men being killed, the hardest part was seeing the young men (19 and 20 years old) holding each other after this happened. He wanted to let her know that the fight was real. She said sometimes we forget that there is a war going on and someday there will Generation Y'ers on this board and they aren't lazy and unwilling to work as some people believe they are.

Mr. Merkel said he has known Ms. Salgado's younger brother for years and his prayers are with him. In regard to the County Conservation District, two people will be stepping down and he would like to recognize them in some way for their services. Lastly, he would like to see a press release go out to the local newspapers on the passage of tonight's Debt Certificates and the County's positive rate increase with no tax increase.

Ms. Wheeler said that Thursday at the Planning & Development meeting at 8:15 they are going to have a mini workshop to go over ZBA procedures and processes and revised rules and procedures. She encouraged everyone to attend. It is the only thing on their agenda and it will be a lengthy meeting. She also thanked Board members and the citizen who came out prior to tonight's meeting in regard to the Sign Ordinance, she appreciates their participation. Lastly she said that the AG Preservation meeting is cancelled for tomorrow. And she thanked the Board for their support of the Resolution for the "Land First Initiative."

Mr. Kennedy said he participated in the Hebron Days parade on Saturday and it was very nice. Also, he felt that the "Land First Initiative" Resolution passed tonight was a good thing. It touches on so many different things from open space to better use of the land to water conservation, and he thinks this is one of the biggest things we have done recently.

Chairman Koehler thanked everyone for their comments. He responded to the passing of the "Land First Initiative" Resolution by saying that this is the first step in our efforts toward our water preservation issues and it's a good move. Also, he said he appreciated the fact that Ms. Hill

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brought forth the opportunity to vote on a potential contract for sale on the Banford Road property as a full County Board.

ADJOURNMENT

Ms. Chmiel made a motion seconded by Ms. Barnes to adjourn at 9:45 p.m. Chairman Koehler declared the motion passed on a unanimous voice vote.

Dated and approved at Woodstock, Illinois this 17th day of July, A.D., 2007.

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

ATTEST:

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