

MCHENRY COUNTY BOARD  
MINUTES OF THE REGULAR SESSION MEETING  
SEPTEMBER 15, 2009

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

<b>District 1</b> Yvonne M. Barnes Robert Bless Anna May Miller Marc Munaretto	<b>District 2</b> J.S. "Scott" Breeden James Heisler Kenneth Koehler Lyn Orphal	<b>District 3</b> Mary L Donner Ed Dvorak Kathleen Bergan Schmidt Barbara Wheeler
<b>District 4</b> Sue Draffkorn John Hammerand Pete Merkel Sandra Fay Salgado	<b>District 5</b> Tina Hill James P Kennedy Virginia Peschke Paula Yensen	<b>District 6</b> Randall Donley Mary T McCann Daniel P Ryan Ersel C Schuster

The Honorable County Board of McHenry County, Illinois met in Regular Session on Tuesday, September 15, 2009.

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

ROLL CALL

The roll was called by Deputy Clerk Linda FitzGerald. The following members responded: Schmidt, Schuster, Wheeler, Yensen, Barnes, Bless, Donley, Draffkorn, Dvorak, Hammerand, Heisler, Hill, Kennedy, McCann, Miller, Munaretto, Orphal, Ryan and Koehler. Absent: Breeden, Donner, Merkel, Peschke and Salgado. Parliamentarian Cynthia Schaupp was present. Chairman Koehler declared a quorum present with nineteen (19) members responding. Ms. Salgado and Ms. Donner arrived later in the meeting.

MINUTES

Mr. Heisler made a motion seconded by Mr. Ryan to approve County Board minutes from August 18, 2009. Chairman Koehler asked if there were any changes or corrections, there were none. Chairman Koehler asked for a voice vote, the ayes having it, the motion to approve the minutes was passed.

CHAIRMAN'S REMARKS

Chairman Koehler told board members that Asst State's Attorney Jamie Rein had her baby on September 7<sup>th</sup>. Although the baby was very early and small, mom is home and baby is doing well at the hospital. Please keep Jamie and her family in your prayers. The Chairman also told members that John Labaj's father passed away this week. Chairman Koehler expressed condolences on behalf of the board, and asked the board to observe a moment of silence in his memory.

SPECIAL RECOGNITION/REPORTS

None

SPECIAL PRESENTATIONS

None

ZBA CONSENT AGENDA

Chairman Koehler asked if any petitions needed to be removed. Ms. Schuster asked to remove Exb #08-66 and Exb #09-21.

Ms. Hill made a motion seconded by Ms. Orphal to approve the following Petitions:

- Exb #08-73; McHenry Twp; Harms Trust; reclass A1C-A1
- Exb #09-27; Nunda Twp; Houlihan Trust; reclass A1-E5
- Exb #09-30; McHenry County; request Text Amendment
- Exb #09-34; McHenry Twp; Thomas & MaryJo Farrell; reclass R1-R1V

Chairman Koehler asked for a roll call vote. The following members responded aye: Schmidt, Schuster, Wheeler, Yensen, Barnes, Bless, Donley, Donner, Draffkorn, Dvorak, Hammerand, Heisler, Hill, Kennedy, McCann, Miller, Munaretto, Orphal, Ryan and Koehler. Absent: Breeden, Donner, Merkel, Peschke and Salgado. The vote being nineteen (19) ayes noting five (5) absent, Chairman Koehler declared the motion passed.

Ms. Hill made a motion seconded by Ms. McCann to approve the following Petition:  
Exb #08-66; Riley Twp; Harmony Rd Bednarz Tovar LLC; reclass A1-A2C

Chairman Koehler asked for any discussion. Ms. McCann said and Ms. Schuster concurred that approving this petition would set a precedence for business zoning or spot zoning in the area and encouraged board members to deny this petition. She said there would be a lot of trucks stored on this land and they will be allowed to change oil and our enforcement ability on how they would manage the facility would be difficult.

Chairman Koehler asked for a roll call vote. The following members responded aye: Wheeler, Donley, Draffkorn, Dvorak, Hill, Miller, Munaretto, Orphal and Koehler. Nay: Schmidt, Schuster, Yensen, Barnes, Bless, Hammerand, Heisler, Kennedy, McCann and Ryan. Absent: Breeden, Donner, Merkel, Peschke and Salgado. The vote being nine (9) ayes and ten (10) nays noting five (5) absent, Chairman Koehler declared the **motion to approve failed**.

Ms. Hill made a motion seconded by Ms. Yensen to approve the following Petition:  
Exb #09-21; Dorr Twp; John & Marla Kurtz; reclass A1C-A1C

Chairman Koehler asked for any discussion. Ms. Schuster said this is going to have outdoor storage on the property and it's an after the fact approval that they are requesting. She feels this is inappropriate for what is happening in the corridor heading into Woodstock. She encouraged board members be very strict in these types of zoning requests. Ms. McCann talked about the size of the sign they are requesting and the fact that this is a storage facility, no business is being conducted at this facility.

Ms. McCann made a **motion to amend** seconded by Ms. Schuster to **change the size of the sign from 4' x 8' to 4' x 4'**.

Chairman Koehler asked for discussion on the motion to amend. Noting no discussion, Chairman Koehler asked for a voice vote on the motion to amend, the nays having it, the **motion to amend sign size has failed**.

Noting no further discussion on the main motion, Chairman Koehler asked for a roll call vote on the **main motion to approve Exb #09-21**. The following members responded aye: Schmidt, Wheeler, Yensen, Barnes, Bless, Donley, Draffkorn, Dvorak, Hammerand, Heisler, Hill, Kennedy, McCann, Miller, Munaretto, Orphal, Ryan and Koehler. Nay: Schuster. Absent: Breeden, Donner, Merkel, Peschke and Salgado. The vote being eighteen (18) ayes and one (1) nay, noting five (5) absent, Chairman Koehler declared the motion passed.

#### ZBA REGULAR AGENDA

Ms. Hill made a motion seconded by Ms. Miller to approve the Accessory Coverage requested for the following Petition:

Exb #09-32; Algonquin Twp; Glenn & Ethel Kuczek; reclass R1-R1V

Chairman Koehler asked for any discussion. Noting none, he asked for a roll call vote. The following members responded aye: Schmidt, Schuster, Wheeler, Yensen, Barnes, Bless, Donley, Draffkorn, Dvorak, Hammerand, Heisler, Hill, Kennedy, McCann, Miller, Munaretto, Orphal, Ryan and Koehler. Absent: Breeden, Donner, Merkel, Peschke and Salgado. The vote being nineteen (19) ayes, noting five (5) absent, Chairman Koehler declared the **motion to approve the Accessory Coverage has passed**.

Ms. Hill noted, in following County Board rules, the following petition will be brought forward in the affirmative, so to vote with the Denial recommendation of the ZBA, a NO vote would be to deny petitioners request and be voting with the ZBA recommendation.

Ms. Hill made a motion seconded by Ms. Miller to **approve the setback; total coverage** on the following Petition.  
Exb #09-32; Algonquin Twp; Glenn & Ethel Kuczek; reclass R1-R1V

Chairman Koehler asked for any discussion. Ms. Miller talked about the small size of the river front properties and that our zoning ordinance tends to be a one size fits all type of thing. For people to make improvements like what is requested here today, she feels we need to be more flexible. She did speak with the homeowners as well as neighbors, and believes that these improvements will increase the value of the area and improve the quality of the neighborhood. Some board members agreed in part and that it is a unique area and some showed concern about how close the homes would be to one another and the fire safety.

Noting no other discussion, Chairman Koehler asked for a roll call vote noting that a Yes vote will approve the request and a NO vote will deny the request, as recommended by the ZBA. The following members responded aye: Wheeler, Yensen, Barnes, Bless, Draffkorn, Dvorak, Heisler, Hill, Kennedy, McCann, Miller, Munaretto, Orphal, Ryan and Koehler. Nay: Schmidt, Schuster, Donley, Hammerand and Salgado. Absent: Breeden, Donner, Merkel and Peschke. The vote being fifteen (15) ayes and five (5) nays, noting four (4) absent, Chairman Koehler declared the **motion to approve passed. (see note below, request failed)**

**NOTE:** Petition #09-32; Setback – Total Coverage. Chairman Koehler noted that the **ZBA recommended DENIAL of this request**, so to **approve the request a 3/4 vote of the full County Board would be required (18 yes votes) to pass**. As noted above, the vote being fifteen (15) ayes and five (5) nays, noting four (4) absent, **motion to approve this request has failed** as it required 18 yes votes to pass.

PLATS

None

PUBLIC COMMENT

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

Robert Anderson of Alden	against	Alden Road bridge project
Mary Lou Endres of Alden	regarding	Alden Road bridge project
Deborah Bleeker of Cary	against	Exb #09-32
Evert Evertsens of Harvard	against	consent
Jeff Gerhardt of Wonder Lake	regarding	CTC Network/grant development process
Hart Passman of Chicago	for	Exb #08-66

Noting no others wishing to speak, Chairman Koehler closed Public Comment.

NEW AND UNFINISHED BUSINESS

None

APPOINTMENTS

None

STANDING COMMITTEE CHAIRMAN UPDATES

Mr. Munaretto talked about the Recovery Zone Financing Program. The \$18,338,000 that was available to us by way of a volume cap application, with the passage of the two resolutions here tonight, we will be completely out of volume cap. Five or six municipalities and library districts have been able to benefit from this program. He thanked the City of McHenry who graciously gave up \$1 million dollars of their volume cap to the Village of Fox River Grove because of a four day difference in timing. The City of McHenry did request if more money becomes available that they be considered for the additional funds that they gave up to Fox River Grove.

Ms. Hill updated the board on the 2030 Plan. She noted that the RPC has been meeting weekly since August and have accepted changes to the draft text based on comments received from the July public review meetings. A preliminary future land use map has been created based on consideration of existing land use, municipal and township future land use maps, natural and agriculture resource areas, transportation and infrastructure accessibility, the RPC's LEAM composite scenario, land use map principles developed by the RPC and County Board members and the 2030 Plan Vision Statements and Policies. Ms. Hill went on to say that during the next meetings the RPC will confirm that the development capacity of the future land use map is consistent with the RPC's endorsed 2030 population projection and review the text of the land use chapter. Pending completion of these things the RPC intends to schedule public review meetings on the land use chapter on October 9<sup>th</sup> and 10<sup>th</sup>. The public review meetings will have an open house format that will combine a repeating overview presentation of the land use chapter with individual review and comment on the future land use map, with public comments due on October 16<sup>th</sup>. She said

the RPC will review those comments and modify the land use chapter as appropriate and submit its recommended 2030 Plan to the County Board by October 31<sup>st</sup> and then the P&D Committee will begin its review of the RPC recommended 2030 Plan at its November 5<sup>th</sup> meeting. Ms. Hill asked Mr. Sandquist if we were still going out to the districts. He responded that is the discussion they have had with P&D and that is the plan; to have district by district review of the plan with the possibility of multiple meetings in District 6 because of its size and maybe combining some of the districts in the southeast portion of the county where they are smaller.

#### ROUTINE CONSENT AGENDA

Chairman Koehler asked if anyone wished to remove an item from the Consent Agenda. Ms. Salgado asked to remove 15.2 I1; Mr. Munaretto asked to remove 15.2 F1; and Ms. Schuster asked to remove 15.2 B4.

Ms. Salgado 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: Schmidt, Schuster, Wheeler, Yensen, Barnes, Bless, Donley, Donner, Draffkorn, Dvorak, Hammerand, Heisler, Hill, Kennedy, McCann, Miller, Munaretto, Orphal, Ryan, Salgado and Koehler. Absent: Breeden, Merkel and Peschke. The vote being twenty-one (21) ayes, Chairman Koehler declared the motion passed.

#### **15.2 B4 *Resolution authorizing McHenry county Regional Transportation Authority Sales Tax Funding for the Transit Grant Program and an emergency appropriation to the 2008-2009 fiscal year budget\*\****

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

Chairman Koehler asked for any discussion. Ms. Miller said she would be abstaining because there is an entity of which she is affiliated that stands to gain some of the money. Ms. Salgado said she will be abstaining as well because of Pioneer Center. Ms. Schuster said she is against this because we are not set up in McHenry County to have public transportation and she feels we are throwing money away. Ms. Miller disagreed saying this is providing a service to the taxpayers in the county by helping them get to and from work and other places of need. She also noted that the lack of public transportation in McHenry County is a huge void in our county and feels that we should move forward and try to address that problem.

Noting no other discussion, Chairman Koehler asked for a roll call vote. The following members responded aye: Schmidt, Wheeler, Yensen, Barnes, Bless, Donner, Draffkorn, Dvorak, Hammerand, Heisler, Hill, Kennedy, McCann, Munaretto, Orphal, Ryan and Koehler. Abstain: Miller and Salgado. Nay: Schuster and Donley. Absent: Breeden, Merkel and Salgado. The vote being seventeen (17) ayes, two (2) abstentions and two (2) nays noting three (3) absent, Chairman Koehler declared the motion passed.

#### **15.2 F1 *Resolution supporting the creation of a McHenry County Victory Garden for 2010***

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

Chairman Koehler asked for any discussion. Mr. Munaretto asked for some description of this Victory Garden, i.e. location, who benefits, costs, etc. Ms. Schuster said this is being brought forward mainly for discussion. Ms. Hill said that the Historic Preservation Commission (HPC) is taking this on with volunteers from master gardeners and possibly any county employees that would want to participate. The land being used would be the back yard of the old Harrison house as there is a water element there that is needed for the garden. The only other thing they are asking from us is to till the garden and get the soil ready and they will take it over from there. Ms. Hill said they have looked into liability issues and there is no other cost and all of the supplies are being donated. They will be donating the products that are grown to our area food pantries. Although there are still a few questions, the Historic Preservation Commission is the ultimate responsible party. There was discussion about the benefits of a garden like this and concerns about liability. Ms. Hill said the plan will be to put the program in place with our waivers and let the HPC start on this. They have received many donations already. She said if this doesn't work the biggest thing we will have to do is reseed the yard.

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

#### **15.2 I1 *Resolution adopting a Senior Services Grant Fund allocations for program year 2010***

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

Chairman Koehler asked for any discussion. Ms. Salgado reminded the board that this money was taken from a referendum that the people decided on to spend money to support their seniors. She said they had a good year of meeting with the public in getting their input on where the services needed to be done and the money was able to be allocated. Ms. Salgado said she will be abstaining from the vote as she works for an agency that receives money. Ms. Yensen told the board that as Executive Director for United Way of central Kane County that they do not fund any of the programs in McHenry County and it is not a conflict of interest for her to be voting on this particular resolution.

Noting no other discussion, Chairman Koehler asked for a roll call vote. The following members responded aye: Schmidt, Schuster, Wheeler, Yensen, Barnes, Bless, Donley, Donner, Draffkorn, Dvorak, Hammerand, Heisler, Hill, Kennedy, McCann, Miller, Munaretto, Orphal, Ryan and Koehler. Abstain: Salgado. Absent: Breeden, Merkel and Peschke. The vote being twenty (20) ayes and one (1) abstention, noting three (3) absent, Chairman Koehler declared the motion passed.

Chairman Koehler thanked everyone for passing the RTA sales tax funding resolution as they have been working on that program for many years. He thinks it is a good test to see if we can deliver in a more cost effective way.

#### ORDINANCES

For Review: Ordinance amending the County Code to allow for an increase in the Law Library Fee

Ms. Barnes stated that this will allow for an increase from \$13 to \$18. The fee has not been increased in 4 ½ years.

For Action: ***Ordinance designating the Barber Burying Ground as a Local Landmark***

Ms. Hill made a motion seconded by Mr. Ryan to approve the above named Ordinance.

Ms. Hill said she went for a drive and found where this Burying Ground was located in District 6. It is a treasurer that the county has.

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

For Action: **Ordinance amending the Conservation Design Addendum to the McHenry County Subdivision Ordinance adopted under Ordinance #O-200802-10-007**

Ms. Hill made a motion seconded by Ms. Donner to approve the above named amendment to the Conservation Design Addendum to the McHenry County Subdivision Ordinance.

Ms. Hill noted that everyone was given a list of some typo's that were corrected. Ms. Wheeler noted two additional typo's that will be corrected.

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

#### ADMINISTRATOR'S REPORT

None. Mr. Austin is out of town.

#### EXECUTIVE SESSION

Chairman Koehler said there was a need to into executive session to review executive session minutes.

Mr. Heisler made a motion seconded by Mr. Kennedy to go into executive session.

Chairman Koehler asked for a roll call vote. The following members responded aye: Schmidt, Schuster, Wheeler, Yensen, Barnes, Bless, Donley, Donner, Draffkorn, Dvorak, Hammerand, Heisler, Hill, Kennedy, McCann, Miller, Munaretto, Orphal, Ryan, Salgado and Koehler. Absent: Breeden, Merkel and Peschke. Chairman Koehler said a quorum was present with twenty-one (21) members responding.

Executive session ran from 8:20 p.m. to 8:30 p.m.

Ms. Donner made a motion seconded by Mr. Heisler to go back into open session.

Chairman Koehler asked for a roll call vote. The following members responded aye: Schmidt, Schuster, Wheeler, Yensen, Barnes, Bless, Donley, Donner, Draffkorn, Dvorak, Hammerand, Heisler, Hill, Kennedy, McCann, Miller, Munaretto, Orphal, Ryan, Salgado and Koehler. Absent: Breeden, Merkel and Peschke. Chairman Koehler said a quorum was present with twenty-one (21) members responding.

Chairman Koehler asked for a motion to approve the executive session minutes recommended for release.  
Ms. Donner made a motion seconded by Ms. McCann to release executive session minutes as recommended by the State's Attorney's office.

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

#### MEMBERS' COMMENTS

Mr. Kennedy asked Mr. Carroll about some paperwork that board members received if they have to answer it or if the State's Attorney's office was handling it. Mr. Carroll said they are handling it.

Ms. Miller thanked Mr. Donley for having negotiated the meeting with the people concerned about the Alden Road Bridge project. Overall with the exception of Mr. Anderson they were able to come to a meeting of the minds with the property owners involved in that project.

Mr. Dvorak said he attended the Valley Hi picnic on Sunday and had the opportunity to meet one of the patients who has been there for 36 years. He and Ms. McCann, who was also in attendance, thought that the picnic was a huge success.

Mr. Bless made a **motion** seconded by Mr. Donley **to reconsider the vote on Petition #08-66.**

Chairman Koehler asked for a brief recess while he consulted with the parliamentarian and Mr. Sandquist. When the board reconvened Chairman Koehler said in this instance the County Board rules supersede Robert's Rules of Order and the vote can't be rescinded. The only thing they can do is reapply in 12 months.

Ms. Schmidt commented on the program that many of the members attended on Friday at Boulder Ridge. She thanked Mr. Sandquist for keeping things on task. Chairman Koehler agreed.

Ms. Salgado said that on October 22<sup>nd</sup> from 5-7 p.m. she is hosting a Support Your Troops party at the McHenry VFW. It is set up for members of the public to be able to come and drop off some items to include in care packages to send overseas and to accept donations and write letters for those serving. She asked if anyone knew of anyone serving overseas to please provide her with addresses so that the letters can be personalized to those serving.

Ms. Yensen said that the program on Friday was excellent with many good speakers and she learned a lot.

Ms. Wheeler agreed and noted a comment that a local planner made which was that we sign up for these things and think that it will be more of the same and at this event he learned more in one day than he had in a semester of his studies.

#### COMMUNICATIONS

None

#### ADJOURNMENT

Mr. Kennedy made a motion seconded by Mr. Ryan to adjourn at 8:53 p.m. Chairman Koehler declared the motion passed on a unanimous voice vote.

Dated and approved at Woodstock, Illinois this 6<sup>th</sup> day of October, A.D., 2009.

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

ATTEST:

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

APPROVED: 10.06.2009