

MCHENRY COUNTY BOARD
MINUTES OF THE REGULAR SESSION MEETING
APRIL 6, 2010

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

District 1 Yvonne M. Barnes Robert Bless Anna May Miller Marc Munaretto	District 2 J.S. "Scott" Breeden James Heisler Kenneth Koehler Lyn Orphal	District 3 Mary L Donner Ed Dvorak Kathleen Bergan Schmidt Barbara Wheeler
District 4 Sue Draffkorn John Hammerand Pete Merkel Sandra Fay Salgado	District 5 Tina Hill James P Kennedy Virginia Peschke Paula Yensen	District 6 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, April 6, 2010.

Chairman Koehler called the meeting to order at 9:00 a.m. The Pledge of Allegiance to the Flag was led by County Clerk Katherine Schultz with Members of the Board, department heads and visitors participating. Ms. Schmidt gave the invocation/personal remarks.

ROLL CALL

The roll was called by County Clerk Katherine Schultz. The following members responded: Hill, Kennedy, McCann, Merkel, Miller, Munaretto, Orphal, Peschke, Schmidt, Schuster, Wheeler, Yensen, Barnes, Bless, Breeden, Donley, Donner, Draffkorn, Dvorak, Hammerand, Heisler and Koehler. Absent: Ryan and Salgado. Chairman Koehler declared a quorum present with twenty-two (22) members responding. Parliamentarian Jamie Rein was present.

MINUTES

Ms. Orphal made a motion seconded by Ms. Donner to approve County Board minutes from March 16th.

Chairman Koehler asked if there were any changes or corrections, there were none. He then asked for a voice vote, the ayes having it, he declared the motion passed.

CHAIRMAN'S REMARKS

Chairman Koehler thanked for Mr. Heisler for being available while he was out of town last week, noting that it was a quiet week.

SPECIAL RECOGNITION/REPORTS

None

SPECIAL PRESENTATIONS

County Administrator, Peter Austin and Associate Co. Administrator – Finance, Ralph Sarbaugh came forward to give a power point presentation on the County's finances in the first quarter of 2010.

Mr. Austin said the County logo right now is "tapping the breaks"; that is keeping an eye on where we are as an organization financially. Mr. Sarbaugh stated that McHenry County has ended 2009 in the black which is a huge feat as many organizations have not. Mr. Austin said we are proud and appreciative of our policy makers and staff in keeping our noses to the grindstone and bringing our budget in, in the black. This is a statement of the good work with financial programming and policies of the County and the good work that has been done for over a decade in getting McHenry County on firm financial ground. He added that they will be using the same program in 2010 as they did in 2009, where they regularly are meeting with offices and departments to check in on revenues and expenses, and checking in on any challenges or obstacles they are encountering. Mr. Austin said in developing this year's budget they had three concerns; 1) falling revenue, so they built in reduced revenues across the board; 2) increasing costs, and 3) balanced budget. He said we are operating with a balanced budget and are expecting to continue that way. Solutions are to reduce revenue projections, create a budget inventory, noting that staff gave back \$1.2 million dollars back into the General Fund from money they were able to pull out of their budgets; these are funds that we can set aside to help keep the budget balanced. There were virtually no supplemental awards this year.

Mr. Sarbaugh went through slides showing revenues and expenditures over the last couple of years for comparison. He said because we were watching for any changes in revenues we were ready to react and this has allowed us to stay financially sound. Mr. Sarbaugh and Mr. Austin continued their presentation with slides talking about challenges ahead, including the state income tax issue. Mr. Munaretto pointed out that over the last two years revenues have declined by about \$9 million dollars, but because of diligence and fiscal responsibility we have been able to take out about this amount in expenses and continue to provide services for our residents of McHenry County. Ms. Peschke reminded everyone about filling out their Census forms when they receive them as eventually the County could see some additional revenue once there is an accurate count of residents in McHenry County. Chairman Koehler thanked Mr. Austin and Mr. Sarbaugh for their presentation. Another update will be given in three months to see where we stand in regard to our budget. Chairman Koehler noted he will be in Springfield on April 14th to meet with other County Chairpersons across the state in regard to the state income tax issue. He hopes to have an update on the 20th if there is anything we can do about it.

PLATS

None

PUBLIC COMMENT

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

Lisa Behm of Prairie Grove	regarding	using county businesses for county projects
Lenore Beyer-Clow of Woodstock	for & regarding	proposed Hack-ma-tack Wildlife Preserve
Cindy Skrukud of Solon Mills	for & regarding	proposed Hack-ma-tack Wildlife Preserve
Evert Evertsen of Harvard	regarding	Hack-ma-tack & 2030 Plan
Diane Evertsen of Harvard	regarding	2030 Plan

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

NEW AND UNFINISHED BUSINESS

APPOINTMENTS

Ms. Hill commented about the Housing Commission and stated that there are still some openings on this Commission and the Planning & Development Committee did that on purpose. The people being appointed today they believe have certain skills that will help formulate the Commission and get it going and then they want the opportunity to bring in users of the system and some others to keep it going after that.

12.1 Ms. Hill made a motion seconded by Ms. Draffkorn to approve the following Appointments:

McHenry County Housing Commission

Voting Members:

Commission Chairman – Joseph Boyd	Attorney	term to 4/30/2013
David Alarcon	Municipal Representative	term to 4/30/2013
Evert Evertsen	Township Representative	term to 4/30/2012
Elise Livingston	Board of Realtors	term to 4/30/2013
Gregory Siebold	General Public	term to 4/30/2012
Tom Stephani	Home Builders	term to 4/30/2013
Walter Tashjian	General Public	term to 4/30/2012
Mary Ann Weltch	CoC	term to 4/30/2013

Ex-officio Members:

Karen Calendo	General Public	term to 4/30/2012
Charlie Eldredge	General Public	term to 4/30/2012
Matt Kostecki	CoC	term to 4/30/2012
Jean-Ette Schober	General Public	term to 4/30/2013
Mary Lu Seidel	CHDO	term to 4/30/2013

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

Chairman Koehler thanked these appointed people for volunteering as this is going to be an important step forward for McHenry County and it's been a long time coming.

12.2 Ms. Hill made a motion seconded by Mr. Munaretto to approve the following Appointments:

Board of Review

Robin Brunschon	term to 5/31/2012
Mary Mahady	term to 5/31/2012

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

STANDING COMMITTEE CHAIRMAN UPDATES

Ms. Barnes said from the Law & Justice Committee, the Drug Court Planning Committee is moving forward and will have a meeting on April 14th, for anyone wishing to attend.

Mr. Munaretto said the Finance & Audit Committee has been having discussions with the Upper IL River Valley Development Authority in its efforts to procure additional recovery zone facility zone volume cap. He is disappointed that those conversations appear not to be as productive as they had hoped. He said we are in the enviable position of having more projects than we have volume cap available to support them. Mr. Munaretto went on to say that the state will be aggregating unused volume cap, and McHenry County will be hopefully moving itself toward the front of the line in an effort to obtain the additional funding it needs for projects that are ready to go here.

Also, he re-emphasized Mr. Austin's conversation about the RTA sales tax. There is legislation in Springfield but we're not sure if it will get adopted, but if it does it will require the County Board's and the State of IL to step up and either opt in or opt out. We are already collecting \$8 million dollars (roughly) annually in RTA sales tax revenue and this is a component of our 5-year highway improvement plan. He thinks we need to be mindful that there is a possibility that this source of funds could be at risk. Chairman Koehler clarified that on the 5-year plan, if the money has been obligated to a program, those taxes will continue to be collected, and this is in the Ordinance.

ROUTINE CONSENT AGENDA

Chairman Koehler asked if anyone wished to remove an item from the Consent Agenda. Ms. Wheeler removed #14.2 B1; Mr. Munaretto removed #14.2 G1; and Ms. McCann removed #14.2 H1.

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

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

14.2 B1 *Resolution awarding a County Highway Pavement Preservation and Maintenance Contract for crack sealing and appropriating funds in the amount of \$138,000*

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

Chairman Koehler asked for any discussion. Ms. Wheeler said although we accept the lowest qualified bidder, she wondered about the acceptance of local bidders if they are within a certain percentage above the lowest bidder. Also she asked about a certification question that came up in regard to the winning bidder company and if it affected their qualification. Ms. Link of Purchasing said a State's Attorney's opinion has been received that local preference is illegal because it limits competition, therefore we don't state any language in any of our documents that we do prefer local vendors. Mr. Korpalski of DOT said this project was handled by IDOT. The Laborer's District Council filed an objection to the low bid regarding their apprentice program. That is handled by the Chief Council's office. Mr. Korpalski said he has received a letter from IDOT stating that the business that was accepted, their qualifications have been met. Ms. Peschke commented that the State of California has a different law and it would be nice to change the legislation. In California she believes that if the second lowest bidder is only 10% higher and is a local business, they can take that bid.

Chairman Koehler asked for a roll call vote. The following members responded aye: Hill, McCann, Merkel, Miller, Munaretto, Orphal, Peschke, Schuster, Barnes, Bless, Breeden, Donley, Draffkorn, Dvorak, Heisler and Koehler. Nay: Kennedy, Schmidt, Wheeler, Yensen, Donner and Hammerand. Absent: Ryan and Salgado. The vote being sixteen (16) ayes and six (6) nays, noting two (2) absent, Chairman Koehler declared the motion passed

14.2 G1 *Resolution endorsing the Groundwater Recharge Model Policy of the Groundwater Protection Action Plan*
Ms. McCann made a motion seconded by Ms. Barnes to approve the above-named resolution noting that this is Section 1 of 12 sections in the Groundwater Protection Action Plan.

Chairman Koehler asked for any discussion. Mr. Munaretto said he was not comfortable voting on this document as he is not prepared to give an endorsement. He would like to see this deferred to after a COW meeting is held to discuss it.

Mr. Munaretto made a **motion** seconded by Ms. Miller **to postpone** voting on this until the County Board meeting of June 1, 2010.

Chairman Koehler asked for a voice vote, being too close to call, he did a hand count and declared the ayes having it; the **motion to postpone 14.2 G1 to June 1st has passed.**

14.2 H1 *Resolution in support of the establishment of the Hack-Ma-Tack National Wildlife Refuge*
Ms. Hill made a motion seconded by Ms. Peschke to approve the above-named resolution.

Chairman Koehler asked for any discussion. Ms. Miller said she was not comfortable with the wording in the resolution endorsing this before a feasibility study is done, although she is in support of the feasibility study. She had not heard of Hack-ma-tack until the presentation we received at the County Board meeting.

Ms. Miller made a **motion to amend** seconded by Mr. Munaretto to **remove the wording "hereby endorses and"** have it that **"we are in support of a feasibility study"** in the first Now Therefore paragraph.

Chairman Koehler asked for any discussion on the motion to amend. Board members talked for and against this amendment some believing that endorsing this would carry more weight. Ms. Beyer-Clow said she didn't believe the wording would make a difference. It was asked if there would be any forceable condemnation. Ms. Beyer-Clow said no. Chairman Koehler noted that there was not a lot of discussion on this in the beginning because there is a significant land owner who is involved in this project and he asked that because of negotiations going on with this piece of property, which is a large part of the Hack-ma-tack project, he requested that it not be brought out into the public forum until things were settled as funding is a huge hurdle in this project. Mr. Bless suggested that we could acknowledge the endorsement of this. Ms. Miller disagreed saying she doesn't have enough information to know what she is committing to. It was suggested that prior to commencing with the study that perhaps the Friends of Hack-ma-tack should meet with residents to tell them about the project and answer all of their questions. Ms. Beyer-Clow said this is done as part of the feasibility study. Chairman Koehler said we are all concerned about people's property rights and this will not affect anyone's property rights that do not want to participate. Ms. Donner asked to call the question. Chairman Koehler said she was the last person asking to speak, a vote will be taken.

Chairman Koehler asked for a voice vote on the motion to amend, the nays having it, the **motion to amend is denied.**

Chairman Koehler asked for a roll call vote on the main motion to **approve the Resolution in Support of the Establishment of the Hack-ma-tack National Wildlife Refuge.** The following members responded aye: Hill, Kennedy, McCann, Merkel, Miller, Munaretto, Orphal, Peschke, Schmidt, Schuster, Wheeler, Yensen, Barnes, Bless, Breeden, Donner, Draffkorn, Dvorak, Hammerand, Heisler and Koehler. Nay: Donley. The vote being twenty-one (21) ayes and one (1) nay noting two (2) absent, Chairman Koehler declared the motion to approve has passed.

ORDINANCES

15.2 A Recertification of Zoning Maps

Ms. Hill made a motion seconded by Ms. Wheeler to approve the Recertification of Zoning Maps noting that the maps are in the room.

Chairman Koehler asked for any discussion. Ms. Schuster noted that she will be voting against this as she has asked for specific information about particular pieces and she has not gotten the information she requested.

Noting no other discussion, Chairman Koehler asked for a voice vote, the ayes having it noting one nay, he declared the motion to approve Recertification of Zoning Maps approved.

ADMINISTRATOR'S REPORT

Mr. Austin told the board that the Treasurer's building experienced a little water problem after the storm, no significant damage though just wet carpet. The contractor was out this morning to try to figure out where the leak is coming from. Also, the power on the servers went down but the emergency generators kicked in so that worked out.

Mr. Austin told the board the first elements of the Energy Efficiency Conservation Block Grant Program are starting to come into the County facilities and there will be contractors around for the next year putting elements into place to help make our facilities more energy conservation friendly.

Mr. Austin talked about the Strategic Plan and the comments received recently are being worked on to fold them into our existing plan or to address comments. There will be an update on this at the next County Board meeting.

Mr. Austin said there will be no Valley Hi meeting this week. He said if board members know anyone who would like to serve on the Valley Hi Operating Board please let him know. Names will be collected throughout the month of April.

Finally, Mr. Austin suggested that when the board meets for a COW meeting the recharge chapter of the Groundwater Protection Action Plan can be discussed. He said last October the full board agreed to review each of the chapters so this would be a time to look this over. He believes that the Natural and Environmental Resources Committee has two chapters they are set to look at in the month of April so maybe at a May COW meeting more chapters can be discussed. He added that six or seven municipalities have joined us in endorsing the idea of reviewing each of these chapters. Ms. McKinney will be addressing the City of Crystal Lake tonight on this.

MEMBERS' COMMENTS

Mr. Merkel said the Natural and Environmental Resources Committee is going to be doing interviews for an opening that is coming up on the Board of Trustees for the Conservation District. The current president's term will expire in June so interviews will be done by the end of this month, early May. A recommendation will be brought in sometime in May to fill the position.

Ms. Miller thanked Jeff Young and Wally Dittrich of the DOT and Tran Systems, they had their first public meeting for the Fleming Road project and it was well attended with a lot of public input.

Ms. Peschke said she had dinner with Senator Herb Kohl up in Milwaukee about a month ago and thanked him for his support of Hack-ma-tack Wildlife Refuge. He seemed very pleased that she was on board with this.

Mr. Donley said he has come under attack by letters being written to various County Board members, letters that are unsigned. One of the comments made was that he should be removed from Law & Justice because his family's business hosts the Sheriff's fundraiser. He asked Ms. Rein of the State's Attorney's office if this is in fact a conflict. Ms. Rein said she did not believe that this is a conflict and if he would like an official opinion from her office she can get that for him.

Ms. Wheeler spoke regarding local preference for the bidding of projects she asked if we could get some language from our legislators, if it is the will of the board and committee, to see if there is something we can do about being able to give local preferences in a legal way. Chairman Koehler said we can look into that.

Ms. Yensen said she toured the new Treasurer's building and she was impressed with the facility and how customer service oriented it is. She urged board members to tour the building and talk with the employees over there. Chairman Koehler said he is working with Mr. LeFew on having an open house in the near future.

Mr. Dvorak thanked the board and staff for the sympathy considerations in the passing of his mother-in-law. She was 104 years old and died peacefully. She was a resident of Valley Hi for 12 years.

EXECUTIVE SESSION

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

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

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

Ms. Peschke made a motion seconded by Ms. Donner to return to open session.

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

Chairman Koehler asked for a motion to approve executive session reviewed.
Ms. Yensen made a motion seconded by Ms. Orphal to approve release of State's Attorney reviewed executive session minutes.

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

Communications
None

ADJOURNMENT

Mr. Heisler made a motion seconded by Ms. Miller to adjourn at 10:55 a.m. Chairman Koehler declared the motion passed on a unanimous voice vote.

Dated and approved at Woodstock, Illinois this 20th day of April, A.D., 2010.

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

ATTEST:

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