

MCHENRY COUNTY BOARD
MINUTES OF THE REGULAR SESSION MEETING
JUNE 15, 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, June 15, 2010.

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

MINUTES

Chairman Koehler asked if there were any changes/corrections to the minutes of May 18, 2010, there were none.

Mr. Heisler made a motion seconded by Ms. Orphal to approve County Board minutes from May 18th. Chairman Koehler asked for a voice vote, the ayes having it, he declared the motion to approve minutes of May 18, 2010 has passed.

CHAIRMAN'S REMARKS

Chairman Koehler asked Mr. Kennedy to say a few words in memory of Joe Murawski who recently passed away. He said many people have known and worked with Mr. Murawski over the years and he will be greatly missed. Mr. Kennedy said Mr. Murawski passed away on Friday, June 11th after fighting many health issues. He was a dedicated and respected public servant and will be sorely missed throughout the county. A moment of silence was observed in Mr. Murawski's memory.

Chairman Koehler told the board that Loyola University has purchased Resurrection Center. Father Glen came in after the sale had been completed to explain the reasons for selling; mainly because of the economy and the inability of not being able to move their plans forward. He was apologetic to all of the County Board and anyone who was involved with the process of their plans. Secondly, Chairman Koehler said Special Olympics had come to a close. If there is anyone who still would like to donate to this cause, please bring him a check at the end of the meeting and he will make sure the donation is turned in. At this point \$21,060.56 has been raised for Special Olympics.

Thirdly, Chairman Koehler said that some of you might have read that Navistar had made a decision to possibly not relocate in Lisle. The Chairman said when McHenry County became aware of this they let Navistar know that McHenry County would be a good place to do business and suggested the Motorola campus in Harvard. He said it was a team effort in talking with Navistar; the EDC, Senator Althoff and some federal representatives from Durbin's and Manzullo's office made some pitches on the County's behalf. Although we are far away from Navistar making a decision, Chairman Koehler said we are in the hunt. Lastly, Chairman Koehler invited anyone who would like to attend to a meeting on Monday morning at 8 a.m. in regards to the possible formation of an Underage Drinking Taskforce. He was involved in a conference about three weeks ago in Rockford that had to do with handling many of the issues involved with drinking. He said we are going to take a look at this to see if there are things we can do as a

county to become more involved with the help of the State's Attorney's office, Sheriff's office and many of the agencies that currently deal with these problems.

SPECIAL RECOGNITION/REPORTS

Ms. Barnes made a motion seconded by Ms. Donner to approve the following Eagle Scout Recognition:
Colin Davis of Cary Troop #161

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

SPECIAL PRESENTATIONS

8.1 County Artwork

Ms. Hill came forward and asked artists Robin Pendergast and Alan Stebbens to come forward. Each presented their artwork that will hang in one of the county buildings. Ms. Hill said that 60% of the funds to purchase artwork come from the vending machines used in county buildings. Ms. Hill thanked these two artists for their work today. Chairman Koehler talked about the Civil War Flag dedication that was done saying that this flag is encased and hangs in the stairwell of the Administration Building. We will have this flag on display for at least two years.

Chairman Koehler noted at this time that #13 Appointments on the agenda is going to be moved to the end of the agenda because a couple of Consent Agenda items pertain to the appointments and they must be approved first. Also, item #15.2 H4 will be moved to Ordinances as it has been changed from a resolution to an ordinance.

ZBA CONSENT AGENDA

Chairman Koehler asked if anyone wished to remove a petition, there were none.

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

Exb #10-03; Riley/Coral Twp; Elmhurst-Chicago Stone Co; reclass A1C to A1C (renew)

Exb #10-09; Hartland Twp; David/Doreen Kramer; reclass A2 to A2V

Exb #10-10; Dorr Twp; HSB Trust 4587/Verizon Wireless; reclass E3-E3V

Exb #10-12; Nunda Twp; Colmenero/Briseto; reclass R1-R1V

Noting no discussion, Chairman Koehler asked for a roll call vote. The following members responded aye: Munaretto, Orphal, Peschke, Ryan, Salgado, Schmidt, Schuster, Yensen, Barnes, Bless, Breeden, Donley, Donner, Draffkorn, Dvorak, Hammerand, Heisler, Hill, Kennedy, McCann, Merkel and Koehler. Absent: Wheeler and Miller. The vote being twenty-two (22) ayes

ZBA REGULAR AGENDA

Ms. Hill made a motion seconded by Mr. Donley to approve the following Petition:

Exb #09-57; RileyTwp; Harmony Rd Bednarz Tovar LLC; reclass of A1-A1C

Chairman Koehler asked for any discussion. Ms. Schuster said the use being requested is spot zoning and is not compatible with the area and will vote no on this request. She felt the petitioner did not meet point #2 of the conditions that the site shall be so situated that the proposed use is compatible with the existing future plan development of the area. Other board members said they were for this petition feeling that the petitioner is a responsible business man and would be a good location for this business as this request is strictly for storing of his trucks in the summer. Mr. Donley pointed out that half of the District 6 board members are in favor of this petition. He did speak with Riley Twp and they didn't seem to have a good reason for not wanting this business in this location. Mr. Donley said the petitioner is still operating a horse farm on the property. Ms. McCann said she is concerned about the petitioner bringing the trucks back to the site as they will have salt, sand and beet juice; she is afraid they will want to wash the trucks to get rid of the corrosive materials and we won't have control of the measures that need to be taken to control the runoff and collect the waste material.

Ms. McCann made a **motion to amend** seconded by Ms. Schuster to amend **Condition #5** where it talks about storage of chemicals or salt for snow removal, she would like to **add "restricting storage of beet juice on site"**.

Chairman Koehler asked for any discussion on the motion to amend.

Ms. McCann said beet juice is not currently regulated by the EPA. Ms. Hill said the petitioner is fine with this restriction. It was asked if we can regulate the storage of different types of chemicals in an AG area. Chairman Koehler said because this is a CUP we can do this. Mr. Sandquist agreed. Mr. Sandquist suggested also amending condition #6, vehicle washing is prohibited except in a facility properly designed for that purpose.

Noting no other discussion, Chairman Koehler asked for a voice vote on the motion to amend Condition #5, the ayes having it, noting a few nays Chairman Koehler declared the **motion to amend Condition #5 restricting storage of beet juice on site has passed.**

Ms. Peschke made a **motion to amend** seconded by Ms. Yensen to **amend condition #6 saying "vehicle washing is prohibited except in a facility properly designed for that purpose"**.

Chairman Koehler asked for any discussion on the motion to amend condition #6.

Board members spoke for and against this amendment. Ms. Hill said she talked to the petitioner about this and they are fine with this restriction. As the issue is salt getting into the groundwater, Ms. Peschke asked to change the wording "vehicles that used salt", the seconder was in agreement to this. The **amendment to Condition #6 now reads: "washing of vehicles that have used salt for snow removal is prohibited except in a facility property designed for that purpose"**.

Mr. Sandquist stated that specifically saying "washing of vehicles that have used salt" will be a huge enforcement burden for staff. Ms. Peschke said she is in agreement as is Ms. Yensen to removing the wording **washing of vehicles that have used salt**, to go back to how she originally stated.

Noting no other discussion, Chairman Koehler asked for a voice vote on the motion to **amend Condition #6 to designate "that no vehicle washing will be allowed except in a facility properly designed for that purpose.** The voice vote being taken, the ayes having it noting a few nays the motion to **amend Condition #6 as stated here has passed.**

Chairman Koehler said we're back to the main motion. He asked for any other discussion.

Mr. Munaretto made a **motion to amend** seconded by Mr. Bless to amend **Condition #1 to change the length of the conditional use permit from 10 years to 20 years.**

Chairman Koehler asked for any discussion on the motion to amend Condition #1. Mr. Munaretto said he feels that conditional uses that are capital intensive should be for 20 years. Some board members felt that 10 years was an appropriate amount of time for this CUP.

Chairman Koehler asked for a voice vote on the motion to amend **Condition #1 to change the length of the conditional use permit from 10 years to 20 years.** The voice vote being too close to call, the Chairman asked for a roll call vote. The following members responded aye: Munaretto, Orphal, Ryan, Bless, Breeden, Donley, Draffkorn, Hill and Merkel. Nay: Peschke, Salgado, Schmidt, Schuster, Yensen, Barnes, Donner, Dvorak, Hammerand, Heisler, Kennedy, McCann and Koehler. Absent: Wheeler and Miller. The vote being nine (9) ayes and thirteen (13) nays noting two (2) absent, Chairman Koehler declared the motion to amend **Condition #1 to change the length of the conditional use permit from 10 years to 20 years has failed.**

Chairman Koehler asked for any discussion on the main motion to approve Exb #09-57.

Noting no discussion, Chairman Koehler asked for a roll call vote. The following members responded aye: Munaretto, Orphal, Peschke, Ryan, Salgado, Schmidt, Yensen, Barnes, Bless, Breeden, Donley, Donner, Draffkorn, Dvorak, Heisler, Hill, Kennedy, Merkel and Koehler. Nay: Schuster, Hammerand and McCann. Absent: Wheeler and Miller. The vote being nineteen (19) ayes and three (3) nays noting two (2) absent, Chairman Koehler declared the **motion to approve Exb #09-57 as amended has passed.**

PLATS

None

PUBLIC COMMENT

Chairman Koehler asked if anyone wished to speak as there was no one signed up. The following people spoke:

Bob Lesser of the Mental Health Board	regarding	update on Mental Health Bd project
Holly Kohley of Woodstock	regarding	questions on resolutions on Agenda

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

NEW AND UNFINISHED BUSINESS

None

APPOINTMENTS – moved to end of agenda

STANDING COMMITTEE CHAIRMAN UPDATES

Ms. McCann told the Environmental Committee that they need to have a meeting on Friday June 25th to interview more people for the Conservation District and to start looking at the water and nuisances issue.

Ms. Schuster asked if anyone has any comments on Administrator Austin's review for the last year let her know, she's only had a couple of responses.

ROUTINE CONSENT AGENDA

Chairman Koehler asked if anyone wished to remove an item from the Consent Agenda. Ms. Yensen removed item #15.2 I1; Ms. Schuster removed #15.2 H1, H2 & H3; and Mr. Munaretto removed #15.3 D1.

Mr. Ryan made a motion seconded by Ms. Donner to approve the Routine Consent Agenda with five items removed.

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

15.2 D1 *Resolution authorizing a 2010 Intergovernmental Agreement between Fox Waterway Agency, County of McHenry and McHenry County Sheriff's Department for marine patrol services*

Ms. Barnes made a motion seconded by Ms. Draffkorn to approve the above-named resolution.

Chairman Koehler asked for any discussion. Ms. Barnes said and Ms. Draffkorn agreed that the amount of this goes up every two to three years. Mr. Munaretto said he was concerned about the level payment over three years. Ms. Barnes said they felt the amounts agreed to would cover the expenses.

Chairman Koehler asked for a roll call vote. The following members responded aye: Munaretto, Orphal, Peschke, Ryan, Salgado, Schmidt, Schuster, Yensen, Barnes, Bless, Breden, Donley, Donner, Draffkorn, Dvorak, Hammerand, Heisler, Hill, Kennedy, McCann, Merkel and Koehler. Absent: Wheeler and Miller. The vote being twenty-two (22) ayes noting two (2) absent, Chairman Koehler declared the motion to approve 15.2 D1 has passed.

15.2 H1 *Resolution authorizing salary scale for two Community Development Division positions and for a stipend for the acting Principal Planner*

15.2 H2 *Resolution authorizing renaming the Community Development Division's existing positions*

15.2 H3 *Resolution authorizing the Planning Division be split into two separate divisions within the Planning and Development Department*

Ms. Hill made a motion seconded by Ms. Salgado to approve the above-named resolutions.

Chairman Koehler asked for any discussion on the above-named resolutions. Ms. Schuster asked about the grant funding listed in one of the resolutions. Ms. Hill said the positions are grant funded and if the grant money goes away so do the positions. Ms. Schuster said she believes the underlying goal is to get McHenry County into the building of affordable housing. Ms. Schuster said in regard to the pay increases, she would like to see a policy made so that the actual dollar amounts are laid out and where the money is coming from. Ms. Hill explained that the money is coming from HUD for huge programs and to do those programs correctly it requires us to shift the duties in this department. She said what individuals would be changing their positions and what they would be doing to fulfill HUD's requirements. It was asked if HUD specifies salaries, the answer was no. By doing this re-organizing at this time it is hoped that the county will be able to follow all of the requirements by HUD and maintain the program dollars out there for our residents and not lose the program money because we were not able to meet requirements. Mr. Hammerand expressed concerns and would prefer stipends being given over pay increases. He feels that this type of thing gives new employees a false sense that this money is always going to be there and that is not necessarily the case.

Board members talked at length about these resolutions and their feelings for or against them.

Mr. Sandquist summarized by saying that the county has accepted the HUD funds that provide for a variety of purposes beyond affordable housing but also including social services, economic development, community development needs and more. It's not about increasing the size of the department it's about aligning them in the right way to do that job. He said they have gone through a process with HR to reclassify the remaining positions to get them into the right grades and he's asking that the county compensate these employees accordingly to the proper position grades and the demands of the positions. It is all within the cap that they receive for the administration for the various funds. The HUD representatives encourage us to take the full administrative amounts available to properly run the program. Mr. Sandquist said that they are administering the grants as well as allocating the grant out to the communities. He said we're trying to organize the staff to make sure we are doing things right to meet HUD's increasing expectations.

Mr. Sarbaugh noted that there is a typo on 15.2 H1 that needs to be corrected. In the Now Therefore paragraph, remove the words "salary adjustment" and add the word "stipend". The correction is noted and will be changed.

Chairman Koehler asked for a roll call vote. The following members responded aye: Munaretto, Orphal, Peschke, Ryan, Salgado, Schmidt, Yensen, Bless, Donner, Draffkorn, Dvorak, Heisler, Hill, Kennedy, McCann, Merkel and Koehler. Nay: Schuster, Barnes, Breeden, Donley and Hammerand. Absent: Wheeler and Miller. The vote being seventeen (17) ayes and five (5) nays noting two (2) absent, Chairman Koehler declared the motion to approve 15.2 H1, 15.2 H2 and 15.2 H3 has passed.

15.2 I1 Resolution authorizing an expansion to the McHenry County Board of Health from nine (9) to twelve (12) members

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

Chairman Koehler asked for any discussion. Ms. Yensen said she has concerns about having an even number of members in the event there would be a tie. She would feel more comfortable seeing an odd number of members. Chairman Koehler pointed out that from a parliamentary position if a vote is tied it fails. Mr. McNulty said what is being proposed is 12 members which would include the chairman of the committee. State statutes do not allow for any other number other than 8, 9 or 12. It was pointed out that just because it says we can expand to 12 members it does not mean we have to put 12 on; it is the availability to do so. Of note these are voluntary positions and this gives the public more opportunity to participate in decisions that we make.

Chairman Koehler asked for a roll call vote. The following members responded aye: Munaretto, Orphal, Peschke, Ryan, Salgado, Schmidt, Schuster, Yensen, Barnes, Bless, Breeden, Donner, Draffkorn, Dvorak, Hammerand, Heisler, Hill, Kennedy, McCann, Merkel and Koehler. Nay: Donley. Absent: Wheeler and Miller. The vote being twenty-one (21) ayes and one (1) nay noting two (2) absent, Chairman Koehler declared the motion to approve # 15.2 I1 has passed.

ORDINANCES

For Action: *Ordinance adopting the prevailing wage rates (waiver of 30 day review requested)*

Mr. Munaretto made a motion seconded by Mr. Kennedy to approve the above-named Ordinance.

Chairman Koehler asked for any discussion. Chairman Koehler said this is an annual thing that we need to do. Some board members felt that we should challenge our legislators as the wages that are listed are not affordable. Mr. Hammerand stated that it has been explained that this is an administrative duty and if we don't want to approve this we can conduct a wage survey, of which he would support if that is what the board would like to do. He said he will be supporting the prevailing wage today only as an administrative duty.

Chairman Koehler asked for a voice vote, being too close to call he asked for a roll call vote. The following members responded aye: Munaretto, Ryan, Schmidt, Yensen, Barnes, Bless, Donner, Draffkorn, Dvorak, Hammerand, Kennedy and McCann. Nay: Orphal, Peschke, Salgado, Schuster, Breeden, Donley, Heisler, Hill, Merkel and Koehler. Absent: Wheeler and Miller. The vote being twelve (12) ayes and ten (10) nays noting two (2) absent, Chairman Koehler declared the motion to approve has passed.

For Action: *Amendment to the Adopting Ordinance and Bylaws Attachment of the McHenry County Housing Commission (waiver of 30 day review requested)*

Ms. Hill made a motion seconded by Mr. Heisler to approve the above-named ordinance,

Chairman Koehler asked for any discussion. Ms. Hill explained that this was done because they found that they wanted to have more board input and they've got a couple of people who have expertise and the Chairman wanted to name Ms. Peschke as the ex-officio and she has agreed to do that. Chairman Koehler said the original bylaws wanted to have a board member on there that would be voting and in Ms. Peschke's case she could not do this as there is a conflict of interest, so this allows her to be a part of the board.

Noting no further discussion the Chairman asked for a voice vote, the ayes having it, he declared the motion to approve has passed.

ADMINISTRATOR'S REPORT

None

APPOINTMENTS

Mr. Heisler made a motion seconded by Ms. Barnes to approve the following appointments:

Merit Commission	
Patrick McAndrews	term to 04/30/2016
Housing Commission	
Sue Draffkorn County Board – Voting Member	term to 04/30/2013
Virginia Peschke County Board- Ex-officio	term to 04/30/2012
Board of Health	
Linda Brogan	term to 06/30/2013
Housing Authority	
Sulev Ahven, Tenant Member	term to 06/30/2013
Thomas A Vaclavek Jr.	term to 06/30/2015

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

MEMBERS' COMMENTS

Mr. Merkel extended congratulations to Huntley Boys baseball and the Marian Central Boys baseball for advancing to the State Final 4. He believes Marian captured third place. Also, he mentioned this Saturday at McHenry High School West Campus there is a fundraiser being done to benefit families in need in McHenry, the cost is \$20 per ticket. Mike Singletary will be there donating his time and giving an inspirational speech.

Ms. Hill said she assumes that everyone gets the McHenry County Convention Visitor's Bureau e-newsletter. This Thursday night at 9 p.m. we will be on Channel 9 news, the segment Cruising McHenry County. Also, there will be a 2030 Plan presentation Thursday night at 6:30 p.m. here in this building.

Ms. Peschke said before today's meeting she received a paper from Mr. McNulty. Out of 179 schools in the United States, five schools in District 200 were recognized for their healthy achievements and that has to do with diet, exercise and programs in the schools. Mr. McNulty said it's based upon our Catch Program that has been introduced and Woodstock schools have been very cooperative in wanting to do this.

Mr. Kennedy said if anyone is interested in seeing the Stanley Cup, having John McDonough living in Elk Grove, it will be on display Saturday evening in our hometown parade starting at 6 p.m. in the center of Elk Grove.

Chairman Koehler commented that County Board chairs have been actively working on this plan, which is the Go 2040 Plan from CMAP. This is the first planning initiative that has been put forth by this organization. He believes it truly compliments our 2030 Plan. He said that Randy Blankenhorn, Chairman of CMAP, will be at their meeting Thursday night to inaugurate our 2030 Plan. He encouraged everyone to attend if possible.

EXECUTIVE SESSION

None

ADJOURNMENT

Mr. Kennedy made a motion seconded by Ms. Donner to adjourn at 9:08 p.m. Chairman Koehler declared the motion passed on a unanimous voice vote.

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

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

ATTEST:

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