

MCHENRY COUNTY BOARD
MINUTES OF THE REGULAR SESSION MEETING
DECEMBER 21, 2010

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

District 1
Robert Bless
Anna May Miller
Marc Munaretto
Robert Nowak

District 2
J.S. "Scott" Breeden
James Heisler
Kenneth Koehler
Donna Kurtz

District 3
Mary L Donner
Nick Provenzano
Kathleen Bergan Schmidt
Barbara Wheeler

District 4
Sue Draffkorn
John Hammerand
Pete Merkel
Sandra Fay Salgado

District 5
Tina Hill
John P Jung Jr.
Virginia Peschke
Paula Yensen

District 6
Randall Donley
Diane Evertsen
Mary McCann
Ersel C Schuster

The Honorable County Board of McHenry County, Illinois met in Regular Session on Tuesday, December 21, 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. Ms. Schmidt gave the invocation/personal remarks.

ROLL CALL

The roll was called by County Clerk Katherine Schultz. The following members responded: Breeden, Donley, Donner, Draffkorn, Evertsen, Hammerand, Heisler, Hill, Jung, Kurtz, McCann, Merkel, Miller, Munaretto, Nowak, Peschke, Provenzano, Salgado, Schmidt, Schuster, Wheeler, Yensen, Bless and Koehler. Parliamentarian Jamie Rein was present. Chairman Koehler declared a quorum present with twenty-four (24) members responding.

MINUTES

Minutes of County Board Regular Session meeting of November 16th and December 6th, 2010

Mr. Heisler made a motion seconded by Ms. Miller to approve County Board minutes of November 16 and December 6, 2010.

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

Chairman Koehler asked for a voice vote, the ayes having it, he declared the motion to approve County Board minutes of November 16 and December 6, 2010 has passed.

CHAIRMAN'S REMARKS

Chairman Koehler asked everyone to keep Mrs. Peschke's husband in their thoughts and prayers as he has been in the hospital as well as Katherine Schultz's husband, who is currently in the hospital.

The Chairman said there was a Committee on Committee meeting with very good input. He hopes to have all of the standing committees set by the next County Board meeting.

SPECIAL RECOGNITION/REPORTS

7.1 Eagle Scout

Ms. McCann made a motion seconded by Mr. Donley to approve the following Eagle Scout recognition
Joey Perrone of Huntley Troop #167

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

Chairman Koehler asked Joey Perrone to come forward and he presented him with a Certificate of Recognition on behalf of the County Board as well as a miniature County flag. Mr. Perrone then told the board about his project that earned him his Eagle Scout badge.

7.2 *Proclamation recognizing Phil Ulmer for 39 years of public service with the McHenry County Probation and Court Services Department*

Mr. Heisler made a motion seconded by Ms. Peschke to approve the above-named Proclamation.

Chairman Koehler asked for a voice vote, the ayes having it, he declared the motion passed. Mr. Ulmer was unable to attend this meeting; Chairman Koehler said he will make sure Mr. Ulmer receives his Proclamation.

SPECIAL PRESENTATIONS

None

ZBA CONSENT AGENDA

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

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

- Exb #10-04; Hebron Twp; North Star Trust HTX 7161; reclass A1-A2
- Exb #10-34; Riley Twp; VCNA Prairie Aggregates; reclass A1C-A1C (renewal)
- Exb #10-36; Nunda Twp; Tom/Susan Moran; reclass E3-E3V
- Exb #10-43; Nunda Twp; Tom Reidy; reclass R1-R1V
- Exb #10-47; Burton Twp; Basilius/Angela Ruscheinski; reclass R1-R1V

Chairman Koehler asked for any discussion. Noting none, he asked for a roll call vote. The following members responded aye: Breeden, Donley, Donner, Draffkorn, Evertsen, Hammerand, Heisler, Hill, Jung, Kurtz, McCann, Merkel, Miller, Munaretto, Nowak, Peschke, Provenzano, Salgado, Schmidt, Schuster, Wheeler, Yensen, Bless and Koehler. The vote being twenty-four (24) ayes, Chairman Koehler declared the motion to approve the ZBA Consent Agenda has passed

ZBA REGULAR AGENDA

Ms. Hill made a motion seconded by Ms. Donner to **approve the height/setback variance** request on the following Petition:

- Exb #10-26; McHenry Twp; Heidi Siudak; reclass R1-R1V (height/setback)

Chairman Koehler asked for any discussion. Ms. Schuster said she was against this request.

Chairman Koehler asked for a roll call vote, the following members responded aye: Breeden, Donley, Donner, Draffkorn, Hill, McCann, Merkel, Miller, Munaretto, Nowak, Peschke, Provenzano, Salgado, Schmidt, Wheeler, Yensen, Bless and Koehler. Nay: Evertsen, Hammerand, Heisler, Jung, Kurtz and Schuster. The vote being eighteen (18) ayes and six (6) nays, Chairman Koehler declared the motion to approve **the height/setback variance** request has passed.

Ms. Hill stated that the second part of this petition was recommended for denial by the Hearing Officer. In following County Board rules, this will be brought forward in the affirmative, so a yes vote is to approve the petitioners request and a no vote is to deny the petitioners request thus following the Hearing Officer's recommendation.

Ms. Hill made a motion seconded by Ms. Miller to **approve the separation distance variance** request on the following Petition:

- Exb #10-26; McHenry Twp; Heidi Siudak; reclass R1-R1V (separation distance variance)

Chairman Koehler asked for any discussion. Ms. Miller asked what this property owner would have to do if this separation distance request is denied. Mr. Sandquist responded that there may be some options one being possibly attaching the two buildings so there is no separation and then to build a fire wall to provide the fire protection required between the garage and the residence. It was pointed out that the petitioner was not intentionally trying to do this illegally. Mr. Moore of Planning & Development stated that the hearing officer recommended denial on this part because the Petitioner's agent failed to address this issue at the hearing. Mr. Moore does not know if he failed to give convincing evidence or if he failed to address this all together as he was not at this meeting. Ms. Hill said the explanation from the Petitioner was that she was unaware of that meeting date and the requirements.

Noting no further discussion, Chairman Koehler asked for a roll call vote **noting that a yes vote is to approve the variance request and eighteen (18) yes votes are needed to approve and a no vote is to deny the variance request as recommended by the hearing officer.** The following members responded aye: Breeden, Donley, Donner, Draffkorn, Heisler, Hill, McCann, Merkel, Miller, Munaretto, Nowak, Peschke, Provenzano, Salgado, Schmidt, Wheeler, Yensen, Bless and Koehler. Nay: Evertsen, Hammerand, Jung, Kurtz and Schuster. The vote being nineteen (19) ayes and five (5) nays, Chairman Koehler declared the motion to approve **the separation distance variance** request has passed.

PLATS

None

PUBLIC COMMENT

None

NEW AND UNFINISHED BUSINESS

12.1 *Resolution authorizing the unfreezing of and a salary adjustment to position #045-0003-99 (First Assistant) and the freezing of position #45-0040-99 (Assistant Attorney) in the State's Attorney's departmental roster*
Mr. Heisler made a motion seconded by Mr. Jung to postpone this Resolution to February 15th.

Chairman Koehler asked for any discussion, noting none, he asked for a voice vote, the ayes having it, Chairman Koehler declared the **motion to postpone** 12.1 Resolution authorizing the unfreezing of and a salary adjustment to position #045-0003-99 (First Assistant) and the freezing of position #45-0040-99 (Assistant Attorney) in the State's Attorney's departmental roster to February 15th **has passed**.

12.2 *Resolution approving bids and appropriating funds for Blivin Street bridge traffic control*
Ms. Miller made a motion seconded by Ms. Peschke to approve the above-named Resolution.

Chairman Koehler asked for any discussion, noting none he asked for a roll call vote, the following members responded aye: Breeden, Donley, Donner, Draffkorn, Evertsen, Hammerand, Heisler, Hill, Jung, Kurtz, McCann, Merkel, Miller, Munaretto, Nowak, Peschke, Provenzano, Salgado, Schmidt, Schuster, Wheeler, Yensen, Bless and Koehler. The vote being twenty-four (24) ayes, Chairman Koehler declared the motion to approve 12.2 has passed.

12.3 *Resolution authorizing the acquisition of right-of-way for highway purposes (Johnsburg Rd) pursuant to eminent domain*
Ms. Miller made a motion seconded by Ms. Yensen to approve the above-named Resolution.

Chairman Koehler asked for any discussion. Ms. Miller said this is a last resort but it does not preclude us from continuing to try and negotiate with the property owners but in the interest of moving this along, sometimes this brings people to the table.

Noting no other discussion, the Chairman asked for a roll call vote, the following members responded aye: Breeden, Donley, Donner, Draffkorn, Evertsen, Hammerand, Heisler, Hill, Jung, Kurtz, McCann, Merkel, Miller, Munaretto, Nowak, Peschke, Provenzano, Salgado, Schmidt, Schuster, Wheeler, Yensen, Bless and Koehler. The vote being twenty-four (24) ayes, Chairman Koehler declared the motion to approve 12.3 has passed

Chairman Koehler said there is one other item that is not listed and is for informational purposes only.

Ms. Schuster said at the next scheduled Management Services meeting they will be discussing a new committee that will be formed, the Legislative Government Relations Committee. Board members have received paperwork outlining what has been brought up so far. She hoped to hear from any board members who might have comments or suggestions to add. Ms. Schuster said they will bring things back to the County Board as quickly as they can so that the process can get started. Chairman Koehler said they will try to have it before the board at the next meeting on January 6th.

APPOINTMENTS

None

STANDING COMMITTEE CHAIRMAN UPDATES

Ms. Miller commented on a paid advertisement that was in the paper on Sunday regarding the Fleming Road project. Although she does not normally do this, she felt it was important to let everyone know that they understand the frustration of residents on Fleming Road in dealing with the process of road improvements. The CSS approach that the DOT has chosen to follow with transportation projects in the county unfortunately does not expedite the process it seems to take more time. She asked that the residents bear with us as we work through it as they are challenging us on designs that have not been proposed yet so there is nothing for them to embrace or reject at this point. Ms. Miller said the paid advertisement took to task an employee of the DOT for doing what she considers a very difficult but

professional job. Mr. Korpalski was responding to questions about situations that they were discussing. She asked if there are any further questions or concerns that residents contact her directly or a member of the committee.

Ms. McCann referenced Agenda item #15.2 D(2) regarding the Natural Hazard Mitigation Plan and continuation of the Hazard Mitigation Planning Committee. She said the Environmental Committee worked with the EMA, which falls under Law & Justice, to work on this plan. This is the final plan and when it is passed tonight this allows the county and municipalities to now apply for funding to put in some mitigation plans and structures that will help prevent flooding in the future. Ms. McCann said in our case where we deal with the unincorporated areas, any of these areas that have repetitive flooding we will be making an application to FEMA to receive some money to start addressing those issues and municipalities will be doing the same. If a township has identified an issue they would need to apply through the county and will go through our Stormwater Committee.

ROUTINE CONSENT AGENDA

Chairman Koehler asked if anyone wished to remove an item from the Consent Agenda. Ms. Yensen removed #15.2 B5, B6 & B7; and Ms. Schuster removed #15.2 J6.

Mr. Hammerand made a motion seconded by Ms. McCann to approve the Routine Consent Agenda with four items removed.

Chairman Koehler asked for a roll call vote. The following members responded aye: Breeden, Donley, Donner, Draffkorn, Evertsen, Hammerand, Heisler, Hill, Jung, Kurtz, McCann, Merkel, Miller, Munaretto, Nowak, Peschke, Provenzano, Salgado, Schmidt, Schuster, Wheeler, Yensen, Bless and Koehler. The vote being twenty-four (24) ayes, the Chairman declared the motion to approve the Routine Consent Agenda with four items removed has passed.

15.2 B(5) *Resolution Authorizing Settlement of Workers' Compensation Claim No. 06-3210-15*

15.2 B(6) *Resolution Authorizing Settlement of Workers' Compensation Claim No. 08-3210-14*

15.2 B(7) *Resolution Authorizing Settlement of Workers' Compensation Claim No. 09-3210-11*

Mr. Munaretto made a motion seconded by Ms. Salgado to approve the above-named three resolutions.

Chairman Koehler asked for any discussion. Ms. Yensen said she is voting against these resolutions because she feels we have paid out too much money to employees of the Sheriff's Department for workers' comp claims. She feels the Sheriff's Department should get a safety program to try and find a way to reduce all of these claims. Ms. Yensen said there will be discussion with the Sheriff's Department in the future about some of these issues.

Noting no other discussion, Chairman Koehler asked for a roll call vote. The following members responded aye: Donner, Draffkorn, Evertsen, Hammerand, Hill, Jung, Kurtz, McCann, Merkel, Miller, Munaretto, Nowak, Peschke, Provenzano, Salgado, Schmidt, Schuster, Wheeler, Bless and Koehler. Nay: Breeden, Donley, Heisler and Yensen. The vote being twenty (20) ayes and four (4) nays, Chairman Koehler declared the motion to approve 15.2 B(5), 15.2 B(6) and 15.2 B(7) has been approved.

15.2 J(6) *Resolution Approving an Intergovernmental Agreement between McHenry County and the City of Crystal Lake, the City of McHenry and the City of Woodstock enabling payments for Dial-a-Ride Services from the Senior Service Grant Funds*

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

Chairman Koehler asked for any discussion. Ms. Schuster said she is against this as she believes we need some in depth scrutiny of this and understanding on the part of the County Board noting there has been a turnover of board members since the program was initially brought through the DOT and their ordinance. She asked at the last meeting what the termination or end date was of this Pilot Program and she couldn't get an answer and she has since found a copy of an Intergovernmental Agreement that was signed at the beginning of this program and it was clearly stated that the end date was November 30, 2010. Ms. Schuster said she feels there should be some research as to what this program is providing, if goals are being met and what the projections are for moving forward. She believes this program will become a burden on McHenry County if we're not careful. Ms. Miller responded that the Transportation Committee has discussed this program as has the Transit Implementation Task Force. After this program was last discussed on the board floor, with many good questions being asked, Ms. Miller spoke with Sarah

and Jason on the Implementation Task Force about getting a presentation for the full board talking about where we started, where we see ourselves going and the future of the program. Ms. Miller said at the last Implementation Task Force meeting several quantifiers were identified for success of the program which is important in taking the program forward. She said after the presentation to the full board they will be asking the board if they support the direction they see this going or to give new direction to follow. Other board members questioned the program and spoke of their support of the program. It was asked if the RTA Sales Tax Fund could carry this program on its own without using the Senior Services Grant Fund. Ms. Miller responded said they had turned to the Senior Services Grant before they every identified the RTA Sales Tax as a funding source, also noting that it is the senior population who is most in need of this program. It was noted that per DOT they have about 1,300 applications for ridership, most of them being urban. Ms. Kurtz noted that this program is serving three large communities and there are many smaller areas that are in need. Ms. Miller said the program had to start somewhere and these larger cities that are included in this program had existing contracts with PACE and were already working in the program. This will give us a way to reimburse them for some of their expense and encourage a larger participation. Chairman Koehler pointed out that some of the municipalities were actually talking about downsizing from what they had because of the economy, so in some ways this pilot program has saved Woodstock, McHenry and Crystal Lake. Although it is an expensive program on a per unit cost, it appears to be working very well.

Noting no other discussion, Chairman Koehler asked for a roll call vote. The following members responded aye: Breeden, Donner, Draffkorn, Hammerand, Heisler, Hill, McCann, Merkel, Miller, Munaretto, Nowak, Peschke, Provenzano, Salgado, Schmidt, Wheeler, Yensen, Bless and Koehler. Nay: Donley, Evertsen, Jung, Kurtz and Schuster. The vote being nineteen (19) ayes and five (5) nays, Chairman Koehler declared the motion to approve #15.2 J(6) has passed.

ORDINANCES

For Review:

- A. Ordinance amending Ordinance O-200811-10-069 (National Electrical Code 2008)
- B. Ordinance amending Ordinance O-200811-10-070 (International Building Code 2006)
- C. Ordinance amending Ordinance O-200811-10-073 (International Residential Code 2006)

Ms. Hill told the board that the above-named three ordinances are on 30-day review. Ms. Hill said these amendments pertain to minimum fines being set for violations. If there are any questions or comments she asked members to let her know so that it can be discussed at committee again.

Chairman Koehler asked if there was any discussion. Mr. Hammerand asked about the availability of these code books. In the past he has asked if he could use money from his expense account to pay for these books, the Chairman thought this was a good idea but he was told no by Planning & Development because that was not the purpose of those funds. Mr. Hammerand said he feels board members should have access to the codes they are changing. Mr. Sandquist said these Code books are available in the Planning & Development Department to look at. Chairman Koehler said he will look into this. Ms. Hill suggested to Ms. Schuster of the Management Services Committee that in looking at County Board Rules, on page 4 where it talks about the expense account, perhaps this should be looked at and expanded on.

ADMINISTRATOR'S REPORT

Mr. Austin said there has been a flurry of activity in Washington D.C. of late. Last Friday Congress made a decision on which path they would take for a federal budget for fiscal year 2011. They could choose an omnibus budget bill or a continuing resolution and the omnibus budget failed. It's noteworthy to McHenry County because we had two earmarks in the omnibus bill that are going away now and they amounted to about \$500,000 for Job Workforce and the Sheriff's office technology. He said these issues will be revisited again in January and we will be positioning ourselves to do what we can with some of the new rules in Washington and how to access money for local government. Mr. Austin said an e-mail has been sent out regarding the Strategic Plan. He asked members to mark their calendars for February 4th for a 9 to noon meeting for a Strategic Plan update. Mr. Austin pointed out that 5 ½ years ago the Administration office was making 45 County Board packets and is pleased to say they are now down to making 21 paper packets for each board meeting. He said recently four more board members have asked to go paperless and asked if anyone else wishes to do the same to let him know. Mr. Austin said last Friday we had a very nice holiday employee luncheon, rotating four different shifts thanking employees for their hard work. Finally, Mr. Austin said last week they finished the last of six employee forum meetings. He thanked Mr. Sarbaugh and Mr. Ivetic for helping with these meetings and said they were very well received. He said they will be providing a written list of questions and answers on the county intranet for employees to take a look at.

MEMBERS' COMMENTS

Chairman Koehler said at the Strategic Planning meeting there will be a special breakfast for those who would like to attend. It is a challenge for a biscuits and gravy throw down and right now Ms. Hill, Mr. Breeden and the Chairman will be trying out their best recipes! If anyone else would like to join in either cooking or eating, all members are welcome.

EXECUTIVE SESSION

Chairman Koehler said there is a need to go into executive session to discuss Pending Litigation and Property Acquisition.

Ms. Hill made a motion seconded by Ms. Evertsen to go into executive session.

Chairman Koehler asked for a roll call vote, the following members responded aye: Breeden, Donley, Donner, Draffkorn, Evertsen, Hammerand, Heisler, Hill, Jung, Kurtz, McCann, Merkel, Miller, Munaretto, Nowak, Peschke, Provenzano, Salgado, Schmidt, Schuster, Wheeler, Yensen, Bless and Koehler. The vote being twenty-four (24) ayes, the board went into Executive Session.

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

Chairman Koehler asked for a roll call vote, the following members responded aye: Breeden, Donley, Donner, Draffkorn, Evertsen, Hammerand, Heisler, Hill, Jung, Kurtz, McCann, Merkel, Miller, Munaretto, Nowak, Peschke, Provenzano, Salgado, Schmidt, Schuster, Wheeler, Yensen, Bless and Koehler. The vote being twenty-four (24) ayes, the Chairman said we were back in Regular Session.

Chairman Koehler noted that no action was taken in executive session.

ADJOURNMENT

Ms. Yensen made a motion seconded by Mr. Heisler to adjourn at 8:45 p.m. Chairman Koehler declared the motion passed on a unanimous voice vote.

Dated and approved at Woodstock, Illinois this 6th day of January, A.D., 2011.

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

ATTEST:

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