

MCHENRY COUNTY BOARD  
MINUTES OF THE REGULAR SESSION MEETING  
FEBRUARY 15, 2011

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, February 15<sup>th</sup>, 2011.

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. Breeden gave the invocation/personal remarks.

ROLL CALL

The roll was called by County Clerk Katherine Schultz. The following members responded: Evertsen, Hammerand, Heisler, Hill, Jung, Kurtz, McCann, Miller, Munaretto, Nowak, Peschke, Provenzano, Salgado, Schmidt, Schuster, Yensen, Breeden, Donley, Donner, Draffkorn and Koehler. Absent: Merkel, Wheeler and Bless. Parliamentarian Jamie Rein was present. Chairman Koehler declared a quorum present with twenty-one (21) members responding.

MINUTES

None

CHAIRMAN'S REMARKS

Chairman Koehler commended Cassandra McKinney for her recognition by the IL Geological Service. She will be picking up that award on February 25<sup>th</sup>. Next, the Chairman said in regard to the Appellate Court case of Koehler vs. the IL Liquor Commission of which we prevailed on thanks to Asst State's Attorney's Sarah Jensen and Jamie Rein. This sets local precedence for local control with the Liquor Commission. Ms. Jensen has won an award for this and will be receiving it this Friday. He commended Ms. Jensen for her work on this.

Lastly, he said he hopes the blizzard we had after the last meeting is the last one he sees. Mr. DeVries came forward to talk about the snow event. He said in his 26 years this is the most intense storm that he's been involved in. They went into it with a good plan that served them well. There were struggles throughout the event i.e. visibility, helping with rescues, drifting and there was little they could do to actually continue to keep the roads open but we prevailed in the end. All trucks were out with people in every part and whenever the Sheriff called there was someone who could help respond. Mr. DeVries said by 6 p.m. on Wednesday (the day the storm ended) they had all roads back to two lanes with bare pavement on 70% of the roads. It is a testament to all departments who worked hand in hand to get through this extreme event. Chairman Koehler congratulated the entire team for their hard work.

SPECIAL RECOGNITION/REPORTS

Ms. Schuster made a motion seconded by Mr. Donley to approve the following Eagle Scout recognitions:

Richard Allen Johnson of Marengo	Troop #163
Cole Matthew Polnow of Marengo	Troop #163

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

*7.2 Proclamation in Recognition of the Prairie Ridge High School Varsity Cheerleading Team for receiving 3<sup>rd</sup> Place at the State level of competition*

Ms. Donner made a motion seconded by Mr. Provenzano to approve the above-named Proclamation.

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

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. Donner to approve the following Petitions:

Exb #10-44; Nunda Twp; Robert Koidahl; reclass A1-A1V
Exb #10-50; Burton Twp; Harry P Bond; reclass A2-A2V

Chairman Koehler asked for a roll call vote. The following members responded aye: Evertsen, Hammerand, Heisler, Hill, Jung, Kurtz, McCann, Miller, Munaretto, Nowak, Peschke, Provenzano, Salgado, Schmidt, Schuster, Yensen, Breeden, Donley, Donner, Draffkorn and Koehler. Absent: Merkel, Wheeler and Bless. The vote being twenty-one (21) ayes noting three (3) absent, Chairman Koehler declared the motion passed.

PLATS

None

PUBLIC COMMENT

Chairman Koehler explained the rules of Public Comment. The following people spoke:

Larry Ksepka of Woodstock	against	Petition #10-14
Gus Philpott of Woodstock	regarding	succession planning for filling a vacant office

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

NEW AND UNFINISHED BUSINESS

*12.1 Resolution Authorizing the Unfreezing and a Salary Adjustment to Position #045-0003-99 (First Assistant) and the Freezing of Position #045-0040-99 (Assistant Attorney) in the State's Attorney's Departmental Roster*

Mr. Provenzano made a motion seconded by Mr. Jung to postpone voting on the above-named resolution to March 15<sup>th</sup> by request of the State's Attorney.

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

APPOINTMENTS

Mr. Provenzano made a motion seconded by Ms. Draffkorn to approve the following Appointment:  
McHenry County Emergency Telephone System Board  
Suzanne Artinghelli Lake in the Hills Police Department term to 11/30/2013

Chairman Koehler asked for a roll call vote. The following members responded aye: Evertsen, Hammerand, Heisler, Hill, Jung, Kurtz, McCann, Miller, Munaretto, Nowak, Peschke, Provenzano, Salgado, Schmidt, Schuster, Yensen, Breeden, Donley, Donner, Draffkorn and Koehler. Absent: Merkel, Wheeler and Bless. The vote being twenty-one (21) ayes noting three (3) absent, Chairman Koehler declared the motion passed.

STANDING COMMITTEE CHAIRMAN UPDATES

Ms. Peschke reminded members there is a Public Health meeting on Friday at 8:15 a.m.

Ms. Hill reminded everyone that the Unified Development Ordinance (UDO) consultants will be here for the P & D Committee meeting at 10 a.m., with NERC at 11 a.m. and the ZBA at Noon. Board members are invited to any of these meetings to give their input on the UDO.

Mr. Hammerand said there will be a special Liquor Commission meeting on February 24<sup>th</sup> at 10:30 a.m.

Chairman Koehler said there has been an issue recently with attendance at meetings and those meetings having to be cancelled due to a lack of a quorum. He asked members if they are not going to be able to attend their committee meeting to let the County Admin secretaries know in advance so they can let the committee chairman know that we may not have a quorum and the meeting may need to be rescheduled.

ROUTINE CONSENT AGENDA

Chairman Koehler asked if anyone wished to remove an item from the Consent Agenda. Ms. Schuster removed 15.2 G(1); Mr. Jung removed 15.2 B(4); and Ms. Miller removed 15.2 K(4). Chairman Koehler removed 15.2 D(1) to be brought back for discussion and vote after executive session.

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

Chairman Koehler asked for a roll call vote. The following members responded aye: Evertsen, Hammerand, Heisler, Hill, Jung, Kurtz, McCann, Miller, Munaretto, Nowak, Peschke, Provenzano, Salgado, Schmidt, Schuster, Yensen, Breeden, Donley, Donner, Draffkorn and Koehler. Absent: Merkel, Wheeler and Bless. The vote being twenty-one (21) ayes noting three (3) absent, Chairman Koehler declared the motion passed.

*15.2 B(4) Resolution Authorizing Support of Approval for Centegra Hospital - Huntley*

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

Chairman Koehler said he will be Abstaining from the vote as he is on the board of another hospital. The Chairman asked for any discussion. Ms. Schmidt questioned the word "Support" being in the title and body of the resolution as it was removed at the committee level. Mr. Hammerand and Ms. Hill agreed that this was removed at committee. Board members talked for and against using the word "Support" as there are two hospitals vying for the opportunity to build in Huntley. Ms. Peschke questioned why this didn't come before the Health Committee and why we are involved in this and why both hospital organizations are not requesting this.

Mr. Austin said he anticipates a request from the other hospital to come before the board as soon as March 1<sup>st</sup> as he has been in contact with them. He said it's difficult as a board to decide who is a better

provider of healthcare or decision of need but we can endorse both projects as economic development opportunities. This is why it just went to Finance Committee and not the Health Committee. It was suggested that we postpone this and approve both resolutions at the same time. Chairman Koehler said the process is long for both hospitals and it is the State that will determine need and who if any will be able to build. Chairman Koehler asked Mr. Easeley, CEO of Centegra to come forward. Mr. Easley said the decision will be made by the State through their hearing processes. Centegra is looking for support from the County Board in moving their project forward. This is just another level of support they receive from many different agencies and groups. Chairman Koehler said Ms. Rein has a suggestion for changing the word "Support". She suggested "Commending the Proposal of Centegra Hospital – Huntley".

Ms. Schmidt made a motion to amend seconded by Ms. Hill to remove the word "Support" from the title and change the title to read: **Resolution Commending the Proposal of Centegra Hospital – Huntley** and remove the word "support" and replace with "commends" in the NOW THEREFORE BE IT RESOLVED paragraph.

Chairman Koehler asked for discussion on the motion to amend. Ms. Hill said Finance's thinking was that this resolution is about economic development and talked about changes that were made at the committee level.

Chairman Koehler asked for a voice vote on the motion to amend to change wording, the ayes having it, noting a few nays, the **motion to amend the wording to read Resolution Commending the Proposal of Centegra Hospital – Huntley has been approved.**

Chairman Koehler asked for any further discussion on the main motion. Noting none, he asked for a roll call vote on the motion to approve 15.2 B(4) **Resolution Commending the Proposal of Centegra Hospital – Huntley.** The following members responded aye: Evertsen, Hammerand, Hill, Jung, Kurtz, McCann, Miller, Munaretto, Nowak, Provenzano, Salgado, Schmidt, Yensen, Breeden, Donley, Donner and Draffkorn. Nay: Heisler, Peschke and Schuster. Abstain: Koehler. Absent: Merkel, Wheeler and Bless. The vote being seventeen (17) ayes, three (3) nays and one (1) abstention noting three (3) absent, Chairman Koehler declared the motion to approve 15.2 B(4) Resolution Commending the Proposal of Centegra Hospital – Huntley as passed.

15.2 G(1) *Resolution Authorizing Adoption of Amendments to the McHenry County Board Rules*  
Ms. Schuster made a motion seconded by Ms. Kurtz to postpone this Resolution to March 1<sup>st</sup>.

Chairman Koehler asked for any discussion on the motion to postpone. Ms. Peschke said she would like the committee to make a presentation and go through the changes being proposed and why. Chairman Koehler agreed saying that they should probably have a Committee of the Whole (COW) meeting before the March 1<sup>st</sup> board meeting. There was also an issue that came up today in Liquor that begs to have some adjustments made so perhaps this can be done before it comes to the board.

Noting no other discussion, Chairman Koehler asked for a voice vote, the ayes having it, the Chairman declared the motion to postpone 15.2 G(1) a Resolution Authorizing Adoption of Amendments to the McHenry County Board Rules has passed.

15.2 K(4) *Resolution Appropriating Funds for the 2011 Transit Grant Program*

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

Chairman Koehler asked for any discussion. Ms. Miller asked to Abstain from the vote as she is an employee of one of the agencies that stands to get some of the funds. Ms. Donner asked to abstain as

well because of her connection with PACE. Board members spoke for and against this program one noting that this does not promote private enterprise.

Noting no other discussion Chairman Koehler asked for a roll call vote. The following members responded aye: Hammerand, Heisler, Hill, McCann, Munaretto, Nowak, Peschke, Provenzano, Salgado, Schmidt, Yensen, Breeden, Donley, Draffkorn and Koehler. Nay: Evertsen, Jung, Kurtz and Schuster. Abstain: Miller and Donner. Absent: Merkel, Wheeler and Bless. The vote being fifteen (15) ayes, four (4) nays and two (2) abstentions noting three (3) absent, Chairman Koehler declared the motion to approve 15.2 K(4) a Resolution Appropriating Funds for the 2011 Transit Grant Program has passed.

#### ORDINANCES

For Review: Ordinance Amending the McHenry County Stormwater Management Ordinance # O-200401-10-009 adopted January 20, 2004 (only pg 44 is attached – entire Ordinance may be viewed online)

Ms. McCann said this Ordinance is up for 30-day review. The Stormwater Commission has reviewed it and held a public hearing and it's been discussed at the Environmental Committee. Ms. Schuster questioned the Ordinance number in the title of the Ordinance. The date listed is the original date of the ordinance but it's been amended since then shouldn't this date be the most recently amended date. Mr. Sandquist said he will check into this to make sure it's listed correctly.

#### ADMINISTRATOR'S REPORT

Mr. Austin said he will get a written report out two weeks from today on what is going on in the County. He also thanked all those involved in getting the County through the recent snow event.

#### MEMBERS' COMMENTS

Ms. Peschke said she was at a meeting on Monday of the Advisory Committee for Family Alliance and one of the therapists who lives in Walworth County said it's always such a treat to cross the state line because our roads are so well maintained in inclement weather.

Ms. Hill thanked everyone for their thoughts, prayers and cards while she was ill, it helps for a speedy recovery.

#### EXECUTIVE SESSION

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

Ms. Yensen 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: Evertsen, Hammerand, Heisler, Hill, Jung, Kurtz, McCann, Miller, Munaretto, Nowak, Peschke, Provenzano, Salgado, Schmidt, Schuster, Yensen, Breeden, Donley, Donner, Draffkorn and Koehler. Absent: Merkel, Wheeler and Bless. The vote being twenty-one (21) ayes noting three (3) absent, Chairman Koehler declared the motion passed.

Ms. Peschke made a motion seconded by Ms. Hill to return to Regular Session

Chairman Koehler asked for a roll call vote. The following members responded aye: : Evertsen, Hammerand, Heisler, Hill, Jung, Kurtz, McCann, Miller, Munaretto, Nowak, Peschke, Provenzano, Salgado, Schmidt, Schuster, Yensen, Breeden, Donley, Donner, Draffkorn and Koehler. Absent: Merkel, Wheeler and Bless. The vote being twenty-one (21) ayes noting three (3) absent, Chairman Koehler declared the motion passed.

Chairman Koehler said no action was taken in executive session.

15.2 D(1) *Resolution Requesting a Clarification of the Orders Appointing the Special Prosecutor*  
Mr. Provenzano made a motion seconded by Ms. Peschke to approve the above-named revised resolution.

Chairman Koehler asked for any discussion. Mr. Provenzano asked if the amendments needed to be voted on as it was sent out of committee in a different way.

Mr. Provenzano changed his motion which was agreed to by the seconder Ms. Peschke to amend the Resolution that was provided to board members this evening to include the changes as noted in blue.

Chairman Koehler asked for any discussion.

Mr. Provenzano made a **motion to amend to request that the judge issue the county the bills that are in arrears and bring them up to date and provide us a monthly bill going forward.**

Per legal counsel, Chairman Koehler said the board needs to vote on the original motion to approve the resolution then amendments can be made.

Chairman Koehler asked for any discussion. Ms. Rein said she understands that there was something different on member's desks or in the packet and changes have been made to this. She said you're making these amendments to the original resolution and then you can make additional amendments after that and work off of this document after you accept the first document. Chairman Koehler clarified that the first document was the document presented, this is an amended document; we're bringing that forward and we can continue to amend after that. Ms. Donner disagreed with a couple of the amendments.

Chairman Koehler asked for a voice vote on the motion to approve the revised amended document that is lined out in blue. The ayes having it, he declared the motion passed.

Mr. Provenzano made a **motion to amend** seconded by Ms. Evertsen to insert the following :  
**to request that the judge provide the county all bills in arrears through January 31, 2011 and going forward provide bills on a monthly basis to the County.**

Chairman Koehler asked for any discussion on the motion to amend. Ms. Salgado suggested **putting this language in the NOW, THEREFORE paragraph after the last sentence last word duration.** She also **suggested adding the words "and the County feels its residents would be better served by requesting" then continue with Mr. Provenzano's wording.**

Chairman Koehler asked if the motioner and seconder were ok with this, they both said yes.

Chairman Koehler asked for a voice vote on the motion to amend inserting the wording after the last sentence in the NOW, THEREFORE paragraph: **and the County feels its residents would be better served by requesting that the Judge provide all bills in arrears through January 31, 2011 and going forward provide bills on a monthly basis to the County.** On a voice vote, the ayes having it noting one nay, the Chairman declared the motion to amend has passed.

Mr. Hammerand said he was troubled with the wording that we want to focus and delineate the scope of the authority ... He said the judge can do what he wants and feels that this has very little influence and it puts us in a bad light under the circumstances. He agrees that this is expensive but it must run its course. He said we don't have proper legislation to handle a situation where the State's Attorney is

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indicted so perhaps legislation should be changed. Mr. Provenzano disagrees with this saying there is a legal basis for asking for clarification in the second court order.

Noting no other discussion, Chairman Koehler asked for a **voice vote on the Resolution Requesting Clarification of the Orders Appointing the Special Prosecutor**. The ayes having it noting a few nays, the Chairman declared the **motion to approve this has passed**.

ADJOURNMENT

Mr. Nowak made a motion seconded by Mr. Heisler to adjourn at 9:25 p.m. Chairman Koehler declared the motion passed on a unanimous voice vote.

Dated and approved at Woodstock, Illinois this 1<sup>st</sup> day of March, A.D., 2011.

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

ATTEST:

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