

MCHENRY COUNTY BOARD
MINUTES OF THE REGULAR SESSION MEETING
JUNE 21, 2005

Chairman of the Board – Kenneth Koehler (District 2)

District 1	District 2	District 3
Donald R. Brewer	Marie M. Chmiel	Ed Dvorak
Marc Munaretto	James Heisler	Ann Kate
Anna May Miller	Kenneth Koehler	Nick Provenzano
Dan Shea	Lyn Orphal	Barbara Wheeler
District 4	District 5	District 6
Sue Draffkorn	John Jung Jr.	Ann Gilman
John Hammerand	Perry Moy	Richard Klasen
Pete Merkel	Virginia Peschke	Don Larson
Sandra Fay Salgado	Tina Hill	Mary Lou Zierer

The Honorable County Board of McHenry County, Illinois met in Regular Session on Tuesday, June 21, 2005.

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 C. Schultz with Members of the Board, department heads and visitors participating. Mr. Larson gave the invocation/personal remarks.

ROLL CALL

The roll was called by County Clerk Katherine C. Schultz. The following members responded: Moy, Munaretto, Orphal, Peschke, Provenzano, Salgado, Shea, Wheeler, Zierer, Brewer, Chmiel, Draffkorn, Dvorak, Gilman, Hammerand, Heisler, Hill, Jung, Klasen, Larson, Merkel, Miller and Koehler. Absent: Kate. Chairman Koehler declared a quorum present with twenty-three (23) members responding.

MINUTES

None

CHAIRMAN’S REMARKS

Chairman Koehler reminded the board that tomorrow night the McHenry County Board is the host of the MCCOG at Deeter’s restaurant at 5 p.m. We’re hosting this because we invited everyone to come and hear about the groundwater study that we have done. Also, upon discussion with State’s Attorney Lou Bianchi Chairman Koehler said he is going to appoint a task force: Mental Health Court Task Force to look into the feasibility of having a special Mental Health Court in all of the ancillary services and to determine costs. Several people have been asked to be a part of this already, Ms. Salgado will chair this, Peschke and Brewer will all be members. If any one else wants to be included please contact Chairman Koehler. Chairman Koehler said lastly he was pulling the Board of Health Appointment from the agenda tonight and will bring it back at a later date.

SPECIAL RECOGNITION

Ms. Salgado made a motion seconded by Mr. Hammerand to approve the following Eagle Scout resolution:

Patrick Hagen of Troop 131	Lakemoor
James W. Willis of Troop 131	McHenry

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

Resolution honoring MCCD Board of Trustee member Henry J. Fleming "Hank".

Mr. Shea made a motion seconded by Mr. Munaretto to approve the above-named recognition award.

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

Chairman Koehler asked Mr. Fleming to come forward and presented him with a plaque which he read to the board and thanked him for his long service to McHenry County. Mr. Fleming reminisced about his time with the MCCD and thanked the board for their recognition.

SPECIAL PRESENTATIONS

None

ZONING BOARD OF APPEALS

Ms. Gilman asked if anyone wished to remove an item from the ZBA Consent Agenda. Mr. Larson asked to remove Petition #05-04.

Ms. Gilman made a motion seconded by Mr. Dvorak to approve the following ZBA petitions:

- Exb. #04-116; Coral Twp; Lehman; reclass of A1C to A1C (renew/amend)
- Exb. #05-21; Nunda Twp; Trinity Baptist Comm Church; reclass of R1 to R1C
- Exb. #05-24; Richmond Twp; Fookes; reclass of B2 to R1V
- Exb. #05-27; Nunda Twp; Lossmann; reclass of R1 to R1V
- Exb. #05-30; Greenwood Twp; Amcore Inv. Grp/J. Lucas; reclass of A1 to A2
- Exb. #05-37; Nunda Twp; Midwest Petroleum Dev. Co.; reclass of B1 to B1V
- Exb. #05-41; Riley Twp; Northern FS/Conserv FS; reclass of A1C to A1C (Amend)
- Exb. #05-51; Chemung Twp; Todd; reclass of A1 to A1V
- Exb. #05-54; McHenry Twp; Marano; reclass of R1 to R1V
- Exb. #05-55; Richmond Twp; Gatza; reclass of A1 to A1V
- Exb. #05-61; Dunham Twp; Straus/Graziano; reclass of A1 to A1V
- Exb. #05-62; Alden Twp; Bartel; reclass of A1 to A1V
- Exb. #05-63; McHenry Twp; Mullen; reclass of R1 to R1V

Chairman Koehler asked for a roll call vote. The following members responded aye: Moy, Munaretto, Orphal, Peschke, Provenzano, Salgado, Shea, Wheeler, Zierer, Brewer, Chmiel, Draffkorn, Dvorak, Gilman, Hammerand, Heisler, Hill, Jung, Klasen, Larson and Koehler. Absent: Kate. The vote being twenty-three (23) aye votes noting one (1) absent, Chairman declared the motion passed unanimously.

Ms. Gilman made a motion seconded by Mr. Brewer to approve the following Petition:

- Exb. #05-04; Coral Twp; Freternite of Notre Dame; reclass of A1 to A1C

Chairman Koehler asked for any discussion on the motion.

Mr. Larson made a **motion** seconded by Ms. Gilman **to amend** the Petition by not allowing the Print Shop or Bakery on the property and removing all wording pertaining to them from the Ordinance.

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

Mr. Larson stated that he believed that the bakery and print shop should be located on commercially zoned property not on property zoned agricultural. Ms. Gilman added that the bakery is wholesale and that if this was not a church making the request, the petitioner would need to request rezoning instead of just a conditional use permit.

Ms. Hill made a **motion to amend the amendment** by separating the bakery and print shop for the vote. **Motion fails due to lack of a second.**

Chairman Koehler asked for any other discussion on Mr. Larson's motion to amend.

Ms. Peschke stated that she would not support an amendment that substantially alters the petition. She believes the petitioner has the right to come in and be voted up or down on the petition as it stands. Several board members agreed with Ms. Peschke's comments. Mr. Merkel also agreed and added that there are two golf courses within a close proximity to the neighbors and they are commercial in nature. Mr. Larson rebutted that he feels the bakery and print shop are commercial in nature and that the neighbors have a right to complain about this type of business on the property.

Chairman Koehler asked for a roll call **vote on the motion to amend to disallow the operations of a bakery and a print shop on the property**. The following voted aye: Orphal, Zierer, Gilman, Hammerand, Heisler, Klasen, Larson and Koehler. Nay votes: Moy, Munaretto, Peschke, Provenzano, Salgado, Shea, Wheeler, Brewer, Chmiel, Draffkorn, Dvorak, Hill, Jung, Merkel and Miller. Absent: Kate. The vote being eight (8) aye votes and fifteen (15) nay votes noting one (1) absent, Chairman Koehler declared the **motion to amend is denied**.

Ms. Zierer made a **motion to amend** seconded by Mr. Klasen **to remove the cemetery from the petition**.

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

Ms. Zierer stated that she has seen in the past where property has a cemetery on it and the owner moves then the county or township is responsible for maintaining the cemetery. Coral Twp. has said they do not want the responsibility of this. In the hearing it was not made clear who can be buried there. Mr. Provenzano said he was suspicious whether we could make this kind of amendment. Mr. Klasen concurred with Ms. Zierer's remarks. Ms. Miller said there is no reason that during the contract process it could be determined who would take responsibility for the cemetery should there be an ownership change.

Chairman Koehler asked for a roll call vote on the **motion to amend to remove the cemetery** from the petition. The following responded aye: Moy, Orphal, Zierer, Gilman, Hammerand, Jung, Klasen and Koehler. Nay votes: Munaretto, Peschke, Provenzano, Salgado, Shea, Wheeler, Brewer, Chmiel, Draffkorn, Dvorak, Heisler, Hill, Larson, Merkel and Miller. The vote being eight (8) aye votes and fifteen (15) nay votes, noting one (1) absent, Chairman Koehler declared the **motion to amend is denied**.

Chairman Koehler asked for any discussion on the main motion.

Mr. Hammerand stated that he has never voted against a church being sited in McHenry County but he has never had a church come before the board that had a commercial operation and two pole barns. Because he is unable to remove these from the petition he will be voting against this petition.

Mr. Klasen made a **motion to amend** seconded by Ms. Wheeler **that the petitioner will provide an all natural screening around the property not concrete or fencing**.

Chairman Koehler asked for any discussion on Mr. Klasen's motion to amend.

Mr. Klasen said he felt that the neighbors have invested a lot of money in their property. If this petition is approved, he feels we owe it to surrounding property owners to have the petitioners make this parcel look as nice as possible. Mr. Brewer responded that Planning & Development has the proper requirements in place for the proper type of screening. Several board members felt that it was unreasonable to expect the petitioner to provide natural screening around 65 acres of land and if there are going to be farm animals on the property a fence will certainly be necessary. Ms. Ehardt said fencing for farm animals does not affect this amendment as the underlying zoning is AG and will permit fencing for cattle or any other farm animals. She added that there is no requirement for screening under this petition because it remains AG zoned.

Chairman Koehler asked for a roll call vote on the **motion to amend** the petition **by requiring all natural screening around the property, no concrete or man made material**. The following responded aye: Moy, Orphal, Wheeler, Zierer, Gilman, Hammerand, Heisler, Jung, Klasen, Larson and Koehler. Nay votes: Munaretto, Peschke, Provenzano, Salgado, Shea, Brewer, Chmiel, Draffkorn, Dvorak, Hill, Merkel and Miller. Absent: Kate. The vote being eleven (11) aye votes and twelve (12) nay votes, noting one (1) absent, Chairman Koehler declared the **motion to amend is denied**.

Chairman Koehler asked for any other discussion on the main motion to approve Petition #05-04 as presented.

There was extensive discussion on the motion to approve this petition as presented with many board members reading statements. Some members were concerned about this being a world organization and running a commercial operation on the property and other members were appreciative of the open space being provided instead of a new subdivision full of houses. It was noted that often times the board has not read their packets that come to them Mr. Hammerand quoted from his packet "Father Philip stated that in regards to the printing presses he indicated that there would be at least two presses." Mr. Hammerand said the size of the presses were not indicated however, he thinks they would be large. Quoting again comments from Mr. Terry McKenna of Franks, Gerkin & McKenna, "that he did not see that it met the requirements of Section 507 of the McHenry County Zoning Ordinance." Mr. Hammerand finds this troubling as well. He thinks that the commercial operations should not be removed from the taxing district of the township. He will be voting against this petition. Mr. Heisler called the question for a vote.

Chairman Koehler asked for a roll call vote. The following members responded aye: Munaretto, Peschke, Provenzano, Salgado, Shea, Wheeler, Brewer, Chmiel, Draffkorn, Dvorak, Heisler, Hill, Merkel and Miller. Nay votes: Moy, Orphal, Zierer, Gilman, Hammerand, Jung, Klasen, Larson and Koehler. Absent: Kate. The vote being fourteen (14) aye votes and nine (9) nay votes, noting one (1) absent, Chairman Koehler declared the **motion to approve Petition #05-04 as presented has passed**.

ZBA REGULAR AGENDA

Ms. Gilman said this came with no recommendation from the ZBA so she asked for a motion from the floor.

Mr. Shea made a motion seconded by Mr. Munaretto to approve the following petition:
Exb. #05-14; Algonquin Twp; Home State Bank Tr. 5218; reclass A1 to B3

A couple of board members felt this would be the best use for this property because of its location. The traffic concerns will be taken care of in the building permit because they have to have culverts and such.

Chairman Koehler asked for a roll call vote. The following members responded aye: Moy, Munaretto, Orphal, Peschke, Provenzano, Salgado, Shea, Wheeler, Zierer, Brewer, Chmiel, Draffkorn, Dvorak, Hammerand, Heisler, Hill, Jung, Klasen, Larson, Merkel, Miller and Koehler. Nay vote: Gilman. Absent: Kate. The vote being twenty-two (22) aye votes and one (1) nay vote, noting one (1) absent, Chairman Koehler declared the motion passed.

PLATS

None

PUBLIC PARTICIPATION

Chairman Koehler asked if anyone wished to speak.

Robert Abbude of Barrington Hills regarding 9-1-1 service

With no other persons wishing to speak, Chairman Koehler closed this part of the meeting.

NEW AND UNFINISHED BUSINESS

None

APPOINTMENTS

Chairman Koehler removed the proposed Appointment from the agenda to be brought back at another time.

ROUTINE CONSENT AGENDA

Chairman Koehler asked if anyone wished to remove an item from the agenda. Mr. Munaretto asked to remove 14.2 B(7) from the agenda for this evening, the McHenry County Mental Health Board has indicated they do not wish to proceed with this; and 14.2 B(10), the Treasurer's office has asked to table this until our next meeting so that this list can be updated.

Ms. Miller asked to remove 14.2 J(1) for discussion in Executive Session and possible vote later.

Ms. Orphal asked to remove 14.2 B(6) for discussion in Executive Session and possible vote later.

Mr. Klasen asked to remove 14.2 B(2) for a typo error.

Ms. Salgado asked in regard to 14.2 J(1) if the county was terminating the tenancy or the lease. This will be discussed in executive session.

Mr. Larson made a motion seconded by Ms. Wheeler to approve the Routine Consent Agenda with those items removed.

Chairman Koehler asked for a roll call vote. The following members responded aye: Moy, Munaretto, Orphal, Peschke, Provenzano, Salgado, Shea, Wheeler, Zierer, Brewer, Chmiel, Draffkorn, Dvorak, Gilman, Hammerand, Heisler, Hill, Jung, Klasen, Larson, Merkel, Miller and Koehler. Absent: Kate. The vote being twenty-three (23) aye votes noting one (1) absent, Chairman Koehler declared the motion passed.

14.2 B(2) Authorizing adoption of Ordinance No.: 05-554 an Ordinance adopting a combined annual budget and appropriation of the McHenry County Conservation District for FY beginning April 1, 2005 and ending March 31, 2006 as provided for in Public Act 91-629.

Ms. Gilman made a motion seconded by Mr. Shea to approve the above-named resolution.

Mr. Klasen asked about the differences in figures listed on Schedule #7 and page 4, Land Acquisitions. Andy Dylek is the Director of Finance for MCCD. He said the amount should be \$7,057,463. The other figure on the previous page is an old figure. These are existing dollars not new dollars in any way. The correction will be made. It was asked if these are anticipated dollars that would come with the next grant cycle. Mr. Dylek said these have already been awarded.

Chairman Koehler asked for a roll call vote. The following members responded aye: Moy, Munaretto, Orphal, Peschke, Provenzano, Salgado, Shea, Wheeler, Zierer, Brewer, Chmiel, Draffkorn, Dvorak, Gilman, Hammerand, Heisler, Hill, Jung, Klasen, Larson, Merkel, Miller and Koehler. Absent: Kate. The vote being twenty-three (23) aye votes noting one (1) absent, Chairman Koehler declared the motion passed.

ORDINANCES

Ordinance amending McHenry County Municipal Waste Hauler Licensing Ordinance O-200106-10-41

Mr. Brewer made a motion seconded by Mr. Klasen to approve the above-named ordinance.

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

Ordinance adopting the prevailing wage rates of McHenry County.

Mr. Munaretto made a motion seconded by Ms. Miller to approve the above-named ordinance.

Chairman Koehler asked for a show of hands, with sixteen (16) yes and seven (7) no, the motion is passed.

ADMINISTRATOR'S REPORT

Chairman Koehler said Mr. Austin starts on June 27th and he is here this evening.

EXECUTIVE SESSION

Chairman Koehler said there was a need for executive session to discuss a Personnel matter and Real Estate contract.

Mr. Klasen made a motion seconded by Mr. Jung to go into executive session at 8:45 p.m.

Chairman Koehler asked for a roll call vote. The following members responded aye: Moy, Munaretto, Orphal, Peschke, Provenzano, Salgado, Shea, Wheeler, Zierer, Brewer, Chmiel, Draffkorn, Dvorak, Gilman, Hammerand, Heisler, Hill, Jung, Klasen, Larson, Merkel, Miller and Koehler. Absent: Kate. The vote being twenty-three (23) aye votes noting one (1) absent, Chairman Koehler declared the motion passed.

Executive Session ran from 8:45 p.m. to 9:45 p.m.

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

Chairman Koehler asked for a roll call vote. The following members responded aye: Moy, Munaretto, Orphal, Peschke, Provenzano, Salgado, Shea, Wheeler, Zierer, Brewer, Chmiel, Draffkorn, Dvorak, Gilman, Hammerand, Heisler, Hill, Jung, Klasen, Larson, Merkel, Miller and Koehler. Absent: Kate. The vote being twenty-three (23) aye votes noting one (1) absent, Chairman Koehler declared the motion passed.

14.2 B(6) Resolution authorizing a contract for the Associate County Administrator-Finance

Ms. Orphal made a motion seconded by Mr. Klasen to return this resolution back to committee.

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

14.2 J(1) Resolution authorizing the termination of the tenancy of the occupants at the Valley Hi private residence

Ms. Gilman made a motion seconded by Ms. Wheeler to approve the above-named resolution.

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

MEMBERS' COMMENTS

Ms. Peschke reminded members of the Health and Human Services Committee that there is a joint committee meeting with the Board of Health at 6 p.m. on Monday evening.

Mr. Brewer thanked everyone for attending his wedding a great time was had by all.

Mr. Larson reminded everyone that on June 25 & 26 the Amateur Radio Club will be participating in Field Day at Camp Lakota in Woodstock and all are invited to attend.

Ms. Salgado asked if Eagle Scouts are notified that they are being awarded a certificate by the County Board. Chairman Koehler said he just received a card from Mr. Eric Clark, the District Director of Sycamore District and Eagle Scouts can be notified through this gentleman. Ms. Draffkorn asked this same question and she was told that a letter goes out to the leader and it's up to the leader to tell the scouts.

McHenry County Board Regular Session
Tuesday June 21, 2005
Page: 7

Chairman Koehler said he was contacted by the Girl Scouts today and they would like to come in and post the colors.

Mr. Brewer said that the International Convention for 100th year of Rotary is in Chicago this week. He had 10 guests from around the world to be at the White Sox game tonight and he had someone else take them. During the meeting one of the guests called and said he caught a foul ball at the game and Mr. Brewer should have been there!

ADJOURNMENT

Ms. Salgado made a motion seconded by Mr. Heisler to adjourn at 9:50 p.m. Chairman Koehler declared the motion passed on a unanimous voice vote.

Dated and approved at Woodstock, Illinois this 5th day of July, A.D., 2005.

S/ Kenneth D. Koehler
Kenneth D. Koehler, Chairman

ATTEST:

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