

**MCHENRY COUNTY BOARD
MINUTES OF THE REGULAR SESSION MEETING
JANUARY 18, 2005**

Chairman of the Board – Kenneth Koehler (District 2)

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

The Honorable County Board of McHenry County, Illinois met in Regular Session on Tuesday, January 18, 2005.

Chairman Koehler called the meeting to order at 7:00 p.m. The Pledge of Allegiance to the Flag was led by Cub Scout Pack 351, Den 6 of McHenry, with Members of the Board, department heads and visitors participating. Ms. Chmiel gave the invocation/personal remarks.

ROLL CALL

The roll was called by the County Clerk Katherine C. Schultz. The following members responded aye: Gilman, Hammerand, Hill, Jung, Kate, Klasen, Larson, Merkel, Miller, Moy, Munaretto, Orphal, Peschke, Provenzano, Salgado, Shea, Wheeler, Zierer, Brewer Chmiel, Draffkorn, Dvorak and Koehler. Absent: Heisler.

MINUTES

Mr. Klasen made a motion seconded by Mr. Brewer to approve County Board Regular Session Minutes for December 16th and December 21st, 2004 and January 04, 2005. Chairman Koehler asked if there were any changes or correction. Typographical errors were noted and will be corrected on minutes of December 16th and December 21st. Minutes of January 4th, 2005 were pulled from the agenda for clarification of sentences in one area. They will be brought back at the next meeting. Chairman Koehler asked for a voice vote, the ayes having it, the motion to pass the minutes of December 16th and December 21st, 2004 with corrections have been approved.

CHAIRMANS REMARKS

Chairman Koehler stated that last week we had a successful week in Springfield. There was an opportunity to talk with people working on our behalf and he feels there will be a lot of cooperation coming back for McHenry County from all of the folks.

Also, Chairman Koehler handed out the Standing Committee assignments and said these are the committees that everyone will be working on.

Chairman Koehler said lastly with all of the issues that we have had recently in regard to Animal Control he would like to put together an ad-hoc committee to study the issues that are out there and come back with some conclusions as to how we should move forward with Animal Control. He would like to have three County Board members, three members from the Public Health Board and three members from the Animal Control Advisory Committee. He asked if there are any members interested in being a part of that committee please let him know after the meeting.

SPECIAL PRESENTATIONS

Debt Certificate Financing – Jail Project

Mr. Munaretto reminded the board that we are in the process of completing a \$3.1 million dollar financing for the balance of the costs of the jail project. Mr. Eric Anderson from the Harris is here to present some information to the board. There is a disclosure form that needs to be signed and turned in tonight.

Mr. Munaretto stated that we are able to do a portion of this financing as a tax exempt financing and that will save the county some money.

Mr. Anderson came forward and explained the process. He referred to the certificates each member has as their desk. One of the certificates says that you do not own interest of more than 7.5% in any McHenry County bank. If you do that bank will be excluded from buying any of the debt certificates that are to be offered here by the County in the next couple of weeks. The other certificate says that you are not an officer or director for any bank in McHenry County. That would only mean that you would need to excuse yourself from voting on the debt certificate issue in a couple of weeks. Mr. Anderson encouraged the board to look over the ordinances that are in their mailboxes as it sets forth the conditions that the county can borrow. The preliminary official statement has been prepared. If there are changes or corrections that you would like to see made Mr. Anderson asked that you indicate that to Mr. Bermudas and he will get the changes to Mr. Anderson.

Mr. Anderson said the status of the financing is progressing nicely with an allocation of taxable vs. tax exempt debt certificates. That will save the County a substantial amount of money, possibly in excess of \$100,000. Mr. Anderson said they will be conducting the Moody's rating next week and he expects that the current rating will hold, which is a AA2, although as always we are going to attempt to get the highest rating possible.

There were some typographical errors noted in the ordinance. Mr. Anderson said those would be corrected before coming before the board for approval.

Chairman Koehler thanked Mr. Anderson for his presentation.

ZBA CONSENT AGENDA

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

- Exb. #04-119; Dunham Twp; Bark; reclass of A1 to A1V
- Exb. #04-120; Burton Twp; Hummel Custom Homes; reclass of A1 to E1
- Exb. #04-123; Riley Twp; Clare; reclass of A1 to E1/E5V
- Exb. #04-126; McHenry Twp; DeFabio; reclass of R1 to R1V

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

ZBA REGULAR AGENDA

Ms. Gilman stated that there is no recommendation from the ZBA so she needs a motion from the floor to approve. Ms. Orphal made a motion seconded by Ms. Hill to approve the following petition:

- Exb. #04-122; Dunham Twp; Harms; reclass of A1 to A2

Chairman Koehler asked for any discussion. It was noted that some of the ZBA members voted against this because our LESA score says anything over 176 should not be. The township and neighbors are all in favor of this and several members agreed that this should be approved.

It was asked about what was said by ZBA members. This was to the affect that the petitioner could have gotten A2 on 7 acres and is there sufficient frontage here had they wanted to do that. Ms. Ehardt said a zoning lot does not need to conform to actual property lines. She said she would have to take a look at the survey in the file to determine the frontage. This question was asked because it might be less expensive to

go for an A2 on the front 7 acres than to do all 30 acres. Ms. Ehardt said generally speaking staff would respond to those kinds of questions.

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

PUBLIC PARTICIPATION

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

Jim Fraser	regarding the sign ordinance
Paula Temple of Animal Outreach	regarding the Animal Control
Cecilia Browne of Animal Outreach	regarding the Animal Control

Noting no other persons wishing to speak, Chairman Koehler ended this part of the meeting.

NEW AND UNFINISHED BUSINESS

None

APPOINTMENTS

Mr. Klasen made a motion seconded by Mr. Brewer to separate the three appointments.

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

13.1 McHenry County Emergency Telephone Board

Commander Dennis Harris, Crystal Lake Representative term to expire 11/30/2007

Mr. Brewer made a motion seconded by Mr. Provenzano to approve the above-named appointment.

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

13.2 McHenry County Mental Health (708) Board

Kari L. Stinespring	term to expire 01/01/2009
Ronald A. Masukawa	term to expire 01/01/2009
Connie Meschini	term to expire 01/01/2009
Beverly Thomas	term to expire 01/01/2006

Mr. Shea made a motion seconded by Mr. Brewer to approve the above-named appointments.

Ms. Salgado said she will be voting no because she does not wish to vote for Beverly Thomas and that is how she voted in committee.

Mr. Klasen made a motion seconded by Mr. Provenzano to vote on each individual separately for the (708) Board.

Chairman Koehler asked for a voice vote, the nays having it, the motion has failed.

Going back to the main motion Chairman Koehler asked if there was any other discussion. Noting none, Chairman Koehler asked for a roll call vote. The following members responded aye: Gilman, Hammerand, Hill, Jung, Kate, Larson, Merkel, Miller, Moy, Munaretto, Peschke, Shea, Wheeler, Brewer, Chmiel, Draffkorn, Dvorak and Koehler. Nay votes: Klasen, Orphal, Provenzano, Salgado and Zierer. Absent: Heisler. The vote being eighteen (18) aye votes, five (5) nay votes noting one (1) absent, Chairman Koehler declared the motion passed.

13.3 Animal Control Administrator
Norma Spitzbart extend appointment to 02/29/2005

Ms. Peschke made a motion seconded by Ms. Salgado to approve the above-named appointment.

Chairman Koehler asked for any discussion. Chairman Koehler said that we continue to investigate what we're going to be doing with this appointment. Ms. Peschke stated that statutorily the position must be filled and at this time we have no one else with the qualifications for this position. This extension is to examine the situation and possibly publish for additional people to apply. Mr. Klasen said he is adamantly opposed to this appointment however he commends the Chairman for appointing a committee to check into this. Mr. Koehler said this appointment could go on until we actually appoint someone.

Chairman Koehler asked for a roll call vote. The following members responded aye: Gilman, Hammerand, Hill, Jung, Kate, Larson, Merkel, Miller, Moy, Munaretto, Orphal, Peschke, Provenzano, Salgado, Shea, Wheeler, Chmiel, Draffkorn, Dvorak and Koehler. Nay votes: Klasen, Zierer and Brewer. Absent: Heisler. The vote being twenty (20) aye votes, three (3) nay votes, noting one (1) absent, Chairman Koehler declared the motion passed.

ROUTINE CONSENT AGENDA

Chairman Koehler asked if anyone wished to remove an item from the Consent Agenda.

Ms. Kate asked that Item #14.2F (2) be pulled from the agenda to possibly be brought back at a later time.

Ms. Kate said a VP from Comcast called and said he would like to explain their pricing structure and other considerations. In the interest of fairness this resolution is being pulled and someone will be here on the 15th of February to give a presentation.

Mr. Hammerand asked that Item #14.B (2) be removed.

Mr. Shea made a motion seconded by Mr. Larson to approve the Routine Consent Agenda.

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

14.2B (2) Resolution authorizing participation in the USGS aerial project for 2005.

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

Chairman Koehler asked for any discussion. Mr. Hammerand said he is against providing aerial photos of our homes, factories, government offices and schools on the internet. He felt that we should discuss this with our U.S. Government officials about making this stuff available to just anyone. He doesn't believe we should spend this money when we will be buying our own photograph run this season.

Chairman Koehler asked for a roll call vote. The following members responded aye: Gilman, Hill, Jung, Kate, Larson, Merkel, Miller, Moy, Munaretto, Orphal, Peschke, Salgado, Shea, Wheeler, Zierer, Chmiel, Draffkorn, and Koehler. Nay votes: Hammerand, Klasen, Provenzano, Brewer and Dvorak. Absent: Heisler. The vote being eighteen (18) aye votes, five (5) nay votes noting one (1) absent, Chairman Koehler declared the motion passed.

ORDINANCES

*For Review: Ordinance amending the County Code to allow for an increase in the Law Library Fee
Ordinance recertifying zoning maps*

Mr. Klasen made a motion seconded by Ms. Gilman to vote on the following ordinances all at once.

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

Ms. Gilman noted that ordinances can be approved with a voice vote.
Ms. Gilman made a motion seconded by Mr. Klasen to approve the following ordinances:

For Action: Ordinance amending the fee schedule for petitions before the McHenry County ZBA
Ordinance amending the fee schedule for the McHenry County Subdivision Review
Ordinance amending the schedule of fees to cover costs of providing building permits,
inspections and code books

Chairman Koehler asked for a voice vote, the ayes having it, the motion is passed to approve the above-named ordinances.

EXECUTIVE SESSION

Chairman Koehler said there is a need to go into executive session to discuss Land Acquisition.

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

Executive Session ran from 7:47 p.m. to 8:00 p.m.

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

Chairman Koehler said there is a need to approve a resolution that was discussed and agreed upon in Executive Session.

ADD ON: Resolution to Approve purchase of real estate, commonly known as 12420 Ware Road, Woodstock.

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

Chairman Koehler asked if there was any discussion. Ms. Wheeler pointed out a typographical error. That will be corrected. Mr. Munaretto asked if we have identified a source of funds for this property. Mr. Bernotas responded that this would be a fund balance enhancement.

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

MEMBER'S COMMENTS

Ms. Peschke said she enjoyed the Cub Scouts coming in tonight. She thought it would be a nice project to earn a badge for the scouts if every day a scout came and properly raised the flag with ceremony.

Mr. Munaretto reminded the board to turn in their disclosure forms.

Ms. Gilman said a comment made in public participation that it took three weeks and a FOIA to get a job description for the Animal Control Administrator position, she wondered if this was true. Chairman Koehler said there is not a job description available and no it would not take that long.

Mr. Moy commented that if a customer comes to Planning & Development with a plan he hopes that staff would inform the customer of alternatives to save money, if they are available. Good customer service should be available. Ms. Gilman asked that no assumptions be made on customer service in Planning & Development. The staff is very helpful at the desk and they do their best to inform the customer. She also stated that if a customer comes in about re-zoning property you don't want to lead them in a certain directions because it could potentially be turned down.

Ms. Hill went back to the FOIA issue. She said earlier there was a request by the Mental Health Board for information from Human Resources which required a FOIA. It seemed to her that if one governmental entity requests information from another governmental entity, FOIA's should not be required.

Mr. Provenzano went back to the Planning & Development issue being discussed earlier. A member of a church in McHenry County went to Planning & Development requesting a sign permit knowing that being a religious organization there was an exemption that did not require a permit and he was denied the permit. They requested the sign permit under a specific exemption area of the ordinance when in fact it was the wrong exemption area. Mr. Provenzano said he feels customer service needs to be addressed in Planning & Development. He felt that staff should have been able to issue the permit and point out the correct area of the ordinance where this permit would be exempt.

Mr. Merkel asked Mr. Bernotas if the county has any kind of a FOIA policy so that if there are requests they are processed accordingly. Mr. Bernotas said yes and the policies are reviewed so that everyone is treated the same. He added that there should be a record kept of all information that is requested.

Ms. Peschke clarified that she asked Ms. Ehardt about the zoning was because several of the zoning board members had mentioned the possibility of coming in for a 7 acre zoning which lead her to think about the frontage. She said she may have made an unwarranted assumption however she was trying to get at do you try to let people know that they can get by on a cheaper fashion. Mr. Moy echoed this saying it was brought up in the Zoning Board hearing minutes, this was not meant to be an assumption.

Ms. Hill asked colleagues to consider when they do hear something about possible customer service issues that they go to that department and ask the question and see both sides of the story before coming to any conclusions. Ms. Wheeler asked where employees should go if they don't feel they can go to their supervisor or department head with issues. Mr. Bernotas responded they should go to the department head however he said routinely they have employees who will call his office or go to Human Resources for help. He said they try to let it be known that if you are having trouble with your supervisor or department head that you can contact him or Human Resources.

ADJOURNMENT

Mr. Klasen made a motion seconded by Mr. Dvorak to adjourn at 8:15 p.m. Chairman Koehler declared the motion passed on a unanimous voice vote.

Dated and approved at Woodstock, Illinois this 1st day of February, A.D., 2005.

S/ Kenneth Koehler
Kenneth Koehler, Chairman

ATTEST:

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