

**MCHENRY COUNTY BOARD
MINUTES OF THE REGULAR SESSION MEETING
MAY 17, 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, May 17, 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. Ms. Gilman gave the invocation/personal remarks.

ROLL CALL

The roll was called by County Clerk Katherine C. Schultz. The following members responded: Merkel, Miller, Moy, Munaretto, Orphal, Peschke, Provenzano, Salgado, Shea, Wheeler, Zierer, Brewer, Chmiel, Draffkorn, Dvorak, Gilman, Hammerand, Heisler, Hill, Jung, Kate, Klasen, Larson and Koehler. Chairman Koehler declared a quorum present with twenty-four (24) members responding.

MINUTES

Ms. Miller made a motion seconded by Mr. Shea to approve minutes from May 3rd, 2005 regular session meeting.

Chairman Koehler noted that a few typo's were noted and already corrected. No other changes were noted. Chairman Koehler asked for a voice vote, the ayes having it, the motion is passed.

CHAIRMAN'S REMARKS

Chairman Koehler told the board that the search committee had several interviews for a new administrator over the past few days. The quality of the candidates is quite outstanding and they are now in the next stage. He will keep everyone informed as this progresses.

SPECIAL RECOGNITION

None

SPECIAL PRESENTATIONS

None

ZONING BOARD OF APPEALS

Ms. Gilman asked if anyone wished to remove an item from the ZBA Consent Agenda.

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

Exb. #04-51; McHenry Twp; Peters; reclass R1 to RICV

Exb. #04-124; Algonquin Twp; HSB Trust 5218/Hellyer; reclass of A1 to B3V

Exb. #04-131; Algonquin Twp; Shelton; reclass of R1 to R1C

Exb #05-15; Dorr Twp; Spanbauer; reclass of A1 to A2V
Exb #05-25; Riley/Coral Twp; Elmhurst Chicago Stone co; reclass of A1C to A1C (amend)
Exb #05-31; Burton Twp; Hosta; reclass of A1 to E3
Exb #05-32; Seneca Twp; Katz; reclass of A1 to A1V
Exb #05-36; Nunda Twp; Haynes; reclass of R1 to R1V
Exb #05-42; Nunda Twp; Lebar; reclass of A1 to A1V
Exb #05-49; Nunda Twp; HSB Trust #5148/Anderlik; reclass of R1 to R1V

Chairman Koehler asked for a roll call vote. The following members responded aye: Merkel, Miller, Moy, Munaretto, Orphal, Peschke, Provenzano, Salgado, Shea, Wheeler, Zierer, Brewer, Chmiel, Draffkorn, Dvorak, Gilman, Hammerand, Heisler, Hill, Jung, Kate, Klasen, Larson and Koehler. The vote being twenty-four (24) aye votes, Chairman declared the motion passed unanimously.

ZBA REGULAR AGENDA

Chairman Koehler told that board that Petition #05-07 has been requested to be removed from the agenda today, this had the issue with the hawk.

Ms. Gilman noted that she will be separating **Petition #04-114** into two votes.

Ms. Gilman made a motion seconded by Ms. Peschke **to approve the approval of a 2 story garage and approval of the requested setback** on the following Petition:

Petition #04-114; McHenry Twp; Fassnacht; reclass of R1 to R1V

Ms. Chmiel asked to abstain from voting on both issues because she used to work for the law firm that represents this client.

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

Ms. Gilman made a motion seconded by Mr. Klasen **to deny the request for a height variance** on the following Petition:

Petition #04-114; McHenry Twp; Fassnacht; height variance

It was felt by some board members that this request should not be denied as there are other structures in the area, although not accessory structures, that have the same kind of dormers and height.

Chairman Koehler asked for a roll call vote on the motion to deny the height variance request. An aye vote will deny this request.

The following members responded aye: Peschke, Salgado, Gilman and Klasen. Nay vote: Merkel, Miller, Moy, Munaretto, Orphal, Provenzano, Shea, Wheeler, Zierer, Brewer, Draffkorn, Dvorak, Hammerand, Heisler, Hill, Jung, Kate, Larson and Koehler. Abstain: Chmiel. The vote being four (4) aye votes; nineteen (19) nay votes and one (1) abstention, Chairman Koehler declared the **motion denied**.

Ms. Gilman made a **motion** seconded by Mr. Munaretto **to approve the height variance on Petition #04-114**.

Chairman Koehler asked for a roll call vote. The following members responded aye: Merkel, Miller, Moy, Munaretto, Orphal, Peschke, Provenzano, Salgado, Shea, Wheeler, Zierer, Brewer, Draffkorn, Dvorak, Gilman, Hammerand, Heisler, Hill, Jung, Kate, Klasen, Larson and Koehler. Abstain: Chmiel. The vote being twenty-three (23) aye votes, noting one (1) abstention, Chairman Koehler declared the **motion to approve the height variance on Petition #04-114 has passed**.

Ms. Gilman noted that she will be separating Petition #05-10 into two votes as there was no recommendation on the B3 zoning request as the petitioners had requested. In regard to the B3 zoning request, there is no recommendation from the ZBA so County Board rules state that a motion must come from the floor on this issue.

Ms. Gilman made a **motion** seconded by Ms. Salgado **to approve the B1 portion of** the following Petition:
Petition #05-10; Nunda Twp; Terra Cotta Realty Co; A1 to B1

Ms. Wheeler made a **motion** seconded by Mr. Klasen **to postpone** this vote to June 21st.

Chairman Koehler asked for any discussion on the motion to postpone. There was a great deal of discussion about the rift between Terra Cotta and Prairie Grove but the overall consensus was that the two parties need to come back to the table and discuss this more. Some members of the board felt that a vote on this today will not hinder discussions on this issue and the boards vote won't hinder any agreement between the two parties. It was also noted that the county is not a part of the process taking place in Prairie Grove, this is land that is in unincorporated McHenry County and the applicant has made a good faith effort to comply with county zoning ordinances.

Mr. Hammerand asked if there has been a traffic study because of the increase in traffic this would cause. Chairman Koehler said this question is out of order at this time.

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

Chairman Koehler asked for any other discussion on the original motion to approve the B1 part of the zoning.

Mr. Hammerand asked again if a traffic study has been done. Ms. Ehardt referred to #10 in Article 807.1 which is actually not a traffic study. She said for purposes of the zoning hearing they're looking for traffic capacity information. Traffic studies are gotten into during a subdivision review process where they're looking at the technical aspects of that development. There was testimony from both sides during the hearing about traffic capacity. In the ZBA hearing report any info relevant to the hearing is included within that report. Board members have a copy of the hearing report.

The board was reminded by Ms. Gilman that this property is on the highway and should be zoned for business use which increases the tax base which helps pay for the services that communities provide. She added that some comments were made that our land use plan calls for this to be low density residential. Our land use plan in this area, she feels, is outdated. The growth in this area has gone past what was envisioned for this area. Mr. Hammerand reminded board members of his conversation with the school superintendent of McHenry. The superintendent said that these large developments actually reduce the school funding that they receive from the state and increased the burden on the taxpayer. Chairman Koehler told the board that a formal objection has been filed so a vote on this requires eighteen (18) ayes, a super majority vote to pass this zoning.

Chairman Koehler asked for a roll call vote on the request to change part of the zoning from A1 to B1. The following members responded aye: Merkel, Miller, Moy, Munaretto, Orphal, Peschke, Provenzano, Salgado, Shea, Zierer, Brewer, Chmiel, Draffkorn, Dvorak, Gilman, Hammerand, Hill, Jung, Kate, Larson and Koehler. Nay votes: Wheeler, Heisler and Klasen. The vote being twenty-one (21) aye votes and three (3) nay votes, Chairman Koehler declared the motion passed.

Mr. Munaretto made a **motion** seconded by Ms. Gilman **to approve B3 zoning on the balance of the property for Petition #05-10.**

Chairman Koehler asked for any discussion on the B3 zoning request. Mr. Munaretto stated that he read the transcripts and questioned the no votes on this from the ZBA. He questioned what is an objectionable

use and he discovered that most of the objectionable uses are also B1 zoning. Several members of the board were in favor of supporting this zoning.

The board was reminded that a super majority vote, eighteen (18) aye votes, is required on this to pass. This is because a formal objection that was filed.

Chairman Koehler asked for a roll call vote on the B3 zoning request. The following members responded aye: Merkel, Miller, Moy, Munaretto, Orphal, Provenzano, Shea, Zierer, Brewer, Chmiel, Draffkorn, Dvorak, Gilman, Hill, Jung, Kate and Koehler. Nay vote: Peschke, Salgado, Wheeler, Hammerand, Heisler, Klasen and Larson. The vote being seventeen (17) aye votes and seven (7) nay votes, the **motion to approve B3 zoning has failed.**

With the denial of B3 zoning on the remainder of the property, Ms. Gilman made a motion seconded by Ms. Miller to approve B1 zoning on the remainder of the property.

It was questioned whether the petitioner wanted B1 on the remainder of the property. Chairman Koehler said it was his understanding that it's B1 for the entire property except for the B3 area if it was approved. Ms. Ehardt said she would need to check the legal descriptions.

Mr. Klasen made a motion seconded by Ms. Chmiel to take a 10 minute recess to check the legal descriptions for B1 zoning. Chairman Koehler asked for a voice vote, the ayes having it the board took a short recess.

The board recessed from 7:45 p.m. to 7:55 p.m. at which time the meeting was reconvened.

Chairman Koehler said that after reviewing this issue, the motion is in order and can be voted on for B1 zoning for the remainder of the property.

Ms. Wheeler said she would like to see the southern part and the eastern part of that area preserved which has a group of Oak trees and wetlands.

Ms. Salgado said she felt that the petitioner should go through the process to ask for B1 zoning but is not comfortable voting on B1 because B3 was not approved. Chairman Koehler said we can do this because it is a lesser classification of zoning. Because the petitioner asked for B zoning on the entire property we can do this.

Chairman Koehler reminded the board that this requires a super majority vote, eighteen (18) aye votes, to pass.

Chairman Koehler asked for a roll call vote. The following members responded aye: Merkel, Miller, Moy, Orphal, Provenzano, Shea, Zierer, Brewer, Chmiel, Draffkorn, Dvorak, Gilman, Hill, Jung, Kate, Larson and Koehler. Nay votes: Peschke, Salgado, Wheeler, Hammerand, Heisler and Klasen. Absent: Munaretto. The vote being seventeen (17) aye votes and six (6) nay votes, noting one (1) absent, Chairman Koehler declared the **motion for B1 zoning on the remainder of the property has failed.**

PLATS

None

PUBLIC PARTICIPATION

Chairman Koehler explained the rules of public participation. Due to the amount of people signed up to speak, Chairman Koehler asked for a motion to extend public participation by a designated amount of time. Ms. Gilman made a motion seconded by Mr. Hammerand to allow an additional 15 minutes for public

participation, thus allowing 45 minutes for today. Chairman Koehler asked for a voice vote, the ayes having it, the motion is passed. The following people spoke:

Laurie Cisneros of Marengo	against	Petition #05-04
Rob Cisneros of Marengo	against	Petition #05-04
Don Malaker of Marengo	against	Petition #05-04
Kelly Haeflinger of Marengo	against	Petition #05-04
Albin Grill of Woodstock	against	shooting range
Carol Burckle of Marengo	against	Petition #05-07
Charles Eldredge of Richmond	thank you for support of War Memorial	
Cecilia Brown of Animal Outreach		re: Animal Control
Mike Bresemon of Crystal Lake	against	Petition #05-10
Steve Todd of Crystal Lake	against	Petition #05-10
Todd Greenwald of Prairie Grove	against	Petition #05-10
Stew Connelly of Prairie Grove	against	Petition #05-10
Jackie Smith of Prairie Grove	for	Trap, Neuter, Release program
Mike Morrison of Coral Twp.	against	Petition #05-04
Joe Gottemoller, Atty for Petitioner	for	Petition #05-04
Glen Kohl of Prairie Grove	against	Petition #05-10
Barbara Burns of Marengo	against	Petition #05-04
Jennifer Drozt of Prairie Grove	against	Petition #05-10
Robert Burns of Marengo	against	Petition #05-04
Wayne Heath of Prairie Grove	against	Petition #05-10

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

NEW AND UNFINISHED BUSINESS

None

APPOINTMENTS

Mr. Brewer made a motion seconded by Ms. Orphal to approve the following appointments:

McHenry Twp. Fire Protection District			
Robert Meyer	term to expire	5/ 2008	
Phillip E. Bartmann	term to expire	5/ 2008	

Mr. Provenzano asked to abstain from voting due to personal conflicts.

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

ROUTINE CONSENT AGENDA

Chairman Koehler asked if anyone wished to remove an item from the agenda. Mr. Moy asked to remove #14.2B(9).

Mr. Shea made a motion seconded by Ms. Orphal to approve the Routine Consent Agenda with one item removed.

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

14.2B(9) Resolution authorizing the financing of the Sungard-HTE Jail Records Management System.

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

Mr. Moy made a motion to amend seconded by Ms. Hill to remove the words “from the Alien Grant Funds” in the first Be it further resolved paragraph. The phrase should state “from the Sheriff’s budget and with the General Fund used as the final source for making the said installment payments.”

Mr. Moy said his feeling is that in understanding the grant process with this statement here it actually undermines the work that has been accomplished. Members of the board were fine with the amendment of wording. The Sheriff agreed with excluding the wording.

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

Chairman Koehler asked for a roll call vote on the amended main motion to approve 14.2B(9). The following members responded aye: Merkel, Miller, Moy, Orphal, Peschke, Provenzano, Salgado, Shea, Wheeler, Zierer, Brewer, Chmiel, Draffkorn, Dvorak, Gilman, Hammerand, Heisler, Hill, Jung, Kate, Klasen, Larson and Koehler. Absent: Munaretto. The vote being twenty-three (23) aye votes noting one (1) absent, Chairman Koehler declared the motion passed.

Chairman Koehler noted that there was a revised copy of Resolution 14.2I(3) on each desk for review.

ORDINANCES

For Review: Ordinance amending McHenry County Municipal Waste Hauler Licensing Ordinance O-200106-10-41.

ADMINISTRATOR’S REPORT

Chairman Koehler stated that he is looking forward to a new administrator coming on board.

EXECUTIVE SESSION

Chairman Koehler said there was a need for executive session to discuss a Personnel matter. Mr. Miller made a motion seconded by Ms. Gilman to go into executive session at 8:57 p.m.

Executive Session ran from 8:57 p.m. to 9:05 p.m.

Mr. Larson made a motion seconded by Mr. Shea to return to Regular Session. Chairman Koehler asked for a roll call vote. The following members responded aye: Merkel, Miller, Moy, Orphal, Peschke, Provenzano, Salgado, Shea, Wheeler, Brewer, Chmiel, Draffkorn, Dvorak, Gilman, Hammerand, Heisler, Hill, Jung, Kate, Klasen, Larson and Koehler. Absent: Munaretto and Zierer. The vote being twenty-two (22) aye votes noting two (2) absent, Chairman Koehler declared the motion passed.

MEMBERS’ COMMENTS

Ms. Orphal publicly thanked Mr. Light for his services to the county, although he was not here tonight to thank directly.

Ms. Gilman told the board that there is going to be a tour being put on by the Farm Bureau. It will be on Saturday May 21st. There will be a bus touring some of the farms in the area, also providing rolls and coffee. Please let her know as soon as possible if anyone would like to go. Mr. Koehler noted that this is a great thing to do; he was just told there are no farms left in DuPage County at all.

Ms. Hill said she left a copy of an e-mail on each member's desk regarding a Wetland Bill that was recently defeated. It was a bad bill. Our state representative requested that our Planning and Development Director be sent down to Springfield, which she did on very short notice and returning on the same day, only to get there and find that the hearing was canceled. She thanked Ms. Ehardt for taking the trip on such short notice. It was requested that flowers be sent to Ms. Ehardt for her efforts from the state representative, and that was done.

Ms. Zierer invited board members to the Valley Hi prom this Saturday from 1-4 p.m. Mr. Moy will be available to crown the king. There will be food and an orchestra.

Mr. Hammerand said it was nice to see this board room opened up and be used for its intended purpose. Chairman Koehler said chairs were set up for 320 people.

ADJOURNMENT

Ms. Miller made a motion seconded by Ms. Peschke to adjourn at 9:10 p.m. Chairman Koehler declared the motion passed on a unanimous voice vote.

Dated and approved at Woodstock, Illinois this 7th day of June, A.D., 2005.

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

ATTEST:

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